



Centre de Documentation, de Recherche et d'Information des Peuples Autochtones
 Indigenous Peoples' Center for Documentation, Research and Information
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EDITORIAL

The highlight of the 54th session of the Commission on Human Rights relating to indigenous issues was unquestionably the consensus adoption of the resolution setting up an open-ended inter-sessional ad hoc working group for the establishment of a Permanent Forum of Indigenous Peoples within the United Nations.

Submitted by the Prime Minister of Greenland on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), the resolution provides that, in addition to NGOs with consultative status at the ECOSOC, accreditation to the Permanent Forum will be granted to the indigenous organizations which are already accredited to the Working Group on the Draft Declaration. Furthermore, a majority of the delegations taking part in the debate thought that the Permanent Forum should be directly connected to the ECOSOC - i.e., to the highest levels of the United Nations and that its mandate should be broad enough to extend beyond the strict framework of Human Rights issues to questions such as the right to land, management of natural resources and the environment, as well as sustainable development. It is to be hoped that with the setting up of this ad hoc working group, the Permanent Forum will come into existence before the end of the Decade.

Another aspect worthy of note was the large number of delegations representing civilian Mexican social groups who came to report on the war of attrition waged by the army and by paramilitary groups in the south of the country. All of them insisted that the San Andrés agreements concluded by the government with the Zapatista Army of National Liberation (EZLN) must be respected. Since the majority of the inhabitants of this region are Indios, and the situation has repercussions far beyond the borders of Mexico, we thought it would be useful to present in this issue a summary of the lengthy statement made by the Attorney General of the Republic of Mexico.

Following up on the opening account in our last issue concerning the preparations for the 16th session of the Working Group on Indigenous Peoples, we now reproduce a brief article on Education and Language by a teachers' union, Education International, and a presentation of a UNESCO programme. Several initiatives have already been submitted on this subject and the coming session will provide an opportunity to examine them and to give them further impetus.

This issue concludes with two important pieces of news. First, the Conference of Parties (COP) to the Convention on Biological Diversity (CBD) has decided to establish an ad hoc, open-ended working group on Article 8(j) and related provisions, an article dealing with local communities and Indigenous Peoples. WWF International points out that this decision represents a major challenge for Indigenous Peoples. doCip is ready to contribute by making Update/Informativo available for communications from those indigenous organizations which might wish to keep their sister organizations abreast, of which about 900 receive our publication free of charge.

The second piece of news worthy of note is that the World Intellectual Property Organization has established a new section whose task will be "to look at the intellectual property needs and expectations of the Indigenous Peoples towards knowledge and culture"; the head of the section has been kind enough to send us a presentation which is to be found at the end of this issue.

UN Commission on Human Rights

54rd session, from 16 March to 24 April 1998



Resolutions and decisions concerning Indigenous Peoples

See UN documents E/CN.4/1998/L.11/Add. 2 and Add. 7 for the complete texts of these resolutions and decisions.

Working Group on Indigenous Populations of the Sub-Commission and the International Decade of the World's Indigenous People Resolution 1998/13

The Commission:

I. Report of the WGIP:

1) urges the WGIP to continue its comprehensive review of developments and of the situations and aspirations of IPs, and welcomes its proposal to highlight specific themes of the International Decade, including giving priority at its 16th session to the theme of education and language; 2) invites the WGIP to take into account the work of all special rapporteurs, special representatives, independent experts, working groups and expert seminars; 3) recommends to ECOSOC that the WGIP be authorized to meet for five working

days prior to the 50th session of the Sub-Commission; 4) invites the WGIP to continue its consideration of ways in which the expertise of IPs can contribute to its work, and encourages initiatives by governments, IPs organizations and NGOs to ensure the full participation of IPs in its activities; 5) requests the Secretary-General to provide adequate resources and assistance to the WGIP and transmit the reports of the WGIP to governments, organizations of IPs and intergovernmental and non-governmental organizations; 6) appeals to all governments, organizations and individuals to contribute to the Voluntary Fund for IPs.

II. International Decade

7) takes note of the report of the UN High Commissioner for Human Rights (E/CN.4/1998/107); 8) invites the WGIP to continue its review of activities undertaken during the International Decade; 9) welcomes the affirmation by the General Assembly that major objectives of the Decade are the adoption of a declaration on the rights of IPs and the establishment of a permanent forum; 10) requests the High Commissioner for Human Rights to organize a workshop for research and higher education institutions focusing on indigenous issues in education, in consultation with IPs and in collaboration with UNESCO; 11) requests the High Commissioner for Human Rights to submit an updated annual report reviewing the activities within the UN system under the programme of activities for the Decade to the CHR at its 55th session; 12) emphasizes the important role of international cooperation in promoting the goals and activities of the Decade and the rights, well-being and sustainable development of IPs; 13) encourages governments to contribute to the Voluntary Fund for the Decade and support the Decade by preparing relevant programmes and establishing national committees in consultation with IPs, giving them greater responsibility and an effective voice; 14) appeals to intergovernmental and non-governmental organizations to support the Decade by identifying resources for activities; 15) encourages governments to contribute to the Fund for the Development of IPs of Latin America and the Caribbean; 16) recommends that the UN High Commissioner for Human Rights give due regard to the development of human rights training for IPs and cooperate with the Department of Public Information; 17) invites the UN financial and developmental institutions, operational programmes and specialized agencies to give increased priority and resources to improving the conditions of IPs, to launch special projects for strengthening community-level initiatives, and to designate focal points with the High Commissioner for Human Rights.

Working Group of the CHR to elaborate a draft declaration in accordance with GA resolution 49/214 of 23 December 1994 Resolution 1998/14

The Commission: 1) takes note of the report of the WG (E/CN.4/1998/106 and Corr. 1); 2) welcomes the measures taken to ensure effective input by indigenous organizations and the decisions of ECOSOC approving IPs participation, and urges the Council to process all pending applications as soon as possible; 3) recommends that the WG meet for a period of ten working days prior to the 55th session of the CHR; 4) encourages indigenous organizations which are not already registered to apply for participation; 5) requests the WG to submit a progress report at the CHR 55th session; 6) recommends that the ECOSOC adopt a draft resolution authorizing the WG to meet for a period of ten working days prior to the 55th session of the CHR and requesting the Secretary-General to extend all necessary facilities.

A permanent forum for indigenous people in the UN system Resolution 1998/20

The Commission: 1) notes that the GA, in its resolution 52/108, reaffirmed among the objectives of the Decade the consideration of the establishment of a PF for IPs, and appointed the UN High Commissioner for Human Rights as Coordinator for the Decade to promote its objectives; 2) takes note of the report on the second workshop held in Santiago last year (E/CN.4/1998/11 and Add. 1-2), including the suggestion that the CHR at its 54th session should consider how to further the process of the establishment of the PF, inter alia through the drafting of concrete proposals to this effect and bearing in mind the possibility of submitting the matter to the ECOSOC for action; 3) takes note of the recommendation of the GA, in its resolution 52/108, that the CHR at its 54th session should take into account the outcome of the workshop in its further consideration of the establishment of a PF; 4) decides to establish an open-ended inter-sessional ad hoc working group, from within existing overall UN resources, to elaborate and consider further proposals for the establishment of a PF; 5) Requests the ad hoc working group to take into account in its work the reports of the two workshops and any comments received from governments, UN organizations and bodies, specialized agencies, indigenous organizations, the WGIP, as well as such ideas as the High Commissioner may wish to present to the ad hoc working group; 6) also requests the ad hoc working group to submit its report, including proposals, to the CHR at its 55th session for consideration; 7) decides that participation in the ad hoc working group will be according to the same procedures as agreed upon for the working group established in accordance with CHR resolution 1995/32 of 3 March 1995; 8) also decides that NGOs in consultative status with ECOSOC and other relevant organizations of IPs which have the right to participate in the working group established in accordance with resolution 1995/32 automatically be granted the right to participate in the ad hoc working group established in accordance with the present resolution; 9) request that the ad hoc working group meet for five working days prior to the 55th session of the CHR; 10) decides to continue its consideration of the matter at its 55th session.

Protection of the heritage of indigenous people Decision 1998/103

The Commission endorsed the recommendation of the Sub-Commission that the UN High Commissioner for Human Rights organize a seminar on the draft principles and guidelines for the protection of the heritage of IPs (E/CN.4/Sub.2/1994/31, annex) with the participation of the Special Rapporteur, Ms Daes, and representatives of governments, UN bodies and organizations, specialized agencies, organizations of IPs and competent indigenous persons.

Indigenous issues (Item 23)

Three documents were under discussion: E/CN.4/1998/11/Add.1 - Report of the second workshop on a permanent forum for indigenous people within the UN system (Santiago de Chile, 1997); E/CN.4/1998/107 - Activities undertaken for the International Decade of the World's Indigenous People - report of the UN High Commissioner for Human Rights (HR); E/CN.4/1998/106 - Report of the working group established in accordance with CHR resolution 1995/32 .

Draft Declaration (DD)

The general discussion was opened with the presentation of the report by the Chairman/Rapporteur of the Working Group on the Draft Declaration on the Rights of Indigenous Peoples (WGCD - E/CN.4/1998/106): 123 indigenous organizations and 45 government delegations participated in the third session of the WGCD, which took place from 27 October to 7 November 1997. The WGCD held six formal and 16 informal plenary meetings, the latter procedure having been adopted to further an open dialogue among all participants. Two articles, on nationality (5) and on gender equality (43), were adopted by consensus at first reading. The debates taking place in informal meetings were not reflected in this report, with the exception of discussion on Art. 3 (principle of self-determination). Mr. Urrutia noted the wording used in the report did not imply the acceptance of the usage of either the expression "indigenous peoples" or "indigenous people", both terms being used without prejudice to the positions of particular delegations. Said that the results achieved were so far encouraging and that the Commission should allow the WGCD to continue with its work.

Only two articles had been adopted during the last meeting of the WGCD, but most government representatives considered that the extensive debates on underlying principles and the open, constructive and progressive dialogue had been useful in clarifying positions and in developing mutual trust (Peru, Estonia, Canada, Russian Federation, Brazil, Chile).

Mexico and Bolivia expressed their support to the adoption in more general terms.

Chile, Guatemala and Estonia reiterated their commitment to work for the adoption of the declaration before the end of the Decade.

The Nordic Countries, as well as Australia, Argentina and Cuba underlined the necessity to speed up the process of provisional adoption within the Decade and urged the governments to "work towards the early adoption of the declaration in close cooperation and consultation with IPs".

Switzerland stated that the adoption of the Declaration was an urgent task, for the existing instruments did not offer the proper guarantees for the physical and cultural survival of IPs. It was necessary to accelerate the negotiation by avoiding to focus on sterile questions as the definition of the term "Indigenous Peoples" or "self-determination". Said that to survive collectively, IPs had to be integrated with due respect for their difference and associated with the decision-making process on national and local level, according to the principle of subsidiarity.

Ukraine argued that a distinction should be made between two broad categories of IPs- "those waging a tribal way of life in isolated reservations" and those integrated in society. Considered that self-identification could only be used as additional, not as fundamental criterion. The rights of IPs in "non-colonial situations" should be considered only in the context of internal self-determination and autonomy.

New Zealand said the standard-setting activity carried out by the WGCD belonged to the most important activities under the Decade and stressed that the contribution of IPs was fundamental to its success. Was among the States which helped to ensure a procedure to enable IPs organizations to attend the WGCD.

Canada announced the introduction of a resolution authorizing the open-ended inter-sessional WGCD to meet for a period of ten working days prior to the 55th session of the Commission. Urged the next session of the WGCD to address the amendments to articles 15 -18 proposed by several States.

Cuba stated the ineffectiveness of the existing international HR instruments was due to the individualistic approach and non-participation of the IPs in the adoption of these rights. Considered it essential to uphold the criterion followed originally, i. a. to regard the indigenous issue as a problem directly resulting from the colonial phenomenon.

Guatemala said that a Declaration containing fundamental issues which would not have been negotiated with the States responsible for their implementation would be as useless as a Declaration which would not reflect the concerns of Ips. Suggested to organize informal meetings with scholars in order to study the content of controversial concepts.

The indigenous representatives and NGOs were almost unanimous in calling for the adoption of the DD in its current wording, without amendments (explicitly IOIRD, IITC, IIC, MRG, SC, PCI, OIDEL, ICJ, GCC, NSXXI) as a minimum standard for the protection of IPs fundamental rights (ICC, OIDEL) and to secure their survival (LWF). This position was underscored by general comments on the process of negotiations and by specific claims, relating particularly to the unqualified use of the term "peoples" (IITC), to the recognition of the IPs right to self-determination (IITC, LIDLIP), identified as being second only to the right to existence [Art.1 of the DD] (LIDLIP).

IOIRD pointed out that some States were attempting to weaken the current text and that retrograde proposals were made by States that had been involved for years in the WGIP.

IMTA said the drafting was subject to complicated discussions designed to delay its adoption and water down its legal and political scope. Substantial divergence existed between governments and IPs regarding basic concepts such as the right to self-determination, collective right to ownership of lands, activities of transnational corporations and others. Asked the documents E/CN.4/1998/ NGO series no. 31 to 35 to be submitted to the next session of the WGCD.

ICC said the Inuit Circumpolar Conference had accepted the current text of the DD, as other indigenous organizations did, and requested the Commission to adopt it as it stood.

ABCP urged the UN to resist the efforts made by certain governments to redraft the text in terms more favourable to their policies of assimilation.

SC said there was a broad consensus among States for the principles underlying articles 14-18, 44 and 45. Expressed hope that these articles would be adopted at the next session and moreover urged for the adoption of the entire draft without any changes.

PCI expressed concern about the fact that states attending the WGCD refused to adopt the DD, the single most important priority for IPs in the Decade. Several states including the CANZUS states (Canada, Australia, New Zealand and the US) opposed the recognition of the right to self-determination because of fears of secession, notwithstanding the repeated reference made by IPs to UN Declaration on Friendly Relations - GA Res. 2625 (XXV)- which precisely established a balance between the right to self-determination and territorial integrity.

TRP welcomed the adoption of two articles in identical terms as submitted in the draft, as well as the emerging consensus on underlying principles, particularly on the principle of self-determination and encouraged governments to engage into further dialogue.

GCC called upon the HR Commission to expedite its approval of the Declaration, in its current wording, bearing in mind that the present draft had been worked out for over a dozen years by two expert bodies of the Commission. Many compromises had been made to accommodate the broad and sometimes divergent views of the governments, UN agencies, IPs and NGOs which participated at the WGIP (statement endorsed by NS XXI).

ICJ welcomed the flexible methods of work adopted by the Chair of WGCD and emerging consensus on underlying principles. Agreed with IPs calling for speedy adoption of the DD in its present form, but insisted upon the necessity for dialogue with the governments. Argued that from a legal perspective any limitation of the IPs right to self-determination would be discriminatory and referred to GA Res 2625(XXV), 1970, in which concerns expressed by some governments were adequately taken into account.

LWF mentioned the willingness of IPs to continue negotiations in spite of their limited resources. Called governments to increase their efforts for constructive and visionary dialogue in order to protect land and identity of IPs which were still threatened, abused and even destroyed.

Some delegations (TRP, IOIRD, ICJ) objected to the concrete proposals for amendments included in the report of the WGCD (E/CN.4/1998/106):

A dissenting opinion was expressed by ILRC which considered that the goal of the drafting process should be clarified. For IPs the goal was the adoption of the strongest and most effective Declaration by the General Assembly that could be adopted by consensus of member States. It should be understood that IPs were not in a position to negotiate the final text and that a declaration should in no case result in limiting those fundamental rights which were not negotiable. Declared to be willing to discuss proposals brought forth by States and even to propose improvements to achieve a strong Declaration. The revised text would possibly show substantial changes from the present draft and IPs would then decide if it was morally defensible and was the best text that could actually be adopted.

With regards to the time limit set for the adoption of the draft, i.e. the end of the Decade, most delegations urged the governments, the Commission (OIDEL, GCC) or the UN in general to speed up the process of negotiation. Specific proposals were submitted.

IMTA asked the Commission to amend its resolution 1995/32 in order to give a broader and more precise mandate to the WGCD that would enable it to examine the provisions in depth and approve them with a view to their speedy adoption by the General Assembly before the end of the Decade.

IOIRD recommended to the Commission to direct the WGCD to conclude its activities during the current year, approve the draft as it stood and submit it to ECOSOC for consideration and approval.

IWGIA suggested to undertake a general evaluation of the progress made in the framework of the Decade, with special reference to the DD.



Permanent Forum (PF)

As Premier of Greenland, speaking on behalf of the Nordic Countries of Denmark, Finland, Iceland, Norway and Sweden stressed, there were still IPs facing social, political and economic marginalization and had to struggle for their physical and cultural survival, in spite of the fact that their vital role in conservation and management of the global environment and the world's biodiversity had been broadly recognized. The need for a mechanism to facilitate coordination with respect to indigenous issues led to the proposal of establishing a PF. At two workshops (Copenhagen, 1995; Santiago de Chile, 1997), that proposal was discussed, among others on the basis of an Outline presented by Denmark, which according to the view expressed by Chile should remain the basis for further initiatives.

The Nordic Countries strongly supported the view shared with other governments (Argentina, Spain, Guatemala), that the PF should be established at a high level within the UN system directly under ECOSOC. Nordic countries suggested the Commission to set up an open-ended ad hoc drafting group which would come up with a concrete draft mandate for a PF, proposal explicitly supported by Estonia, Guatemala - and by almost all the NGOs. Estonia considered that task could be facilitated by informal consultations among governments as well as by the good offices of the High Commissioner in her role as coordinator of the Decade.

According to Argentina, the task of defining the mandate could be carried out either by the WGIP or by any other group set up by the Commission.

Russian Federation saw no need to delegate that task to an expert body of any kind.

Spain suggested the appointment of an expert of the WGIP being in charge of collecting proposals in order to present a working paper to be discussed at a workshop.

Brazil and Peru argued that the definition of the mandate would depend to a large extent on the scope of the final text of the Declaration. Peru said that it should not infringe on work done on the same issue by other UN bodies. A similar opinion was expressed by Guatemala.

For Spain and Argentina, one of the main functions of the forum was to set development strategies on national, regional and global level, as well as to coordinate their application and monitoring.

Many delegations underlined the importance of an adequate representation of IPs and of governments according to the principle of parity (Guatemala), possibly along the mode adopted by ILO (Spain, Argentina) and of the full participation of IPs in the decision-making process as exposed by Spain.

With regards to the financial question, Spain and Peru stated that the forum should be financed by the regular budget of UN, without prejudice to any voluntary contributions. Suppression of activities of lesser importance should liberate the necessary resources.

Spain presented a wide range of very concrete proposals relating to the structure.

Peru said that no final decision had been reached, but that the discussion should continue with the participation of IPs.

Brazil stated that it would be premature for the Commission to take any final decision on the establishment of a PF, and suggested renewing of the mandate of the WGIP.

All the other above mentioned governments, as well as Mexico, New Zealand, Bolivia and Switzerland gave their full support to the establishment of the PF as "a space of discussion, consultation and cooperation between States, the UN system and the IPs" (Bolivia), "enabling IPs to assert their civil, cultural, economic, political and social rights and to coordinate their action for all their concerns within the UN" (Switzerland).

Following indigenous representatives and NGOs took the floor on the question of the PF, expressing unanimously their support for its establishment: IITC, FI, IOIRD, ICC, WCC, AAJ, IWGIA, ABCP, ASI, MRG, SC, TRP, ICJ, LIDLIP.

The concrete proposal brought forth by Denmark to create an ad hoc drafting group for the mandate was explicitly supported by IITC, WCC, AAJ, ASI, TRP, LIDLIP.

A similar proposal was submitted by IWGIA. Concrete proposals were made with regards to the scope of the mandate, to the level of PF within the UN, to the representation of IPs and to the time-schedule. IOIRD said that the question of the establishment of a PF should be finalized during the current year and submitted to ECOSOC for consideration and approval.

ICJ said the PF should be established as soon as possible, have a broad mandate to cover all matters concerning IPs.

OIDEL urged the Commission to take necessary steps for a "speedy" establishment of a PF.

ICC saw no obstacle to the PF being established within the framework of ECOSOC and composed of equal number of representatives of IPs and governments.

ABCP urged the Commission to ensure that IPs could participate in all discussions relating to their survival. MRG asked for the full participation of IPs and AAJ stressed the importance of involving IPs in decision-making on all issues of their concern at any level.

WCC pointed out that indigenous communities already made an enormous contribution to the work of the UN in terms of both financial and human resources.

ASI wished to draw attention to the Declaration of the first international Indigenous Conference held at Temuco, Chile, in 1997 (chapter IV of the addendum of E/CN.4/1998, 1998/11 and Add.1) and declared to fully associate itself with that text and with the views reflected in paragraph 34 of the above mentioned report, calling the Commission to further the process of establishing a PF.

IWGIA referred to the constructive participation of the IPs of Central and South America in both workshops on the establishment of a PF, as well as to the two International Indigenous Conferences held in Chile (Temuco Wallmapuche, 1997) and in Panama (Kuna Yala, 1998) Reiterated IPs' right to full participation in the forum on a basis of parity with the governments, underlined that the mandate should be broad enough so as to embrace all the issues of concern for IPs, including cultural, civil, political, social and economic rights, development, education, environment, lands, etc. ECOSOC would be the most appropriate level.

SC supported the recommendation adopted in Santiago asking the Commission to submit the matter of establishing a PF to ECOSOC for action without delay, for it was not competent to deal with matters beyond HR. The mandate should be sufficiently broad to cover all issues affecting IPs.

Commission on Human Rights Reports

- Questions of human rights, mass exoduses and displaced persons (E/CN.4/1998/53/Add.1)
Report of the Representative of the Secretary-General, Mr. Francis Deng, Addendum on Compilation and Analysis of Legal Norms, Part II: Legal Aspects Relating to the Protection against Arbitrary Displacement
- Assistance to Guatemala in the field of human rights (E/CN.4/1998/93)
Report of the members of the Secretary-General's mission to Guatemala, Mr. Alberto Díaz Uribe, Mr. Diego García-Sayán and Mr. Yvon Le Bot, on the evolution of the situation of human rights in Guatemala in the light of the implementation of the peace agreements.
- Situation of human rights in Myanmar (E/CN.4/1998/70)
Report of the Special Rapporteur, Mr. Rajssoomer Lallah
- Follow-up to the World Conference on Human Rights (E/CN.4/1998/122)
Report of the UN High Commissioner for Human Rights

Other issues

UN general / Decade

ILO recalled that the ILO Conventions were the only legally binding international instruments dealing directly with rights of IPs. Reported that ILO Convention 169 had recently been ratified by Netherlands and Fiji, the first country in the Asia-Pacific region (total 12) and that Convention 107 remained binding on 20 States. Announced a two-year extension of the DANIDA technical cooperation project to promote ILO policy towards IPs. Mentioned further projects in which ILO was involved.

WHO underlined its commitment to the Decade by elaborating a programme of action in consultation with governments and IPs organizations. Reported on the Third Healing our Spirit Worldwide Conference hosted by New Zealand in February 1998. Said indigenous cultures had developed healing methods that transcended western science and that both systems could best complement each other through a broad process of democratization.

Many delegations honoured the work done by the WGIP under the Chair of Mrs. Daes and welcomed the selection of "Education and Language" as main topic for the next session of the group (i.a. Chile, New Zealand, Canada).

Cuba recalled the work undertaken for 15 years by the WGIP, with full indigenous involvement.

Canada said WGIP had a crucial role to play in allowing dialogue between States and IPs, in reviewing developments worldwide and in addressing specific issues. Practical



contributions were made for the past two sessions on the theme of "Health" by providing the opportunity for Aboriginal experts to share their experiences and expertise.

SC asked to consider the appointment of a Special Rapporteur on Indigenous Peoples to report on measures taken by States with regards to IPs problems, on initiatives taken to improve the dialogue between IPs and governments and on implementation of the objectives of the Decade; to proceed to mid-point review and to organize an international meeting in 1999, with the aim of proposing a revised Action Plan. Mentioned the negative effects of the restructuring of the Office of the High Commissioner for HR, not a single regular post being identified as dedicated 100% to indigenous issues. This view was shared by IOIRD.

A participant in the Fellowship Programme expressed personal opinions and suggestions relating to the implementation of the Programme to capacity-building (WWF).

New Zealand expressed concern about the standard of management and administration of the Voluntary Funds for the Decade and for the Indigenous Populations in the HR field, called for an early follow-up to the recommendation of the Board of Trustees.

Mexico



Mexico stated that the contrast between the richness of cultural heritage in its diversity (56 ethnic groups, 71 languages) and the extreme poverty and marginalization of many indigenous communities was part of Mexican reality. The 1992 Constitutional reform did not go far enough and the President Zedillo took initiative to present new amendments to the Senate, in accordance with the Agreements of San Andrés and as part of the process of achieving a just and honourable peace in Chiapas. The proposals focused on a new social pact to ensure an adequate representation of IPs in democratic life, on a new type of relationships between IPs and the State, including their right to free association in order to participate in the promotion of their economic and social development. Said that some NGOs attributed the extreme poverty of IPs and the agrarian conflict of Chiapas to economic restructuring, specially to the North American Free Trade Agreement, accused them of manipulating this conflict. Mentioned that Mexico was a State party to ILO Convention 169.

Three NGOs took the floor to draw attention on the deterioration of the situation in Mexico and particularly in Chiapas (IED, FI, MRAP); two written statements focusing on that question were submitted to the Commission (LIDLIP: E/CN.4/1998/NGO/25 on land disputes in Chiapas; CETIM). CETIM condemned the ongoing militarization of indigenous areas, the governments intimidation campaign against indigenous leaders, the upholding of mega-projects (Tehuantepec Itzmo), the forcible displacement of indigenous communities, the arming of paramilitary forces and the massacre of ACTEAL as evidence of the government's policy of genocide. Presented a wide range of claims: implementation of the Agreements of San Andrés; recognition of IPs right to self-determination in the Constitution; upholding of the original proposal for constitutional reforms agreed upon with COCOPA; withdrawal of military and paramilitary forces from indigenous areas; punishment of the authors of ACTEAL murders and dissolution of paramilitary forces, compliance with ILO Convention 169. These claims were also explicitly formulated by IED and MRAP. In the process of globalization, accelerated since the 1994 Free Trade Agreement, IPs were deprived of their lands by landlords, oil, uranium or logging companies which undermined their means of subsistence. The only guarantee for IPs' survival would be the recognition of their own rights and culture, their forms of organization and the control over their natural resources.

IED condemned the increasing military occupation which affected particularly persons who had been relocated or forcibly displaced by "paramilitary groups" and by national armed forces, as well as women who suffered sexual abuses and violence by military forces. Beside the above mentioned claims, called for a reactivating of the dialogue between government and EZLN (Ejército Zapatista de Liberación Nacional).

MRAP informed about ongoing HR violations in Mexico, such as repression, ethnocide and genocide, negation of constitutional recognition of IPs rights and cultures. Referred to situation in Chiapas, where up to 1994, indigenous communities cultivated coffee, corn and beans and today had lost all means of subsistence by being displaced. The state of Chiapas produced around 60 per cent of electric energies, and at the same time, is deprived of this basic service. Referred to the massacre of Acteal where 45 Tzozil were murdered. Claimed recognition of IPs fundamental rights and the recognition of IPs by Constitution as entities of public law.

FI stated that the failure of many States to recognize in their domestic legislation the rights of the Indian peoples still generated conflicts, as in Chiapas. Expressed concerns about areas now submitted to illegitimate appropriation in the name of a so-called progress and development. Indian systems of justice were simply ignored by the legal systems of States, with no concern for the language of Indians, resulting in systematic abuse of authority and no guarantees for the access to justice. Lack of access to communication media prevented any peaceful change. Referred to the massacre of Acteal and to the fact that crimes committed against IPs remained unpunished.

Central and South America

Peru said that in their multicultural and multiethnic society with 72 ethno-linguistic groups, IPs enjoyed special protection for their rights, such as the right to use their own language. Indigenous communities had a legal status, were autonomous, had jurisdiction within their sphere of responsibility and enjoyed full ownership of their lands. On international level, Peru participated in all bodies dealing with indigenous issues, such as the Treaty for Amazonian Cooperation that embodied programmes to help IPs of the rainforest, and had ratified ILO Convention 169.

Argentina referred to 1994 Constitutional reform which, recognizing the ethnic and cultural pre-existence of IPs, provided for the recognition of the judicial personality of indigenous communities, community property of traditionally occupied lands, transmission of knowledge through bilingual and intercultural education, protection of their resources and means of subsistence by guaranteeing their inalienable rights to lands and their participation in the management of their natural resources. Through the national plan for indigenous communities, three objectives should be implemented: restitution of traditionally owned lands; legal recognition of their modes of organization and of government, as well as bilingual education.

Chile said that for many years, IPs rights have been disregarded in Chile and IPs became a highly vulnerable sector of Chilean population, living in conditions of extreme poverty and social marginalization. With the return to democracy, the Indigenous Law was promulgated in 1993, creating the National Corporation for Indigenous Development, which integrated on a parity basis government and IPs representatives.

Brazil stated that HR of "indigenous people" were inserted in the 1988 Constitution and that their right to equal treatment under Brazilian law was guaranteed in the national plan of HR, adopted in 1996. Considering land and environment the basic conditions for the survival of indigenous population, the Constitution grants original rights to the lands they traditionally occupied. Said the government was determined to defend IPs against acts of violence and to demarcate their lands, as had been done in 1997 with the largest homologation ever achieved. Up to now, the demarcation of 54% of all indigenous lands had been completed.

Guatemala said that with the Agreement on Identity and Rights of IPs attached to the peace negotiations, the State fully recognized that Guatemala was a multiethnic, pluricultural and multilingual nation and expressed its commitment to undertake the necessary reforms in order to have it established in the Constitution. This Agreement embodied measures to eradicate marginalization and discrimination, empower indigenous institutions and increase instances permitting full participation of the communities. ILO Convention 169 was ratified in 1997.

Bolivia mentioned the new general plan of economic and social development (1997-2002) to combat poverty by means of sustainable and integral development in which IPs were the main actors. This plan contained different measures facilitating access to social services, strengthening the relationship with national community, reaffirming their cultural identity and reinforcing their participation in political life.

IMAFDR reported on the peace process now taking place in Guatemala. Obstacles lied in the low level of awareness due to the low level of literacy, specially in rural areas. Said that the government of Guatemala should be encouraged to place special emphasis on educational programmes, as it was important to empower local IPs organizations, provide them with conditions allowing for sustainable economic and social development compatible with their cultural characteristics and ensuring that no decision directly related to their rights and interests would be taken without their informed consent, according to Recommendation XXIII (51) CERD, August 1997 (see also PCI reference).

AAJ said in most Latin American countries, economic and social rights of IPs were constantly eroded by the privatization policies. Their rights were violated by national and transnational companies and their leaders were assassinated, tortured and subjects to threats by paramilitary groups. Suggested that Commission should continue to study the HR situation in Guatemala as a means of strengthening the peace process.

OIDEL expressed hope the new constitution of Ecuador would recognize the plurinational character of the country, as proposed by CONAIE. This would give the opportunity to combat the gross HR violations committed against IPs, specially in connection with transnational companies and environment.

NSXXI stated that several Central and South American States had ratified ILO Convention 169 which influenced positively legislation and constitutional reforms (the case of Bolivia). Nevertheless, in many cases, practice did not follow the latter. Through modern communication systems, IPs remained informed about the IPs struggle against ongoing militarization in Chiapas, against oil extraction and exploitation of natural resources destroying environment in Venezuela, Brazil, Peru, Guyana and Ecuador (see also FIMARC),

against gas pipeline in Chile.



New Book

From Principles to Practice: Indigenous Peoples and Biodiversity Conservation in Latin America

IWGIA Document No. 87, Copenhagen, (1998). (304 p.).

On the proceedings of the Pucallpa Conference, Peru, 17-20 March 1997, in which various Latin American indigenous organizations participated. Composed of six chapters on: Peru (contrast between protected areas imposed on IPs and those which are the result of IPs strategies); Western Amazon (protected areas established without the consent of local IPs in Ecuador, Bolivia and Colombia); Northern Amazon and Orinoco Basin (strengthening of local organizations and self-government in Venezuela and Brazil); Gran Chaco region (comparison between an indigenous-controlled protected area in Bolivia and a protected area in Paraguay which is in the hands of private interests); Central America (control of protected areas in Honduras, Costa Rica and Panama); Indigenous and environmentalist perspectives.

CANZUS Group (Canada-Australia-New Zealand-United States)

Canada stated that in cooperation with Aboriginal organizations, the government developed a National Plan of Action for the Decade oriented towards education and communication in January 1998, launched a new policy named "Gathering Strength - Canada's Aboriginal Action Plan". This plan, based on the recognition of past injustices, aims at developing a mechanism to recognize sustainable Aboriginal governments and institutions, and at taking measures to support strong communities, people and economies. A former Grand Chief of the Federation of Saskatchewan had been appointed as Counsellor for International Indigenous Issues.

Australia admitted the disadvantage IPs continued to suffer in many parts of the world, including in Australia, recognized their commitment to preserve their unique culture and called for building a shared future in a spirit of reconciliation. Reiterated its support to the Decade's theme "Partnership in Action. Believed that these activities would continue to assist all Australians to gain a better appreciation of depth and diversity of Aboriginal and Torres Strait Islander cultures

New Zealand referred to the efforts made on domestic level in compliance with the goals of the Decade mainly in the sectors of health and education. Special attention was given to identify how the education system could become more responsive to the needs of the Maori. In the area of health, furthered increased Maori participation in delivery and integration of culturally appropriate practices in the system of care-giving. Said the Treaty of Waitangi was fundamental to relationship between government and Maori and aimed at removing socio-economic disparities (with due respect to Maori language and culture). Recent changes in electoral system have significantly increased Maori representation. These developments were consistent with the focus on increasing opportunities for Maori to participate fully and equally in the economy and in decision-making in all sectors and at all levels of New Zealand society.

GGC reported the Crees had intervened on rights abuses against IPs in a reference case before the Supreme Court of Canada dealing with the question of Quebec. Quebec government publicly stated that it would not respect the judgement of the Supreme Court. The rights of IPs living in the province of Quebec were under threat. Asked not to recognize an illegal regime that would violate IPs HR while asserting its own right to self-determination. Mentioned incidents in the Province of Manitoba in connection with its failure to respect treaty obligations.

ICJ and TRP welcomed the reconciliation process initiated in Australia, where High-Court had recently determined that Australian common law recognized pre-existing indigenous rights to land. Both expressed concerns about present political leadership at federal level and consequences on domestic and international affairs.

IED reported that on 17 March 1998 two B61-11 nuclear bombs were dropped on the Fort Wainwright range (Alaska). This US nuclear weapon testing took place despite the protest expressed by 109 Indian Nations of the region and in violation of the spirit of the Comprehensive Test Ban Treaty and non-proliferation treaties.

Stated that gross HR violations occurred in Hawaii, where United States and Hawaiian State governments were actively seeking to suppress the sovereignty movement of the Na Kanaka Maori people, which had never relinquished its claim to sovereignty. As the Kingdom of Hawaii was considered in 1945 as a non-self-governing territory under Article 73 of the Charter and as thousands of non-Hawaiian immigrants from the US altered the results of statehood elections, called for restoration of the sovereignty of the Kingdom of Hawaii.

IPB called for the treaties of 1868, including all the treaties signed after invasion of Sacred Turtle Island to be honoured. Reported on treaty violations such as uranium mining, that was going to contaminate Oglala Aquifers, as well as gold, taconite and uranium mining by multinationals in the Black Hills contaminating the water of five state areas.

WFMH stressed the need for the UN system to give as much weight to natural, sacred spaces -such as the Big Mountain for the Dine and Hopi People- as they do to man-made sacred places. In the indigenous context, land claims were not only political or economic, but were deeply connected to the soul of their peoples' sacred ways. Supported the request of representative of the Dine nation that the Secretary General instruct the Special Rapporteur on Displaced Persons to visit Big Mountain.

Asia



Philippines referred to different articles of the Constitution dealing with recognition of the rights of IPs, as their rights to ancestral lands or their right to preserve and develop their cultures, traditions and institutions. The more recently adopted Indigenous Peoples Rights Law (1997) covered a wide range of indigenous rights such as rights to self-governance and empowerment, community intellectual rights, right to indigenous knowledge systems and practices, or access to biological and genetic resources among others.

ABCP referred to the Philippines where many IPs had been deprived of their land without any compensation, the government rejecting all responsibility because projects were being operated by private companies (see also FIMARC).

MRG reported on the situation in West Papua, where the armed conflict which arose in the 1960s was unlikely to end. Environment and way of life, particularly the traditional system of ownership of lands, were threatened by immigration from the islands of Bali, Java and Sulawesi under the government's policy of transmigration and by mining and logging companies. Urged the HR Commission to raise these concerns with the Indonesian government.

Other countries

Nordic Countries mentioned the fellowship program initiated by the Voluntary Fund in 1997 and the events that will take place in 1998 at the Cultural Centre and Nordic Institute of Greenland: the first seminar of the International Training Centre of IPs and the General Assembly of the Inuit Circumpolar Conference; the seminars organized by Saami organizations on central issues such as cultural autonomy, land rights and self-determination. In the light of the experience of self-government of Greenland urged the governments to allow IPs to govern their own lives and to take effective measures to protect and preserve their own cultural heritage against the threat of assimilation or even extinction. On behalf of the Nordic countries and on behalf of the Saami and Inuit, asked for further moral and financial support to the participation of IPs in the international process.

Switzerland stated that the distribution of competencies according to the principle of subsidiarity was one of the essential characteristics of the political system of Switzerland; cantons are authorized to have direct relations with foreign, local or regional authorities and even to conclude cross-border agreements. Believed that this type of local autonomy could find its equivalent in the indigenous context.

Ukraine referred to the specific situation in Ukraine, to the earlier deportation and present resettlement of IPs from Crimea.

Spain pointed out that the main objective of cooperation strategy with IPs was to support their sustainable self-development and to promote indigenous participation in the decision-making process on national and international level for matters that affect them directly. Spain had hosted three important events in the framework of the Decade: the workshop on traditional knowledge, organized by the Secretariat of the Convention on Biodiversity in November 1997; a seminar for indigenous journalists organized by the office of the HR High Commissioner in January 1998 and the fifth Festival of Cinema of American IPs in March 1997.

Russian Federation outlined the work done by the national committee set up in connection with the programme of activities for the Decade. Since 1990, more than 150 Acts or legal norms had been adopted to promote the legal protection of IPs. The systems of State support and of education in indigenous areas had recently been reformed.



Biodiversity

IITC referred to the fact that IPs' right to development, land rights and right to self-determination had not been yet incorporated into the Convention on Biological Diversity as an example showing that true partnership was not yet implemented. Commercial appropriation of biological resources had a catastrophic impact on HR, environment and health.

FIMARC reported on the "Human Genome Project" as an abuse against humanity and an act of violence against IPs.

Globalization

Concerns about the wide-ranging impact of the Multilateral Agreement on Investments (MAI) were raised by TRP and IOIRD. IOIRD suggested the holding of a world conference on indigenous treaties and meeting of UN experts to focus on their current status.

ABCP stated that since Vienna World Conference on HR, little had changed in terms of recognition of the IPs' basic rights and the situation was rapidly deteriorating because of the global trend towards liberalization of trade.

WARC stressed the need to create at all levels the necessary conditions for the establishment of a true partnership with IPs, who became "squatters in their own lands due to globalization policies".

FIMARC stated that indigenous identity, based on harmony with all aspects of creation, was today threatened by the accelerated modernization process.

List of abbreviations



AAJ	American Association of Jurists
ABCP	Asian Buddhist Conference for Peace
ASI	Anti-Slavery International
CETIM	Centre Europe-Tiers Monde
FI	Franciscans International
FIMARC	International Federation of Rural Adult Catholic Movements
GGC	Grand Council of the Crees
ICC	Inuit Circumpolar Conference
ICJ	International Commission of Jurists
IED	International Educational Development
IITC	International Indian Treaty Council
ILRC	International Law Resource Center
IMAFDR	International Movement against All Forms of Discrimination and Racism
IMTA	Indian Movement "Tupaj Amaru"
IOIRD	International Organization of Indigenous Resource Development/Four Cree Nations of Hobbema, Paul Nakoda Nation Confederacy of Treaty 6 First 1
IPB	International Peace Bureau /Cheyenne River Sioux Tribe
IWGIA	Indigenous Affairs / Asociación Napguana de Panamá
LIDLIP	International League for the Rights and Liberation of Peoples
LWF	Lutheran World Federation
MRAP	Movement against Racism and for Friendship Among Peoples/Unión de Comunerros "Emiliano Zapata" (UNEZ), Michoacan Mexico/Congreso Nacional Indí
MRG	Minority Rights Group
NSXXI	North-South XXI
OIDEL	International Organization for Development of Freedom of Education/Federación Indígena y Campesina de Imbabura (CONAIE-Confederación de Nacio
PCI	Pax Christi International/Ka Lahui Hawaii/IOIRD
SC	Saami Council (Finland, Norway, Russia and Sweden)
TRP	Transnational Radical Party/New South Wales Aboriginal Land Council from Australia
WARC	World Alliance of Reformed Churches
WCC	World Council of Churches
WFMH	World Federation for Mental Health
WWF	World Wide Fund for Nature/Ainu people

Violations of human rights and fundamental freedoms (Item 10)



CHR Chair, Mr. Selebi:

- decided to discontinue consideration of the situations in Japan, Paraguay and Peru (among others).

Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. N'diaye (E/CN.4/1998/68 and Corr.1 and Add.1, 2 and 3):

- said his report covered 86 country situations spanning all continents. Despite 122 urgent appeals on behalf of 3,720 individuals and groups in 44 countries, the lives of members of certain ethnic groups and religious communities were increasingly in jeopardy.

- all States must establish effective machinery to prevent massacres and ensure prosecution of perpetrators, especially considering recent massacre of IP population in Chiapas.

See resolution 1998/68 on extrajudicial, summary or arbitrary executions.

Mexico

The National Commission on Human Rights in Mexico (CNDH) has formed "Visitor Brigades" for in situ visits to communities to document complaints, gather evidence, provide

witness testimony, and mediate conflict resolution with relevant authorities. The greatest violations involve the administration of justice. By way of some 200 visits to detention centres, have requested review of some 1,930 files and obtained release of some 1,250 indigenous detainees. Have worked on improving public opinion through media, prompt processing and follow-up of complaints, and work with interdisciplinary specialists. Recommended Mexico to recognize the competence of the Inter-American Court on Human Rights. Have subscribed to several cooperation agreements between Latin America and Europe, making available an Internet database.

The European Union strongly condemned the Chiapas massacre on 22 December 1997, and took note of Mexico's assurance of a peaceful resolution and a draft law in Congress to strengthen the Constitutional recognition of the status and rights of Mexico's IP communities. Called on Mexico to bring perpetrators to trial, and address impunity, torture, and other crimes, encouraging the work of the National Commission on Human Rights in Mexico and local NGOs.

SERPAAJ-AL and the National Network of Civil Human Rights Organizations in Mexico addressed the terrible massacre by paramilitary forces, where 45 Tzotzil IPs, including women and children were killed only 200 metres from a Public Security station while officials observed the act. Proof exists of the involvement of State and municipal officials in arms transfer and protection of the paramilitary group that conducted the massacre. Throughout Chiapas, over nine paramilitary groups have the support of the official party PRI (Partido Revolucionario Institucional). Disappearances have increased by 44 per cent in 1997. 10,000 IP have been displaced from their communities, living under inhuman conditions in various camps, preventing their agricultural activities. This has caused alcoholism, prostitution, violations, assaults, extrajudicial interrogations and forced expulsion from lands among IP communities. 73.6 per cent of indigenous children under five suffer from malnutrition. Called for a Special Rapporteur on Mexico, visits by the Special Rapporteurs on extrajudicial executions and on independence of tribunals; and for Mexico to disarm and sanction paramilitary groups, to ratify the protocol of the Convention on Civil and Political Rights, to make its declarations on Article 22 of the Convention against Torture, and Article 62 of the American Convention on Human Rights accepting the jurisdiction of the Inter-American Court on Human Rights (American Association of Jurists, Canadian Council of Churches). The International Commission of Jurists called on Mexico to end impunity granted to perpetrators of enforced disappearances, arbitrary arrests and detentions, torture and cruel, inhuman or degrading treatment and discrimination against indigenous people.

Sociedad Civil "Las Abejas" de Chenalhó, under Indigenous Affairs (IWGIA), spoke as women survivors of the massacred, in name of their dead who live through them everyday and sustain their path of dignity. Said that as IPs, they have been humiliated, mistreated, discriminated and excluded from justice, peace, democracy and freedom. Claimed that the massacre was not revenge, nor ethnic or religious war, but planned at the highest levels of government, arming paramilitary groups made up of IP members of PRI, to create confrontations between IP brothers by the paramilitary to exterminate organized non-PRI IPs. Supported the above recommendations and requested intervention to dismantle paramilitary groups, punish intellectual and material authors of the massacre, remove military forces from IP lands, respect customs and practices, and promote non-partial development projects (Comisión para la Defensa de los Derechos Humanos en Centroamérica - CODEHUCA).

Myanmar

The Special Rapporteur, Mr. Lallah (E/CN.4/1998/70):

- reported no change in the pattern of human rights violations: criminalization of political activity, and restrictions on freedoms of expression, information, association and movement. Forced labour includes the elderly, women and children;

- in ethnic areas, there is commonly forced displacement for development and military counter-insurgency operations, extrajudicial, summary and arbitrary executions, torture, and abuse of women and children. Persistent refugee flows affect neighbouring countries.

Myanmar objected to most of the Special Rapporteur's country report for lack of impartiality, and indicated that his government, transitory in nature, is committed to building a peaceful multi-party democratic society.

See resolution 1998/63 on the situation of human rights in Myanmar.

East Timor

Indonesia stated that it is not its policy to abuse or discriminate against any group on any grounds. Promotes human rights including in East Timor, with 94 per cent native population, granting freedom of movement to and from East Timor.

The European Union was concerned with impediments to political groups, trade unions and media, urging improvement in human rights, access by international humanitarian organizations to prisoners, and ratification of international instruments.

Canadian Council of Churches noted increased violations by Indonesian Security Forces in East Timor, urging visits by Special Rapporteurs on Torture and on Freedom of Expression.

Asian Buddhist Conference for Peace condemned the 22 years of brutal military regime, use of bombs to flush out East Timorese seeking refuge in mountains, and recent detention, humiliation and torture of five individuals from Metagou Village, Liqica by the Army. Pax Christi International added that the cause was lack of international measures to control repression and nepotism in Indonesia.

See report of the Secretary-General on East Timor (E/CN.4/1998/58).

Bangladesh

Asian Buddhist Conference for Peace recalled the 1997 Peace Agreement between Bangladesh and Juna Samhati Samiti (JSS) addressing violations against the Jumma people of the Chittagong Hill Tracts by those settled in their region by the government. Signalled recent event where returning Jumma refugees had their houses burnt, injuring 12; and the arrest of Jumma boys under false accusations after peaceful protests. Denounced recent wave of people unjustly claiming refugee status in Canada, Switzerland, France and other European countries by declaring false affiliation with JSS.

Asian Cultural Forum on Development (ACFOD) welcomed the 1997 Chittagong Hill Tracts Peace Treaty, but expressed concern over unprecedented arrests, detentions, torture, and extrajudicial killing of Hill Peoples members, and continued military presence (despite surrender of guerrillas) by Bangladesh. Denounced 1993 Naniachar riot as a massacre, where Bangladesh security forces killed almost exclusively 40 Jumma. Signalled arbitrary arrest of a Jumma participant in WGIP.

Nigeria

The Special Rapporteur, Mr. Sorabjee (E/CN.4/1998/62):

- was not granted repeated requests by him to visit Nigeria and received no response or substantive comments from Nigeria on his report regarding human rights violations allegations prior to submitting it to the Commission.

- assured his information came strictly from "unimpeachable" sources and contacts with the UNOHC.

Nigeria indicated its willingness to cooperate with the Special Rapporteur, having received an advance team on his behalf, that involved itself in domestic politics and abruptly ended its mission. Denounced the anti-Nigeria campaign by former colonial States as hostile, meant to divide, rule and continue ill-treatment of African peoples, and inconsistent with State positions in other fora. Appealed to be removed from the Commission's agenda.

An Ogoni representative, under World Council of Churches, denounced gross systematic human rights abuses by Nigeria, including extrajudicial killings, forced disappearances and military detentions in Ogoniland, causing hundreds of refugees in Benin. Signalled recommendation by Special Rapporteur for independent agency to assess environmental damage in Ogoniland due to oil exploration and operations by Shell. Urged Shell and all international oil companies in Nigeria to negotiate with freely chosen representatives of Ogoni People on corporate responsibilities and environmental and social reparation; to withhold cooperation from Nigeria until rule of law and human rights are restored; further urged Nigeria to assure fair ethnic and regional representation and dialogue in government, equitable benefit-sharing and human rights. Pax Christi International denounced urgent need to re-establish democracy, stop arbitrary arrests and torture, liberate human rights defenders, and restore Ogoni peoples' rights. Canadian Council of Churches further recommended a one-year extension of the mandate of the Special Rapporteur in Nigeria.



See resolution 1998/64 on the situation of human rights in Nigeria.

Sudan

The Special Rapporteur, Mr. Biró (E/CN.4/1998/66) stated that the human rights situation had not improved, including starvation, forced conscription, atrocities against religious communities by government, restrictions on aid and freedom of movement.

Sudan said it is a multi-racial, multi-ethnic, multicultural and multi-religious country; custom is a source of legislation; and provision was made for human rights and freedom, including democracy and independent judiciary. Found the report unfounded on ground facts and biased by the conflict in the South.

The European Union noted widespread violations in war zones, and urged Sudan to cooperate with the Special and Thematic Rapporteurs, other monitors, aid agencies and international observers to promptly investigate violations, publish findings and punish offenders. The Union would closely follow Sudan's commitment to respect human rights in its draft constitution.

Canadian Council of Churches denounced aerial bombardments in Nuba Mountains and Southern Blue Nile areas of Southern Sudan, detentions and tortures by government security forces, calling for an extension of the mandate of the Special Rapporteur and urgent placement of independent human rights monitors throughout Sudan (Pax Christi International).

See resolution 1998/67 on the situation of human rights in the Sudan.

Bougainville

The European Union expressed concern about human rights violations in Papua New Guinea, particularly by the PNG Defence Force against Bougainville rebels. Urged negotiated peaceful settlement among all parties, supported the Lincoln Agreement toward peace and reconciliation.

See the report of the Secretary-General (E/CN.4/1998/50) on regional arrangements for the promotion and protection of human rights in the Asian-Pacific region.

Guatemala

The European Union welcomed progress, urging Guatemala to fully implement peace accords, cooperate with the Truth Commission and meet revised deadline for victim compensation.

Comisión para la Defensa de los Derechos Humanos en Centroamérica (CODEHUCA) signalled grave violations in Guatemala against IPs in access to due process, with insufficient translation in indigenous languages and accommodation to customary law in State structures.

See the report of the Secretary-General (E/CN.4/1998/93) on assistance to Guatemala in the field of human rights.

Colombia

The European Union welcomed the establishment of a permanent office of the HCHR in Colombia, but was concerned by scant respect by parties to the internal conflict. Urged authorities to increase measures to address continued violations and impunity.

Franciscans International and Dominicans called on the Commission to closely monitor Colombia.

Nord-Sud XXI announced the threat to the existence of the U'wa people from oil drilling by the Occidental Petroleum Company (OXY), contrary to an agreement between Colombia and ONIC (National Organization of the IPs of Colombia) requiring prior consent. This constitutes human rights violations, causing land and environmental destruction, loss of cultural, social and economic values, alcoholism, and prostitution. Called for respect of U'wa cultural and territorial identity for exclusive use, and stop to any oil survey and exploitation on sacred territory.

United States

Indian Law Resource Center drew the attention to the urgent Western Shoshone human rights situation (submitting a Case Summary), wherein the US is threatening to force them off ancestral lands in the Great Basin region, dishonouring Inter-American Commission on Human Rights requests, 1863 Treaty of Ruby Valley, and the UN Draft Declaration on the Rights of IPs. The government's action is based on a unilaterally enacted statute of the US Congress addressing IP land claims. Shoshone economic and cultural survival is entirely dependent on their continued traditional use of ancestral land and resources. US Bureau of Land Management (BLM) has placed recent acute pressure, declaring Shoshone in trespass of lands and threatening with fines, imprisonment, cattle and property confiscation. BLM officials stated US is free to ignore Inter-American Commission decisions, without respecting international human rights cooperation, international law and institutions.

Other situations

Nord-Sud XXI signalled armed force intervention against farming populations in the Chapare region of Bolivia, causing deaths, wounded, detained and "disappeared" victims. Government is sending army into conflictual areas, particularly coca production areas, showing lack of will to dialogue, violating constitutional and human rights using Ónarco-terrorism dangerÓ as an excuse, eliminating real farmers and popular leaders. Denounced actions reminiscent of dictatorship, such as arrest of a National Deputy and removal of an authentic IP farming movement representative from Parliament. Called for support to defend their lives.

Asian Cultural Forum on Development (ACFOD) deplored Malaysia's recent forced deportation, after denying access by blockade to UNHCR office in Kuala Lumpur, of 500 Acehnese asylum seekers back to Indonesia (8 killed, scores seriously injured and denied medical care in the process) where they are being held incommunicado at Rancing military detention camp in Lhokseumawe, considering reports of torture and killings by over 100 Acehnese sympathisers in Northern Sumatra recently. Independent NGOs, journalists and Red Cross (ICRC) have been denied access to Aceh. Urged Malaysia to stop refugee deportations and for both countries to provide access to UNHCR.

International Federation of Rural Adult Catholic Movements (FIMARC) signalled peasant struggles in Colombia, Brazil, and India, and their right to organize and consolidate a network at the national, continental and world levels to defy forces threatening their right to life, to land, and future generations. Stated that in Brazil, IPs continue to suffer from land conflicts, kidnappings, torture, killings of IP rights defenders, resulting from pressures on government by dominant land owners and political interests. In India, the Dalits have faced increasing repression in past months, with leaders imprisoned and killed.

Detention or imprisonment and torture (Item 8)

Women's International League for Peace and Freedom highlighted reports of the Special Rapporteur on Torture and Working Group on Enforced and Involuntary Disappearances. Cited specific cases of violence, including rape, disappearances and murder, against unarmed civilians in rural areas by military forces in Sudan, particularly in southern Sudan and the Nuba mountain areas.

The International Federation for Christian Action on the Abolition of Torture and National Network of Civil Organizations "All Rights for All" called attention to Mexico's biased judicial system, unwarranted detentions, and grave and systematic practice of torture in conducting investigations, especially in the regions of Guerrero, Oaxaca and Chiapas, to get forced confessions of affiliation with the Ejército Popular Revolucionario (EPR), often corroborated by falsified police reports and tortured witness statements, without concrete evidence. Psychological torture under detention is constant. Called for Mexico to: end these practices; give public human rights commissions power by Congress to take penal action against grave human rights violations; comply with recommendations made by UN Special Rapporteur against Torture, accept the competence of the UN Committee Against Torture to examine individual communications, and collaborate in the elaboration of a Draft Protocol to the Convention Against Torture to allow periodic visits by Committee members to detention centres.

Pax Romana shared disappointment with the findings of UN Special Rapporteur against Torture on Mexico and the impunity of paramilitary groups, calling for respect of penal civil laws protecting citizens. Denounced hundreds of annual arbitrary detentions in East Timor; and inhumane prison conditions in Peru, citing the construction of prisons underground and at 5,000 meters above sea level, violating the International Convention on Civil and Political Rights.

The International Treaty Four Secretariat denounced arbitrary violence to three IP individuals (Lloyd, Orlan and Sandra Bear) and unborn child by Royal Canadian Mounted Police, who exerted unwarranted detention, harassment and physical assault. Harassment and charges against them continue. Urged independent investigation on the incident. Signalled Canada's acknowledgment of Residential Schools that separated IP children from their families and communities, causing loss of language, heritage and culture, child physical and sexual abuse, and effects on Aboriginal communities to date.

International Education Development requested Special Rapporteur Hussain to address systematic visa denials by United States to Chiapas experts invited to speak, based on political opinions. Condemned expulsions from Mexico of human rights advocates to repress information flow. Denounced Indonesia's militarization and imprisonment of Moluccans demanding self-determination. Condemned violence and abduction attempts by U.S. police forces against Hawai'ian natives, including police violence against woman; trespassing charges on own land to visit ancestral graves as traditional practice; denial by Courts to raise cultural and religious claims; and prohibition to speak Hawai'ian language.

Movement for the Survival of the Ogoni People (MOSOP) issued a press statement recounting the Ogoni struggle, illustrating challenges faced by IPs and minorities throughout the Niger Delta for transnational access to cheap fuel. Denounced military confiscation of corpses to hide evidence, preventing traditional burials; arrest of MOSOP president's brother threatened with death; and shootings at peaceful protests on Ogoni Day. Called on international community's responsibility as individuals and collectively to use its democracy and freedom to respond. Demanded immediate release of political prisoners; demilitarization of Ogoni; repeal of undemocratic decrees; national reconciliation to unified government under 1993 elections; ban on Rivers State Internal Security Task Force; revocation of Petroleum and Land Use Acts; and numerous economic sanctions.

International Indian Treaty Council signalled enforced or involuntary disappearances in Latin America for both political reasons and financial gain. Names of kidnap victims in 1997 Mexican Human Rights Commission report reveal that this is most common in IP communities in southern Mexico. In Guatemala, 45,000 disappeared during armed conflict have not been located, while action against human rights activists and kidnapping for financial gain are common. Illegal detentions occur in Colombia.

Liberation stated that in 1997, over 771 East Timorese were arbitrarily detained, tortured routinely, and 52 killed by occupying Indonesian security forces.

Programme and methods of work of the Commission (Item 9)



Chile stated that systematically, over 60 per cent of its national budget is channelled to social issues towards eliminating extreme poverty and social marginalization, particularly suffered by IPs, with special attention to cultural diversity and a promotion and protection policy. Internally, the "Indigenous Law" and the establishment of the National Corporation for IP Development have been central to social policy development favourable to IP communities.

Australian Human Rights Commissioner signalled his Commission's stand against a recent Australian High Court decision tolerating racially discriminatory legislation, undermining the 1992 Mabo decision on native title land. Legislation pending before Australian parliament proposes to remove some of the land title rights of Native Australians. Shows the importance of independent national human rights institutions in such cases. Recent investigations by the Australian Commission examined past policies and practices on the forced separation of thousands of IP children from their families.

The New Zealand Human Rights Commission stated that among the top four challenges in the next fifty years, the recognition of IPs is second, after the protection of child rights.

The International Peace Bureau signalled the urgent need for international intervention on 2 million internally displaced in Burma for: 1) large-scale development projects and "beautification campaigns" to enhance the tourist industry; and 2) military operations in traditional ethnic lands, clearing all rural populations as a starvation strategy against rebels. Resisters to relocation suffer brutal torture and summary executions. Belongings are stolen by military, villages destroyed, and villagers are used as front-line porters, human shields against rebel weapons, and forced manual work at military camps with little or no compensation. One million ethnic peoples have fled their traditional habitat and live in severe deprivation, including the Shan, Karenni, Karen, Arakan and Chin. Called for UN investigation in Burma, and peaceful conflict resolution, as contained in yearly UN resolutions on Burma since 1992.

Rights of persons belonging to national or ethnic, religious and linguistic minorities (Item 16)



Bangladesh signalled the peace agreement in December 1997 as a step to resolve a long-standing problem with the ethnic tribal minority in the south-eastern hill districts. The agreement provides for upholding the political, economic and socio-cultural interests of Hill Tribes within jurisdiction of the Bangladesh Constitution. Recognizes the hill districts to be administered by a Regional Council, whose chair is elected from among tribal people, to coordinate and supervise development activities of both tribal councils and local government, administration of law and dispensing of customary justice. None of the region's public land can undergo any transfer without the Council's permission, except reserve forests, recorded government land. A land commission is being formed to resolve land disputes. Under the new agreement, hill tribes, under amnesty, surrendered their arms to the government, and refugees began to return while Bangladesh provides incentives. Life has begun to return to normal.

Sudan indicated examples of freedom of religion, including the 1997 Sudan Peace Agreement, according to which citizenship formed the basis of rights and duties, and self-determination was guaranteed to all southern Sudanese, irrespective of religious or ethnic affiliation, particularly for Christians, with equitable power sharing and benefits for the first time in Sudan's history. Appealed NGOs to abandon unjustified animosity against Sudan.

International Peace Bureau declared that the Mapuche suffer brutal repression, unimproved since Pinochet's dictatorial regime, of their linguistic and cultural rights, right to livelihood and to physical integrity, resulting from deprivation of their lands spreading vastly across Chile and Argentina, and threatening their cultural integrity and survival. Mapuche communities suffer growing social instability, with danger of outbreaks of violence, posing consequences to State stability. Law No. 19.253 of 1993 protecting IP rights is not implemented for "lack of funding" while State weapons are purchased for millions. Usurpation of Mapuche lands, human rights violations and inhumane treatment continue. To the contrary, the recent Law of State Security and Anti-terrorist Law justify exaggerated military operations, entering Mapuche homes arbitrarily, threatening inhabitants, and holding detainees incommunicado, including women and children, such as in recent arrests in Temuco and Santiago. Infrastructure projects (roads, dams, logging), such as in the Bio-Bio affecting the Pewenche, Coast Road, Temuco By-Pass, are implemented without prior consent of indigenous communities affected, violating Law 19.253, and causing poverty, socio-cultural and environmental disasters. Called for sustainable development, respect for ancestral values, rights and common law, historic justice, coexistence, and ratification of ILO Convention 169 by Chile.

Minority Rights Group International said that effective dialogue could contribute to early warning of conflicts and bring dignity and rights to the marginalized. Proposed that minority and indigenous groups should be involved in the early planning and implementation of world conferences.

International Federation of Free Journalists expressed concern over oppression of minorities and native peoples by dominant foreign powers, citing the unremitting genocide of East Timorese, the desperate homelessness of the Crimean Tatars, and the loss of cultural identity of the Finno-Ugric peoples.

Latin American Foundation of Associations of Relatives of Disappeared Detainees cited three examples of IP rights violations. Stated the San Andrés Accords in Chiapas perpetuated the social exclusion of IPs; Mexico, having deliberately broken previous agreements, intended to restrict IP rights to "communities", remove IP rights of jurisdiction, and right to land and natural resources. Proliferation of pro-government paramilitary groups hinders IP right to participation in political and cultural life. Although Colombia is self-proclaimed multi-ethnic, the Pacific coastal region had suffered an unpunished, cruel paramilitary offensive, allowing economic sectors to move in to exploit natural resources. Displaced peasants sold lands cheaply in despair, that has been redistributed by central government.

Advisory services in the field of human rights (Item 17)



The Fact-Finding Mission in Guatemala designated by the Secretary General reported full government and civil cooperation, including from Mayan representatives, MINUGUA and UN Agencies. A steady improvement in respect for human rights includes democratization, respect for civil rights, recognition of IP rights, with perseverance from all sectors (government, URNG, and people) to respect the 1996 Peace Accord. Grave problems persist, however, including impunity, lack of due process, civil security issues, discrimination against IPs, lack of economic, social and cultural rights, and weaknesses in institutions to protect human rights. Some achievements have been made in implementing the Agreement on the Identity and Rights of IPs, although constitutional and legal reforms must be accelerated. It noted the importance of gradual State recognition of IP organizations and their role in affirming customary law, and the validation of principles and criteria used by IPs in conflict resolution in the official administration of justice, requiring further consolidation.

International Indian Treaty Council referring to the Fact-Finding Mission in Guatemala, pointed out that while it was commendable that all sectors were interviewed, including Mayan organizations, they did not know the content of the report because it had not been distributed on time by the UN. Despite government efforts in the peace process, it continues to violate human rights selectively. Guatemala is in a difficult transition wherein the thought and attitude of its people is left militarized after the long military dictatorship, and requires a process of re-education to reconstruct the social fabric, especially among indigenous communities still terrorized from the acts against them by army and paramilitary groups. Neither the peace process nor respect for human rights are consolidated yet in Guatemala. While President Arzú shows political will, there are powerful groups bent on constantly developing de-stabilization plans. IPs want real peace and not pacification, with respect for a pluricultural, plurilingual nation, free of racism, discrimination and destruction by State administrative and public policies. Requested the UN to continue its neutralizing forces and accompanying the four peoples of Guatemala, and to keep this case before the Commission.

Intervention of the General Attorney of Mexico (summary)

19 March 1998

In the Mexican legislative code we have accepted a great number of documents and principles issued by the UN. It is a paradox that at the end of the century some countries report violations of human rights and international law. That is why Mexico encourages the work of the UN High Commissioner and of the International Criminal Tribunal.

The Mexicans are concerned with two problems which drew international attention, precisely the massacre occurred in Acteal, Chiapas on 22 December 1997, and the peace efforts. The collective aggression resulted in 45 dead and 25 wounded. Obviously, security troops are responsible for the illicit weapon traffic carried out on the pretext of protecting individuals. It is also clear that there is no single reason for this massacre. Only in an atmosphere of impunity and violence could it result in such proportions.

The General Attorney's Office has carried out a penal action against 124 persons. Seizure orders have been issued. The Attorney's office continues various lines of investigation.

Efforts have been undertaken to establish peace, and a project for adequate standards in jurisdiction and in the constitution to regulate the relations of the Mexican State with its Indigenous Peoples is being carried out.

The investigation of the events in Acteal clearly reflects the will of the Mexican government and its President to struggle against impunity, to create basis for the solution and re-establish law in the region. To ensure it the President set forth before the Senate and National Assembly an Initiative of reforms and amendments to seven articles of the Constitution on 15 March. Mexico was one of the first countries to ratify ILO Convention 169 and is striving to guarantee the rights of the Indigenous Peoples.

Mexico is a multicultural State and a new code has been adopted to represent all the people; inhabiting the country. President Zedillo brought in an initiative for the introduction of autonomy.

Since the beginning of the conflict in 1994 no offensive action from the part of the Mexican Army has taken place. Subsequently two laws were issued - an Amnesty law and the Law on Dialogue, Reconciliation and Peace by Chiapas (March 1995).

However, the Chiapas community is not unique within the Mexican territory. The constitutional reforms undertaken by the President are meant to establish justice, peace, and respect for the country's cultural plurality.

Working Group on Indigenous Populations Education and language



Since the WGIP will highlight the theme of education and language at its 16th session, we are including in this issue some information and contributions by Education International and UNESCO.

Education International and indigenous education issues

Education International (EI) represents some 23 million teachers and other education workers through 284 national unions and professional organisations in 149 countries and territories.

The Aims of Education International are set out in Article 2 of its Constitution and include:

- To further the cause of organisations of teachers and education employees... and to defend their trade union and professional rights;
- To promote for all peoples and in all nations peace, democracy, social justice and equality;
- To promote the right to education for all persons in the world, without discrimination....

The policy commits EI, among other things, to promoting the collective rights of Indigenous Peoples to self determination and recognition of their cultural identity, including the right to learn and to use their own language. EI member organisations are encouraged to promote education for Indigenous Peoples that is developed with their full participation to meet the aspirations and needs of Indigenous Peoples. They are also urged to ensure representation of indigenous teachers and education workers in their union structures and to include indigenous members within their delegations.

Since 1995 EI has held three regional forums for indigenous educators - in the Asia-Pacific region; in Latin America and in the North American / Caribbean region. The education issues that were confirmed as critical by indigenous educators attending the EI regional forums are:

- the right to self determination including the right to control and make decisions about all aspects of education;
- survival, maintenance and use of indigenous languages;
- development of curriculum that reflects indigenous beliefs, values, knowledge and skills;
- resources to support teaching in indigenous languages including well-trained teachers, curriculum materials and small class sizes;
- participation of indigenous representatives at all levels of decision-making within the state education system;
- incorporation of the perspective of Indigenous Peoples in official curricula.

For most Indigenous Peoples education has been used as one of the tools in the destruction of their languages and their cultures. It has been part of the process of assimilation, a process that denies them the right to be indigenous.

Around the world children from indigenous communities feature at the bottom of the educational achievement indicators.

For these reasons, among others, educators and EI member organisations are beginning to recognise their special responsibility to support Indigenous Peoples in their determination to ensure the survival of their knowledge, languages, cultures and the success of their children in their own world and in the world beyond their communities.

Rosslyn Noonan

Coordinator Trade Union and Human Rights

Materials available at EI and at doCip:

1. Report on Indigenous Education in Australia and New Zealand, by Maori and Aboriginal and Torres Strait Islander educators and union activists who have built indigenous structures within their respective education unions.
2. The Coolangatta Statement on Indigenous Rights in Education, a discussion document developed at the 1993 World Indigenous Peoples Conference on Education.
3. Aboriginal Education, 1994, a discussion paper and policy from the Saskatchewan Teachers' Federation.
4. The Status of Indigenous Education: An Overview; paper for discussion at the EI World Congress in Washington DC, July 1998.
5. The Rights of Indigenous Peoples, a policy update for decision at the 1998 EI World Congress.

Education International, 155, boulevard Emile Jacqmain, B-1210 Brussels, Tel. +32-2 224 0611.
Sheena Hanley, Deputy General Secretary, Tel. +32-2 224 0641, Fax: +32-2 224 0606.

Website : <http://www.ei-ie.org>

What is LINGUAPAX?



A UNESCO project in favour of a culture of peace through the promotion of language teaching based on tolerance and international understanding

Methodology and approach of the project

LINGUAPAX, which has the same methodological approach as the Associated Schools Project in favour of a culture of peace, is based upon a specific method which consists in intervening directly at levels dealing with decision-making, execution and control of the educational system in the following fields:

- language planning;
- elaboration of curricula for the teaching of mother-tongues and other languages;
- conception, elaboration and evaluation of pedagogical materials (textbooks, etc.); and
- training of teachers in languages or social sciences who will subsequently use the material in their classes.

The aim of this global approach is that every training centre and institution, taking into account national and regional disparities, will progressively implement the teaching and training programmes based on the recommendations by LINGUAPAX and elaborated within the spirit of the project.

The project is also characterized by its decentralized function and by the sharing of responsibilities between UNESCO and the UNESCO Centre of Catalonia, a Barcelona-based NGO maintaining official relations with UNESCO.

Additional information and resource materials available in English

- "We Live in Just One World - which is plural, diverse, interdependent, unjust";
- Other teaching units forthcoming.

LINGUAPAX University Network

The role of the network will be to create, at university level, "LINGUAPAX cells" which will be in charge of coordinating local, regional and national initiatives pertaining to UNESCO's programme in the field of languages. More concretely, the "LINGUAPAX cells" will deal for the most part with the following subjects, to be developed within projects promoting a culture of peace:

- cultural diversity and linguistic rights;
- linguistic heritage and intercultural relations; and
- language didactic and teacher training within the spirit of LINGUAPAX.

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Working Group on Indigenous Peoples

Sixteenth session, 27-31 July 1998

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- [Workshop on Tourism and Indigenous Peoples](#)
- [Indigenous Peoples Preparatory Meeting](#)
- [Accommodation during the WGIP](#)
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Convention on Biological Diversity takes an important step on issues related to Indigenous Peoples and local communities

The Conference of the Parties (COP) to the Convention on Biological Diversity (CBD) held its fourth meeting in Bratislava, Slovakia, from 4 to 15 May 1998. On its agenda was Article 8(j) and Related Issues, that is to say, provisions of the Convention that refer to Indigenous Peoples and local communities.

Since the entry into force of the Convention, organizations representing Indigenous Peoples and local communities, with the support of most of the conservation NGO community -notably WWF and IUCN- have been struggling for a process that addresses, in a meaningful and positive way, their interests, rights, and concerns. One of the central proposals of these organizations has been, for more than three years already, that the COP establish a mechanism by which issues relevant to Indigenous Peoples and local communities are treated with their direct and full participation, and where the subject of preserving their knowledge, innovations and practices is not isolated from the broader issue of their rights to their lands, territories, resources, and knowledge.

Finally, after lengthy and at times painful discussions, the COP decided to establish an ad hoc open-ended working group on Article A(j) and related provisions - essentially the proposal presented by indigenous and local communities' organizations in 1996 at the COP 3, and now in Bratislava. In the respective resolution, countries represented at the COP basically agreed to:

- recognize the important role of indigenous and local communities for biodiversity conservation;
- emphasize the need for their participation and input;
- recognize the value of traditional knowledge in implementing the Convention;
- decide to establish an ad hoc open-ended working group on Article 8 (j) and related provisions, composed of Party countries and observers, including in particular representation from indigenous and local communities;
- encourage countries to develop consultations among indigenous and local communities on matters falling under the mandate of the group;
- mandate the working group with the task of developing a programme of work centred around issues like participation, benefit-sharing, traditional cultural practices, and monitoring.

Despite the significant progress that this decision represents, there are still various complex issues to be solved. First of all, the mandate of the group is limited, compared to what indigenous, local communities', and conservation organizations have been demanding. Fundamental issues like in situ conservation within lands and territories of indigenous and local communities -which in turn requires securing of their basic rights-, are insufficiently dealt with, and mechanisms for carrying out activities of paramount importance, like capacity-building and strengthening of local-people organizations, are still pending.

In any case, the decision of the COP 4 is extremely important, and constitutes a benchmark in the history of international policy-making processes. It is the first time an instrument of the magnitude and importance of the CBD -the record-holding convention in terms of number of countries having adhered in just six years of life- establishes a mechanism of this kind to address issues pertaining to the role of Indigenous Peoples and local communities with their direct participation.

There is a big challenge ahead for indigenous and local-community organizations. It is expected that their participation in the working group will be informed, focused, and representative. First of all, they are requested to develop a mechanism by which balanced, fair representation of all the peoples and communities concerned is ensured, without overcrowding the working group up to a point where just introductory speeches consume most of the available time, as it has happened in other fora.

Secondly, these organizations are expected to carefully select the individuals to follow the process, in a systematic and informed way, and to develop the necessary mechanisms for consultation and discussion, so as not to create an elite that only participates on its own and ignores the rest of peoples and communities.

On the other hand, indigenous and local-people organizations are expecting international community at large to support the efforts of indigenous and local-community organizations to meaningfully participate in the process that the working group opens up. Information-sharing, capacity-building, training, and resources for consultation will become priority needs. Institutions and governments interested in biodiversity conservation should be ready to contribute to this process -one that springs full of hopes that should not be frustrated.

The text of decision IV/9 was adopted by the fourth meeting of the Conference of Parties (COP) in Bratislava, Slovakia on 15 May 1998. Available at doCip [on request](#).

<u>Committees</u>
Committee on the Rights of the Child 19th session, 21 September to 9 October 1998: Bolivia, Ecuador, Sweden, Thailand; 20th session, January 1999 : Belize, Honduras. Contact person: Ms Raadi; tel.: +41 22 917 3359; fax: + 41 22 917 0099
Committee on the Elimination of Racial Discrimination 53rd session, 3 to 21 August 1998: D.R. of Congo, Morocco, Nepal, Niger, Rwanda. Contact persons: Mr Atchebro; tel.: +41 22 917 3410; fax: +41 22 917 0099, or ARIS; tel.: +41 22 7400 3530; fax: +41 22 740 3565.
Committee on Economic, Social and Cultural Rights 19th session, 16 November to 4 December 1998: Canada. Contact person: Mr Tikhonov; tel.: +41 22 917 3968; fax: +41 22 917 3968; fax: +41 22 917 0099.
Committee against Torture 21st session, 9 to 20 November 1998: Tunisia. Contact persons: Mr Bruni; tel.: + 41 22 917 3962; fax: +41 22 917 0099, or World Organization Against Torture; tel.: +41 22 733 3140; fax: +41 22 733 10 51.
Human Rights Committee 63rd session, 13 to 31 July; Ecuador. Next session from 19 October to 6 November. The countries to be considered have not been determined yet.

The World Intellectual Property Organization and Indigenous Peoples

The Programme and Budget of the World Intellectual Property Organization (WIPO) for the 1998-1999 biennium contains several activities relating specifically to indigenous peoples. These activities are principally being carried out by the newly established Global Intellectual Property Issues Division of WIPO. The primary brief of this Division is to research and explore issues such as the following:

- the intellectual property needs of holders of traditional knowledge, innovations, culture and genetic resources, such as in agriculture and medicine. The work of WIPO pays attention to (i) current approaches to the protection of intellectual property rights (IPR) of traditional knowledge holders, and (ii) future possibilities for the protection of

- IPR of traditional knowledge holders;
- the feasibility of the establishment of databases of traditional knowledge;
- the role of IPR in the preservation, conservation and dissemination of global biological diversity;
- the IPR aspects of biotechnology;
- the use of IPR in the transfer of technology under multilateral environmental agreements;
- the need for, and possible nature and scope of, new or adapted forms of protection for expressions of folklore; and
- the use of the existing intellectual property system for the beneficial commercialization of expressions of folklore, such as by way of multimedia and Internet technologies.

For purposes of the study of the intellectual property needs and expectations of the holders of traditional knowledge, innovations and culture, WIPO will, amongst other things, be conducting fact-finding missions to several regions. The main objective of these missions will be to meet with representatives of indigenous peoples and other interested parties to enable WIPO to listen to and learn from them.

WIPO will also, in July of 1998 and 1999, be organizing a Roundtable on indigenous intellectual property issues, to which Indigenous Representatives and others will be invited. The purpose of these Roundtables will be to facilitate an exchange of views among policymakers and indigenous people concerning the more effective application and possible improvements of the intellectual property system to protect traditional knowledge. So as to enable as many indigenous people to attend the Roundtables, they will be held near the time of the Working Group on Indigenous Populations organized by the Office of the United Nations High Commissioner for Human Rights. WIPO will seek the involvement of indigenous representatives in the design and planning of the fact-finding missions and the Roundtables and intends to work in close cooperation with indigenous peoples to better understand their needs and how best WIPO can contribute with respect to their intellectual property rights.

In addition and more generally, the Division will carry out its exploration of these areas by ways of :

- multi-disciplinary research (legal, scientific and field research);
- case studies;
- pilot projects;
- regional and other consultations; and
- panel discussions, round tables, seminars and other meetings.

Contact Information

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Consultation with Indigenous Peoples - WIPO Roundtable on Indigenous Intellectual Property Rights

23-24 July 1998, 10 a.m. to 6 p.m.

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Effective Negotiation by Indigenous Peoples

An Action Guide with Special Reference to North America
Russel Lawrence Barsh- Krisma Bastien

International Labour Office Geneva, June 1997

Negotiation is influencing the way others use their power. This book deals with the problems and challenges of some North American indigenous communities and individuals faced with various levels of government. Drawing upon selected case studies it provides "tips" on effective negotiation tactics and strategies by indigenous peoples. This book is based on the assumption that the future of these peoples depends first and foremost on themselves. By facilitating the exchange of the expertise among indigenous and tribal communities in different parts of the world, it is hoped to contribute to the strengthening of their negotiating capacity.

ILO publications can be obtained through major booksellers or ILO local offices in many countries, or direct from ILO Publications, International Labour Office, CH-1211, Geneva 22, Switzerland. A catalogue or list of new publications will be sent free of charge from the above address.



Acknowledgments

Contributors to this issue

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