



Centre de Documentation, de Recherche et d'Information des Peuples Autochtones
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EDITORIAL

This number of Update relates mainly to the third session of the Working Group on the Declaration on the Rights of Indigenous Peoples which took place at the Palais des Nations, Geneva, from 27 October to 7

November 1997.

Two articles of the Draft Declaration, namely Art. 5 on nationality and Art. 43 on gender equality, both conceived as individual rights have been formally adopted. At first sight, the concrete results may seem modest, one might even speak of a failure - and some media observers did. The truth lies somewhere else and before trying to draw any conclusion, we have to look closer at what really happened during these two weeks.

By opting for the procedure of informal meetings, which was the only feasible solution with regards to the quite rigid rules of formal procedure, it has been possible to open the dialogue between partners on a basis of equality, the only acceptable condition for any negotiation. The debate was based on the current Draft Declaration, a document elaborated for over ten years by the Working Group on Indigenous Populations (WGIP). At the request of Indigenous Peoples, the principle of self-determination as set forth in Art. 3 was put on the agenda. 43 indigenous delegates and 20 government representatives took the floor to express their view on that question; around 95 interventions were registered. The first speaker addressing the Working Group on behalf of the Indigenous Peoples Caucus clearly stated that Indigenous Peoples were not primarily seeking to secede, but rather to gain control over their own lives within existing States. This message apparently did not get through: some States went on insisting upon the need of special guarantees for their territorial integrity, expressing their concerns about possible implications of a broad recognition of the Indigenous Peoples' right to self-determination and asking for further qualification of that right. It was astonishing that only few speakers referred to the explanatory note prepared by the Chairperson of the WGIP, Dr. Erica-Irène Daes (E/CN.4/Sub.2/1993/26/Add. 1), as suggested by the Grand Council of the Crees. In fact, misunderstandings could have been avoided to a large extent by referring to the above mentioned document. This document for instance clearly shows that every new document adopted in the framework of UN always has to be interpreted in the light of the existing international instruments.

What sometimes appeared to be a "dialogue of the deaf" - a French expression which best characterizes the above mentioned situation - was in fact a first attempt to enter into dialogue on a fundamental principle. The process launched can be seen as a formative and as an evolutionary process, in which mutual understanding is enhanced and new types of relationships between Indigenous Peoples and governments are explored in their search of ways for peaceful coexistence. The wide exchange of views, especially on the core principle of self-determination, gave to each of the participants the opportunity to express his view, his apprehensions and his hopes. Although consensus has not yet been formally adopted, steps were taken in that direction. Self-determination is the only true guarantee for equality, at least on the formal level, between the parties engaged in negotiations - and equality is the only acceptable status for a true dialogue. This dialogue is important for the parties directly engaged; it is important on a wider range too for building a bridge between cultures in a world that will more and more have to solve its problems on a collective, planetary level. The Danish government representative made a most accurate remark when saying: "Even though some delegations may feel that informal sessions like these are too time consuming, we are of the conviction that the time is spent wisely and contributes to the current process of confidence-building."

Working Group on the Draft Declaration



Third Session, Geneva - 27 October to 7 November 1997

Document: E/CN.4/1998/106

Organization of Work

34 indigenous organizations were specially accredited for this third session of the WGCD. Mr José Urrutia (Peru) was unanimously re-elected as its Chairperson-Rapporteur and hoped to have some articles adopted,

as it was important to present some tangible results to the 54th session of the Commission on Human Rights. Then, Mr Urrutia made some consultations with governments and indigenous representatives to define the methods of work for this session.

The session began with a general debate in order to give delegations the opportunity to make general statements. Formal sessions only concerned the adoption of articles agreed upon by consensus in informal plenary meetings, by first discussing the underlying principles then the wording of the articles. The proposal was to examine 13 articles among the less controversial ones. The indigenous organizations asked to have a discussion on the principles of Article 3 (self-determination), which took place on 30 and 31 October. Eventually, the articles 15, 16, 17, 18, 5, 14, 44 and 45 were discussed.

The High Commissioner for Human Rights, Ms. Mary Robinson, addressed the WGCD, informing about her familiarity with indigenous issues, as she is an honorary chieftain of the Choctaw Nation. She welcomed the unique procedure by which governments and Indigenous Peoples could discuss directly and hoped progress would be made towards adoption of the Draft Declaration (DD). As the Coordinator of the International Decade for Indigenous People, with the responsibility to encourage action and cooperation on indigenous issues within the UN system, she informed the WGCD about the establishment of an Indigenous Project Team within the Office of the HCHR.

General Debate



Mario Ibarra, observer for the **Sub-Commission**, listed the reference documents taken into account in the DD -the UN Charter, the legal instruments adopted by the UN and its specialized agencies, international humanitarian law, the Rio and Vienna Declarations, IPs declarations and relevant domestic law. Considering all these and the main objective of the Declaration - ensuring the physical and cultural survival of IPs, he asked for the adoption of the Declaration during this session.

IMTA opposed the attempts to reduce the spirit and the legal consequences of the DD to nothing. Remarking that document E/CN.4/1997/102 on the 1996 WGCD expresses the position of the IPs only very succinctly and shows the absence of real progress, they recalled that the 1993 Vienna World Conference called for the entire, free, and equitable participation of the IPs to the UN fora concerning their rights and freedoms (cf. GA resolution 41/120). Understanding that the economic interests of multinational corporations, omnipresent in the indigenous territories, are the sources of most difficulties, and also deploring the systematic obstruction of some States as Brazil and France, they asked that decisions be adopted by democratic vote and not by consensus.

With regard to the full participation of all the IPs in the WGCD, **CPA** asked for more flexibility for the accreditation of Asian organizations. Fearing the extinction of IPs by the end of the decade, they recalled that the IPs of Asia called for the adoption of the DD as minimum standards.

CAPAJ considered the adoption of the DD as a matter of urgency. They pointed out that the rights recently conferred to the Aymara by their respective governments (Chile, Peru, Bolivia, Argentina) cannot fully apply due to the absence of legal provisions at the international level concerning the IPs.

OMC expressed the same concern about the absence of legal provisions and commented on the ten years of work, financial and time investment on the DD. Asking governments to stop invoking their national constitutions, as the DD was designed to help the establishment of a new and innovative type of relations and as their legal systems did not take into account the IPs and their rights, they called for the immediate adoption of the Declaration, so that the CHR may adopt a resolution during its 54th session and present it to ECOSOC.

ATSIC and other aboriginal organizations which had not previously attended the WGCD stressed the importance of equal partnership, as it is obvious that the integrity of the DD -the right to self-determination being its pillar- will depend on the IPs. They stated that collective rights do not weaken individual rights and do not create new rights but are based on existing international law and correct the fact that they have not

been equally applied to all peoples. They welcomed the General Recommendation adopted by the Committee on the Elimination of Racial Discrimination (18 Aug. 1998), stating that no decisions relating to IPs rights and interests can be made without their informed consent. Welcoming last year's statement by Canada on Article 3, they encouraged all governments to engage in dialogue with the IPs.

IITC and **COPMAGUA** supported the Declaration in its present form and, insisting on the concept of *ÒpeoplesÓ* as expressed in Article 3, asked for its immediate adoption.

With regard to the work already done and the situation, **CTSFN** asked for the adoption of the Declaration without any changes.

FOAG reiterated the importance of the right to self-determination and invited all the governments, especially France, to listen to the IPs and adopt the DD as minimal standards. They opposed the systematic evocation of "reservation of principles" with respect to the ratification of international instruments concerning IPs fundamental rights.

In a joint statement, **IPs from Central and South America** expressed concern about the postponement of the debate on Article 3 as a way to avoid discussion on the fundamental principles of the DD.

African IPs NGO called for the adoption of the DD without any changes, as a result of ten years' work. He submitted a petition supporting the Declaration signed by 358 organizations, lawyers and persons having attended the World Congress for Humanity (Madrid, July 1997), the Amazigh World Congress (Canaries, August 1997), and the World Conference of Lawyers (Morocco, September 1997).

LAF stressed the dependence of IPs on international law for their survival and encouraged the adoption of the DD at this session.

IWGIA reported on progress made in India although the government continued to deny IPs existence, and supported the adoption of the DD.

IIP stated that Article 3 is the foundation of the DD, and called for the adoption of the DD.

KLH stressed the restrictive UN procedures preventing the IPs from participating in the WGCD and continued to seek changes in this process. They expressed disappointment about the decision of not debating Article 3 first, and about the limitation of the right of self-determination discussed in the final debate on ILO Convention 169, denying the IPs protection provided by international law. They explained that the right to self-determination is necessary for the IPs' cultural survival and cohesiveness, as the IPs world view ties them to lands and social, religious, economic and political structures; stated that the DD must be considered as a whole.

WILPF (Aotearoa) stressed the importance of self-determination for IPs survival and appealed to the States to accept the DD in its entirety, and as a minimum standard for IPs' rights.

ICC requested the adoption of the DD as a minimum international standard and refused to engage in a dialogue aimed at diluting its content by negotiating it article by article. They stressed that the right to self-determination, which allow the IPs to exist as such, cannot be separated from any other right.

Stating that there are no IPs in his country, the representative of **China** assured nonetheless that his government is concerned about the protection of IPs rights and hoped that all parties would cooperate and reach a consensus early. He reiterated the need for a precise definition of IP and for the exact scope of the application of the DD, in order to avoid confusion. The divergence on the concept of IP, if not resolved, will impair the seriousness of the Declaration. Indigenous issues emerged mainly as the result of European colonial policies, in particular in America and Oceania, and IPs must not only identify themselves as such - an illogical and inoperable process - but also be recognized by the government of their resident country.

Adoption of two articles of the Draft Declaration

- **Article 5:** "*Every indigenous individual has the right to a nationality.*"
- **Article 43:** "*All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.*"



Education and Media

(Articles 15, 16, 17)

IOIRD referred to Chairman's report on the 1996 WGCD (p. 33), about the wording of Articles 15, 16, 17 and reaffirmed that proposal, stating that the term "Indigenous Peoples" is directly linked to Article 3.

ILRC, JIPI (IWGIA), CPA, ICC stressed that the underlying principle of Article 15 embodies the right for all IPs to establish and control their own education system.

With regard to the issue of educational standards, **KLH, IHRAAM** stated that IPs do not have to qualify to States' standards.

ATSIC and other Aboriginal organizations insisted on the link between Articles 15 and 3. They urged the few delegations seeking wording changes of Article 16 to submit to the majority. They reported that recent developments in broadcasting in Australia are consistent with the principles contained in Article 17.

Contesting the interpretation of the State suggesting that Article 17 contains special group rights, they pointed out that international agreements recognize the importance of promoting the identity of distinct ethnic groups in certain regions.

IITC stressed that consent to the current text cannot be given if any limitation is made to the term "IP".

COPMAGUA reported on the cooperation between the State and the Maya people for establishing a multicultural education system.

FOAG stressed that the uniformization of the contents of teaching, together with the imposition of language, leads to violations of fundamental rights. Education in French Guyana, based on the illusion that French is the mother tongue, is a cultural ethnocide as every language is an expression of a relation and a peculiar vision of the world.

ANCAP informed that in North Africa the existing legislation do not provide for the establishment of media in the Amazigh (Berber) language.

Numerous indigenous organizations (**ANCAP** for North Africa, **CAPAJ, ASP**) stressed the importance of education in their own language for the survival of their culture, and requested the adoption of Article 15 without amendments.

Denmark, El Salvador, India supported principles and wording of Article 15.

Colombia, Costa Rica, Finland, Mexico, Norway, Russia, South Africa, Spain, Sweden, Switzerland supported principles and wording of Article 16.

Argentina, Bolivia, Canada, Colombia, Denmark, El Salvador, Finland, France, Mexico, New Zealand, Norway, Sweden, Switzerland supported adoption of Article 17.

Referring to its 53 indigenous languages, **Canada** asked for comments on how to include provisions for this diversity. In order to prevent discrimination, Article 16 should specify that prevention is the goal to achieve, as States cannot guarantee its elimination.

Supporting the principles of Article 15, **Brazil** stated that it would be difficult to provide bilingual education for the 170 linguistic groups existing in the country.

Norway suggested to replace the term "indigenous children" with "indigenous persons" in Article 15. **Colombia, Mexico, Sweden, Switzerland, Venezuela** agreed.

Australia regretted the atrocities committed in the past, in particular the forced removal of generations of indigenous children from their families. As **Sweden** and **Argentina**, they asked for more discussion on the issue of IPs education outside their own communities.

Argentina expressed its concern to have the State excluded from the educational system managed by IPs.

Bangladesh asked for clarification and more realism with regard to Article 15.

As for Article 17, **USA** found more appropriate to replace "equal" access to media with "non-discriminatory" access.

Labour Law



(Article 18)

KLH supported Article 18 and insisted that the right to work should be the right to work in good conditions, with the protection of contractual agreements and at the same wages as non-indigenous workers for comparable jobs. They see the right to collective bargaining as the right to negotiate the terms of their collective employment, especially with regard to economic ventures on their lands.

IOIRD supported Article 18 and mentioned that Canada and USA have not ratified ILO Convention 169.

JIPI (IWGIA) expressed gratefulness to the many countries that have supported Article 18 and requested from the other few to demonstrate the same spirit.

Mexico supported Article 18 and proposed to initiate the drafting process of the articles supported by many delegations in order to adopt them.

Bolivia, Fiji, Venezuela supported adoption of Article 18.

China had no substantive difficulties with Article 18 and proposed to replace "international labour law" with "international labour conventions".

Brazil supported Article 18, without prejudice to the discussion of the term "indigenous people".

Canada supported the principles of Article 18 but suggested different wording and inclusion of a paragraph on the rights of children in labour, that could be in line with Article 32 of the Convention on the Rights of the Child. They supported the moving of Article 18 to Part V of the DD.

USA supported basic principles of Article 18 and suggested to include reference to "non-discrimination" in the first part.

Argentina supported Article 18 and suggested some different wording.

Norway supported Article 18, which rights are already in other international instruments. Although the wording could be improved, they supported the adoption of the entire group of articles.

The Chairman concluded that a number of States could adopt Articles 15, 16, 17, 18 as currently drafted, and acknowledged that others required further discussions to reach a consensus.

Non-discrimination male/female



(Article 43)

KLH fully supported Article 43, welcoming the tenacity and capacity of the present women leaders - indigenous or from State delegations, and recalled that their matrilineal culture respects its principle.

WILPF (Aotearoa) supported Article 43 and objected to the States' proposal to move it to Part I.

GCC noted that Article 43 was a proposal made by Canada, that the Cree Nation never discriminated against women, and that there was no point in moving this article.

Australia, Canada, France, New Zealand, Norway, Switzerland, USA, Venezuela asked to have Article 43 moved to Part I.

Article 43 was adopted by consensus at first reading.

Workshop about Tourism and Indigenous Peoples during the WGIP

Tuesday, 28 July 1998 from 1 to 3 p.m.

Eco-Tourism and Ethno-tourism are increasing worldwide with new threats and opportunities for Indigenous Peoples.

Experiences from different regions presented by indigenous representatives.

Contact [doCip](#) for more information and participation.

Nationality**(Article 5)**

KLH supported the language in the current text of Article 5 and stressed the importance of the right to nationality, already embodied in several international conventions.

WILPF objected to New Zealand's need for clarification.

Followed by numerous IPs organizations, **IOIRD** objected to a reading of the text which excludes citizenship of indigenous nations.

Canada, New Zealand, Venezuela and supported principle of Article 5 but asked for clarification on the relationship between Articles 5, 9 (on indigenous nation) and 32 (on citizenship).

Argentina, Australia, Brazil, USA supported Article 5, understanding it as the right to the nationality of the State.

Article 5 was adopted by consensus at first reading

Intellectual and Cultural Property

(Article 14)

The **Ainu** delegates asked Japan to clarify its position on Article 14, especially about the first paragraph. They commented on Japan "Act for the promotion of Ainu Culture" of July 1997 and criticized its definition of the Ainu culture and choice of priorities for its promotion, and government control of the process. As it stands, the Ainu are still deprived of their right to define, preserve and promote their own culture.

IOIRD made a statement in Cree, stressing the need for Article 14.

GCC reported about the naming, after Quebec authors, of new islands in areas flooded by hydroelectric dams -islands which used to be mountains with Cree names- as an example of cultural theft demonstrating the need for Article 14.

Supporting Article 14, **ANCAP** gave examples of violations of IPs rights in North Africa, in particular with respect to their language.

NAILSS pointed out the consistency of Article 14 with international instruments and Australian law, and suggested to leave technical matters to the second reading of the DD, urging the WGCD to adopt Articles 14 to 18.

IPA (IHRAAM) fully supported Article 14 and insisted on its importance for combating US assimilation policy. **IHRAAM** asked how the incorporation of Alaska to the USA, without informing the IPs in their language of the change of status was possible.

ICC stressed the harm already done to the Inuit due to the lack of interpretative services, and noted that the funds allocated to translate legislation in Canada only concern the French language.

OSILIGI fully supported Article 14 and declared that if their customary laws are recognized by the State of Kenya, the Maasai own few places with their original names, as they were pushed southwards by British settlers.

CN reported on the eventual displacement of the Maroons in Surinam due to a Canadian gold mining company, asking Canada to encourage the company to compensate the displaced IPs.

LN (IHRAAM) stated that the comments made by the USA were interesting since there is no law to protect IPs in the US, and that words have not the same meaning in English than in indigenous languages.

LAF reported on the situation of a small nation on the Bering Strait, whose elders agreed upon a project proposed by Russia and the USA without understanding the terms of the agreement simply not to offend them.

Referring to the peace negotiations in Guatemala, **COPMAGUA** explained that the full participation of IPs in political, legal and administrative proceedings is not only a matter of translation.

KLH stated that the broad scope of paragraph 2 was due to the narrow interpretation of ILO Convention 169.

Stressing that governmental delegations have no fear for the extinction of their languages, **TFIAS** asked the States to adopt Article 14 in its present form.

Agreeing that paragraph 2 could be moved to Part V, **IMTA** supported the Article as a whole.

CTSFN called for the adoption of Article 14. They commented on the changes of place names made by the government of Canada and stated that Indigenous Peoples have pleaded guilty for charges they did not understand.

LMPF supported Article 14 and informed that their people have been officially recognized as Indigenous Cultural Communities, further stating that they are also economic and political communities.

WILPF (Aotearoa) said that the intellectual property rights are being abused and misused as shown in the area of trade, and supported Article 14; replied to New Zealand that the Maori hold their knowledge from the land and that place names are not negotiable. They are denied participation consistent with their beliefs in the areas of politics and justice.

IWTO stated that 90% of the world's languages - recognized as life forms by linguists - may become extinct in the next 100 years. They called for respect of differences and for the adoption of Article 14.

PPA stated that they suffer not only from discrimination but also from the depreciation of their culture, knowledge and way of life. What is called "folklore" and "native art" is now encouraged by tourism and commercial trends and traditional medicine is studied by western science; he recalled that their dances and music as collective creations were forbidden for being subversive only 40 years ago in Bolivia and are now appropriated by strangers, due to lack of protection and recognition of indigenous communities' collective intellectual property; the same occurs with traditional knowledge of fauna and flora, which is subjected to patents and exploitation by pharmaceutical industry without any economic benefits for the IPs.

IWGIA expressed disappointment about the absence of India's delegate, a country with more than 300 languages, and urged for the adoption of Article 14

CAPAJ said the question of wording was secondary to the essence of the DD and called for its adoption by the end of the session.

AN and **COJPITA** emphasized the link between the two paragraphs and requested the adoption of Article 14 in its present form.

Canada expressed general support for Article 14 but requested more information and clarification on wording and consistency with international instruments; suggested to move the second paragraph to Part V of the DD. **France** agreed.

USA said that Article 14 was broadly consistent with international human rights instruments.

Mexico suggested to adopt the first paragraph of Article 14, and to base the second one on Article 12 of ILO Convention 169.

Switzerland supported the adoption of the two paragraphs as they stand but as separate articles.

New Zealand asked for clarification on the wording.

Finland fully supported the principles in paragraph 1 of Article 14 and listed the measures already taken or currently implemented in the country. They did not consider it was time to discuss the splitting of Article 14.

Australia fully supported the principle of Article 14 and pointed out that they already largely practice its requirements. A legal interpretation service is being developed. They found the formulation of paragraph 2 too broad and the scope of the governments' obligations not clear.

Argentina accepted principles of Article 14 but said that the concepts of "administrative proceedings" and "political proceedings" are too broad to be implemented.

Brazil, Chile, Colombia, Fiji, Kenya, Norway, Venezuela fully supported Article 14.

Stressing that the WGCD is in the process of drafting a declaration and not a convention, **China** noted that as all States were accepting the principles of Article 14 the WGCD should adopt the article and the whole declaration in order to send a positive message to the world community.

Sweden supported Article 14 but noted that it is the indigenous individuals who must understand and be understood in political, legal and administrative proceedings.

Japan supported principle of Article 14 but suggested it needed more study taking into account other international instruments.

The Chairman concluded that there was a number of points of agreement, especially on the first paragraph, but that some delegations needed clarification.

Interpretation of Rights



(Articles 44, 45)

KLH supported Article 44 and reported on the ongoing dialogue on Hawaiian issues with the United States. They protested against the rewording proposals which should not be allowed in either formal or informal sessions of this WG. Supported Article 45 and said it was simply protecting the rights guaranteed in the UN Charter.

NAILSS referred to provisions made in international instruments similar to Article 44 and expressed confidence that it can be adopted at this session.

IOIRD disagreed with US proposal and supported adoption of Article 44.

IHRAAM (Alaska) noted that the actual non-recognition of the Tununak People by the USA was an example of the importance of Article 44.

IITC opposed Brazil's proposal and supported Article 44. Expressed surprise that comments were made (by USA) on the wording of Article 45.

The **Australian indigenous delegation** pointed out that none of the two articles adopted were directly related to IPs rights; stated that the CHR used the term "indigenous peoples" and asked the WGCD to use this term respectfully; further stated that the DD protects more than adequately the rights of indigenous individuals.

ANCAP supported Article 44 and opposed any amendment.

AFN stated that Article 44 did not threaten the States and urged its adoption. In a document they read in the name of the Indigenous Peoples of Canada, they appeal to Canada to adopt the DD without changes.

LAF remarked that the USA have amended ten times their constitution, the changes being seen as improvements, and asked for adoption of the DD with its imperfections.

NN, ILRC, IWTO explained their view regarding the situation of their peoples in USA, and asked the US government to withdraw their objection and support Article 44.

JIPI (IWGIA), GCC, IMTA, ATISISJC, IHRAAM, CCONIC, FOAG, WILPF (Aotearoa) responded to the States who made objections and commented about the "s" in Peoples, reiterating the significance of this "s" for the IPs. They urged all States to support Article 44.

AAS supported Article 45 as well as the entire DD.

ATISISJC and **ILRC** stressed that indigenous representatives did not draft Article 45; the Sub-Commission did.

Argentina, Australia, Canada, Colombia, Costa Rica, Denmark, El Salvador, Estonia, Fiji, Mexico, New Zealand, Norway, Sweden, Switzerland, Venezuela supported adoption of Article 44.

USA supported principle of Article 44 but said that the reference to "future rights" is confusing and should be deleted.

Brazil supported Article 44 but, since no discussion had taken place on Article 1 and 2, requested to bracket

the "s" of peoples.

France suggested to replace "indigenous peoples" by "indigenous populations", a small semantic change.

The **Russian Federation** supported principle of Article 44 but proposed to remove "future" rights from the text.

Brazil, Canada, Colombia, Japan, Kenya, Mexico, New Zealand, Venezuela supported Article 45.

Australia supported principle of Article 45 but wondered why the UN Charter addressed States, while Article 45 concerns States, groups and persons. **USA** agreed with these comments.

The Chairman concluded that there was a broad consensus on the principles underlying Articles 44 and 45, but that some States are still requiring further clarification.

Self-determination



(Article 3)

The discussion on the principle of self-determination (SD) as enshrined in Art. 3 has been put on the agenda of the informal discussions at the request of the **Indigenous Peoples Caucus**. The general discussion on Art. 3 was introduced by a statement presented on behalf of the Indigenous Peoples Caucus. The speaker declared that his sole object was to call for States to have a discussion on Art. 3. SD as set forth in Art. 3 is the fundamental principle underlying all the articles of the Draft Declaration. It is an inalienable right belonging to all peoples which is crucial for the protection of human rights. At no time, a definition of SD or peoples has been given by international law. SD was traditionally understood as the right of colonized peoples to constitute themselves as independent States. Nevertheless, it cannot be assimilated to secession or any attempt to disrupt the territorial or political integrity of States. In implementing this principle, a balance must be established between respect of SD and integrity of States.

20 government representatives took the floor to express their view on Art. 3: **Argentina, Bangladesh, Bolivia, Brazil, Canada, Chile, Colombia, Denmark, Ecuador, El Salvador, Fiji, Finland, Guatemala, Mexico, New Zealand, Norway, Pakistan, Sweden, Switzerland, United States, Venezuela**. The position held ranged from full commitment for upholding Art. 3 in its current wording (**Bangladesh, Bolivia, Colombia, Denmark, Fiji, Pakistan**) to the conditional acceptance, submitted to further clarification of the concept (**Norway, Sweden**), to the qualification of the right to SD as "internal" SD (**Finland, Argentina**) or to a corresponding reference to the clause of protection as enclosed in the 1970 Declaration on Friendly Relations and Cooperation among States (GA Res. 2625): "Nothing in the foregoing can be interpreted as encouraging any action that may dismember or impair, totally or partially, the territorial integrity or political unity of a sovereign State possessing a democratic government representative of the whole people without distinction as to race, creed or colour." (**Finland, Argentina, implicitly Sweden, Switzerland, Canada, New Zealand, Chile, Venezuela, Mexico, Guatemala, El Salvador**).

Even the States that seemed to be reluctant to recognize IPs as "peoples" as this term is understood under international law, admitted the need to recognize the right of IPs to participate on the domestic level in the decision-making process on matters that affect their communities. **United States** specified: "The peoples entitled to SD and sovereignty over natural resources under the Charter and the Covenant have been understood to be the entire peoples of a State or those who could constitute themselves as a sovereign independent State, and not particular groups within an existing State. To date, international law and practice has not applied the term SD to 'subnational' groups." **Brazil** defended a similar position. **United States** stated that its government recognized Indian tribes as political entities empowered with self-government and that in US domestic context, SD meant recognizing tribal self-government and autonomy over a broad range of issues, as well as more generally the full enjoyment and exercise of political rights in a representative, democratic government by which indigenous people (without "s"-red.) and others freely determine their own

political affairs.

Questions related to SD and to the recognition of collective rights were again raised in the framework of the discussions on Art. 44. The representative of France suggested "a small semantic change" to replace IPs by 'indigenous populations', proposal which was supported inter alia by the representative of Brazil, and again gave rise to the old debate on the term 'peoples' with or without "S" as it took place at the Vienna conference on Human Rights in 1993.

States were unanimous in recognizing that the general principle of the right of all peoples to self-determination as enshrined in the UN Charter and in both Covenants on human rights was firmly established. A broad consensus emerged with regards to the fact that the right to SD was a prerequisite for the protection and the promotion of fundamental human rights and freedoms and must apply on a non-discriminatory basis to all peoples, i.e. including to IPs. "The right of IPs to SD cannot be questioned as it is referred to in a number of international instruments. Any discriminatory treatment of IPs in this regard would be contrary to these international instruments." (**Fiji**)

A number of government representatives underlined the utmost importance of Art. 3 with regards to the Draft Declaration as a whole (*inter alia* **Canada, El Salvador, New Zealand, Sweden, Switzerland**). **Canada** mentioned the close link between the different articles of the Declaration, all articles being interrelated and having to be considered when discussing Art. 3.

Some government representatives expressed concern with regards to prejudice that might be caused to territorial integrity of sovereign and independent States, thus referring to the right of secession that might be drawn from a broad recognition. Whereas numerous government representatives asked for more clarifications relating to the scope, content and modes of implementation of that right (*i.a.* **Sweden, Norway**), others defended a clear position on that point and explained the interpretation they give to that right.

Denmark stated that the right to SD in the context and in the spirit of the Draft Declaration self-evidently referred to the implementation of this right within the framework of the States in which IPs live. Stated that it was important to allow IPs to express their right to SD in order to create and maintain the necessary mutual understanding and respect between the parties. Pointed out that there was an overall consensus in this forum with respect to the principle of IPs right to SD and proposed to safeguard this consensus for future sessions of the Working Group by adopting a formal resolution confirming this consensus. This proposal was backed by **El Salvador, Finland** and some indigenous delegates. For the same purpose, **Norway** asked some written records to be made on the results of the discussion.

New Zealand referred to the emerging usage in international law which sees the right to SD applying to groups within existing States. The present debate could bring a better understanding of the nature of the relationship between IPs and the State they live in. The partnership between Maori and the Crown as enshrined in the Treaty of Waitangi, the founding document of the nation state of New Zealand, is already consistent with the underlying principles of the Draft.

Norway referred to the distinction made by the Committee on the Elimination of Racial Discrimination between the internal and the external aspect of SD, and also to the difference established between SD as considered after the second world war, which include secession, and modern interpretation which emphasizes the right of peoples to participate in decisions concerning them, allowing them to meet their aspirations and to control their own lives. Said that the scope and application of Art. 3 should be clarified, suggesting therefore to link that article with Articles 31, 19, 20, 21 and 30, which refer to different forms SD can be exercised. Supported the principle that IPs qualify for SD in the same way non-indigenous peoples do.

Canada underlined the fundamental role of SD in the protection of human rights of all peoples. As a State party to the UN Charter and to the Covenants on Human Rights, Canada considers itself legally and morally committed to the observance of this right. It applies equally to all collectivities, indigenous and non-indigenous, which qualify as "peoples" under international law. The main issue raised by the Draft is whether the right applies to indigenous "peoples" living within existing democratic States. The understanding of the right of SD is expanding to include the concept of an internal right for groups living within existing States. The right to SD intends to promote harmonious arrangements for self-government within sovereign and independent States. Any prescriptive solutions must be avoided in order to allow the right of SD to be

implemented flexibly through negotiations between States and IPs.

The Draft Declaration contains detailed provisions on the implementation of the right of SD, which clearly state that IPs must have greater control over their own affairs, over their culture and their lands and have the right to choose their own institutions. As stated last year, the Canadian government supports these objectives and has taken steps to implement them in Canada.

Colombia stated that political, cultural, economic and judicial autonomy as reflected in previous laws and in the Constitution since the reform of 1991 was recognized within the framework of the State and did not imply separatist movements. The recognition of that status makes it possible to integrate the cultural diversity of the nation, which requires structural adaptation of the public services in order to ensure that this cultural diversity is respected in all sectors. Expressed the opinion that IPs should have the right to internal autonomy and to participate at all levels in issues affecting them, in observance of the full exercise of their fundamental human rights, which are the basis for their survival. Further clarification of Article 3 would only be accepted if they contain no limitation of the fundamental principle.

Pakistan considered the right to SD as a fundamental human right, noted that there were still peoples who have not been able to exercise that right and rejected any attempt of redefinition or reinterpretation of that right.

Argentina stated that the term "IPs" as reflected in the preamble of the Draft Declaration was no longer in conflict with the Constitution of Argentina since the reform of 1994. The latter recognizes the pre-existence of IPs, their identity and status and their communities. Believed that governments represented all peoples including IPs, so there was no need to apply SD in a broad sense.

Bolivia stated that SD as understood in the present Declaration meant the recognition of the IPs right to freely practice their immemorial traditions, culture, languages, religion, education and to freely exercise self-government as they have done for centuries. To recognize IPs right to SD was not a matter of secession, but of recognition of an inherited injustice. The objective of the 1994 constitutional reform was to reflect the multiethnic and multicultural character of the nation, bearing in mind that over 60% of Bolivia's population are IPs. IPs enjoy all rights as Bolivian citizens do, but there are some specific individual and collective rights which are explicitly recognized to them as IPs. The recognition of these rights is linked with the consolidation of democracy insofar as diversity is an essential part of the national political life. Bolivia gave its full support not only to Art. 3, but to the whole Draft Declaration and called for its speedy adoption. Expressed the hope that this Declaration would be used as basis in elaborating a Draft for a Convention on IPs rights.

Guatemala referred to the agreements signed in December 1996, where the diversity of IPs and their specific rights are recognized. IPs identity and their equal rights are crucial for the multicultural nation of Guatemala.

Finland stated that the principle of SD dealt with external and internal SD and that it was this second notion that was discussed here. The concept of internal SD is flexible and covers all kinds and degrees of self-administration, self-government or autonomy, ranging from mere administrative to legislative and executive powers. In Finland, there is a limited self-administration within the Finnish Sami Parliament (cultural affairs) and a broad ethno-territorial autonomy in the case of the Aaland islands. Scope and content of internal SD has to be determined on a case by case study -there is no single solution for all IPs. It is a progressive concept for the status of self-administration or autonomy which undergoes a constant reassessment evolving towards a transfer of broader competence to the self-governing entities. Believed that there was a consensus on the understanding of the very substance of Art. 3 that it dealt with internal SD, with the exclusion of external SD and the right of secession. Finland would be ready to discuss a reformulation of Art. 3 such as one dealing with the insertion of "internal" before SD. Another way of meeting the concerns expressed by some governments with regard to secession would be to reformulate Art. 45 according to the formulation used in other human rights instruments. Further comments on the distinction between "internal" and "external" SD, referring *inter alia* to Recommendation XXI (48) of CERD, were given at a later stage of the discussion. The fact that the autonomy of Aaland embodied the possibility of taking part in the treaty-making process and thus transcends into the international sphere might be characterized as "external" but is considered by Finland as a widely conceived "internal SD".

Switzerland stressed that SD stood for the right to be different and was closely linked with the specific identity of IPs. Identity is at the same time the starting and the culminating point of the process of SD for it determines the very existence of peoples as distinct entities. To implement the right of SD, it would be useful to refer to the principle of subsidiarity, according to which what can be decided or realized at the local level should not be dealt with at a national level. Swiss experience characterized by the coexistence of different cultures and peoples shows that subsidiarity is an indispensable principle for the cohesion and survival of a multicultural state.

43 representatives of Indigenous Peoples, Nations and Communities took the floor to express their view on Art. 3 and the principle of SD; 67 statements were registered. (**ATSIC, ATISISJC, AN, ATAR, ANCAP, ASP, BHSTN, CN, COJPITA, CAPAJ, CTSFN, FOAG, FAIRA, GCC, ICITPI, ILRC, IMTA, IWAC, ICC, IHRAAM, IITC, IOIRD, IPB, IWGIA, KLH, LAF, MNCC, NAILSS, NIIS, NSXXI, OMC, SC, TFIAS, WILPF (Aotearoa), ANIPA, COPMAGUA, CECAR (ICC), FCNH (IOIRD), IPA (IHRAAM), JIPI (IWGIA), NPI (ICITPI), NN (IOIRD)**).

All indigenous delegates, without exception, called for recognition of the unqualified right of IPs to SD as worded in article 3. Insofar as this right has been recognized to "all peoples" by virtue of the UN Charter (Art. 1,2 and 55) and of Art. 1 of both Covenants on Human Rights, it is a mere question of equality and non-discrimination to recognize it to IPs (**GCC, ANCAP, OMC, IMTA, ICC/SC/ASP/CECAR, IOIRD, ICTIPI, COJPITA, NIIS, ATSIC, COPMAGUA, WILPF, NAILSS, ASP, MNCC, IITC**). They firmly condemned the denial of the status of 'peoples' to IPs as opposed by certain States (**ATSIC, BHSTN**), notwithstanding the conclusions of the legal debates that took place for over a dozen years among the international experts in the Sub-Commission (**GCC**) and in other UN expert meetings (**IOIRD**). Each attempt to reword Art. 3 or to add qualifications to the right of SD is contrary to the fundamental principle of non-discrimination, which is a peremptory norm of international law (**ASTISISJC, ATSIC, ILRC**). SD is a universal, inalienable and inherent right belonging to all peoples of the world. The delegates unanimously underlined that SD as set forth in Art. 3 was the key component for the Draft Declaration to be operational (**Indigenous Peoples Caucus, GCC, OMC, IMTA, ICC/SC/ASP/CECAR, COJPITA, NIIS, ATSIC, IITC, KLH, COPMAGUA, ATAR, MNCC, NAILSS, IWAC**) and that there could be no compromise on it (**NAILSS, NIIS**). Most delegates gave clear statements on the concerns expressed by some government representatives with regards to territorial integrity and the right of secession that might be drawn from a broad recognition of the IPs' right to SD (**GCC, IMTA, ICC/SC/ASP/CECAR, COJPITA, ATSIC, COPMAGUA, MNCC, IOIRD, IPB, SC, ANIPA, ASP, ICITPI, ATAR**), reiterating that IPs were not primarily seeking to secede, but to have control over their own destiny. Some delegates underlined that SD should not be considered as synonymous with secession (**KLH, ILRC, AN, ANTA, ANIPA**). The indigenous delegates unanimously rejected the proposal to introduce a distinction between internal and external SD, arguing that this qualification would be discriminatory (**IITC, SC**) and would be irrelevant in the indigenous context. Many delegations exposed their interpretation of the concept of SD and different aspects of its content. Some delegates referred to SD as to an "inherent" right and pointed out that it was not a matter of granting, but rather of recognizing a pre-existing right. The concept of SD is not new for IPs; it has always been and still is part of their lives and is put into practice by IPs who consider themselves as being embodied with that right since immemorial times (**GCC, IOIRD/Hobemma, BHSTN, NIIS**). Nearly all statements referred to the general debate on SD; only few particular cases were mentioned (**KLH-Hawaii; IHRAAM-Alaska; ASP-Shorski/Russian Federation; FAIRA, LAF-Guam; BHSTN-Dakota/Lakota**). The importance of an open dialogue was underlined and the Danish proposal to adopt a resolution on the emerging consensus was supported by different delegations (**KLH, IMTA**); proposals were also made to include the reached consensus in the official final report (**KLH, SC, IOIRD**).

GCC: "The right of SD is a fundamental element of the Declaration ..., an element that predicates the meaning of all its articles ... the history of rights abuses against IPs is functionally linked to the denial of SD. ... the States which decline to refer to us as 'peoples', are intentionally denying our status as 'peoples', in order to preclude the rights which flow from that status. To practice this kind of discrimination on the basis of race or group identity, is known as racial discrimination - another prohibited practice ... which is directed against Indigenous Peoples as collectivities, and not as individuals, for that is the very nature of racial discrimination. ... When the United Nations accepts this practice, it then makes the practice of racism its own ... The right to self-determination is already thoroughly qualified in the existing international instruments. ...

It would be discriminatory to place special restrictions on the meaning of this right as it applies to indigenous peoples, which do not apply equally to all peoples".

GCC defends the right of the Crees to choose to remain with its territory and people within Canada in the event of a secession of the Province of Quebec and the forcible removal of the Crees from Canada. The aboriginal rights are explicitly protected by the Constitution of Canada and the forcible removal from Canada would constitute a violation of the right of the Crees. This situation has to be borne in mind by States when they argue in favour of special restrictions on the right of SD when it applies to IPs. The right of SD has been constantly linked to the concept of secession, but should moreover be linked to the other rights that flow from it, as ownership and control over natural resources, environment and control over the proper means of subsistence. Therefore, SD is a life and death matter for IPs; their survival depends on that protection.

In an annex, the Treaty 4 Chiefs clearly stated that the treaty making process was in itself an act of full recognition of their right to SD, and that they did demonstrate their ability to exercise that right and continued to have it historically, morally and legally.

CAPAJ: Gave its full support to the statement made by the Cree Nation which contains the legal foundation for the approval of Art. 3. Referring to the relationship of the native Abyayala with the cosmos and nature as one source of life, stated that IPs are of a different civilization and want the freedom to live their lives in harmony with nature and to preserve collective human rights. Stated that SD was not only a legal, but also a humanitarian concept and referred to the situation of the Aymara peoples whose land was fractured by the 1979 conflict between Peru, Bolivia and Chile and who have been deprived of their natural resources.

OMC: Recalled that 'peoples' referred to human communities with similar characteristics and specificities and not to States as political, legal and institutional structures and stressed the need to solve the confusion as to whom the right applies to. "States have appropriated the right to self-determination while undermining the peoples themselves." The colonizers have "a historical debt" for imposing a system that prevented IPs from exercising SD. SD is the basic spirit that governs the whole Declaration and peace and protection of human rights will only be achieved if SD is adopted. Stated that the Draft Declaration focused on the recognition of customary law, which should also be taken into account, without being assimilated to the positive law as created by States.

IMTA: Incas and to a certain extent the Maya, Aztec and Aymara civilizations had created forms of self-government allowing them to control their own destiny, the allocation of resources and environment. SD has always been deeply rooted in indigenous life. *De facto* and *de iure*, this right belongs to the peoples and has never been property of the States. At dawn of third millennium, nobody imagines that IPs like the Yanomami of Brazil, the first nations of North America condemned to live in reservations or the IPs of Siberia who are threatened with extinction would represent a real danger for the sovereignty of economic and military powers. Local autonomy is the lowest standard to ensure the survival of indigenous identity, without paternalistic ambitions or alienation of indigenous identity to western civilization.

ICC/SC/ASP/CECAR: SD is seen as the right to be equal partners in dialogue with the States regarding matters that concern and affect their own communities. For Arctic IPs, Art. 3 does not mean to wish to separate from existing States.

ICITPI: Stated that the point of bargain for IPs seemed to be internal SD as a guarantee against continuing injustice and discrimination. In the context of globalization and liberalization, geographical boundaries become less and less important. Referred to law adopted by Indian Parliament recognizing tribal self-rule from village to district level. Enjoyment of rights given under autonomy depends on the good will of States, which is not enough and therefore SD must be recognized to IPs. Said the challenge was to have an international instrument protecting IPs human rights and giving at the same time guarantees that IPs would not claim secession and independence.

COJPITA: Declared that SD was seen as the framework in which IPs can effectively enjoy all other human rights and ensure the integrity of their cultures and of their subsistence. Referred to Art. 45 as clause of protection against any action contrary to the UN Charter, which precisely corresponds to the need of respecting the right of States to territorial integrity. Art. 31 relating to autonomy and self-government must be

seen as a preference, not as a limitation of the recognition or exercise of the IPs unconditional right to SD.

NIIS (Maori /Aoteroa): Referred to Vitoria and Las Casas who took the defence of IPs of South America during the period of colonial expansion in the 15th century, arguing that IPs should be left to develop their own communities, preserve their cultural systems, and control their political and economic destinies. Endorsed the opening remark made by the Prime Minister of Fiji stressing that there could be no compromise on Art. 3 as it is the very essence of the IPs struggle for recognition. SD is a liberating concept necessary for the reversal of the oppressive nature of colonization.

ATSISJC: Stated that even in times of war or emergency, international law did not allow any breach of the principle of non-discrimination. Said the grouping of IPs with other minorities (US) failed to recognize the IPs distinctiveness as first peoples with distinctive rights and the collective nature of these rights.

ATSIC: Referred to the Mabo case (1993) revealing the ambiguous legal basis of sovereignty of States which invaded the territories of IPs. Said that IPs were engaging non-indigenous governments in a process of state-building, where political status and representation of IPs in the State, as well as the means to pursue their economic, social and cultural development were negotiated. Stated that they did not want to dismember the States, but do insist on their right to control their territory, resource, organization of their societies, their own decision-making institutions and the maintenance of their own cultures and ways of life.

There can be no single model for SD, the notions of control over decision-making processes affecting their affairs (micro-level) and consent to the terms of their relationship with States (macro-level) are central.

IITC: The Draft Declaration will become virtually useless as a viable means to recognize and protect IPs' rights of survival if Art. 3 "is allowed to be watered down or qualified in any way". The only difference in the wording of Art. 3 with respect to the UN Charter and the Covenants is the inclusion of 'indigenous' to clarify the context of application. Referred *i.a.* to Report of Hector Gros Espiell (UN Doc. E/CN4/Sub.2/405/Rev.1) who defined SD as a fundamental human right and an essential precondition for the enjoyment of any other human rights of fundamental freedoms. SD is the necessary prerequisite for insuring peaceful coexistence and the establishment of real negotiations between IPs and States. It is the denial of this right that foments conflicts, violence and oppression.

TFIAS: Referred to the fact that Treaty 4 were signed between Chiefs of the Crees, Saulteaux and Assinibois Nations and the Crown representatives on a nation to nation basis. The treaty-making process was in itself an act of SD and they continue to exercise that right.

WILPF: Noted that New Zealand failed to refer to the condition that States must honour when claiming the protection of their territorial integrity, namely that they have to conduct themselves "in compliance with the principles of equal rights and self-determination of peoples" (GA Declaration 2625, 1970).

KLH: Referred to the fact that Hawaiian peoples have been deprived of their right to SD, as recognized by the Congress of the United States of America in 1993. Reminded that this WG was engaged in a standard-setting activity and had to set standards in conformity with international law. "States cannot escape or alter their obligations and responsibilities to IPs by trying to set lower standards for IPs."

COPMAGUA: Stated that IPs of Guatemala were currently engaged in a participatory process of redefinition of the constitution, laws and institutions aimed at reflecting the multilingual and multicultural civil society. Reiterated that IPs did not want to create their own state, but rather take part in reshaping the country into a reflection of the multicultural society. SD is the basis of peaceful cohabitation and true democracy. Referred to the concept of democracy and representative participation as embodied in Declaration 2625 and stressed that the democratic rule could not be reduced to a mere question of arithmetic, a government being only representative if taking into consideration all components of civil society. Urged to take into account Declaration 2625 as major work of codification, where the exercise of external SD by representative governments is closely linked with the respect of SD on internal level.

CTSFN: Drew the attention to two documents that illustrate their position according to which they continue to further exercise their inherent right to SD, rights and responsibilities that were given to them by the

Creator and could not be altered or taken away by any other Nation (Declaration of the Chiefs of Confederacy of Treaty Six First Nations supporting the approval of the Declaration on the rights of IPs, Oct. 1997; Resolution of 17 First Nations of Treaty Six).

IHRAAM-Alaska: Mentioned that in the vote preceding the change from non-self-governing territory to a state of the union, IPs of Alaska could not give their informed consent because they were precluded from participation for language reasons.

LAF: Referred to SD as to the right to be recognized as an equal partner. Referred to the fact that the exercise of IPs right to SD went in favour of territorial integrity of Canada which is threatened with Quebec secession.

IOIRD: Stated that the inclusion of 'indigenous' when relating to peoples entitled to SD was thought necessary due to the history of denial of this right to IPs. Qualifications made to a concept already recognized by international law were not acceptable. Condemned State characterization of IPs as 'ethnic minorities' and 'cultural groups', which precludes IPs from claiming their right to SD under Art. 1 of both Covenants. Referred to the recognition of IPs right to SD by the Canadian government (31.10.1996), by UN expert meetings that dealt with SD of IPs (UN Meeting of Experts, Nuuk, Greenland, Sept. 1991; UN Expert Seminar on land rights, Whitehorse, Canada, March 1996) and by His Holiness the Pope John Paul II (Canada, 1984). Noted with concern what appeared to be a double standard regarding the right of SD as reflected in the acceptance of internal SD and the difficulties arising when talking about external SD. The right of SD is one of the major contribution IPs made to the world. SD does not threaten integrity of States, but rather contribute to their stability. Stated that certain IPs nations (Four Cree Nation of Hobemma, 1997) had already adopted the full text of the Declaration in exercise of their right to SD.

MNCC: When engaging in negotiations and signing the treaty with the Dutch in 1635, Mohawk people agreed that the Dutch could stay as long as they did not impose their cultures, laws, and way of life to the Mohawk Nation. Treaties and agreements with France, Britain and the Thirteen Colonies (now USA) and Canada were all made in a spirit of peaceful coexistence. SD is in the hearts and minds of IPs and is reflected in their creation stories and in their songs; it embraces every aspect of their lives. A declaration without SD would not reflect IPs. The Mohawk would rather have no declaration than a declaration that is qualified. If IPs are not treated as equals, they will be destroyed; IPs must be seen as equals to negotiate in good faith with governments. In theory, IPs have the right to secede, but perhaps they do not want to exercise that right.

ILRC: SD is an inherent right that cannot be "granted" by anyone; Art. 3 deals with the recognition and respect of a right that already exists in the indigenous context. Supported the proposal of Canada to avoid any prescriptive solution.

AN: The question of SD originated from the times when IPs became part of a State and referred to the fact that UN called in recent years for a new alliance and new relations between governors and the governed. Gave examples (Kunas) where SD and internal affairs work together, but also referred to the problem of indigenous communities separated by international borders, stressing that the Declaration should not be framed by the interest of national legislation only, but should be seen in a wider context.

BHTSN: Condemned the so-called "sub-nation" status. Said the treaties of 1851 and 1868 between US and Dakota/Lakota were signed on a nation to nation basis and declared that they were not willing to accept any lesser status, to negotiate or compromise on the continued survival of their seven generations to come.

IWGIA: The governments of India and Asia should follow the same path as South American States who acknowledge the multicultural nature of their countries.

NSXXI: Evoked depletion and exploitation of forests and the fact that SD is essential for the protection of economic and natural resources. IPs were merely struggling for social justice and seeking true democracy with freedom and respect for their own identities.

SC: Condemned the attempts made to qualify IPs right to SD by limiting it to internal SD for being discriminatory and stressed that rather to focus on the secession possibility, States should consider the

possibility of IPs wishing to continue to live in the framework of the existing States.

ANIPA: Stated that a distinction should be made between the general or abstract principle referring to the capacity of a people to exercise SD and the different forms of implementation of that principle. Further stated that IPs aimed at maintaining and developing their own socio-cultural forms of life within the existing States.

FOAG: Opposed the French position according to which human rights were only individual rights by stating that this misunderstanding threatened the social dimension of IPs to whom collective rights were extremely important. Called for a balance to be established between individual and collective rights.

ASP: Explained that the status of 'peoples' and the right to SD had been recognized to the Shorski people of the Russian Federation. Further stated that secession would not be realistic for Shorski people who only represent 0.3% of the population in the region and are situated very far from international borders. International law is important for the protection of rights of IPs at regional level. Described the harsh economic and social conditions which threatened some IPs with extinction in the North of Russian Federation.

ATAR: Stated that the phobia against Indigenous SD arises from the false presumption that independent States were made out of one singular nation or of one single homogenous civil society. This prejudicial theory leads to the hegemony of one single culture over the other distinct cultures and is one of the main reasons for the impoverishment of marginalized peoples. IPs are precluded from building collectively a local government that is co-governing at the central level of the State. The real debate here deals with the extension of western democracy to forms of multiethnic or multicultural democracy.

*Sources:
UNPO Monitor
Written statements
UN Report*

Documents and statements

- *This summary refers to the general debate on the principle of self-determination mainly based on the UNPO Monitor; a more detailed version of this text is available at [doCip](#) on request.*
- *We remind you that most of the statements and documents (UN or other) cited in Update are also available on request.*

List of abbreviations

| | |
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| AAS | Ainu Association of Sapporo (Japan) |
| AFN | Assembly of First Nations (Canada) |
| AN | Asociación Napguana (Panama) |
| ANCAP | Association nouvelle de la culture et des arts populaires (Marocco) |
| ASP | Association of the Shorski People (Russian Federation) |
| ATAR | Asociación Tea-Amaro Runa (Peru) |
| ATSIC | Aboriginal and Torres Strait Islander Commission (Australia) |
| ATSISJC | Aboriginal and Torres Strait Islander Social Justice Commissioner (Australia) |
| BHTSN | Black Hills Teton Sioux Nation (USA) |
| CAPAJ | Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos (Peru) |
| CCONIC | Comisión Coordinadora de Organizaciones y Naciones Indígenas del Continente |
| CN | Chickasaw Nation (USA) |
| COJPITA | Comisión Jurídica de los Pueblos de Integración Tawantinsuyana (Peru) |



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| CPA | Cordillera Peoples Alliance (Philippines) |
| CTSFN | Confederacy of Treaty Six First Nations (Canada) |
| FAIRA | Foundation for Aboriginal and Islander Research Action (Australia) |
| FOAG | Fédération des organisations amérindiennes de Guyane (French Guyana) |
| GCC | Grand Council of the Crees (Canada) |
| ICC | Inuit Circumpolar Conference |
| ICITPI | Indian Confederation of Indigenous and Tribal Peoples India |
| IHRAAM | International Human Rights Association of American Minorities |
| IITC | International Indian Council |
| ILRC | Indian Law Resource Center (USA) |
| IMTA | Indian Movement "Tupaj Amaru" (Bolivia) |
| IOIRD | International Organization of Indigenous Resource Development |
| IPB | International Peace Bureau |
| IWAC | Indigenous Woman Aboriginal Corporation (Australia) |
| IWGIA | Indigenous Affairs |
| IWTO | Ikce Wicasa Ta Omniciye (USA) |
| KLH | Ka Lahui Hawai'i |
| LAF | L'Auravetl'an 'Auravetl'an Foundation (Russian Federation) |
| LMPF | Lumad Mindanaw Peoples Federation (Philippines) |
| MNCC | Mohawk Nation Council of Chiefs (Canada) |
| NAILSS | National Aboriginal and Islander Legal Services Secretariat (Australia) |
| NIIS | Ngaiterangi Iwi Incorporated Society (NZ-Aotearoa) |
| NSXXI | Nord Sud XXI |
| OMC | Organización Mapuche de Chile |
| OSILIGI | Organization for Survival of the Ilaikiplak Indigenous Group Initiatives (Kenya) |
| SC | Saami Council (Sweden) |
| TFIAS | Treaty Four International Affairs Secretariat (Canada) |
| WILPF | Women's International League for Peace and Freedom |

Not mentioned as such on the provisional official list of participants:

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| ANIPA | Asamblea Nacional Indígena por la Autonomía México |
| COPMAGUA | Coordinación de Organizaciones del Pueblo Maya de Guatemala |
| CECAR | (ICC) Council of Elders of Chukchi of Arctic Russia |
| FCNH | (IOIRD) Four Cree Nations of Hobemma (Canada) |
| IIP | Indigenous Initiative for Peace |
| IPA | (IHRAAM) Indigenous Peoples Alaska |
| JIFI | (IWGIA) Johar Indigenous Peoples India |
| LN | (IHRAAM) Lakota Nation (USA) |
| NPI | (IWGIA) Naga Peoples India |
| NN | (IOIRD) Navajo Nation (USA) |
| PPA | Parlamento del Pueblo Aymara (Bolivia) |

Committees

- **Human Rights Committee (62nd session):**
New-York, 23 March to 9 April 1998: Ecuador, Finland, Uruguay, Zimbabwe.
- **Committee on the Rights of the Child (18th session):**
Geneva, 18 May to 5 June 1998: Ecuador, Fiji, Japan.



UN Centre for Human Rights-doCip Fellowship Programme

Six Months in the Indigenous Fellowship Programme

by Bineet Mundu

For the first time the United Nations had the experience of having indigenous fellows in the Secretariat of the Centre for Human Rights in Geneva. It was the first time for the indigenous fellows as well to see how their people's matters are dealt with in the UN.

It has been nearly two decades since indigenous issues have started getting attention from the UN. Since the last few years the idea of giving orientation to the Indigenous Peoples for making maximum use of this system has been strongly felt. Eventually, the indigenous fellowship programme came into existence in 1997 in the framework of the International Decade of the World's Indigenous Peoples. This was a joint programme of both [doCip](#), an NGO doing supportive work for the Indigenous Peoples, and the UN Centre for Human Rights. Over a hundred applications from all over the world came in to be considered by the Advisory Group of the Voluntary Fund for the International Decade.

There were quite a few activities lined up for the indigenous fellows during the six months. It was time for observation, involvement and exploration of one's own self with regard to a set of matters on indigenous and human rights that were being dealt with. The functioning of the UN mechanism, the relations among inter-governmental agencies, and the effectiveness of the process were other issues that were discussed.

Once having been there and having to write reports, jointly and individually, the fellows also acquired the experience of reading between the lines of documents. This was a new insight into the presentations and interventions made by the indigenous delegates, NGOs, governments and inter-governmental agencies in the UN. This exercise of being able to see behind the curtain was considered as one of the most important activity. Each one of us presented our research paper, which we did according to our own interest in the line of the input received.

A closer look at the State parties and inter-governmental agencies, i.e. the International Labour Organization, technically opened horizons to relate with and join hands to voice concerns internationally. The fellowship is meant to serve as a tool to get to know the technicalities and to explore space and common feelings among different peoples. The exercise of writing from what is found at that level helped us see and understand the diplomatic world better. For those of us who were in Europe for the first time for half a year and came back to the grass-roots level, it is the rapture of a dream. A dream which enabled us to develop a vision.

The five fellows, officially four, Sebastião Manchinery from the Manchinery people in Acre, Brazil, Kaori Tahara from the Ainu people in Hokkaido, Japan, Victor Talyeev from the Nenets people in the north-western part of Russia, David Cung Bik Ling, a Chin from Burma occupied Chinland, and myself, from the Munda Adivasis in Jharkhand, India, were a good cross-national team.

The main activities we were involved in during this period gave us a varied experience. In the United Nations we were part of the Secretariat team of the Centre for Human Rights during the fifteenth session of the Working Group on Indigenous Populations under the Economic and Social Council (ECOSOC) and the forty-ninth session of the Sub-Commission. Following these two events, the inter-sessional Working Group of the Commission mainly focused on the Draft Declaration on the Rights of Indigenous Peoples.

As for NGOs and institutes, [doCip](#) made quite a few arrangements for the fellows to establish contact with some of them. The World Wide Fund for Nature and the World Council of Churches, which have specific resolutions on Indigenous Peoples, were of importance to the subject. A two-week course on education in human rights by the Geneva Summer University was a brainstorming session for the understanding of human rights at the international and technical level.

The fellowship in the UN in Geneva has enabled us to get to know a small and beautiful city, with beautiful people to socialize with, and travel around Switzerland and some parts of Europe. It has left us with a feeling of being in an international community and in an economically developed culture, which has been an experience in itself. Each of us was awarded a certificate on behalf of Honourable Ms Mary Robinson, UN High Commissioner for Human Rights. We were the first batch. The next team of fellows are on their way to explore the international human rights team on board. John Henrikson, coordinator of this programme in the Centre for Human Rights stated "we wish to see a BIG team of indigenous FELLOWS on board in your respective home regions". And as Pierrette Birraux-Ziegler, director of [doCip](#), said: "the meaning of human rights will only be well understood when we do not lose contact with the communities facing violations of

their basic human rights". This fellowship programme is the beginning of a new FELLOWSHIP, a fellowship of association and commitment to the work in the field of human rights.

List of Activities and Contacts During the Fellowship Programme



Though [doCip](#) has not always been informed about the activities organized by the UN Centre for Human Rights (CHR), we have tried to establish a list of all activities and contacts organized for the fellows. Let us recall that CHR and [doCip](#) were related by partnership, but that the project fell under the entire responsibility of CHR. Let us also recall that WGIP focused on "land, environment and sustainable development" in 1997; that is why [doCip](#) organized repeated briefings on problems related to these topics.

We have grouped the activities under the following categories: social programme (parties, excursions); contacts; human rights (briefings), biodiversity (briefings), intellectual property (workshop), UN conferences, courses and capacity-building (workshops). All this has been integrated into an interactive process. The activities organized by [doCip](#) are marked with an asterisk*. The others were organized by CHR with the exception of the courses given by the International Service for Human Rights (ISRH)/ Unrepresented Nations and Peoples Organization (UNPO) and by the Summer University, which had invited indigenous participants as 50 per cent of its students in 1997. [doCip](#) also supported this last activity.

JULY

Social programme:

- Individual reception at airport, accommodation in residence, introduction to daily life in Geneva and surroundings* (July 1 to 9)
- Welcome party with introduction of fellows * (July 5)
- Week-end excursions*
- Home hospitality*
- Session of mutual introduction (requested by the fellows)* (July 21)

Interactive process:

- Sessions to identify fellows' needs * (July 7, 9, 16, Aug. 4).
- Discussion with the Institute of Studies on Development of the University of Geneva (IUED) about needs on capacity-building * (July 3).

Contacts:

- UN Centre for Social Research (UNRISD), Mr Ghimire* (July 4)
- Research Centre of Modern Asia (CRAM)* (July 11)
- World Council of Churches (women, indigenous peoples, youth, displaced persons)* (July 10)
- International Union for the Conservation of Nature (IUCN): Departments of Communication and of Social Studies, Mr Kothari from India* (July 17)
- Introduction to the International Labour Organization (ILO): Ms Rasmusson, Mr Pollak, Mr Nicolas* (July 10)
- Meeting with the Swiss Department of Foreign Affairs* (July 30)

Human rights:

- Introduction to the Working Group on Indigenous Populations (WGIP) by CHR, Mr Burger (at [doCip](#)'s request) (July 16)
- Briefing on lobbying governments, Mr. Barker* (July 28-29)

Biodiversity:

- Introduction to the Convention on Biological Diversity and the International Forest Panel in relation with indigenous peoples' rights by the World Wide Fund for Nature (WWF), Mr Gonzalo Oviedo, Ms Cecilia Blasco* (July 13)

Intellectual property rights:

- Workshop on intellectual property rights by the University of Oxford Centre for Traditional Resource Rights, Dr. Posey * (July 23-24)

UN Conference:

- UN WORKING GROUP ON INDIGENOUS POPULATIONS (July 28 - August 1)

AUGUST

UN Conferences:

- SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES (whole month)
- Committee on the Elimination of Racial Discrimination (CERD)

Courses:

- Human rights course by Unrepresented Nations and Peoples (UNPO) and International Service for Human Rights (ISHR) (July 28 - August 8)
- Summer University on Human Rights by the World University Service (WUS) and the International Organization for the Development of Freedom of Education (OIDEL) (August 4 - 17)

Interactive process:

- First evaluation session with fellows* (August 7)

Social programme:

- Dinner party with [doCip](#) board*
- Invitations and excursions*

SEPTEMBER

Human rights:

- Two-week internship in ILO (briefings on conventions and study of documents)

Interactive process

- Two sessions on individual research* (Sept. 3, 22)
- Individual support sessions for these research projects* (Sept. 8, 15, 22, 24, Oct. 1, 13, 18)
- Second evaluation session with fellows (Sept. 3)

Capacity-building:

- IUCN workshop on collective management of natural resources, G. Borrini* (Sept. 4)
- WWF briefings on Convention on Biodiversity, on trade and co-management and introduction to project design and fund-raising* (Sept. 5)

Social programme:

- Invitations and excursion*

OCTOBER

Interactive process:

- Fellows' and CHR evaluation of the programme (Oct. 13)
- Session to identify further needs for capacity-building (communication skills among indigenous peoples and with general public; environmental impact assessment)* (Oct. 16)
- Third fellows' and [doCip](#) evaluation of the programme* (Oct. 17)

Human rights:

- CHR briefings on international legal instruments (Oct. 14-16)

UN conference:

- UN WORKING GROUP OF THE COMMISSION ON THE DRAFT DECLARATION (WGCD) (Oct. 27 - Nov. 7)

Interactive process:

- Overview of international indigenous movement from indigenous perspective (indigenous representatives from Australia, Sami, Latin America) during WGCD*
- Short meeting with indigenous members of the Advisory Group to the UN Voluntary Fund, who had selected the fellows

Social programme:

- Excursions and invitations*

NOVEMBER

UN conference:

- Continuation of WGCD

Capacity-building:

- Overview of developments in Draft Declaration process, Mr Barker* (Nov. 7)

Interactive process:

- Focus on individual studies on international standards and indigenous rights
- Preparation of detailed programme proposal for 1998 based on 1997 experience*

Contacts:

- Individual contacts with European NGOs working in the respective regions*

Capacity-building:

- Participation of two fellows in the Workshop on Traditional Knowledge and Biological Diversity (Article 8 j) in Madrid with [doCip](#)'s financial support (Nov. 21-28)

UN conferences:

- Committee against Torture
- Committee on Economic, Social and Cultural Rights

Social programme:

- Excursions and invitations*

DECEMBERInteractive process:

- finalization of individual studies
- UN ceremony for fellowship certificates
- Individual evaluation with [doCip](#) and recommendations for the future*
- Individual outline of dissemination programme in own region*

Contacts:

- Second meeting with the Swiss Department of Foreign Affairs in Berne*

Social programme:

- [doCip](#) farewell party with volunteers and NGOs*
- Fellows' farewell party*

* Activities organized by [doCip](#)

Throughout the six months [doCip](#) took care of the following:

- Simultaneous translation (English-Portuguese) for one fellow during all meetings with [doCip](#)*
- Intensive individual classes and English language course for one fellow*
- Weekly classes in English conversation and writing for all fellows*
- Written translation of all texts written by one fellow*
- Three computers available at [doCip](#)'s* office for the exclusive use of the fellows, one with Cyrillic alphabet*
- Technical support of [doCip](#)'s staff and volunteer team always available (word processing, e-mail, Internet, phone calls, fax, documentation, etc.)*
- Facilitation of contact with NGOs on individual request*
- private invitations for all or individual fellows*
- individual support by volunteers who know the fellows' respective regions (Russian indigenous areas, Latin America, South and Southeast Asia)*

The fellowship programme will be very different in 1998. Eight fellows have been chosen, four of them financed by the UN Voluntary Fund and four by their governments.

The fellowship will be exclusively organized by the UNCHR. [doCip](#) continues the training of its fellow Cung Bik Ling, a Chin from Burma and plans a workshop on negotiation techniques. We also plan other training activities which will be discussed with the indigenous organizations.

Despite the pilot character of the project and the difficult relationship with CHR we believe that the fellows have acquired a lot of knowledge and experience which will be very useful for their peoples and organizations.

[doCip](#) has appreciated very much the presence of the fellows in its office and all the interaction which developed between its members and them.

We are ready to offer our space and usual technical service in an informal way to the new team of fellows to whom we send our best wishes for success.



Convention on Biological Diversity

Workshop on Traditional Knowledge and Biological Diversity: Dubious Results

On 24-28 November 1997, a Workshop of the Convention on Biological Diversity (CBD) on Traditional Knowledge and Biological Diversity was held in Madrid, Spain, following decisions of the third meeting of the Conference of the Parties (COP) to the Convention. The Workshop was attended by some 330 representatives from governments (62), Indigenous Peoples' and local-community organizations (148), and NGOs.

This is the first time an official meeting of the CBD is organized to discuss issues related to Indigenous Peoples and local communities - whose role in implementing the Convention is considered essential.

The Workshop produced a report that was received with different feeling by the various groups of participants. To some, the report was merely an unstructured, inconsistent list of wishes and views of participants, without any expression of clear willingness to make progress in the development of tools to implement the Convention with the involvement of indigenous and other traditional peoples. To others, the workshop was a good opportunity to freely express everybody's views and ideas - thus a unique forum for dialogue and exchange. The fourth meeting of the COP (4 - 15 May 1998, Bratislava, Slovakia) will consider the Workshop report, and is expected to make decisions about the recommendations contained therein.

Three main clusters of issues were discussed at the workshop: need for and possible contents of a programme of work on Article 8(j) and related articles; recommendations for action at the national level; and organizational mechanism, including modalities for participation of indigenous and local communities. On each, a large number of recommendations were recorded in the report. The issue of the mechanism deserved considerable attention, because of both its complexity and importance. Unfortunately, efforts of indigenous organizations, backed by a group of countries (Ecuador, Colombia, Spain, and others), to have a better structured set of recommendations on this matter for adoption by the COP, were blocked by Sweden, USA, UK, and Norway; this will turn more difficult negotiations at the COP4.

The road to Bratislava is undoubtedly difficult, judging from the report of the Workshop, the complexity of the issues, and the lack of willingness of several governments to make meaningful progress. Indigenous and local-community organizations will have to carefully prepare themselves for lobbying and advocacy at the COP4, and will need to come with concrete, politically feasible proposals for negotiation. Similarly, they will have to effectively approach governments in their regions, when they meet, between February and March 1998, to have preparatory discussions on the COP4 agenda.

The Workshop was preceded by the Second International Indigenous Biodiversity Forum - a meeting sponsored by the Spanish government and facilitated by WATU/Acción Indígena, to help indigenous organizations discuss their priorities and develop positions for the Workshop. The Forum prepared a submission to the Workshop, expressing the concerns and views of the organizations present at the meeting, and providing many recommendations on matters of principle, programme, operation, and structure. Unfortunately, as indicated above, the way discussions were set and handled at the Workshop impeded a more positive and fruitful consideration of this submission. It will have to be used again in the process of preparing discussions for the COP4. Comments and contributions from indigenous and local-people organizations will be very useful to better address negotiations at that forum.

Documents

The Submission to the Workshop on Traditional Knowledge and Biological Diversity - Working document on the implementation of Article 8(j) and related articles, and the full Report of the Second International Indigenous Biodiversity Forum are available from:

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
 Email: bibiana@adam.es

The Report of the Workshop on Traditional Knowledge and Biological Diversity, prepared by the CBD Secretariat, is available from:

Ms Henrietta Marrie
 Indigenous Knowledge Officer
 Convention on Biological Diversity
 Secretariat
 393 Rue St. Jacques Office 300
 Montreal, H2Y 1N9
 Canada
 Telephone +1 514 287 7034
 Fax+1 514 288 6588
 Email: Henrietta.Marrie@biodiv.org
 URL: <http://www.biodiv.org>

A report on the workshop prepared by the Earth Negotiations Bulletin is available at: <http://www.iisd.ca/linkages>

Report by one Indigenous Participant in the Workshop on Traditional Knowledge and Biodiversity



by Sebastião Manchinery

As the Convention on Biological Diversity (CBD) guarantees the protection of traditional knowledge and authorizes the exploitation of this knowledge and of all the natural resources existing in the ecosystem, such activity should be regulated, specified, construed and defined, as embodied in CBD Article 8 (j) and related articles, in meetings, conferences or fora.

On one hand, economic and scientific interests mainly concern pharmaceutical companies, scientists and the industry manipulating genetic resources, which impose their will on governments.

Some institutions, with or without authorization, are already exploiting indigenous traditional knowledge and some of them are also patenting some tissues of natural products such as uña-de-gato and ayauasca, which we traditionally use.

In total, 70 per cent of the exploitation of these resources is linked to the direct or indirect participation of North American companies or universities and in some cases with the participation of governments, Indigenous Peoples and local communities, without return of benefits for the populations who have passed on their knowledge.

On the other hand, our own interests are related to our knowledge, negotiation skills, and capacity to define how our knowledge can be used in a scientific or commercial manner without impairing our traditions and cultures.

With the existing policies, the so-called under-developed countries are unable to protect and secure profits for their populations, thus generating insecurity and risking their own sovereignty and internal autonomy, as shown by the lack of political, economic and social autonomy.

The lack of information passed on populations and the situation of poverty existing in these countries entails the dependence on so-called developed countries.

Ignorance of relevant topics threatens our own destiny and existence as distinct peoples, as our leaders have not yet identified this issue as a fundamental concern and the economic system is even less concerned.

The CBD, which was ratified by 170 countries, guarantees the protection of traditional knowledge. However, the United States for instance, which is not signatory to the Convention, is the country which invests most in the exploitation of these resources.

The objective of the last workshop on biodiversity in which we participated in Madrid was to propose an alternative for the implementation of CBD Article 8 (j) to be presented at COP4.

The proposals which will be made to the next COP are unsatisfactory in terms of time and debates. The COP is an instance for the exchange of ideas, information and elaboration of proposals involving Indigenous Peoples and other segments of society, aimed at respecting the rights to existing natural resources in our territories, to our traditional knowledge and to our cultural diversity.

The information passed on in these events is insufficient and the majority of our delegation do not have sufficient knowledge to better defend our interests. We find ourselves in the situation of taking part in discussions on all kinds of topics without having a good command of or being specialized in these issues. This explains why our proposals are vulnerable and often do not serve our real interests.

This has entailed internal division of the indigenous movement and has strengthened government political systems, whose leaders see us as obstacles to their development systems and facilitate the entrance of researchers and companies into indigenous territories.

I think it is necessary to be more professional in order to better understand the problems and propose solutions consistent with each people's local necessities, as expressed by the world's grass-roots Indigenous Peoples.

TO LOOK FOR ...

Fourth meeting of the Conference of the Parties (COP 4) to the Convention on Biological Diversity (CBD):

Bratislava, Slovakia : May 4 - 15, 1998

Contact: Ms. Henrietta Marrie, CBD Secretariat ([see box above](#)).



Background documents on specific issues for the 1998 WGIP

Energy and mining concerns

- *Women and Mining Issue* (1997) in *Higher Values* No. 12, The Minewatch bulletin, London, (24 p.): "Babaket isnan minas: The Role of Women in Indigenous Gold Mining" (Philippines); "Land Rights and the Role Played by Mining in South Africa"; "From Rice Fields to Toxic Lakes: The Poisoning of the Santal Homelands" and " Kamins and Coolies: Women Workers and the Trade Union Movement in the Jharia Coalfield" (India); "Land Rights and the Role Played by Mining in South Africa"; "Violence and Entrapment in the Mining Camps: Women and Mining in Brazil"; "Belonging to the Land: Aboriginal Land Rights and Mining" (Australia); "Women's Health in Bolivia's Mines"; "Women underground" (USA).
- *Mining and Indigenous Peoples - A Consultation, London, 6 - 16 May 1996*. Convened by the World Council of Churches (15 p.): 1) a declaration adopted by representatives of Indigenous Peoples organizations, communities and nations from all the continents; 2) a list of "hot spots" where Indigenous Peoples are affected by mining activities (areas for immediate concern); 3) a list of resolutions on Indigenous Peoples from all the continents.
- Nettleton, G. (1997) "Gold Mining and the Threat to Indigenous Peoples' Rights in the Philippines: The Case of the Subanen", in *Indigenous Affairs* No. 3-4, IWGIA, Copenhagen, p. 36-41.
- - Pétrod, M. (1997) "A new Maohi Initiative against French Nuclear Colonialism in 'French' Polynesia, in *Indigenous Affairs* No. 3-4, p. 28-29.
- Sveijer, T. (1997) "The Himba People's Fight against the Planned Construction of a Dam", in *Indigenous Affairs* No. 3-4, p. 4-7. (Namibia)
- Townsend, P. and Townsend, W. (1997) "Papua New Guinea: The Environment Impact of Ok Tedi Mine", in *Indigenous Affairs* No. 1, p. 27-31. (gold mining)
- Galinkin, M. (1996) "The Hidrovia Project: Attacking the Heart", *Indigenous Affairs* No. 3, p. 28-33.
- Howitt, R., Callope, S. and Savo, B. (1996) "Australia: Part of the Healing? The Struggle to Change Mining Company Views of Indigenous Rights at Weipa", in *Indigenous Affairs* No. 2, p. 44-49. (Aboriginal people)
- La Torre, L. (1996) "The Prevailing Situation of Oil Activity in the Peruvian Amazonia", in *Indigenous Affairs* No. 2, p. 24-32.
- López M. A. (1996) "Panama: The Indigenous People and the Mining Threat", in *Indigenous Affairs* No. 2, p. 20-22. (Guaymí, Ngobe-Buglé, Kuna peoples)
- Nwiado, D. (1996) "Nigeria: Militarizing Commerce in Africa", in *Indigenous Affairs* No. 2, p. 40-43.
- "Guayanas, News Report" (1996), in *Indigenous Affairs* No. 1, p. 16-17. (Saramaka Maroons of Eastern and Western Surinam)
- Knudsen, A. (1995) "USA: Native Americans Bear the Nuclear Burden", in *Indigenous Affairs* No. 3, p. 40-42.
- La Torre, L. (1995) " Peru: Oil Mining Activities Threaten the Candoshi People", in *Indigenous Affairs* No. 3, p. 34-39.
- Naanen, B. (1995) "Nigeria: The Ogoni: an Endangered Indigenous People", in *Indigenous Affairs* No. 2, p.18-20.
- Duhaylungsod, L. and Hyndman, D. (1993) *Where T'Boli Bells Toll*, IWGIA Document No. 73, Copenhagen, p.121-140 (gold mining, Philippines), p. 153-155. (dam).
- The Anti-Nuclear Coalition for Taiwan and The Asian Ecological Society (1993), *Nuclear Report from Taiwan*, Vol. I, No. 5 (8 p.)
- "Second International Water Tribunal: Canada: Great Whale River - James Bay II Hydroelectric Project; Narmada Project: India's Largest Planned Environmental and Human Tragedy; Freeport's Attack on the Futures of the Papuan Peoples; Brazil: Mercury Pollution in the Tapajós Valley" (1992), in *Indigenous Affairs* No. 2, p. 3-20.
- Leonel, M. (1992) *Roads, Indians and the environment in the Amazon*, IWGIA Document No. 72, Copenhagen, p. 111-121.
- Churchill, W. and LaDuke, W. (1991) "Native America: The Political Economy of Radioactive Colonization"; Berman, T. "For the Taking: The Garrison Dam and the Fort Berthold Reservation Taking Area", in *Critical Issues in Native North America* Vol. II, IWGIA Document No. 62.

- Nietschmann, B. and LaBon, W. (1989), "Nuclearization of the Western Shoshone Nation"; Harding, J. "Indigenous Rights and Uranium Mining in Northern Saskatchewan"; Dam the Dams Campaign and Institute for Natural Progress, "The Water Plot: Hydrological Rape in Northern Canada", in *Critical Issues in Native North America*, Vol. I. IWGIA Document No. 68.
- Gray, A. (1986) *And After the Gold Rush...? Human Rights and Self-Development among the Amarakaeri of Southwestern Peru*, IWGIA Document 55.
- Plaine, R. (1982) *Dam a River, Damn a People? Saami Livelihood and the Alta/Kautokeino Hydro-electric Project and the Norwegian Parliament*, IWGIA Document 45.
- Aspelin, P. and Coelho dos Santos, S. (1981) *Indian Areas Threatened by Hydroelectric Projects in Brazil*, IWGIA Document 44.
- Mondberg T. (1976) *The Reactions of People of Bellona Island Towards a Mining Project*, IWGIA Document 24. (Solomon Islands)
- Barabas, A. and Bartolomé, M. (1973) *Hydraulic Development and Ethnocide: The Mazatec and Chinantec People of Oaxaca, Mexico*, IWGIA Document 15.

Education and language

- The Finnish Sámi Parliament (1997) "Land Rights, Linguistic Rights and Cultural Autonomy for the Finnish Sámi People", in *Indigenous Affairs*, No. 3-4, IWGIA, p. 48-51.
- Knudsen, A. (1996) "USA: Blackfeet: Land and Language Is the Heritage", *Indigenous Affairs* No. 1, p. 24-25.
- Kaushai, A. (1996) "India: Gender Equality in Panchayat Ray for the Indigenous Communities of Van Gujar and Jaunsari", *Indigenous Affairs* No. 1, p. 44-47.
- *National Review of Education for Aboriginal and Torres Strait Islander Peoples: Summary and Recommendations* (58 p.) and *Statistical Annex* (140 p.) (1994), Australian Government Publishing Service: Recommendations on involvement and self-determination; equitable access; raising participation; equitable and appropriate outcomes; reporting, monitoring and evaluation; resource and needs.

1998 WGIP

Energy and mining concerns Education and language

This list of recent documents is far from being exhaustive. If you have heard of any other relevant document on these topics, please contact us and pass on the references or a copy of the document. We will then have it available for the indigenous representatives at the next session of Working Group on Indigenous Peoples in July. Thank you.

The documents mentioned in the list are available at [doCip](#) on request.

UNESCO publications

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- Mason, R. (1996) "Adult Education - The Legislative and Policy Environment: Australia", *International review of education*, 42-1-3, p. 11-28.
- Aikman, S. (Dec. 1995) "Territory, Indigenous Education and Cultural Maintenance: The Case of the Arakmbut of South-Eastern Peru", *Prospects: quarterly review of comparative education*, XXV, 4, p. 593-608.
- Gale, P. (Dec. 1995) "A Fair Chance for All? Indigenous Rights and Tertiary Education in Australia", *Prospects: quarterly review of comparative education*, XXV, 4, p. 609-621.
- Little, A. (Dec. 1995) "In Conclusion: Questions of Culture and Education", *Prospects: quarterly*

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- Singh, A. K. (Dec. 1995) "The Cultural Construction of Home and School Knowledge in Tribal India", *Prospects: quarterly review of comparative education*, XXV, 4, p. 735-747.
 - Tait, E. (Dec. 1995) "Culture and Learning in a New Zealand Secondary School", *Prospects: quarterly review of comparative education*, XXV, 4, p. 749-760.
 - *Multiculturalism: A Policy Response to Diversity* (1995) (42 p.)
 - UNESCO Regional Office for Education in Latin America and the Caribbean (Chile) (1995), *Literacy and Civic Education of Indigenous Peasant Women of Peru. Project Findings and Recommendations* (26 p.)
 - Gosh, R. (1994) "Multicultural and Global Education in Canada", *Education for human rights: an international perspective*, p. 247-262.
 - Teasdale, G.R., (1994) "Education and the Survival of Small Indigenous Cultures", *International yearbook of education*, 44, p. 197-225.
 - *Implementation of 22 C/Resolution 18.4 Concerning Unesco's Contribution to Peace and Its Tasks with Respect to the Promotion of Human Rights and the Elimination of Colonialism and Racism: Report by the Director-General* (1993) (11 p.)
 - "The Oaxaca Declaration" (1993) *Culture plus: newsletter of the World Decade for Cultural Development*, 11, p. 4-5.
 - European Centre for Higher Education (Romania) (1992) "Indian Higher Education in Canada: The Contradictions of Special Programmes", *Higher education in Europe*, XVII, 4, p. 34-42.
 - UNESCO Regional Office for Education in Latin America and the Caribbean (Chile) (1992) "Bilingual Education beyond National Frontiers: Bolivian-Peruvian Cooperation", *Major Project in the Field of Education in Latin America and the Caribbean: bulletin*, 27, p. 41-56.
 - UNESCO Institute for Education (Germany) (1991) "The Implementation of Language Policy: The Case of Ecuador", *International review of education*, XXXVII, 1, p. 53-66.
 - Albó, X. and D'Emilio, A. L. (1990) "Indigenous Languages and Intercultural Bilingual Education in Bolivia", *Prospects; quarterly review of education*, XX, 3, p. 321-329.
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 - Hesketh, B. and Grainger, J. (1989) "Current Trends in Vocational Guidance in New Zealand", *Prospects; quarterly review of education*, XIX, 1, p. 75-81.
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 - Centre for the Study of Education in Developing Countries (Netherlands) (1981), *Anthropology of Education: Indigenous Education* (36 p.)
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 - National Union of Australian University Students, Aboriginal Dept. (1969) *Aboriginal Education: The Teacher's Role* (236 p.)
 - Comas, J. (1952) *Cultural Anthropology and Fundamental Education in Latin America*, *International social science bulletin*, IV, 3, p. 451-461.

Moruroa and us

Polynesians' Experiences during Thirty Years of Nuclear Testing

by Pieter de Vries & Han Seur

Documentation and Research Centre on Peace and Conflicts

During the last thirty years thousands of Polynesian men and boys worked at Moruroa and Fangataufa, the two atolls in the Pacific where France conducted its nuclear tests. A curtain of silence has so far existed around their experiences, motivations and anxieties.

In this report a representative number of former workers and islanders living in the vicinity of the test-sites speak out. Their hidden stories and problems are revealed.



Meeting - Workshop on the Human Genome Diversity Project (HGDP)

Kuna Yala, Panama 12 - 13 November 1997

Declaration of Ukupseni, Kuna Yala on the Human Genome Diversity Project, 13 November 1997

We, the indigenous organizations present in the Ukupseni community of Kuna Yala declare, concerning the Human Genome Diversity Project, the following :

Considering that life for the indigenous peoples constitutes a whole set of elements which are harmonious indivisibly inter-related and inter-dependent, like a small universe, and after having precisely analyzed the Human Genome Diversity Project and other independent investigations about the same topic, we conclude :

- a. That these investigations and projects threaten against human life, and particularly violate the genetic integrity of the indigenous peoples and their values.
- b. Fundamental human rights and collective rights are violated when genes are collected by using the marginalization and the poverty of the peoples, often with the consent of the national, regional and local governments.
- c. These investigations are acts of piracy and constitute aggression against the indigenous peoples.
- d. We consider that all funding of such investigations constitutes an aggression against humankind and severe abuse against indigenous peoples.
- e. Emphasizing that intense research has been done and is still done in our communities, we demand: that these activities immediately cease and that the genetic collections be returned, including all original genetic material, isolated cell-lines and data derived from this research.
- f. We ask that the international scientific community condemn all research realized against scientifically recognized human and moral values which violate the international standards of ethics described in the Nuremberg and Helsinki Declarations.
- g. We condemn all attempts to commercialize genetic material or genetic lines of human beings and in particular of the indigenous peoples.
- h. We reject the use of the existing instruments of legalization of intellectual property and the establishment of patents which aim at the appropriation of knowledge and genetic material, where they come from, and especially those materials which come from our communities.
- i. For us, the use of so-called "individual consent" constitutes an aggression against our cultures and ignorance of our collective rights.
- j. We, the indigenous peoples, do not oppose the development and the use of new technologies if they do not threaten the harmonic relationships and the principles of solidarity and of fundamental rights which are universally recognized.
- k. We also condemn the active participation of some universities as well as non governmental organisations which work together with the transnational companies to destroy or damage the spiritual, material and political integrity of the indigenous peoples.

We, the Indigenous Peoples participating at Ukupseni meeting in Kuna Yala, do affirm that our existence over thousands of years has always been based on principles of respect, solidarity and harmony with the natural elements. In this context, our declaration is a great contribution to humankind.

Workshop of indigenous journalists

Madrid, January 1998

Convened by the Centre for Human Rights and hosted by the government of Spain. The UN report will be available for WGIP next session in July.

Acknowledgments



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