UPDATE No 19/20

July/October 1997

Table of Contents

- Editorial
- 1997 Working Group on Indigenous Peoples, 15th session
  - Opening statement by Chief Oren Lyons
  - Conclusions and Recommendations
  - Review of Developments
  - Evolution of Standards
  - Study on Treaties
  - International Decade
  - Permanent Forum
  - Other Matters
- 1997 Sub-Commission on Prevention of Discrimination and Protection of Minorities, 49th session
  - Resolutions and Decisions
  - Human Rights and Indigenous Peoples
- Committees
- Fellowship for Indigenous Representatives
- Workshop of the Convention on Biological Diversity

EDITORIAL

Twenty years ago the Indigenous Peoples were knocking at the door of the UN for the First International NGO Conference on Discrimination against IPs; they had also been received by the mayor of Geneva. This year, the Working Group on Indigenous Peoples was inaugurated with a very impressive opening ceremony starting with a march of indigenous representatives in their respective attire from the Place des Nations through the UN territory up to the meeting room. After welcome addresses from indigenous elders and leaders from all continents the entire audience united in a huge circle around the room for the spiritual inauguration and prayer.

The Working Group's additional programme turned out to be more heavily loaded than ever and several programmes coincided during lunch hours: ILO, UNESCO and WWF presented their indigenous programme, WIPO explained its view of intellectual property rights, and those indigenous persons involved in the CBD process (Convention on Biological Diversity) explained its urgency for the defence of indigenous rights.

This year's focal theme - land, environment and sustainable development - was discussed extensively. Access to land and resources was identified as the crucial issue for IPs' material and cultural survival both by Ms...
Daes' working paper and by the ever growing number of indigenous speakers, who denounced the *terra nullius* principle used by many States in order to dispossess and to displace IPs around the world because of so-called development projects. Health, the focal theme of last year continued to be discussed in the plenary as well as in a special meeting with WHO and indigenous health experts. The final report on treaties expected for this session will only be ready next year.

In the evenings, the traditional receptions by the Australian Mission, doCip and at the UN beach took place. This year, however, the Mayor of Geneva gave an outdoor reception to the indigenous representatives on the last night for the Swiss national holiday. In front of a numerous local audience greeting addresses and presents were exchanged during the ceremony.

The report on the Sub-Commission regroups all indigenous issues under the title "Human rights of Indigenous Peoples" which includes, in our report, "Violations of human rights", "Elimination of racial discrimination", "Economic, social and cultural rights" and "Administration of justice" with also a growing number of interventions.

The first four indigenous fellows had the opportunity to participate in the extraordinary opening ceremony and also experienced exhaustion from the dense programme during the week including the preparatory meeting at the World Council of Churches.

---

**Working Group on Indigenous Peoples**

**15th session: 28 July - 1 August 1997**


---

**Opening remarks by Chief Oren Lyons, Onondaga Nation Haudenosaunee, on behalf of North American Indigenous Peoples:**

"I do not see a delegation for the four-footed. I see no seat for the eagle. We forget and we consider ourselves superior, but we are after all a mere part of the creation. And we must continue to understand where we are. We stand between the mountain and the ant, somewhere and only there, as part and parcel of the creation."

*U.N. Geneva, Switzerland, September 1977, Oren Lyons*

Today, it has come to be my responsibility to speak on behalf of the Indigenous Peoples of the Western hemisphere, more specifically North America, called Turtle Island.

In 1977, I had similar duties as one of the original delegates to that now historic occasion, the Non-governmental Organization Invitation to Speak on the Prevention of Discrimination and Protection of Minorities in the forum of the Commission on Human Rights, right here in these same halls.

At that time, great efforts were put forward to get Indigenous delegates to Geneva to present testimony on the conditions of our peoples. This was accomplished and 160 delegates participated in that event. We came seeking justice in our homelands. We came here to appeal to the world at large to support our efforts to seek equitable solutions to discrimination, exploitation, racism, ethnocide and genocide of Indigenous Nations and Peoples.

We came here to speak on behalf of the natural world being plundered by governments and corporations. We spoke on behalf of rooted trees that could not flee the chainsaw. We spoke on behalf of salmon, herring, tuna and haddock killed in their spawning beds. We had alarming
news from the Four Directions about fish, wildlife and birds, contaminated, sick and
disappearing. And today we continue to speak on their behalf. Today, they are more endangered
than ever, and if anything, their conditions are worse.

What can we report to you about Indigenous Peoples today? The good news is that we are still
here and we intend to be here twenty years from now. We hope that our next generation's report
will be better than today's for all concerned.

In 1982, the Working Group on Indigenous Populations was established. We challenged the term
"populations"; we insisted "peoples" was the proper term, for the simple reason that it would
recognize our Nations as human beings eligible for human rights. Today, we report limited
progress. We note that much of the international community still continues to designate
Indigenous Peoples and Populations as minorities, thus preventing the extension of human rights
to our peoples. This does not preclude the fact that we are human beings and that this is a moral
question that tests the integrity of nation states.

Modification of principle leads to disintegration of government. At this moment, world leaders
are challenged by the rise of rampant unregulated capitalism. We need to remind ourselves that
capitalism is not democracy. Governments need peoples; corporations need human resources. A
recent study published by World Watch Institute, an international publication, noted that, and I
paraphrase, "of the wealthiest hundred economic units in the world today, 49 are countries and
51 are corporations."

The balance of economic power has shifted to corporations where decisions are based upon
short-term economic profits. There is little long-term vision. That is left to governments.
However, we see little long-term vision by world leaders and we say that profits are being taken
today at the expense of our grandchildren and the natural world.

The foundation of the Haudenosaunee (the Six Nations, Iroquois Confederacy, circa 1000 AD)
is based upon the principles of peace, equity and justice; power and health of the "Good Minds".
The Founding Authority is known as The Great Peacemaker. Among the many instructions he
gave, one is especially relevant to the world situation today.

He said: "When you sit and council for the welfare of the people, think not of yourself, your
family, nor even of your generation. Think of the future generation, so that they will enjoy what
you enjoy today. This will insure peace and health for your generation." (Guyanashanagonah,
The Great Law of Peace, Circa 1000 AD).

Leaders today must have the courage and conviction to do what is beneficial for all peoples to
work for the common good. If democracy is to prevail, then you as world leaders must challenge
the consolidation of wealth (and the power it brings) into fewer and fewer hands. Beware that
corporate "states" do not eat Nations.

Indigenous Peoples are just beginning to be recognized as peoples with important fundamental
knowledge of the world in which we live. This knowledge has provided our leaders with vision
and long term perspectives that coordinate with the natural rhythms of the Earth. This
understanding of natural law governed the activities of our peoples. Respect is a law among our
Nations and peoples. This law guarantees community and peace. In these times, humanity must
work together, not just for survival, but for quality of life based upon universal value that protect
the delicate interrelated web of life that supports us all.

The natural law is color blind and extremely democratic in retributions. Bio-diversity is a
clinical, technical term for this intricate inter-weaving of life that sustains us. We the Indigenous
Peoples say that we are related to this life; thus your "resources" are our relations. It is all in how
you look at it. The great efforts put forth at the 1992 Earth Summit in Rio, to gain consensus and
mutual support for the protection of the environment, was just assessed at Earth Summit +5 in
June 1997. The results were discouraging. Yet, we cannot abandon our responsibilities to our
future generations.

We said that in 1977, we say it again in 1997. Indigenous Peoples have something to offer in this equation for survival. We have the perspective of time. Living in one place for thousands of years has given us an understanding of the complexities of life forces. Our languages are libraries of knowledge that may contain keys to survival, and I use that word advisedly. One or our Elders said a long time ago that, "there will come a time when we will cease to live and begin to exist."

For the sake of life and our grandchildren, we cannot let that happen in our generation. We have common goals and responsibilities, and I say, that you, the leaders of this great hope of the world’s people, the United Nations, should be working with us and not against us, for peace. We submit to you that as long as you make war against Etenoha (Mother Earth), there can never be peace.

Conclusions and Recommendations

The WGIP considered the following:

Standard-setting

- noted the general consensus that a definition of "indigenous peoples" was not possible nor necessary for the adoption of the Draft Declaration;
- decided that it would discuss at its 16th session guidelines or codes of conduct for private sector energy and mining concerns.

Review of developments

- recommended to the Sub-Commission that it invite governments, the UN system, indigenous and non-governmental organizations as well as relevant academic institutions to contribute information on land rights to the Special Rapporteur prior to the 16th session of the WGIP;
- decided to highlight the issue of "indigenous peoples: education and language" at its 16th session and invited UNESCO to contribute in this regard;
- decided to reorganize the discussions to focus on specific issues including the following separate items: general statements; education and language; health.

Land rights study

- decided to include in its agenda a new item entitled "Study on indigenous people and their relationship to land".

Treaty study

- welcomed the assistance provided by the government of New Zealand to facilitate the Special Rapporteur's visit to that country.

International Decade of the World's IPs and Permanent Forum

- See resolutions and decisions by the Sub-Commission.

Meetings and other matters

- welcomed the establishment by IPs of a committee for indigenous health issues;
• decided to consider the following items at its next session: standard-setting; review of developments: general statements; education and language; health; study on IPs and their relationship to the land; study on treaties; International Decade; Permanent Forum; other matters.

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

This item was divided into three inter-related sub-items: a) review of developments; b) land and environment; and c) health. According to WGIP's 1996 decision, endorsed by the Sub-Commission, this year's theme highlighted environment, land and sustainable development to provide participants with current detailed technical information, and to assist UN representatives when developing projects and programmes for indigenous communities. Ms Daes indicated this year's theme as vital to all, and recalled decision 1997/114 of the Commission on Human Rights appointing her as Special Rapporteur on the Study of Land Rights (E/CN.4/Sub.2/1997/17).

A Hmong representative signalled that Hmong are victims of forced displacements, cleansing, torture, imprisonment, and genocide, in violation of the UN Charter and international human rights. Hmong have been removed from their homeland to dry areas, with over 5000 returnees imprisoned or killed. Called on WGIP and High Commissioner for Human Rights to investigate and stop the genocide. Montagnard Foundation, Inc. stated that the Montagnard / Dega people of Vietnam rely heavily on Vietnamese dominant culture for basic human needs and freedoms, including medical care and land rights. They suffer from starvation and repression, but mostly from loss of cultural heritage. Boro Women's Justice Forum noted that homeland economic activities are disrupted by militarization, artificial boundaries, marginalization by migrants, deforestation and development. Traditional practices and plant species are under threat of extinction; protective laws on tribal lands are not implemented. Chin National Front stated that Chin peoples are suffering extensive human rights abuses under current military control. Chin were confined to inhospitable mountains under English rule, inhibiting development and causing external dependency for food and supplies, and compelling tree-cutting for housing and energy, with total forest destruction predicted within 15 years. No Chin are represented in government of Myanmar. Called for UN support to establish democratic model.

Centre for the Progress of Manipuri People reported that torture, disappearances, life and custodial threats comprise unresolvable violations against IPs under present occupation by India. Ambedkar Centre for Justice and Peace stated that Indian colonization created the unsurmountable "Untouchable" class, requiring implementation of national and international laws and constitutional recognition, to restore the original peace and liberty of IPs prior to invasion. Indian Confederation of Indigenous Tribal Peoples stated that IPs have nothing to celebrate upon India's 50-year independence. Despite special constitutional provisions, IPs suffer poverty, illiteracy, ill-health, exclusion and extinction from India's development policy, needing radical adjustments to ensure full IP participation and a tribal development policy based on sustainable development with no displacement, or cultural rehabilitation. Tripura Peoples Front noted human rights abuses against indigenous Tripuri people by India's security forces and belligerent illegal settler refugees, causing conflict, economic and cultural identity crises, and called for WGIP Special Rapporteur on situation in northeastern region (Borok People's Human Rights Organisation).

Jumma Peoples Network (JPN) and Jumma People of the Chittagong Hill Tracts were seriously concerned over lack of political will toward peaceful resolution of CHT crisis. Problems remaining include traditional land rights. IPs demand an autonomous Regional Council, but State only wants Advisory Board with supervisinal, not administrative powers. IPs are denied access to redressing mechanisms at UN and State levels. Cited Mr Martinez Cobo as stating that Bangladesh tribal peoples are indigenous on basis of descendency. Lack of recorded history prevents Constituent Assembly from adopting term IPs in India's Constitution. JPN collects and makes available information on IPs in South Asia. Requested response from Bangladesh and nonviolent struggle.

Foundation for Aboriginal and Islander Research Action Corporation questioned whether ATSIC is considered an autonomous IP authority. Signalled budget cuts to IP programmes that has impacted work of
IP organisations. Noted growing racism in Australia against Aboriginals and Asians, low IP health conditions and life expectancy. Called on government to adopt protocols to review laws on IP rights, negotiation of a treaty on the rights to independent status, sufficient land and sea territories, and to negotiate agreements. ATSIC noted the ill-informed and hostile debate in Australia over 1993 Native Title Act, putting IP rights under attack. Stated IPs will resist government intentions to amend Act. There is general lack of will toward meaningful negotiation with IPs. Indigenous Women Aboriginal Corporation, speaking on behalf of all IPs organisations in Australia, noted that Native Title Act does not recognize land and water ownership. National Committee to Defend Black Rights Aboriginal Corporation denounced inhumane treatment and doublefold death rate of Aboriginal youth in custody and systematic deficiencies in medical assistance. Education International stated that Maori want education based on Maori attitudes, values and self-determination.

Centro Internacional de Informacion y Documentacion de los Pueblos Indigenas noted that industrialized nations continue to impose rules on South American States through the World Bank and the IMF. Proposed need for solidarity, autonomous management, indigenous ownership of land, access to the international market economy and IPs participation in cooperation and development policy. Movimiento Indio Tupaj Amaru urged States' political will to recognize right to property of land, and intellectual and cultural heritage; warned against opening of doors for transnationals. Congreso Nacional Indigena stressed need for comprehensive dialogue to combat increasing violence in Mexico. Called for aid from international legal institutions and State cooperation toward compliance of the 1996 San Andres Agreement. Consejo Aguaruna y Huambisa denounced biopiracy projects in Peru headed by USA research institutes, pharmaceuticals and Washington University. INTI, Bolivia signalled extreme poverty among the Quechua, citing statistics on housing, health and discrimination. Confederacion Indigina Tayrona noted lack of implementation of laws protecting IPs in Colombia, persecution of IPs' leaders, plight of widows and orphans, human genome testing, and plundering of genetic resources.

Consultative Committee of Finno-Ugric Peoples stated that the ancestral lands of the Komi peoples of the Komi Republic, rich in natural resources and minerals, were exploited by enterprises that are now scaling down, leaving IPs without jobs, schools, electricity, etc. Despite constructive discussions with the Russian Federation, traditional reindeer herding faces problems, farms and distribution mechanisms have been disrupted. A small group of IPs are particularly threatened with no identification, childbirth registration or education system, finding themselves outside the State. Nenetz People expressed concern that no information is available on a nickel deposit up for auction near Indiga, and its implications on IPs rights, environmental, economic and social impacts, benefit sharing and jobs. Overall development should balance needs of people and ecosystem, and mining that damages nature should be banned. Urged involvement of public organizations. Other issues include lack of fair compensation for take over of reindeer pasture, fishing and hunting due to lack of legislation, being developed too slowly.

Ainu National Congress and Ainu Association of Hokkaido noted that despite Japan's recognition of Ainu as IPs, and legislation adopted in May to protect Ainu culture, land rights and self-determination are not yet recognized. Ainu declare Hokkaido inherent territory by historical fact. A court ruling last March held that Ainu can be defined as indigenous for inhabiting their land before Japan extended its jurisdiction. Northern Territories, under Russian control, remain inherent lands to be returned to Ainu. Russia should not negotiate with Japan without Ainu participation.

Kuru Development Trust stated land is life for Bushmen of Southern Africa, citing recent relocations, including 500 Bushmen in Botswana. Though the most studied and filmed, socio-economic status is declining, suffering unemployment, lack of self-esteem and eradication of lands, traditional knowledge, conservation methods and lifestyle by modernity. Kuru Development Association signalled Bushmen's land loss to Bantu-speaking groups and big cattle owners, and Botswana's attempt to settle nomads imposing hunting restrictions, disrupting passing of culture to children, and causing poverty and alcohol abuse. Appealed to UN to secure rights or guarantee compensation. The Kxoe San Community noted they survive through agricultural activities and hunting, deprived during apartheid in Namibia. With most game killed and increased land-sharing with other tribes, they suffer marginalization. Hadzabe Aborigine People from East Africa have lost control and become minorities in their ancestral land due to intrusion of agriculturalists and cattle nomads; and are on the edge of extinction caused by greed. Hunters now live in a nearly gameless
environment due to foreign trophy hunters. Hadzabe do not need nor want development: schools, churches, hospitals nor government. **Friends of Peoples Close to Nature** called for immediate restoration of Hadzabe right to live as hunters and gatherers, and return of their stolen land, inviting collaborators. The **Working Group of Indigenous Minorities of South Africa** signalled renewal of the right of !Xu and Khwe to reclaim ancestral lands and culture under Mandela's government. **First People of the Kalahari** noted that Botswana is proud to be democratic, yet does not recognize IPs, violating IPs rights through economic projects, tourism and land lease without consultation.

**Survie Touaregue-TEMOUST** stated that the Touareg territory was included into Niger and Mali by France. Touareg contributed to development, but are marginalised from political participation under continued colonial administration practices. Touareg deaths from thirst and hunger contrast nearby government profits from uranium extraction. Ethnic cleansing in Mali massacred 15,000 Touaregs between 1990-95, and caused hundreds of thousands of refugees in Algeria, Mauritania and Burkina-Faso. Touareg leaders resent impunity and are concerned over UN's silence. Massacres still threaten Touaregs, justifying creation of an international tribunal and experts to investigate Niger and Mali. **Association des Femmes Refugiees Touaregues** added that UNHCR returned large numbers of refugees to Mali, but not to their original areas, who were arrested by the State. Multi-national companies have not helped Touareg with sustainable development projects. **Conseil Mondial Amazigh** informed that Amazigh people live in at least a dozen countries, whose language and culture is persecuted throughout Africa.

**Chippewa First Nation** denounced cover-up of beating and killing of unarmed Chippewa man and demonstrators by Canadian police during public demonstration for land rights and treaty violations. **Innu Council of Nitassinan** of Quebec denounced that Canada has not intervened on IPs in Quebec. Condemned refusal of Quebec's provisional government to recognize IPs with same rights they are requesting in secession from Canada. Signalled lack of credibility of authorities who follow double standards for economic interests regarding self-determination and territorial integrity. Complained that authorities have pillaged villages and degraded environment. **Sagkeeng Ojibway Nation** condemned jurisdiction claims between USA and Canada over IPs land with no respect for their rights; lake pollution by toxins and industrial wastes; and Canada's development of nuclear industry, including illegal sale of reactors to China. **Mistawasis Community**. Canada called for international attention to the critical state of health and denial of human rights by USA of Leonard Peltier, indigenous political prisoner, and requested WGIP to recommend a Special Rapporteur on the case.

**Haudenosaunee Nation** remarked that what States see as "resources," IPs see as life. Cited of violations, exploitation, genocide and ethnocide. Signalled Christian Doctrine of Discovery, Law of Nations and **Terra Nullius** as justifications to deny land rights, that continued into US law. **American Indian Law Alliance** expressed concern over casinos and high-level gambling on IPs territories, warning that taxation would end sovereignty, and signalling recent negotiations between the Haudenosaunee and New York state that suggest a trade between land claims and gambling. Gambling is a destructive intrusion on IPs life and should not affect inherent rights.

**Cactus Valley/Red Willow Springs Sovereign Dine Community** reported on the "Navajo-Hopi Land Dispute Settlement Act of 1996" allowing the Dine of Big Mountain to remain on the ancestral homelands for only 75 years. Most elders signed to avoid eviction. Dine cannot be separated from sacred lands; relocations have caused severe health problems, deaths and suicide. Proposed lands for relocation are contaminated by largest radioactive spill in USA history.

**The Finnish Sami Parliament** is exploring acknowledgement of land rights and funding of a special committee so that Finland can sign ILO Convention 169 toward granting greater autonomy.

**Land and environment**

Indigenous representatives unequivocally affirmed the primordial value of land and environment for the survival and health of IPs cultures, traditional knowledge and practices. As original inhabitants, they hold to inherent rights. Many IPs throughout the world suffered or are at risk of loss of ancestral lands and sacred sites, containing the richest biodiversity. Many signalled that the sustainable relationship IPs have
traditionally maintained with their environment make them vital partners in future conservation and sustainable development efforts.

Comite Inter-Tribal noted that Brazil, with 200 nations, languages and cultures on 12 percent of the territory, has not complied with constitutional duties. Upholds ancestral advice to delimit land to ensure respect for peace and traditions. Hopes State will remedy ethnocentric programmes and ratify ILO Convention 169. Lamented new and existing development programmes threatening IP territory, especially by UNDP and World Bank-financed Hidrov'a project on the Paraná river, and the piracy of IP knowledge. Indicated that IPs are organizing to fight for their land. Drew attention to racial conflicts, and called for punishment in recent murder of an Indigenous person in the capital.

Comite de Todas las Tierras stated that usurpers of Mapuche land are recognised as true owners only because they created the laws, denying Mapuche historical ownership and attacking basic rights. Asociacion Mapuche Foil Che Aflaai, Red Internacional de Apoyo al Pueblo Pehuenche y el Biobio and Consejo Inter-regional Mapuche (CIM) denounced permission by Chile to build six hydro electric dams in Alto Bio-Bio, to damage a vast expanse of hectares impacting 10,000 people, that will affect the integrity of Mapuche communities, the ecosystem, and amount to ethnocide of the Pehuenche by deprivation of lands, livelihood and culture, requesting WGIP intervention. CIM also denounced the "Lacosta Project" affecting Mapuche coastal areas, negative impacts of MERCOSUR, and neglect by Chile's Commission on Human Rights, CONAMA and CONADI (State organizations on environment and IPs rights respectively).

Comunidad Indigena Amaicha del Valle stated IPs in Argentina are losing rights over their communities, environment and geographic areas, proposing world IP solidarity to hold governments to their responsibilities. Centro Cultural Flor de Lirio stressed relationship between land, culture and IPs health, signaling need for legislation, IPs participation, and revised educational curriculum to include traditional medicines and healing methods.

Parlamento Pueblo Aymara mentioned the unheeded struggle of the Aymara people, numbering over 12 million in Bolivia, Chile, Peru and Argentina, to protect water and natural resource rights. Development projects have produced irreversible environmental damage, killing numerous herds and forest animals, affecting irrigation, and causing destitution and forced migration of Aymara to city slums. The Aymara Parliament, established as a public body under international law to defend their right to self-determination, rejects government intervention on land and natural resources. Asociacion Interehtnica de Desarrollo de la Amazonia Peruana stated that while government economic initiatives pose threat to earth's biological reserves, many IPs who live from forest resources cost the State nothing. Signalled Peru's dependence on IPs in forest management, rubber trade and defending State borders; having ratified ILO Convention 169, Peru must respect IPs rights. Confederacion de Nacionalidades Indigenas del Ecuador indicated 12 Indigenous nationalities in Ecuador struggling with land claims, urging State ratification of ILO Convention 169, UN support against pollution.

Confederacion de Pueblos Autoctonos de Honduras condemned the decrees and international law that affect their land without consultation; 35 leaders have been assassinated and 16 seek asylum in Costa Rica while trying to defend their land, in direct violation of the right to life and ILO Convention 169; calls for its ratification and respect. Congreso Nacional Indigena, Mexico indicated that reproduction of IP culture cannot be conceived separate from nature and territorial rights. Signalled ongoing environmental loss due to tourism and multiple development projects of little profit to IPs, lack of consultation, self-determination in resource use, compensation and health care.

Maasai Indigenous Peoples indicated that Maasai existence is threatened due to flooding, desertification, destruction of traditional activities and sacred sites, resulting in poverty, alcoholism and social problems. Maasai African Indigenous Peoples noted that historical deprivation of the means of survival and subsistence in Kenya is itself a blatant human rights violation, conducive to abuse of domestic and international law. Organization for Survival of Il-Laihipiac Indigenous Group Initiatives reported on 34-year independence of the Ndorobo people of Kenya, who only own 9-10 percent of the land. Griqua National Conference of South Africa denounced abitrary 1913 cut-off date for land claims, in violation of constitutional and international law, noting respect only for cultural, but not inalienable land rights of
indigenous Khoesan peoples.

L’auravetl’an Foundation, Russian Federation noted universal importance of sustainable economic development and responsibility of powerful transnational corporations to repair extensive damages to communities. Council of Elders of Shors People, noted complicated economic situation in Russia. IPs in Russia, conquered 300 years ago, became very dependent on state authorities. State is developing natural resources, especially fish, in area of Itelmen people, who have no means to protect themselves. Indigenous claimants for control of land and resources are accused of nationalism. IPs are only allowed to undertake traditional activities with little State support and no money from sea quotas in native territory. Current State policy may lead to disappearance of all IPs, traditions and culture. Association of Evenki People of Yakutia, a first tribe, indicated 60,000 IPs in North Russia attempting to establish legislation to protect traditions, land rights, and compensation against Russian and Yakutia government control over rich sub-soils. Council of Helman People informed that nothing has been implemented in Russia on ecology so far. Open cast surface mines and logging have caused disasters in their area. Dust and pollution of explosives are health hazards. Urchi people suffered environmental disaster in Amore region related to water contamination and high levels of phenol in fish, that caused human poisoning and bankruptcy in region. Each year population diminishes due to unemployment and worsening health (Association of Dolgan People).

Centre for the Progress of Manipuri People noted loss of ancestral land and natural resources under English and Indian rule, severe pauperisation due to inadequate compensation, violations of human rights, and erosion of cultural traditions by population transfers and patriarchal Indian laws and value systems. Tribal Welfare Society, India stated that IPs displacement, globalization and population growth threaten tribal welfare. Indian Supreme Court banned all forest activities on IP territories, closing timber industry and factories and forcing wood importation, which could be solved by reforestation and grassroots initiatives. Naga Peoples Movement for Human Rights added that military control has contributed to this since adoption of the Armed Forces (Special Powers) Act in 1958 in North-East India. Government has repeatedly ignored fundamental rights and exercised assimilation, marginalization and displacements.

Kharkandis Organisation for Human Rights stated they are still threatened by a British land acquisition act, and that India has not considered renewable energy sources as alternatives to power and mine projects usurping IPs lands. Welcomed recent judgement of India's Supreme Court to protect forests, but urged implementation.

Cordillera Peoples Alliance stated that the Phillippines unprecedented push for globalization has fully opened plundering of IPs resources, with over half of their land up for transnational mining companies and over 400,000 Cordillera peoples to be driven from ancestral homes.

Torres Strait Regional Authority stated that land and environment are central to sea-farers and hunters. Reported recent constructive dialogue with Australia toward granting indigenous autonomy of benefit to the environment and all areas of their lives. New South Wales Aboriginal Land Council prepared a detailed proposal to enable agreements between governments and Aboriginal institutions, emphasizing assurance of negotiation rights and correct implementation.

Mena Muria Foundation noted a report by the Hualopu Foundation on mining exploration of the Moluccan island, Haruku, causing long-term environmental damage. This was confirmed by a South Moluccas representative, adding that mineral exploitation makes traditional plants inedible, severely impacts biodiversity, and has resulted in the end of local traditions and forced deportation of isolated tribes. Noted disrespect for Moluccans' own legal system to control development, and denounced Suharto's Mining Act and lack of IPs participation in national and international trade agreements.

West Papua People's Front stated that Asmat peoples are facing land and environmental threats by multi-national, mining and other corporations. Current research is calculating damages. Condemned sustainable development projects, including by UN and World Bank, without consultation and traditional knowledge.

Teton Sioux Nation Treaty Council attached a memorandum containing specific facts on government and corporate water contamination and sales of water rights without consultation, crucial to the survival of the
Lakota, who live on dry land. **Oglala Lakota Nation** recalled 1868 treaty violation wherein only 2.5 of 165 million acres were actually given to Lakota by the *USA*; and 1977 spray over Lakota lands by US Program of Agriculture of chemical unapproved for public use, causing human and animal health problems to date.

**Indian Law Resource Center** raised concern over State approaches of complicating land rights in domestic and international fora to obscure taking of resources, lands and territories, as occurs in *USA*, *Central* and *South America*.

**Association of Norfolk Islanders** denounced recent limitation by external authorities on use of water surrounding the Island by concession rather than by right. Norfolk Islands outlined the "Norfolk Island Plan" protecting resource use, and noted their practice of limited internal self-government.

**Saddle Lake First Nation** signalled treaty violation by *Canada* on use of IPs' land and resources. State policies consider short-term gains with no equitable benefit-sharing. **Conference of Treaty Six First Nation** warned of unknown reaches of toxic waste effects: while governments claim waste is localized, wildlife migrates, spreading toxins' effects on traditional medicines, affecting IPs relation to the land. **Roseau River Anishinabe First Nation** referred to its current publication "Genocide in Canada," showing how North American IPs have suffered biological warfare, racist health policies, despair leading to high suicide, preventable deaths, and economic apartheid. **Northern Saskatchewan Dene First Nation** recounted lengthy battle before Canada's Federal Court to gain treaty recognition of Dene land rights, who still live from hunting and fishing, proposing a series of recommendations to ensure IPs participation and rights.

**Greenland Homerule Government** noted IPs dependence in Arctic circle on fishing and hunting for survival. Conservation and natural resource management schemes should account for IPs interests and ancestral knowledge, with participation paramount. IPs should be allowed to sell their products with access to national and international markets, as stated in many human rights instruments. Bilateral and multilateral initiatives should support local administration and participation, with real options to stay on the land, as contained in Agenda 21. **Inuit Circumpolar Conference** is investigating storage of nuclear waste in Greenland, reaffirming the Arctic as a demilitarized and nuclear free zone.

The **World Council of Churches** affirmed its support for justice and strengthening national and international links among IPs organizations, organizing workshops and consultations worldwide. Urged governments to respect and support the intrinsic spiritual link between IPs, land and health. Noted globalization complicates exercise of land and self-determination rights. Expressed sadness over the churches' double-edged role in health issues, but supports traditional healing, sponsoring training in *Latin America*.

**Reports on regional meetings on IPs, land and environment**

**Asociacion Nappuana, Panama** signalled two fundamental 1996 conference reports: in Argentina on biodiversity; and Colombia on forest-dependent peoples and sustainable forestry. **Coordinadora de las Organizaciones de la Cuenca Amazonica** reported on the Argentina and Colombia conferences, signalling the importance of forests, traditional practices and hunting for IPs' livelihood. Sustainable forest land use objectives should include IPs' participation and property control. Economic alternatives should be offered for lack of land for the poor. Referred to contribution of women in land development.

**International Alliance of Indigenous and Tribal Peoples of the Tropical Forests** reported on an international conference in Nagpur, India in March 1997. The conference discussed creative IPs' alternatives on nation building, economic development, self-sufficiency and conservation, and survival based on safeguarding of lands, forests, waters and cultural identities. Concluded that IPs can be partners in international community in seeking solutions to global problems, meriting healthier dialogue with governments.

**Indigenous Development Network, Papua New Guinea** expressed sorrow that the riches of IPs are sacrificed in the name of development. Cited an IPs' meeting in Peru to exchange experiences, concluding that sustainable survival of IPs, dependent on passing traditional knowledge and practices to new
generations, is an urgent priority. An Indigenous Peoples Development Network, with an interim committee, was established to protect IPs internationally, exchange regional and cultural information, find a common position in international fora and support IPs' development projects.

**Indigenous Women's Network** forwarded report on its fourth gathering held recently, with land a common link in all issues, highlighting principles. Referred to dangers of nuclear waste storage and dumping on IPs' lands as silent war zones.

**Governments**

**Canada** reported on progress towards Aboriginal self-government policies, especially in British Colombia; land claims settlements; establishment of numerous Aboriginal businesses, including First Nations Bank of Canada and publication of an Aboriginal chapter in Canada's International Business Strategy. Enumerated six specific measures taken on land and environment. Highlighted summary document on internet of the Royal Commission on Aboriginal Peoples, containing over 400 recommendations. Signalled official recognition of Nunavut territory in 1999, relocation agreement of the Musuau Innu community of Davis Inlet, new mandate of Department of Justice on institutional capacity-building of Aboriginal communities, opening of Centre for Municipal Aboriginal Relations, recent signing by Canada and Confederacy of Treaty Six of a Protocol for Bilateral Discussions Respecting Treaty Six, and Canadian publication, "Aboriginal Agenda: Renewing the Partnership."

**Spain** supports establishment of a forum to: 1) foster IPs participation and opinions in national and international policy; or 2) provide training in new technologies and strengthening of IPs organizations. Spain is cooperating with IPs self-development strategies, including financing of projects.

**Malaysia**, with a 65 percent indigenous population, has taken note of adoption and implementation of resolutions passed on IPs in international fora with reference to Malaysia. **Bumiputras**, comprised of many groups, carry an active political and administrative role, although their economy and industry are behind. Government has embarked on new initiatives to accelerate development among Bumiputras to combat marginalization. Smaller groups will forge ahead until 2020, the year set by the government to become totally developed.

**Australia** summarized changes in ATSIC members and stated it now has a separate budget allocation for the Torres Strait Regional Authority through which the Torres Strait people will determine their own priorities toward greater autonomy. Remarked that, despite 16 billion dollar expenditure over past 20 years, IPs are generally poorer, and at risk of criminal activity, due to unemployment, lack of educational achievement, family breakdown, homelessness, alcohol and substance abuse, physical and sexual abuse and poor physical or mental health. In 1996, Australia identified 352,970 Indigenous people. Present government aims not to increase but to allocate sufficient funds to maintain programmes. The Report of the Human Rights and Equal Opportunity Commission's National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families was tabled in Parliament, and sorrow was expressed for the wrongs of the past to Aboriginal and Torres Strait Islander peoples. Government recognizes that land lies at the heart of indigenous existence and accepts native title. Plans review of 1976 Northern Territory Land Rights Act, Heritage Protection Act, and Environment Portfolio to conserve biodiversity. Australia established an Indigenous Reference Group in response to IP interest in forest management, access to traditional forest resources, and wilderness conservation. High rates of IP encarceration and death in custody continue to cause concern. Plan to focus on underlying issues, including culture, customary law, law reform and funding. Stated that references suggesting that forthcoming legislation will extinguish native title rights is incorrect.

**New Zealand** highlighted last year's electoral system changes and increased **Maori** in new government. NZ is committed is to working with Maori to find ways to address concerns through existing legal and constitutional frameworks, especially the Treaty of Waitangi. Noted special provision in Electoral Act for Maori representation in Parliament and two mechanisms for Maori land claims: 1) Maori sacred and burial sites; 2) banks land for potential use in settlements. Maori Education Commission is to be established this year and increased funding in response to growing demand for Maori language education and qualified staff. Maori Employment and Training Commission to tackle high Maori unemployment. Review of Maori Trust
Boards to create a legislative framework. Signalled strong support for the International Decade; improving Maori health; and two upcoming conferences: 1) on substance abuse in IP communities; 2) fifth World Indigenous Youth Conference. Reported on visit of Professor Alfonso Martinez, who reviewed treaty grievance processes. Working toward social, economic and decision-making balance for Maori.

**Sri Lanka** stated it is aiming to expand scope of protection of existing fundamental rights in identification of peoples with distinct social and cultural characteristics, in line with international norms. The grievances expressed by the *Wanniyala Aetto* delegation concerning community needs and traditional practices, as well as the *Veddha* community, are under consideration for remedial measures, by decision of the Sri Lankan President: 1) Wanniyala Aetto should be free to hunt and worship within their traditional hunting grounds; and 2) Wildlife Department and relevant authorities will be instructed to refrain from prosecuting Veddas engaging in hunting or other traditional activities in defined areas.

**Chile** noted the negative reaction by various indigenous groups on energy projects, stressing that the hydro-electric project was approved through the National Cooperation on Environment after careful study on environmental protection and IP welfare, to be implemented within framework of indigenous law, and to benefit all Chileans, including IPs.

**Norway** said the Saami Rights Commission which concluded a report on land and water rights, that will take three to four years to assess, during which no encroachments can occur. Stated that the primary objective is to protect *Saami* access to traditional resources and activities, including animal husbandry and reindeer herding. Meanwhile, Norway transferred an education portfolio to the Saami Parliament.

**Brazil** stated presidential support for the ethno-development of IPs, and referred to constitutional land rights of IPs. Affirmed commitment to combat acts of violence. Stated demarcation progress depended on land availability, without underestimating IPs' social development needs. Remarked State efforts to restore ecology and promote sustainable development on IPs lands, that will increase land security. Asserted international need to ratify ILO Convention 169.

**USA** stated support for government of federally recognized tribes and mentions relationship to the Arctic Council. Suggested possible revision of WGIP's mandate towards a permanent forum. Continues to object to use of "peoples" because it implies right to self-determination and sovereignty over resources.

**South Africa** noted adoption of constitution extending equal rights to all its inhabitants; creation of a Commission to establish councils, to be accorded a position among State institutions, promoting cultural, linguistic and native community rights.

**Indonesia** noted existence of different races, languages and religions, stating that a just society is based on the complete development of man, at maximum benefit of all. Noted State contracts with companies that promote environmental protection and development, and the need to follow taxation policies. Reported a copper company donation of 1.5 million dollars to seven indigenous tribes to improve welfare, with donation likely to increase as profits increase.

### Health

Indigenous representatives reaffirmed the intrinsic link between the spiritual and cultural relationship of IPs to the land, and the preservation of identity, traditional practices and health.

Indigenous People's Preparatory Meeting, established at WGIP's 15th session, proposed four recommendations, guided by the Draft Declaration, urging WGIP to ensure their speedy realisation, and to keep IPs health a priority on its agenda.

**Grand Council of Crees** referred to research on Cree and Nishnawbe peoples in Canada by Harvard anthropology professor. Beyond social background, also loss of land, community relocation and cultural assimilation attempts can contribute to high suicide rates, depression, alcohol abuse, family violence and other mental health problems. IP health practices, locally appropriate healing strategies to heal loss of land, indigenous spirituality and traditional knowledge must be considered together with government sponsored
health projects.

**Roseau River Anishinabe First Nation** denounced deforestation for farming, causing acute crisis in traditional medicines and practices, leading to reliance on hospitals. A judicial dispute resolution mechanism is needed, especially considering Canada's budget cuts to affect IPs' health care. **International Indian Treaty Council** denounced the human genome project; illegal use of radioactive substances on IPs' territories; and called for an international moratorium on patenting of life forms, jeopardizing IPs' survival, particularly plants for medicine or food.

**Greenland Homerule Government** signalled that contamination of natural resources by toxins resulting from mining activities and degradation of natural habitat poses threat to health of Arctic Peoples, as confirmed in the Polar Arctic Report. **Secretariat of the Arctic Council Indigenous Peoples** will publish a report this spring, with a chapter on Arctic peoples' health, remarking on appalling conditions and insufficient programmes in North Russia, with lower life expectancy since the fall of Soviet economy, calling for special international attention.

**Shortz Nation, Kemerovo Region** pointed to high mortality among IPs in **Southern Russia** due to poverty, regional industrialization, undernourishment and expensive health care. Suffering from TB, alcoholism, hereditary and non-hereditary diseases caused by huge environmental problems. Health problems in **Churchi, Russia** are aggravated by reduction to 3 out of 14 medical workers since 1990, slow laboratory results, contamination from upstream animal farms, alcoholism, and climate, food and traditional practice changes from forced relocations.

**Centre for the Progress of Manipuri People** noted that state of emergency, martial law and military presence prevent establishment of adequate health service in **India**. High health problems include lack of child vaccinations, psychological stress, rape and sexual abuses. **Society for the Promotion of Tribal People** signalled 40 percent malnutrition among **Adivasi** children, mental and physical illness and social disintegration from forced relocations, and loss of traditional healing system and herbal treatments due to deforestation. **Mena Muria Foundation** expressed concern over birth-control policy violating rights of women and the indigenous **Moluccan** people. **Chin National Front** decried drastic shortage of medicines while Chin people die of malaria and dysentery. Only those who can reach State borders of Burma can access medicines provided by NGOs.

**Nagaiterangi Iwi of Aotearoa** noted progressive separation of **Maori** from natural resources imposed by recent laws, social order and privatization. Noted health statistics and high death rates exceeding non-Maori, youth suicides, homicide and increasing violence. Called for: release of outstanding 46 million dollars destined to Maori health institutions; development of autonomous Maori institutions and health services; effective research and policy; and self-determination.

**Parlamento Indigena Americano** noted that having ratified ILO Convention 169, **Argentina** should support traditional medicinal practices and institutions, without which IPs cultures in Argentina will not survive.

**National Council of Churches** denounced State and multinational bio-prospecting as neo-colonization, violating right to self-determination, and called for a moratorium. Requested WHO to report on use of genetic materials collected from IPs to monitor DNA patenting, benefit sharing and ethical questions, including possible racist ends. Supports Clinton's position against USA funding of cloning experiments.

**Governments**

**Canada**, Medical Services Branch, Health Canada noted strategic increase in community control over IP health programmes in consultation with First Nations and Inuit, while ensuring access to mandatory health programmes, including the Yukon. Canada collaborates with WHO and WGIP in sponsoring a workshop on solvent abuse treatment programmes.

**Australia** mentioned improvements to be made in access to health services and resources. The Army was
Evolution of standards concerning the rights of IPs

Many indigenous organizations endorsed Martinez Cobo's report (such as KKRUA and FOAG) and Ms Daes' paper leaving it to the IPs to identify themselves and considering a definition not necessary. Various Aboriginal organizations (APN, IWAC, NSWALC, FAIRA, NAILSS) urged the Australian government to maintain its current position considering a definition unnecessary, but also to stop the rising wave of racism. AIPP invited the Asian governments to open discussion under UN auspices about the need to define IPs.

IAITPTR expressed the expectation that the definition would no longer have to be discussed. With others (CAH, PPA, LHRC, MITA, MDA) it pointed out that a definition is not necessary for the approval of the Draft Declaration. Mr Martinez also considered the adoption of the Declaration possible before any definition of IPs. CAPAJ pointed out the risk of a restrictive definition, e.g. in Peru where 80% of the rural population are IPs. GCC and ILRC denounced the inherent discrimination in the refusal of the use of the term "indigenous peoples" and agreed with Ms Daes' concept of self-identification. CESP expressed concern about the Russian Parliament's insistence on a definition as condition for the ratification of ILO Convention 169.

IITC expressed frustration that the Draft Declaration has not been accepted yet and insisted on UN's recognition of Indigenous Peoples as being crucial for their survival.

Mr Hatano expressed hope that the Declaration could be followed by a treaty, at which point a definition might be necessary. Mr Guisse encouraged all to follow the procedure started by ILO Convention 169 in search of a legal and social framework rather than a classical definition.

Governments

Finland proposed to find respective definitions only on the national level.

Switzerland noted that territorial integrity of a nation and self-determination are not contradictory; it called for increased cooperation between governments, IPs and NGOs. Bangladesh suggested to search for an alternative expression effectively defined.

Study on treaties

Many participants expressed disappointment that the report on treaties was not presented as expected (IOIRD) and recommended specific case studies or invited the Special Rapporteur to visit their territories for a better understanding (CTT, OMPD).

Several Canadian IPs deplored their government's view and handling of treaties in disregard of indigenous views (SLFN, CFN, several Cree communities, DCFN, HIC) but also indicated successful claims (NSDFN). IOIRD offered assistance to the Special Rapporteur for yearly reports on violations calling for the recognition of Treaty 6 as an international agreement and proposed the Permanent Forum as a judicial institution for treaty violations. Several IPs living in USA (Lakota Nation, TSNTC) insisted on the importance of the special report, highlighting that treaties must guarantee at least fair living conditions for IPs rather than welfare, and denounced the situation of IPs who have never entered into treaties. IPs from Chile and Argentina expressed satisfaction about being mentioned in the preliminary report as well as hope for a more profound analysis (AIRA, CTT, OMPD). Okinawa IPs from Japan denounced US military bases on their islands as violations of their self-determination, of past treaties and of the Hague Regulations concerning Laws and Customs of Land Warfare.

TAC urged the Rapporteur to request governments to view treaties with IPs as treaties between nations with the respective obligations and negotiations.
EI referred to the Waitangi Treaty in New Zealand noting some recent positive developments and compensations, but denounced the mere observer status of IPs on the national level.

**Governments**

Canada reported on many new constructive treaties and framework agreements with IPs, in particular on a recently signed protocol enabling the Federation of Saskatchewan Indian Nations to discuss common concerns with both the provincial and the federal governments at a round table.

Denmark-Greenland Homerule drew attention to its 13th periodic report to the CRD (Convention against Racial Discrimination) and to its paper on the implementation of Homerule in Greenland, though it would not make any comments on the special report's section on Greenland.

---

**International Decade**

Ms Daes underlined the importance of the Voluntary Fund for education and training, for information and communication during the Decade thanking governments and NGOs for their contribution and inviting applications for partnership projects.

Ms Peterson, member of the indigenous Advisory Group, informed on the activities of the Voluntary Fund highlighting the importance of the fellowship programme in Geneva, but regretted the lack of funds for other projects.

Many indigenous organizations requested the adoption of the Draft Declaration (DD) and the establishment of the Permanent Forum (PF) before the end of the Decade (CTT, LHRC, GCC, PPA, HIC, Saami Parliament) and others congratulated the Advisory Group on its transparency. GCC deplored the lack of recognition of the Decade even within the UN and denounced the failure of implementation by its members; invited the UN to include indigenous issues throughout its system and to take action on the PF and the DD. PPA reported on its leader training programmes asking for more economic and technical support, for the adoption of the DD and the establishment of the PF. The Komi People noted progress in Russia through the national minority law but deplored the lack of implementation.

APN urged all international organizations to cooperate better, especially in the fields of family planning and forest protection, in order to revert the last 50 years' deterioration of the IPs' situation. LHRC expressed hope for the adoption of the DD before the end of the Decade and proposed the publication of reports and handbooks on IPs. SGC urged especially Asian governments to participate in the growing worldwide awareness about IPs during the Decade and in the funding and technical support of Decade activities and meetings in Asia.

The Saami Parliaments of Norway and Sweden stressed the international importance of the Decade, e.g. the right to self-determination, in addition to respective national roles, mentioning youth training, networking, indigenous women and information on IPs as their priorities. The Saami Council requested the Commission's support to adopt at least global guidelines based on the DD before the end of Decade.

HIC denounced the failure of the government of Canada to carry out its commitments to the Decade in spite of its positive statement.

Russian representatives asked for the joint elaboration of guidelines for transnational companies in their dealing with IPs.

doCip reported on its initiative and contribution to the indigenous fellowship inviting the Centre for Human Rights to a truly complementary relationship in this innovative joint programme.
Governments

Estonia and Canada referred to their specific Decade activities, while Japan requested more detailed information on the Voluntary Fund's spending as a regular donor who appreciates its activities.

Permanent Forum


Many indigenous organizations stressed the importance of a PF at the highest level of the UN (IAITPTR, GCC, ILRC, IWAC, ATSIC, ICC, CCFL, MITK, CIM, CIN, ILRC). Some (Saami Parliament, NIA, FOAG) underlined the creation of the PF as one of the main and most urgent objectives of the Decade, others insisted on its covering all issues (IOIRD, Asian Caucus, HIC, TSNTC, IWN, MDA, CTT) or were concerned about its location within the UN system and about its membership selection (HIC, IOIRD, CPA, IKP). IOIRD also insisted on the establishment of an independent judicial tribunal to sanction violations of IPs rights. IWN requested the PF to be based on indigenous traditions of conflict resolution and negotiating and to be committed to indigenous ways of life.

NAILSS asked the Australian government to convene the third workshop on the PF and offered assistance. ATSIC expressed explicit denial of an expanded Working Group as alternative to a PF and urged the Commission to submit its respective proposals to ECOSOC for action. NIA proposed a study of the effects of developments on IPs as the first task of the PF.

GCC asked for the immediate creation of a position of advisor on IPs in the office of the UN Secretary General.

LHRC asked for the appointment of a UN Commissioner for IPs.

Mr Martinez Cobo admitted reservation and doubts on setting up a PF too quickly since its mandate (executive, jurisdictional, administrative, controlling or other) was not yet defined. He considered the consensus of the parties too high an expectation for the moment.

Governments

Chile reported on the second workshop requesting the concrete establishment of the PF to be funded by the regular UN budget and additional donations.

Denmark, on behalf of Finland, Iceland, Greenland Homerule, Norway, Sweden and the Saami Parliaments, underlined the utmost importance of a PF to be established at the highest level directly under ECOSOC to deal with both human rights and economic and social issues, with equal numbers of representatives from IPs and governments, and to be funded by the UN budget.

Brazil stressed the international progress concerning IPs rights pointing at its 1988 Constitution which entitles IPs to land rights and invited governments to ratify ILO Convention 169.

Switzerland confirmed the importance of a PF for an appropriate consideration of indigenous issues asking to avoid unnecessary expenses and redundancy by clearly defining the respective mandates of the PF and the Working Group. USA stated that it continued considering the establishment of a PF.

Other Matters

CIIDPI informed about the existence of IPs' networks on the Internet and of an indigenous Web Page and about the first three months training for indigenous reporters in Madrid in 1996. It announced the third IPs meeting in Oslo on 22-27 September.
CIDSA informed about its seminars and courses benefitting 970 individuals and announced its course on human rights in Bolivia for December. CIM appealed to governments to support the Voluntary Fund in order to carry out the planned projects in international law and human rights as well as those concerning the environment, biological and cultural diversity and intellectual property. Tuscarora Nation denounced that the Voluntary Fund has not yet responded to its urgent request for reparation of its health and environmental damage.

doCip informed about the availability of its documents on the Internet and on its Web Page, about its Secretariat being open throughout the year beyond the Working Groups in July and October and about its Update/Informativo publication in four of the official UN languages regularly sent to 750 organizations.

List of abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIPP</td>
<td>Asia Indigenous Peoples Pact</td>
</tr>
<tr>
<td>AIRA</td>
<td>Asociacion Indigena de la Republica Argentina</td>
</tr>
<tr>
<td>APN</td>
<td>Adivasi Peoples Network (India)</td>
</tr>
<tr>
<td>ANI</td>
<td>Association of Norfolk Islanders</td>
</tr>
<tr>
<td>ATSIC</td>
<td>Aboriginal and Torres Strait Islander Commission (Australia)</td>
</tr>
<tr>
<td>CAH</td>
<td>Consejo Agaruna y Huambisa (Peru)</td>
</tr>
<tr>
<td>CAPAJ</td>
<td>Comision Juridica para el Autodesarrollo de los Pueblos Originarios Andinos (Peru)</td>
</tr>
<tr>
<td>CCFL</td>
<td>Centro Cultural &quot;Flor de Lirio&quot; (Argentina)</td>
</tr>
<tr>
<td>CESP</td>
<td>Council of Elder of the Shor Peoples (Russian Federation)</td>
</tr>
<tr>
<td>CFPN</td>
<td>Chippewa First Nation (Canada)</td>
</tr>
<tr>
<td>CIDSAA</td>
<td>Comision Internacional de Derechos de Pueblos Indigenas de Sud America</td>
</tr>
<tr>
<td>CIIDPI</td>
<td>Centro Internacional de Informacion y Documentacion de los Pueblos Indigenas</td>
</tr>
<tr>
<td>CIN</td>
<td>Conseil des Innu de Nitassinan (Canada)</td>
</tr>
<tr>
<td>CIM</td>
<td>Consejo Inter-regional Mapuche (Chile)</td>
</tr>
<tr>
<td>CPA</td>
<td>Cordillera Peoples Alliance (Philippines)</td>
</tr>
<tr>
<td>CTT</td>
<td>Consejo de Todas las Tierras Mapuche (Chile)</td>
</tr>
<tr>
<td>DCFN</td>
<td>Deh Cho First Nations (Canada)</td>
</tr>
<tr>
<td>EI</td>
<td>Education International</td>
</tr>
<tr>
<td>FAIRA</td>
<td>Foundation for Aboriginal and Islander Research Action (Australia)</td>
</tr>
<tr>
<td>FOAG</td>
<td>Federation des organisations amerindiennes de Guyane</td>
</tr>
<tr>
<td>GCC</td>
<td>Grand Council of the Crees (Canada)</td>
</tr>
<tr>
<td>HIC</td>
<td>Haudenosaunee Iroquis Confederacy (Canada)</td>
</tr>
<tr>
<td>IAITPTR</td>
<td>International Alliance of Indigenous Tribal Peoples of the Tropical Forests</td>
</tr>
<tr>
<td>ICC</td>
<td>Inuit Circumpolar Conference</td>
</tr>
<tr>
<td>IITC</td>
<td>International Indian Treaty Council</td>
</tr>
<tr>
<td>IKP</td>
<td>Indigenous Knowledge Program (Panama)</td>
</tr>
<tr>
<td>ILRC</td>
<td>Indian Law Resource Centre (USA)</td>
</tr>
<tr>
<td>IOIRD</td>
<td>International Organization of Indigenous Resource Development</td>
</tr>
<tr>
<td>IWAC</td>
<td>Indigenous Woman Aboriginal Corporation (Australia)</td>
</tr>
<tr>
<td>INDW</td>
<td>Indigenous Women's Network</td>
</tr>
<tr>
<td>KKURA</td>
<td>Kirat Koyu Rais Uplifting Association (Nepal)</td>
</tr>
<tr>
<td>LHRC</td>
<td>Lao Human Rights Council (Laos)</td>
</tr>
<tr>
<td>MDA</td>
<td>Maa Development Association (Kenya)</td>
</tr>
<tr>
<td>MITA</td>
<td>Movimiento Indio Tupaj Amaru (Bolivia)</td>
</tr>
<tr>
<td>MitK</td>
<td>Movimiento Indio Tupaj Katari (Bolivia)</td>
</tr>
<tr>
<td>NAILSS</td>
<td>National Aboriginal and Islander Legal Service Secretariat (Australia)</td>
</tr>
<tr>
<td>NIA</td>
<td>Ngaiterangi Iwi of Aotearoa (New Zealand)</td>
</tr>
<tr>
<td>NSDFN</td>
<td>Northern Saskatchewan Dene First Nation (Canada)</td>
</tr>
<tr>
<td>NSWALC</td>
<td>New South Wales Aboriginal Land Council (Australia)</td>
</tr>
<tr>
<td>OMPD</td>
<td>Organizacion Mapuche Pegun-Dugun (Chile)</td>
</tr>
<tr>
<td>PPA</td>
<td>Parlamento del Pueblo Aymara (Bolivia)</td>
</tr>
<tr>
<td>SGC</td>
<td>Shimin Gaikou Centre (Japan)</td>
</tr>
<tr>
<td>SLFN</td>
<td>Saddle Lake First Nation (Canada)</td>
</tr>
<tr>
<td>TAC</td>
<td>Tasmanian Aboriginal Center (Australia)</td>
</tr>
<tr>
<td>TSNTC</td>
<td>Teton Sioux Nation Treaty Council (USA)</td>
</tr>
</tbody>
</table>

Sub-Commission on Prevention of Discrimination and Protection of Minorities

49th session: 5 to 29 August 1997
Resolutions and decisions concerning Indigenous Peoples


Permanent Forum within the UN system for IPs

Resolution 1997/10

The Sub-Commission:

- recommends that a PF be established as soon as possible in the course of the International Decade;
- endorses the recommendation of the Santiago workshop and the WGIP that the CHR consider how to further the process at its 54th session and submit the matter to the ECOSOC for action;
- recommends that the CHR request the WGIP to focus on the questions of membership, participation and the mandate, with a view to an early establishment, preferably under the ECOSOC.

Study on indigenous land rights

Resolution 1997/12

The Sub-Commission:

- requests the Secretary-General to transmit the working paper to governments, indigenous peoples and intergovernmental and non-governmental organizations, the Special Rapporteur to prepare her final working paper on the basis of information received from governments, IPs and others and to submit it at the WGIP at its 16th session and the Sub-Commission at its 50th session.

Protection of the heritage of indigenous people

Resolution 1997/13

The Sub-Commission:

- requests the Special Rapporteur to continue to exchange information with governments, IPs and all parts of the UN system;
- requests the High Commissioner for Human Rights to convene, prior to the 16th session of the WGIP and the 50th session of the Sub-Commission, a seminar on the draft principles and guidelines for the protection of the heritage of IPs (E/CN.4/Sub.2/1994/31, annex).

Working Group on Indigenous Populations

Resolution 1997/14

The Sub-Commission:

- recommends that the WGIP cooperate as a body of experts which might assist the Working Group on the Draft Declaration;
- recommends that the WGIP continue to address indigenous health and land rights issues, and include "Indigenous Peoples: education and language" as the principal item of the 16th session and requests the Secretary-General to invite governments, indigenous peoples and intergovernmental and non-governmental organizations to provide information on these issues;
- requests the High Commissioner for Human Rights to call for an international workshop on the rights to food and adequate nutrition of IPs with a view to evaluating their present nutritional status and
improving the situation;
- requests the Secretary-General to prepare an agenda for the 16th session with the following items: standard-setting activities, including a sub-item on guidelines or codes of conduct for private sector energy and mining concerns; review of developments: general statements - education and language - health; study on IPs and their relationship to land; a Permanent Forum; the International Decade, including a sub-item on preparations for the mid-point review of the Decade; and the study on treaties, agreements and other constructive arrangements between States and IPs;
- recommends that the CHR request the ECOSOC to authorize the WGIP to meet for five working days prior to the 50th session of the Sub-Commission.

International Decade of the World's Indigenous People

Resolution 1997/15

The Sub-Commission:

- recommends that the Coordinator of the Decade consider holding a special fund-raising meeting, as well as secondment of qualified staff, including indigenous persons, to assist with the work of the Centre for Human Rights;
- recommends that the Draft Declaration be adopted as early as possible in the International Decade;
- takes note of the work of the UNESCO to complete the preliminary draft of a universal declaration on the human genome and human rights;
- recognizes the need for a systematic analysis of the problems faced by IPs with regard to biodiversity, genetics and the use of biological resources and sustainability;
- expresses its appreciation to the government of Spain for its offer to host a workshop of indigenous journalists in Madrid in 1998 and urges the High Commissioner to accelerate the procedure so that it can take place early in 1998;
- requests the WGIP, at its 16th session, to prepare for the mid-point review of the Decade in 1999;
- welcomes the CHR recommendation that the High Commissioner convene a workshop in the spring of 1998 for research and higher education institutions focusing on indigenous issues.

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

Decision 1997/110

The Subcommission urges the Special Rapporteur to submit his final report before the end of 1997 and requests the Secretary-General to give him all the necessary assistance.

Human rights of Indigenous Peoples (Item 7)

This report also includes the following items: Violations of human rights and fundamental freedoms (Item 2); Elimination of racial discrimination (Item 3); Economic, social and cultural rights (Item 4); Administration of justice and HR of prisoners (Item 9).

Report of the Working Group on Indigenous Peoples on its 15th session

(E/CN.4/Sub.2/1997/14)

The 15th session of the WGIP was attended by 887 participants - experts of the Sub-Commission, observer governments, representatives of UN bodies and agencies, of NGOs and of Indigenous organizations, nations and communities.

The agenda item "Review of developments" focused on the issue of "land, environment and sustainable
development". Ms Daes presented the preliminary working paper on land rights. Besides the question of self-determination, the land issues are of vital concern for the material and cultural survival of Indigenous Peoples.

WHO's continuing support and involvement in plenary session and in informal exchange with IPs Health Committee they had established on their own was welcomed.

The theme to be discussed at next year's meeting will be "education and language"; UNESCO is invited to make its contribution substantively and by delegating experts to the WGIP.

The definition of the concept of "Indigenous Peoples" was discussed under the item of standard-setting activities.

At the request of indigenous participants, the panel will consider possible guidelines or codes of conduct for private-sector mining and energy concerns carrying out activities on indigenous lands.

Special attention was further given to the creation of a Permanent Forum for indigenous issues in the UN.

Protection of the heritage of Indigenous People


The TM was held at the UN Office at Geneva on 6 and 7 March 1997 with the participation of the Special Rapporteur, Ms Daes and of representatives from FAO, ILO, UNDP, UNEP, WIPO, and WTO. The main task of this meeting was to harmonize the activities of the relevant UN agencies in relation to the protection of indigenous intellectual and cultural property. The protection of indigenous control over their knowledge was recognized as being essential for their survival as well as that of humankind as a whole. There was broad agreement on the fact that existing legal frameworks were inadequate and that some form of sui generis special protection was necessary. Divergence of approach appeared regarding the issue of benefit-sharing, particularly between governments and IPs, as well as about the extent to which indigenous communities were entitled to apply their own customary laws to disputes over the disposition of their heritage and knowledge.

Indigenous people and their relationship to land


Since the beginning, IPs have emphasized the fundamental, vital issue of their relationship to their homelands and the need for non-indigenous societies to understand the spiritual, social, cultural, economic and political significance of land, territories and resources to their continued physical and cultural survival. Therein lies the spiritual and material foundation of their cultural identities. Further elements to be taken into consideration are the collective dimension and the inter-generation aspect of their relationship to land and resources. Essentially, IPs stressed the need for a different conceptual framework and the need for the recognition of cultural differences. It's critical to underscore the cultural biases that contributed to the conceptual framework constructed to legitimize colonization. The impact of the doctrines of dispossession, namely conquest discovery and terra nullius, and Eurocentrism prevailing in international legal theory, have trapped IPs in a legal discourse that does not embrace their distinct cultural values, beliefs, institutions or perspectives.

The main objective of the analytical framework presented in the preliminary working paper is to enhance the understanding of the problems related to indigenous land issues and to facilitate the further elaboration of the provisions relevant to land rights in the Draft Declaration. It identifies different reasons for dispossession and deprivation, such as failure of States to acknowledge indigenous rights to lands, failure to demarcate, expropriation, removal and relocation, as well as the efforts done to resolve indigenous land issues.

Permanent Forum for indigenous issues
All participants who took the floor on that topic (independent experts: Christy Ezim Mbono, Asbjorn Eide; Mexico and Peru; 9 NGOs expressed their support for the establishment of a Permanent Forum for indigenous issues in the UN. There seems to be a broad agreement on some major elements such as the level within the UN system at which the Forum should be situated and the broadening of the mandate with a view to cover all issues including development, environment, health, education as well as human rights.

Peru focused its intervention on the three main issues involved: mandate, functional dependency and modes of financing. Priority should be given to the question of the mandate which strongly depends upon the final form given to the Declaration. It is premature to discuss the question of functional dependency at present. The Forum should be financed on charge of the regular expenses of the UN, what may include a reorientation of the expenses by suppressing activities of minor importance.

The Saami Council recommended to submit the establishment of a Permanent Forum to ECOSOC for action as soon as possible. The Forum should be located within the framework of ECOSOC and be composed, according to the proposition of Nordic countries, of indigenous and government representatives in equal number and on equal footing.

WILPF declared that the establishment of the Permanent Forum should be a priority to secure survival of IPs.

IMADR called for the establishment of a Permanent Forum at the highest level of the UN, such as in the office of the Secretary General.

TRP stated that the scope of its mandate should not be limited to human rights issues; it should be placed at a level that would allow to discuss social and economic issues, education, health care, cultural and political issues.

Pax Romana suggested an open composition and similar structure to the Caribbean and Latin American Indigenous Development Fund, working in coordination with the existing WGIP.

According to PCI, the Permanent Forum for IPs should be established at the highest possible level in the UN structure and this should be accomplished before the end of the Decade. The mandate of this Forum should be determined by IPs; expenses should be covered by the ordinary UN budget.

Other propositions with regards to institutional improvements were brought forward during the debate: IWA recommended the appointment of a High Commissioner for IPs. TRP called upon the Sub-Commission to recommended the appointment of a Special Rapporteur on IPs at Commission level.

Definition of the concept "Indigenous Peoples"

The position expressed by the Chairperson, Ms Daes, considering that a global definition was not desirable nor possible at present time, was broadly shared by the members of the group. Dissenting opinions were expressed by two independent experts, Fan Goxiang (China) who insisted upon the need to clarify the difference between IPs and minorities, and by Christy Ezim Mbono (Nigeria), who considered it "painful" that efforts spent discussing a definition had been almost in vain. IPs were not minorities, she said, and it was unfair that the definition remained hanging just to please some observer governments. Mohammed Sardar Ali Khan (India) referred to the central issue involving the distinction between "minorities" and IPs; and the nature of problems faced by IPs were so peculiar to them, particularly with regard to the land issue, that they could not be equated with those of minorities.

The representatives of NGOs (4) were unanimous in considering that the question of definition was not a priority and that it should not be put forward as an obstacle to the adoption of the Draft Declaration (OIDEL). TRP considered the emphasis put by certain Asian governments on the need for definition a clear attempt to abort the process engaged in protecting IPs' rights. Priority should be given to international efforts to guarantee the survival of IPs, rather than to focus on the definition of a concept (IPB). PCI pointed out that it was impossible to have a single definition of the concept of IPs and that moreover, it was not the
matter of governments, but of the IPs as part of their right to self-determination to decide who they are.

Draft Declaration on the Rights of Indigenous Peoples

There was a broad consent as far as time-limit was concerned: all representatives who intervened on that matter (1 independent expert: David Weissbrodt (USA); 2 observer governments: Mexico and Peru; 11 NGOs) called for an adoption without delay of the Draft Declaration. Relating to the content, the views ranged from the more restrictive proposal of Peru referring to the adoption of certain provisions only to the need stressed by most NGOs to adopt the Draft in its present wording (IMADR; Saami Council: "support for the existing Draft Declaration...without being weakened in any way"; IPB: "need to adopt a coherent Draft; MRAP: stated for the attention of governments that IPs of Mexico were not ready to accept any modification of the Draft). IWA condemned the attempts made by certain governments to "simplify and reduce the political content and legal implications" of the Draft and proposed to reformulate provisions related to land and environment in order to guarantee the implementation of indigenous rights to collective property on land and natural resource, as well as to introduce provisions on demilitarization and decolonization of indigenous territories and provisions relating to the pernicious activities of transnational corporations.

TRP condemned the attempts made to limit the scope of the rights and - denouncing the discriminatory exclusion of indigenous delegations from decision-making process in the inter-sessional WG of the Commission- suggested to make use of the ECOSOC Resolution allowing to adopt special procedures in order to guarantee full and equal participation of the IPs in all stages of the procedure.

The Draft Declaration was considered as "an outstanding instrument of peace" (WILPF), as being one step towards reparation for the horrors committed against IPs (OIDEL), as reflecting minimum standard for the survival of IPs (TRP).

Land rights and related issues

General considerations: The landmark decision of the Australian High Court in the Mabo case vs. Queensland, where the long-standing doctrine of terra nullius was finally denounced as a discriminatory doctrine, contributed to the worldwide process of recognition of traditional land rights (Asbjorn Eide). PR stated that lack of acknowledgment of pre-existing ancestral indigenous tenancy leading to involuntary extinction of property titles without compensation could no longer be invoked. The great significance of the ILO Convention 169 as the only legally binding instrument dealing with land rights of IPs was underlined by many representatives of NGOs and by Asbjorn Eide; ratifications by Guatemala, Mexico and Norway were welcomed. Mohammed Sardar Ali-Khan (India) mentioned the question of land as an issue that suffers no delay and where the Sub-Commission had to decide if - going beyond academic matters - first concrete steps should be taken in the practical realm to uplift the situation of IPs, for instance by discussing land allocation with the relevant governments. IWA stated that with regards to land, the gap between materialistically oriented western thinking and indigenous identity appeared in its full extent. The Indian, the land and its natural resources formed a trilogy of a sole identity, whereas European colonial settlers disrupted that profound interrelationship by giving to the land a mere mercantile value. By attributing to themselves the right to destroy life of animal and vegetal species, they went as far as to endanger survival of humankind as such. FI recommended to the Sub-Commission to focus its attention on situations of violations of the rights of IPs regarding ownership, use and control of land, territory and resources, as well as on countries in which development programmes are implemented without consultation of the communities and without any concern for environmental consequences.

Mexico: Several NGOs (LIDLIP, FI, NSXXI, MRAP, PR) denounced the situation in Mexico, where conflicts on land issues had lead to the militarization of areas in Chiaspas, Guerrero, Oaxaca and Huastecas de Veracruz e Hidalgo, causing numerous human rights violations, including eviction, arbitrary detention, torture, political persecution, extra-judicial executions, harassment and intimidation of entire communities, as well as violations of social, economic and cultural rights. LIDLIP drew the attention to the fact that the IPs - around 20 millions - were facing conditions of extreme poverty and that programmes of neoliberal...
adjustments condemned them to disappear. Only 0.19% of the global expenses were affected to the Programme for Education, Health and Food. LIDLIP and PR underlined the negative effects of the constitutional reform of 1992 (amendment of art. 27) allowing privatization of indigenous communities' lands and of policies promoting acquisition of the few remaining fertile land by multinational corporations (real estate, agro-business and timber industry). An aggravation of the conflicts on land issues and the subsequent militarization of indigenous areas and increased repression against Indigenous communities were a result of this policy. MRAP condemned militarization of indigenous areas for being a negation of IPs' claim for recognition of their diversity as collective entities and for respect of their rights relating to territories, spaces and elements necessary for the reproduction of their culture in her essential link with nature.

Some NGOs (FI, NSXXI) referred specifically to the non-observance of the San Andres Agreements of February 1996 signed by the government and the Zapatist National Liberation Army. FI (2) furthermore expressed its concern about the growing number of paramilitary forces as part of the "policy of low intensity warfare" or "counterinsurgency strategy of dirty war" (FIACAT) set up to push population into civil war. As reported, these groups acted with the authorities' active or passive complicity and remained unpunished for the crimes they committed. OIP condemned the extremely harsh conditions of detention in high security jails (Centros Federales de Readaptacion Social).

FI requested the Special Rapporteur on the Study on Treaties to include the Mexican case in his final report and urged the government of Mexico to demilitarize the indigenous regions; NSXXI appealed to the government of Mexico to comply with the above mentioned agreements and MRAP asked the Sub-Commission to appoint a Special Rapporteur on that question.

Mexico pointed out that there was an increased consciousness of the necessity to accelerate the economic and social development of Indigenous populations and referred to the National Plan for Development 1995-2000 giving priority to the eradication of extreme poverty by measures in educational system, health care and social assistance for IPs. He reiterated the firm intention of the Mexican government to reach a just and lasting solution in the state of Chiapas and declared that the Agreements of San Andres had so far not been incorporated in the national legislation because of problems of legal technique.

Philippines: The Philippines informed that the government prepared a Draft National Plan that involved protection of IPs' land rights and took specific measures to ensure the protection of IPs claims such as identification and delineation of ancestral domains and the issuing of land tenure instruments. FIAN and HIC (2) reported the extra-judicial executions of three Indigenous persons and the forced eviction of 140 families of the Suminao clan in connection with their claim to ancestral lands.

Development, environment and transnational corporations

PR (4) mentioned the effects of transnational corporations on the implementation of HR (gas extraction of SHELL OIL in a forest area specifically reserved as indigenous lands by the government of Peru; privatization of public sector as in Bolivia and Guatemala undermining self-reliance and HR standards) and asked the Sub-Commission to carry out a study on that question.

WILPF drew the attention to the invasion of Indigenous territories (ex. Uwa people in Colombia) by transnational corporations and urged the international community to take into account the environmental and cultural implications of development projects.

OIDEL reported on the situation in the different countries of the Amazonian basin, where armed forces were threatening the existence of IPs, as did oil extraction, timber and mining exploitation, ignoring their presence on ancestral territories. In Chile, the building of electric generators endangered the survival of the Pehuenche people, in violation of the national legislation on protection of IPs and of International Environmental Law; the construction of the Coast-Road affected numerous Mapuche communities.

IPB stressed the role played by multinationals in causing irreparable damages to environment, namely on indigenous territories: as did Texaco in Equatorian Amazon or the mining enterprise RTZ in the province of...
Azuay and of Pichincha. IPs considered future generations and their right to a sound environment and were not willing to let economic globalization destroy the common heritage of mankind.

IED stated that growing recognition throughout the international community of the obligation IPs have within their own culture to maintain lands in environmentally sound condition for future generations also placed obligations on States to ensure that IPs were given sufficient control over their territories to preserve them. The very minimum that States must ensure was that the lands of IPs were not purposefully or permanently damaged. IED denounced the failure of the government of Brazil to protect Yanomami against non-Indian invasion and emphasized the situation in the USA, where mostly above-ground testing of nuclear weapons took place on Indian lands without warning the concerned nations of possible damage or contamination.

WILPF illustrated how policies of globalization, justified by an improvement in quality of life, threatened IPs in their very physical and spiritual existence. In the framework of Human Genome Project for example, genetic samples were extracted, frozen, and patented without the consent of IPs. IMADR reiterated its appeal to the relevant UN bodies to take urgent action for a complete moratorium on bio-prospective activities, including the Human Genome Diversity Project, bearing in mind that historically, research focused on genetic differences had been used to validate racial hierarchy. The Sub-Commission should take into consideration this most insidious form of discriminatory commodification of human genomes, the very essence of life, before it is too late.

Self-determination

Beside some theoretical considerations, most interventions focused on concrete violations of HR resulting of the denial of external or internal SD. Several NGOs referred to SD (ex. Saami Council) and to the recognition of collective rights "in order to guarantee different systems of life" (WILPF) as being a main issue. IWA presented a well-founded analysis, stating the fear that SD would threaten territorial integrity leads to its systematic negation, in spite of the fact that SD had already been implemented with success in the ancient Inca, Maya, Azteque and Aymara civilizations in form of self-government. The concept of SD permitted to integrate multi-national and multi-cultural diversity without paternalistic ambitions to assimilate or integrate indigenous identity into western cultural schemes.

West Papua: The denial of external self-determination and forcible integration into Indonesia in 1969 has led to long-term military presence and gross violations of HR such as arbitrary detention, torture, disappearances, extra-judicial executions (TRP, SI, PCI), all crimes being committed with impunity, discrimination in private and public economy, shift in the components of population by the arrival of transmigrants from the occupying power and implementation of multinational mining companies encroaching on indigenous lands and causing environmental damages (PCI).

Cabinda: The occupation by Angola since 1995 followed the above mentioned common pattern of marginalization and oppression affecting individual rights and economic, social and cultural rights of IPs (IAEWP-2).

Nagaland was integrated into India in 1949. IPs were mainly deprived of their right to freely dispose of their wealth and natural resources, as well as of their right to cultural identity in being subject to a systematic policy of assimilation (STP-2). As reported by STP(3), a peace process has recently been engaged between the government of India and the National Socialist Council of Nagaland.

The case of Chin people in Burma (IPB-3) is particular as far as denial of SD resulted in the refusal of the claim for reunification; reported HR violations referred to systematic campaigns of racial hatred against minorities and forced assimilation.

The denial of internal self-determination, i.e. non-integration of multiethnic, multi-cultural and multilingual diversity of society and non-recognition of the specificity of indigenous identity, had similar effects as above (militarization and gross HR violations by Bangladesh were reported from Chittagong Hill Tracts, TRP); implementation of subsequent peace agreements remained partial and formalistic (ongoing discrimination, impunity for crimes committed by paramilitary forces and death squads in Guatemala, AAJ) or were
delayed (Ecuador, IPB).

Other issues

Australia: The case of abduction of children in Australia, where indigenous children were forcibly separated from their parents and submitted to abuse, rape and other human rights violations ("stolen generation") were mentioned by Asbjorn Eide and Halima Embarek Warzazi (Morocco). According to Ms. Warzazi, these HR violations call for compensation and, as the reported cases were not isolated, State responsibility is involved.

Colombia: PR (2) reported mass and persistent violations of HR such as extra-judicial executions, massive killings, torture and violence against street children such as "social cleansing operations" and denounced the government and army support given to paramilitary forces, even legally enforced by a decree on settlement of civil armed groups. As a result of present global context, around 300 crimes had been committed, remaining in most cases unpunished (WILPF).

Papua New Guinea: IWGIA (2) and PCI welcomed the efforts of the government of New Zealand to find a peaceful settlement of the crisis in Bougainville; IWGIA called upon the government of New Guinea to comply with the provisions contained in the Burnham Declaration of July 1977.

Peru: IWA denounced under item 9 discrimination against IPs in the administration of justice for not guaranteeing a fair trial, as well as gross HR violations such as arbitrary detention, inhuman conditions of imprisonment, torture and summary executions with impunity committed against IPs who live in areas of guerrilla struggle.

Pygmy: Batwa people living in the region of the Big Lakes are the unacknowledged victims of the war between Hutu and Tutsi; 5000 persons out of a population of 20'000 were killed; they live in extreme conditions of poverty and marginalization (SI-3).

List of abbreviations

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAJ</td>
<td>American Association of Jurists</td>
</tr>
<tr>
<td>FI</td>
<td>Franciscans International</td>
</tr>
<tr>
<td>FIACAT</td>
<td>International Federation of Action by Christians for the Abolition of Torture</td>
</tr>
<tr>
<td>FIAN</td>
<td>Food First Information and Action Network</td>
</tr>
<tr>
<td>HIC</td>
<td>Habitat International Coalition</td>
</tr>
<tr>
<td>IAEWP</td>
<td>International Association of Educators for World Peace</td>
</tr>
<tr>
<td>IED</td>
<td>International Educational Development</td>
</tr>
<tr>
<td>IIP</td>
<td>International Institute for Peace</td>
</tr>
<tr>
<td>IMADR</td>
<td>International Movement against all Forms of Discrimination and Racism</td>
</tr>
<tr>
<td>IPB</td>
<td>International Peace Bureau</td>
</tr>
<tr>
<td>IWA</td>
<td>Indigenous World Association</td>
</tr>
<tr>
<td>IWGIA</td>
<td>Indigenous Affairs</td>
</tr>
<tr>
<td>LIDLIP</td>
<td>International League for the Rights and Liberation of Peoples</td>
</tr>
<tr>
<td>MRAP</td>
<td>Movement against Racism for Friendship among Peoples</td>
</tr>
<tr>
<td>NSXXI</td>
<td>North-South XXI</td>
</tr>
<tr>
<td>OIDEF</td>
<td>International Organization for Development of Freedom of Education</td>
</tr>
<tr>
<td>OIP</td>
<td>Observatoire international des prisons</td>
</tr>
<tr>
<td>PCI</td>
<td>Pax Christi International</td>
</tr>
<tr>
<td>PR</td>
<td>Pax Romana</td>
</tr>
<tr>
<td>SC</td>
<td>Saami Council</td>
</tr>
<tr>
<td>SI</td>
<td>Survival International</td>
</tr>
<tr>
<td>STP</td>
<td>Society for Threatened Peoples</td>
</tr>
<tr>
<td>TRP</td>
<td>Transnational Radical Party</td>
</tr>
<tr>
<td>WILPF</td>
<td>Women's International League for Peace and Freedom</td>
</tr>
</tbody>
</table>
Committees

Committee on the Rights of the Child (17th session)

Committee on the Elimination of Racial Discrimination (52nd session)

Committee on Economic, Social and Cultural Rights (18th session)

Committee against Torture (20th session)
From 4 to 15 May 1998: France, Guatemala, New Zealand, Norway, Panama, Peru.

Human Rights Committee
The 1998 schedule has not been officially communicated yet.

Fellowship for Indigenous Representatives

Since July 1997 four young indigenous representatives have been in Geneva in order to participate in the pilot year of the indigenous fellowship, which is carried out by the UN Centre for Human Rights in partnership with doCip. Their names are: Kaori Tahara, Ainu from Hokkaido, Japan; Bineet Mundu, Adivasi from Jarkand-Bihar, India; Sebastiao Machiniry, Machiniry from Acre, Brazil; and Victor Talyev, Nenetz from Nenetz Autonomous District, Russia.

Unfortunately, because of administrative problems, the introductory programme prepared by doCip could not take place in June as planned. In July the fellows were, however, introduced to Geneva and vicinity, to some NGOs and international organizations before they participated in the Working Group on Indigenous Peoples and in this year's special opening ceremony.

In August they participated in the Sub-Commission and in the Summer University of Human Rights. From September to December each fellow is preparing an individual study on international legal instruments, from which their organization and region are to benefit after their return. doCip has installed three additional computers for the exclusive use of the fellows, who received some computer training from the start. While the fellows attend briefings on international conventions and instruments relating to indigenous concerns in the UN, doCip facilitates the contact with their own organizations at home and assists them in their day-to-day life.

In October they will have the opportunity to study ILO's long standing experience with indigenous concerns during a two-week internship in that organization. During one week they will have the opportunity to acquire practical experience in negotiation techniques with other indigenous representatives during a workshop focusing on conflict resolution and negotiation skills.

During the following two weeks they will be fully involved in the Inter-Sessional Working Group on the Draft Declaration, since they will function as integral part of the indigenous team of the Centre for Human Rights.
Rights.

During the months of November and December the fellows will continue their individual work, meet the press and relevant NGOs as well as interested groups around Switzerland. In order to derive the utmost benefit for their organizations back home they will also train skills like project design, fund raising, lobbying, documentation and communication. Hopefully they will find open ears and hearts for the concerns of their peoples and of indigenous issues in general wherever they go during these six months.

For the second year (1998) again more than a hundred applications have arrived from indigenous organizations worldwide before the deadline on 1 September. This time the selection of the candidates will take place earlier, so that the next fellows will have more time to improve their English language capacity and to prepare more intensively at home what they will focus on in Geneva for the best possible benefit of their peoples.

Therefore the Advisory Group for the Voluntary Fund of the Decade will meet on 10 and 11 November exclusively for the evaluation of the pilot year and for the selection of the next fellows.

---

**Training course for indigenous representatives in negotiation skills and conflict resolution**

doCip offers to organize a one week workshop on negotiation skills directed by negotiation experts and inter-culturally experienced trainers. This practical training will take place in October, the week before the Inter-Sessional Working Group on the Draft Declaration starting in 1998. In addition to the indigenous fellows then already in Geneva there will be about 15 vacancies for other indigenous participants.

**Come to the preparatory meeting during the Working Group on Wednesday 29 October 1997 at 2 p.m.**
doCip would like to know at this point which indigenous organizations are ready to have their representative(s) participate in this training and to contribute approximately SF 135.- per person for room and board, while the course itself can hopefully be funded otherwise. [Please, make your pre-reservation now](mailto:), in order to facilitate our planning for next year.

doCip would also appreciate receiving descriptions of positive and negative negotiation experience of IPs worldwide, be it with governments, international agencies, NGOs, corporations or in a multi-lateral setting. In order to base training on realistic examples, please describe your own experience as soon as possible.

---

**Workshop of the Convention on Biological Diversity on issues concerning Indigenous Peoples and local communities**

In November 1996, the Third Conference of the Parties (COP3) to the Convention on Biological Diversity (CBD), held a discussion on implementation of Article 8(j), which refers to the knowledge, innovations and practices of indigenous and local communities. The COP3 was well attended by indigenous organizations' representatives, who also held an Indigenous Biodiversity Forum prior to the Conference.

Indigenous organizations, backed-up by conservation organizations, presented to the COP a proposal for the establishment of a Working Group on issues related to Indigenous Peoples and local communities; this Working Group would develop a programme of work to facilitate implementation of Articles 8(j), 10(c), and others relevant to the interests of Indigenous Peoples and local communities.
After several days of discussions and negotiations, the COP3 rejected the indigenous proposal, and decided instead to request the CBD Secretariat to organize a five-day workshop to debate the issues. Although different from and less significant than their proposal, Indigenous Peoples' and local communities’ organizations see this workshop as a very important opportunity to put their interests high on the Convention's agenda, and to further an implementation process that really takes account of their rights. At the workshop, the main two proposals of indigenous organizations will still be related to the establishment of a Working Group, and to the adoption by the COP4 of a medium-term programme of work on relevant issues. In advocating these proposals, indigenous and local-community organizations will be reminding governments that the subject of traditional knowledge, innovations and practices, cannot be separated from the broader issues of land and resource rights, control of access to genetic resources, new policies on protected areas, etc.; in other words, they will be advocating for a comprehensive, holistic standpoint on people and biodiversity.

The Workshop will be hosted by the government of Spain, interested now in putting into practice its newly-adopted policy on cooperation with Indigenous Peoples, in Madrid, on 24-28 November 1997. The Workshop will be attended mainly by governments and Indigenous Peoples/local communities' representatives; NGOs and international institutions are also expected to be present.

Prior to the event, an Indigenous Biodiversity Forum will be held also in Madrid on 20-22 November, at the invitation of the government of Spain and with the logistical and technical support of WATU/Acción Indígena (a Spanish NGO working on indigenous issues); the meeting will be an opportunity for Indigenous Peoples' and local communities' representatives to discuss their views and prepare their positions for the official CBD Workshop. A committee of indigenous organizations has taken over the responsibility for organizing and running the gathering. It is expected that representatives from Indigenous Peoples and local communities from all over the world attend both meetings to present their views and proposals, having in mind that the CBD process is extremely important for the present and future of biodiversity and natural resources in Indigenous Peoples' and local communities' territories and lands.

The agenda for the Workshop will be as defined by the COP3 when it took the decision to hold it. It will include:

1. Consideration of a document being prepared by the CBD Secretariat, on issues like:
   - linkages between traditional knowledge, innovations and practices, on the one hand, and technology transfer, access to genetic resources, ownership, intellectual property rights, alternative systems of protection of knowledge, incentives, in situ conservation, general measures for conservation and sustainable use, identification and monitoring of biodiversity components, etc.;
   - elaboration of concepts of key terms of the relevant articles;
   - survey of activities undertaken by relevant organizations and their possible contribution to these issues.
2. Consideration of inputs provided by Indigenous Peoples' and local communities' organizations.
3. Consideration of information provided by the Parties to the CBD on national implementation processes.
4. Possibility of developing a programme of work on these matters.
5. Examination of the need to establish an open-ended inter-sessional working group or a subsidiary body to address Article 8(j).

As for the Indigenous Biodiversity Forum, its objectives, as defined by the indigenous committee, are as follows:

A. To offer Indigenous Peoples and their allies an opportunity to exchange views on the relevant issues, propose a strategy to effectively approach the CBD, and coordinate actions;
B. To openly share information on the results of this process.

To this end, the Indigenous Biodiversity Forum will have the following agenda:

1. Opening ceremony and introductions.
2. Indigenous peoples' and local communities' perspectives: case-study presentations on issues like:
   ○ spirituality of Indigenous Peoples in human relationships with the natural world
   ○ forests
   ○ seas
   ○ mountains
   ○ Arctic region
   ○ rotational agriculture in Asia
   ○ grazing
   ○ local communities
3. The CBD: opportunities and threats for Indigenous Peoples and local communities.
4. Other international, regional and national-level legal instruments.
5. Relevant issues, concerns, and strategies at the regional level.
6. Definition of a common strategy.
7. Mechanisms for participation of Indigenous Peoples and local communities in the CBD - working group, permanent body, indigenous experts in SBSTTA, etc.
8. Other business and conclusions.

The indigenous organizing committee will identify and invite representatives of Indigenous Peoples and local communities, taking into account regional balance. It will also collect inputs from all organizations interested in expressing their views and contributing to a successful process.

For more information on the Indigenous Biodiversity Forum, please contact:

Ms Joji Cariño
Executive Secretary
International Alliance of Indigenous and Tribal Peoples of the Tropical Forests
14 Rudolf Place
Miles Street
London SW8 1RP
United Kingdom
Telephone +44 171 587 3737
Fax +44 171 793 8686
e-mail: morbeb@gn.apc.org
URL: http://www.gn.apc.org/iaip

Ms Maria Noguerol
Director of Programmes for Indigenous Peoples
Spanish Agency for International Cooperation/Agencia Española de Cooperación Internacional (AECI)
Av. De los Reyes Católicos 4
28040 Madrid
Spain
Telephone +34 1 583 81 00
Fax +34 1 583 83 11

Ms Bibiana García
WATU / Acción Indígena
Paseo de la Chopera 5, Semisótano
28045 Madrid
Spain
Telephone +34 1 473 30 31
Fax +34 1 473 25 01
e-mail: bibiana@adv.es

Gonzalo Oviedo-Carrillo
WWF International
Av. Du Mont-Blanc
1196 Gland
Switzerland
Telephone +41 22 995 02 14
Fax +41 22 364 06 40
e-mail: goviedo@wwfnet.org

Acknowledgments

Contributors to this issue
Galina Avakiants, Monica Castelo, Barbara Ehringhaus, Sophie Grobet, Gonzalo Oviedo, Marianne Wilhelm

Layout (printed edition)
Isabelle Grobet

Special thanks to
Gonzalo Oviedo, WWF International

The reproduction and dissemination of information contained in *Update* is welcomed provided sources are cited.