TABLE OF CONTENTS

1. Editorial ........................................................................................................................................ 2

2. Working Group on Indigenous Populations, 20th session .......................................................... 3
   Report on the 2002 WGIP
   Item 4 ............................................................................................................................................. 3
   Item 4a ............................................................................................................................................ 3
   Item 4b ............................................................................................................................................ 5
   Item 4c .......................................................................................................................................... 10
   Item 5 .......................................................................................................................................... 11
   Item 6 .......................................................................................................................................... 14

3. Sub-Commission on the Promotion and Protection of Human Rights, 54th session .......... 17
   Resolution 2002 / 15.................................................................................................................... 17
   Resolution 2002 / 17.................................................................................................................... 17
   Resolution 2002 / 21.................................................................................................................... 18
   Resolution 2002 / 19.................................................................................................................... 19
   Resolution 2002 / 20.................................................................................................................... 20

4. Commission on Human Rights, 58th session ......................................................................... 21
   Item 15
   Special Rapporteur (SR)................................................................................................................. 21
   Permanent Forum (PF).................................................................................................................... 21
   Draft Declaration (DD).................................................................................................................. 22
   Decade / UN General .................................................................................................................... 22
   World Conference Against Racism (WCAR)............................................................................... 23
   Country Situations......................................................................................................................... 23

5. Indigenous Peoples and the European Union Policy ............................................................... 25
   Speaking Out: Indigenous Views of Development and the Implementation
   of the EU Policy on IPs
   Indigenous Peoples’ Declaration.................................................................................................. 25
   The Conference............................................................................................................................ 26
   Conclusions and Recommendations............................................................................................. 28
   Speaking Out: a true encounter in Brussels?............................................................................... 29
   Contacts at the European Commission......................................................................................... 33

6. Abbreviations .................................................................................................................................. 34

7. Other matters .................................................................................................................................. 37
1. EDITORIAL

The future of the Working Group on Indigenous Populations (WGIP) continued to fill the thoughts during the eighth session of the Working Group of the Commission on the Draft Declaration (WGCD), which just came to an end. Beforehand, the High Commission for Human Rights had invited the indigenous peoples to give their opinions on this subject and the NGOs holding ECOSOC status coordinated their efforts to send their position directly to the ECOSOC. The Permanent Forum (PF) will present its standpoint in the Review of the Mechanisms within the United Nation, moreover it convened with the WGIP and the Special Rapporteur with the goal of clearly specifying the complementarities of their respective mandates. The PF’s voice in favor of the WGIP’s continuation is therefore clear, as well as that of the Indigenous Peoples, the WGIP, the Sub-Commission and the NGOs.

The nomination of members for the Secretariat of the PF has been another preoccupying subject. The procedure is now known and will take place in two steps: beginning 2003 a reduced team of three people has to be provisionally nominated, then at the end of this same year, the 5th Committee of the UN General Assembly will determine the budget of the Secretariat for 2004-2005. Several states solicited that a final team of 6 to 7 people be chosen. The resolution encourages indigenous professionals to present themselves as candidates, the positions will be announced on the website [www.un.org](http://www.un.org) (Employment at the UN). The provisional team will have the task of preparing and managing the second session of the PF, of initiating the establishment of the Permanent Secretariat and assisting the members of the PF whenever possible.

As for the WGCD itself –dedicated essentially to the right to self-determination, to land issues and resources– it came to a conclusion without any article having been approved. Only article 8 regarding the self-identification seems to have approached the beginning of a consensus. The articles dealt with at this session will therefore be reconsidered in 2003. It is important to note the diverging positions regarding intellectual and cultural property. Numerous governments propose to await the conclusions of the OMPI whilst the indigenous peoples underline the fact that the mandate of this organization is not to establish international standards but to put in place a system on the basis of already existing norms that guarantee solely individual rights.

The great novelty of this edition of the *Update* comes from the European Union (EU). Indeed, two major events have taken place at the European level: the conference on EU development policy regarding indigenous peoples that took place in June and the decision made on 18 of November 2002 by the EU Council. This edition includes the Declaration of Indigenous Peoples that preceded the conference, an accurate summary of the latter as well as an article that places the conference within the context of the EU institutions and its cooperation and development policy. Thus, there is a new theme to pursue.

The reader will also find within this issue a summary of all the written interventions made during the 20th session of the WGIP, a session where it is important to remark the concrete initiative of Ms. Françoise Hampson, a new expert replacing Ms. Erica I. Daes. This initiative concerns the distribution of radio wavelengths to indigenous organizations who wish to emit programs in their own language directed to their own population (see page 16).

Finally, the resolutions and decisions of the 54th session of the Sub-Commission on the Promotion and Protection of Human Rights are presented as well as a summary of the interventions relative to indigenous peoples, which were pronounced during the 58th session of the Commission of Human Rights.

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2. WORKING GROUP ON INDIGENOUS POPULATIONS

20th session, 22-26 July 2002

The Indigenous Peoples (IPs), the experts of the Working Group on Indigenous Populations (WGIP) and several governments called for the continuation of the WGIP and exposed the differences in the mandates of the WGIP and the Permanent Forum on Indigenous Populations (PF), in particular with regard to international standard-setting activities.

Report on the 2002 WGIP

Item 4. Review of development pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples

Asia-Pacific

JPL denounce the following violations of the Chittagong Hill Tract Accord by the Bangladeshi government regarding mainly issues of representation: (1) the post of CHT Affairs Ministry is kept under the charge of the Prime Minister instead of an indigenous minister; (2) the persons working in the local government bodies in the CHT have been nominated by the government; and (3) a non-indigenous setter was appointed by the government as the chairman of the CHT Development Board.

Northern Europe and Russia

For the first time in the UN's history, IPs and governments meet on a truly equal basis thanks to the creation of the PF. SC believe that only the kind of cooperation and holistic approach adopted at the PF will end discrimination of IPs worldwide. SC call for voluntary funds for an independent secretariat for the PF and oppose the possibility of secretarial duties carried out by the Interagency Support Group as it would encroach on the independence of the PF.

Item 4 a. The Working Group and indigenous peoples: achievements in the United Nations system and vision for the future

Yozo Yokota identifies items of the WGIP mandate that need to be maintained or given to another indigenous fora within the UN system (1) treaties concluded between governments and IPs; (2) elaboration of a definition of IPs; (3) analysis of the impact of globalisation and Trans-national Companies (TNCs) on IPs; (4) protection of the intellectual property rights of IPs; (5) standard-setting activities; (6) collection of data concerning human development of IPs; (7) scientific research of IPs cultures; and (8) representation of IPs views and problems. Overlapping of these activities with other UN bodies can be overcome through greater coordination and exchange of information.

North, Central and Latin America

IITC, Confederacy of Treaty Six First Nations and KYM deplore the possibility that the WGIP might be eliminated since it would discriminate against IPs in their enjoyment of fundamental rights to express their concerns within the UN system accorded to all peoples under international law. The WGIP has the unique mandate for the protection and promotion of the human rights and fundamental freedoms of IPs as well as standard-setting activities, a mandate that is on going and still needed by IPs (also AFN).

MoN at Kahnawake thank the WGIP for its support in times of crisis such as during the Oka Crisis (1990) and emphasize that the WGIP gives a voice to IPs in the international arena, encourages peaceful resolution of conflicts and should continue to obtain justice for IPs.

IOIRD state that the establishment of the PF is not a trade off, the WGIP and PF can continue to co-exist and work on respective and different mandates. As a vision for the future, IOIRD see IP recognized with the full right of self-determination thanks to the “partnership in action” of the WGIP, Special Rapporteur (SR) and PF. In order to advance the Draft Declaration on the Rights of Indigenous Peoples (DD), which the WGIP initiated and pushed forward, ICC suggest that the two following issues must be overcome (1) the right to self-determination must be applied universally to all people, which is not the same as the right to full autonomy as a

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1 The conclusions and recommendations of the 20th session of the WGIP were published in the Update 46-47. The following report of the interventions made during the 2002 session is based on the written statements.
nation-state; (2) states need to understand the social, cultural, economic and spiritual significance of collective rights for IPs (also AFN).

CAPAJ state that the WGIP has barely began to fulfill its important mandate and for its advancement, they propose that indigenous experts as well as a Permanent Delegation for IPs in Geneva both overlook and contribute to its work (also AAI/PKK/PDES).

AAI/PKK/PDES state that IPs mistrusted the UN system when the WGIP came into being but soon they saw it as an opportunity to be heard and recognized in their specific needs (also IITC, Confederacy of Treaty Six First Nations, KYM, AFN). The increasing number of participants and emergence of new international indigenous leaders are indicators of the WGIP’s success; this working group must be maintained.

**Africa**

RWA say that the WGIP has opened up numerous opportunities for information sharing, liberal interaction and the collective and individual representation of IPs (also OSILIGI, Tomwo IPDI, Tigmi, IACDHR). IPs, especially women, benefit from UN resolutions and documents that legitimise the IPs’ issues.

OSILIGI say that their participation in the WGIP and other international fora has made apparent the plight of hundreds of IPs in Northern Kenya. It is important to learn from the strengths of the WGIP and lessons learnt to better serve the interests of the IPs. There are still many challenges facing the WGIP and UN agencies in Northern Kenya.

In Africa there are very few mechanisms to defend indigenous and human rights, but thanks to WGIP and the Annual African Indigenous delegation, this is slowly changing (also MEDC). In 2000 the item "Indigenous People" was listed for the first time on the agenda of the ACHPR. Tomwo IPDI would like the WGIP to: (1) strengthen the role of SR; (2) revise the WGIP mandate in light of the PF; and (3) invite the PF to be an observer during meetings of the ACHPR.

MEDC report that their community was displaced from their ancestral land by the Kenyan government in 1989 and ask for the support of the WGIP to obtain more recognition and resources with regard to their rights to land ownership.

**Asia-Pacific**

SGC demand the ECOSOC to adopt a resolution recognizing the historical meaning, present role and future importance of the WGIP considering its significance for IPs and the uniqueness of its mandate (also TF).

Françoise Hampson agrees with SGC and advocates the possible usefulness of academic participation in the unique mandate of "standard-setting activity"; were the WGIP to be abolished, this activity should be given to the PF or SR.

KtKI from the Philippines state the creation of the WGIP has been invaluable for the assertion of the Lumad peoples’ rights and the creation of the DD. The WGIP is the only place where the IPs feel that governments listen to them and is considered complementary to the PF (also TF).

PIPlinks fully endorse the statement and recommendations of the Indigenous Caucus for the future of the Working Group. The biggest challenge facing the UN is how to control the powerful and unaccountable corporate sector (e.g. extractive industries) and the WGIP provides one of the only mechanisms for addressing this issue.

TF recalls that when the creation of the PF was discussed at the WGIP it was never intended to replace the WGIP, which is still needed and cannot outlive its mandate because IPs’ rights are still violated.

ATSC report the over-representation of Indigenous Australian young people in the juvenile justice system (Indigenous Australians comprise 2.4% of the population and 40% of the juvenile justice system). Within this context the WGIP is of critical importance for the monitoring of the Australian government’s compliance with the Convention on the Rights of the Child.

FAIRA congratulate the WGIP experts for successfully bridging the diplomatic gulf between the nation-states and IPs and look to a future where IPs are engaged as experts, SR, states’ representatives and UN leaders. Most importantly, twenty years is or should be a benchmark for the true integration of IPs into the UN system. FAIRA supports the review of the WGIP unless it is a ‘behind-the-scenes’ execution.

ACIP suggest that in 2004 (as a culmination of the UN Decade of the World’s IP) the WGIP itself be enhanced into the previously proposed World Conference of IP, thus reducing costs and saving time.

**Russia**

ISTOK underline the importance of the WGIP and the PF, they propose to maintain both bodies and to hold all sessions of the PF in Geneva.

**NEW ZEALAND** acknowledges the important role played by the WGIP for the recognition of IPs and their rights but awaits the outcome of the review of existing mechanisms, procedures and programmes within the UN concerning indigenous issues before pronouncing itself on the future of the WGIP.
CHILE declares that it has actively worked for the promotion of rights of IP through its participation in the negotiations on the DD, in the creation of the PF and in the implementation of the Durban Declaration and Program of Action. Underlying the value of human rights mechanisms, CHILE supports the continuation of the WGIP.

Item 4b: Indigenous peoples and their right to development including participation in development affecting them

Ms. Hampson says it is important that measures being taken against a government by another State or international institutions should not affect adversely IPs, whenever this does occur the SR and HCHR should be immediately notified.

Mr. Yokota underlines the need of considering all aspects (economic, civil, political, social, cultural and others) of individual and collective rights in development issues. Comprehensive data on another basis than the country-by-country basis of UNDP’s Human Development Report is needed in order to compare IPs and other populations. All national development projects should be planned and implemented with IPs participation and consultation. Similarly, IPs have the right to plan and execute their own development projects, with national and international technical and financial assistance.

UNDP welcome the PF establishment and present their policy towards IPs, based on the international human rights framework, and recognizes IPs’ rights and contributions to development. The policy will guide UNDP staff in their work with IPs for the promotion of their rights, of the co-existence of their cultural, social and political systems with others, and of more inclusive government programmes. Priority areas are: poverty, land and natural resources, participation in decision-making (including inside UNDP) as well as free, prior and informed consent. UNDP recall the achievements of the Rio Earth Summit in 1992 and the importance of the World Summit on Sustainable Development as well as UN Millennium Development Goals, calling for IPs' participation.

The World Bank's policy regarding IPs is as follows: (1) ensure the participation of IPs in development projects that affect them; (2) avoid or minimize negative impacts of development on IPs; (3) adopt projects that are in line with the needs of IPs. Experience has proven that working with local, already existing organizations increases the success rate of projects.

North America

GCC, UN Human Rights Committee and the Royal Commission on Aboriginal Peoples underscore the link between IPs' economic, social and cultural development and land/resources rights (also RNTI). Canada has not yet implemented the Commission’s recommendations regarding IPs’ resources rights (also CFSC), and is not taking into account IPs’ needs and aspirations. The Cree People of Eeyou Itschee signed with Quebec Government an Agreement in Principle on self-determination, proving to other governments that IPs’ needs are not a threat. By investigating issues regarding IPs, RNTI observed massive corruption of state bodies and multinationals, government policies threatening their rights and existence, no respect towards their natural resources, as well as bad health, housing and education conditions. The Canadian legal system being exhausted, the support of the international community is necessary. The WGIP must continue its work, the PF must be supported and the DD passed with no changes.

MN stress the negative impact of development on IPs’ health and environment. IPs’ health practices are threatened by aggressive and expensive conventional healthcare and by pharmaceutical and commercial industries exploiting traditional indigenous knowledge with no benefit to IPs. Indigenous health is a holistic concept and practice, to which indigenous sports contribute. The WGIP must be maintained, as it is a place where IPs can discuss health issues in relation to development and living conditions (also CVRWSSC).

CVRWSSC refer to a coalmine exploitation and pipeline project that will cause the relocation, without benefits, of Dine’b (Navajo). This mine causes water shortage, and health and environment problems. IPs had no right to free, prior and informed consent regarding the pipeline project.

ASC (represented by EF) refer to the construction of an observatory on Mount Graham, a San Carlos Apaches sacred site. The unique biological diversity of Mt. Graham ensures the support of environmentalists against the project and project sponsors such as Italy and the Vatican are urged to respect the spirituality of the Apache based on a direct and pragmatic relationship with nature. IPs’ contribution is precious to humanity (also RNTI) as a lesson for peace and progress.

CFSC are committed to supporting peace and justice for and with IPs. The right to development is linked to the right to self-determination, which includes control over land and resources. Canada officially supports this right but recent developments indicate otherwise. Canada blocks the substantive changes IPs have achieved at an international level. CFSC recommend that states promote the right to self-determination and measures to protect IPs lands and resources, complete the deliberations on the DD and support the PF.
Central and Southern America

**CPNAB/ANIPA** condemn the decision of the Fox administration to reinitiate the hydroelectric project of San Jose Tetelcingo, Mexico, resulting in the flooding of 22 Nahuas villages. CPNAB condemn the present government for not respecting the ratified cancellation of the project signed by the previous government, nor ILO 169 Convention. They ask for support to stop the hydroelectric project.

**AAI/PPK/PDESM** call for a development considering all different identities in national and international bilateral or multilateral programmes. Regional globalising development plans will only benefit the elite, but principally affect IPs. They must not be instruments or victims, but participate in national development with their own proposals, as a part of natural and cultural diversity, and this must be reflected in national budgets and World Bank regional development plans. IPs must benefit from eco-tourism and cultural tourism profits. The WGIP is the place to set a framework for such development.

**FENOCIN** underscore Ecuador IPs continuing struggle to achieve their rights and local development in a colonization and globalisation context (also **MIT**). IPs are victims of the economic crisis, urban migration and lack of access to public assistance and credit. FENOCIN state that IPs should strengthen their traditional knowledge and languages, integrate land as cultural heritage and call for inter-culturality. Governments should dialogue on IPs proposals in order to grow together. **MIT** report that continuous contact with society during history caused acculturation and extermination of many IPs. Development is ambiguous and also carries drawbacks like individualism, growing inequalities, poverty and pollution. IPs must propose new development models that respect cultural diversity and the earth. Common work between all nations is necessary to achieve social development in dignity. Free Trade Area of the Americas (FTAA) will not offer real opportunities to Ecuador's IPs but will only legitimate the plundering of biodiversity, traditional knowledge, oil and other resources.

**INTI** propose that the UN elaborate a Central Plan of Participation of IPs to be endorsed by governments and implemented within the context of respective national development plans. IPs' right to use and preserve their natural resources is endangered by the destructive development of TNCs (also **ACRICAR**). IPs significantly contribute to the conservation of Peru’s biodiversity and can encourage sustainable development if their knowledge is integrated. **ACRICAR** report an environmental imbalance affecting IPs' agricultural and breeding economic activities, caused by TNCs, chemical and mining industries. The Peruvian government does not support those affected by these environmental changes. **ACRICAR** call for UN and international financial assistance. **CEHO/OBAAQ** refer to the Peruvian rain forest privatisation and destruction and call for international legal instruments that help IPs to defend biodiversity and human health, as well as for protection of indigenous territories in the Peruvian Amazon rain forest.

**CONACAMP** state the economic system of Peru, inspired in neo-liberalism, makes governments leave IPs in a backward state of development, and causes violence due to land privatisation, environmental pollution by mining companies, growing poverty of IPs due to loss of natural resources, loss of cultural identity, and political oppression. This is aggravated by climatic changes. IPs must be respected as human beings. IPs in Bolivia are not recognized despite their number (FDMCT). They have suffered discrimination since the colonial era and development models tend to deepen exclusion. IPs’ history in Bolivia is one of struggle for rights; they have achieved some degree of participation but they are still victims of exclusion poverty, and killings (also **CAMCAPC**). They will keep struggling for active and full citizenship, development based on their own identity, right to land and resources, and social justice. ILO Convention 169 was ratified by Bolivia but is not respected in practice. No development has been achieved during the indigenous Decade. UN must have IPs' rights respected in Bolivia. IPs themselves will keep struggling to obtain this respect.

**MUINAVI** stress the importance and achievements of the WGIP in Argentina and state that although Argentina ratified ILO Convention 169, no difference is seen regarding IPs’ discrimination. Nor are respected national legal dispositions promoting IPs’ rights. Indigenous women suffer from additional discrimination in education and access to public assistance. They call for the support of IPs and especially women present at the WGIP.

In Colombia development is a succession of political processes with negative effects, particularly for IPs (HH). Development programmes only aggravate the situation, such as the Plan Colombia that benefits mainly the Northern American arms industry. True development must consider IPs, their own human and natural resources, and their traditional knowledge. Cultures and ecosystems must be protected in order for IPs to continue existing. The internationally dominant concept of development only considers the economic part and disparities grow between the richest and poorest (IMTA). The future of humanity will be of material and spiritual misery, and even disappearance; IPs represent the basis for sustainable development, against the states lack of political will to eradicate poverty (supported by **CRAL**). **CRAL** state that the struggle for development is crucial to all IPs. Colonization interrupted development and destroyed IPs and their cultures in order to plunder their resources (also **ICSA**). New projects and proposals now exist to contribute to building a multi-cultural society.

IPs deeply respect nature and the environment, **ICSA** state. Andean agricultural systems offer ecological alternatives useful to fight the world’s hunger. Chile and Peru's governments encourage Andean peasants to migrate to agro-industrial areas, so IPs disappear and the highland areas where they once lived, are destroyed.
ICSA bring forth several examples of how government despise highland environments, IPs and development. ICSA call for the WGIP to assume a more effective role to face the described situation.

Africa

CAASM transmit the Amazigh people's struggle to achieve their rights, particularly the right to have their language recognized and used in education, the media, and administration. They refer to the Amazigh cultural movement in Northern Africa and its claim to international recognition as well as in the UN system, and urge governments to apply UN Charters on Human Rights and IPs' rights.

AT refer to the backward state of development, in spite of some recent state efforts in regions where Tuareg people live around oil company concessions. This situation caused protest movements that are not taken into account. Development projects do not usually bring anything positive to local people, who are seldom informed and consulted.

Arbitrary frontiers resulting from colonization and the pressure from the public authorities have forced the Kel tamachek to adopt a sedentary life for which they were unprepared. Tin Hinar state that outside development aid has often imposed projects that are incompatible with the Kel tamachek expectations and traditions. A local network of associations, based on principles of solidarity and proximity to the IP, is the most effective defence of their rights.

MBOSCUDA pledge their support to the WGIP, PF an all UN structures and policies that promote and protect IPs. They refer to their development project BALLOTIRAL in Cameroon North West Province, that enable the grassroots to engage in their own development regarding issues like civil rights, social, political and economic freedom for women, and land tenure. MBOSCUDA underline the importance of international fora and the need to address real issues that affect ordinary IPs, mainly oppression and persecution by rich land speculators (also AIWO-CAN). They call for the WGIP support to put an end to this persecution. AIWO-CAN state that land issues are very problematic in Central Africa, and are closely related to refugee issues, to illegal occupation of land and to the Cameroon-Chad pipeline. Health, education and development depend on having land to live on.

HWO address the many problems indigenous women are facing in Namibia, such as lack of respect and low incomes resulting in bad housing, alcohol abuse, violence, sexual abuse and food security problems. Educating women about their rights is important, as is aiming to give them a feeling of fulfilment and self-esteem. Leadership among Khoe women would enhance their possibility to participate in social and economic development of the country. KCC mention the bad living conditions of Nama people in Namibia, and particularly the problems in education, an important tool with the advent of globalisation. IPs still have no access to economic and social resources, nor to vocational and other training facilities in indigenous areas, education in indigenous language, and employment creation based on the traditional economic basis of IPs. Thus there is a need for their participation and empowerment

OWA refer to Ogiek people of Kenya, threatened by displacement by the Government, and ask for more information about what UNHCHR is doing to improve the status of the world's IPs. OWA is focusing on educating the Ogiek and other IPs on their basic rights to life, prosperity, education and health. SMOO welcome the progress regarding IPs development thanks to the WGIP where indigenous leaders can discuss human rights and development issues. But IPs are still facing problems in education, land tenure, political oppression and assimilation. States should recognise IPs' existence and their land tenure customary laws. International donor institutions should not freeze their collaboration even when expectations of governments to be accountable and democratic are not met. Policies should be developed to accommodate IPs in trade and industry, especially agriculture. IPs should be helped to improve their knowledge through direct participation in their own development projects.

PIP state that IPs are denied their right to self-development and the recognition of their very existence. Among the Samburu of Northern Kenya, no meaningful development has taken place. No new schools and healthcare centres were put in place despite tourism being the major industry. Corruption is the main cause of under-development. The government as an imposition against the peoples’ will appoints local administration officials. The government alienated large parts of Samburu ancestral land without consultation nor compensation. Community involvement and participation, obtaining its prior free, voluntary and informed consent in development affecting it is crucial. Leaders must be elected, traditional institutions restored, adequate resources allocated and local people trained and employed to control and manage the resources.

CAURWA say IPs were threatened during whole history by territorial expansion of dominant societies and are denied the right to development. In order for IPs to achieve development, it is necessary that all national and international actors intervene and that governments include IPs in all development sectors and programme elaborations.
Asia-Pacific

CPMP raise a few of their concerns in Manipur and India’s north eastern region. The people have continuously struggled against oppression, from the British coloniser to present forms of oppression. Manipur is a captive market for manufactured goods under a colonial economic policy that impedes handicrafts and manufacturing industries. Pervasive under-development and acute lack of basic infrastructure make industrialisation virtually impossible. Thus the various communities in Manipur tend to view the others as the cause of their economic ills and strive to control resources for exclusive utilisation of their communities. No loans can be taken directly from foreign countries and agencies to finance their own projects. The SR and the WGIP should continue to give attention to economic injustice in constant consultation with IPs. NPMHR refer to Naga people’s struggle to participate in development in various Indian states where they are minority communities. A mega dam project in a highly seismic area in Manipur is threatening to submerge sacred sites, virgin forest, cultivable lands and Naga villages. IPs are not informed nor participate in this project and won’t receive any benefit, but they will assume its social and environmental costs. The Manipur State Strategy and Action Plan of the National Biodiversity Strategy, a project sponsored by the Global Environmental Facility, threaten IPs right to ownership of land. Moreover, the Human Genome Project was started in Nagaland without concerned IPs' free and informed consent. NPMHR believe the people have the right to say no to any development projects. If development is to become an instrument of empowerment, it must begin by developing the minds of people in understanding one another.

ZOIPU refer to the Zo people that inhabit the Indo-Myanmar border region, and Bangladesh. Zo are affected by conflicts between those states. They cannot benefit from Indo-Myanmar border trade for the government armies lay land mines on both sides, of which Zo are innocent victims. ZOIPU call for the DD to be finalised quickly, for the WGIP and PF mandates to be clarified and a discussion be established between IPs, states and experts on development issues.

PCG support the view that development and self-determination are two sides of a coin and refers to ILO Convention 169, Art. 7.1. The Chittagong Hill Tract was visited by a mission mainly of international partners, to assess the situation. Jumma people were not allowed to participate. PCG insist on the need for proper implementation of the 1997 CHT accord (also IJC): participation and a democratically elected government are the basis for development. Jumma people are entitled to self-government in the CHT. PCG further claims the early adoption of DD and ratification of ILO Convention 169 by Bangladesh. IJC demand Jumma people’s participation in the development process of the CHT, rather than being marginalized and evicted from their lands. Roads were built with development funds and now give access to the military, which crushes the struggle of IPs. IJC claim that Bangladesh government uses IPs to raise international funds that IPs never benefit from.

WSC state that Sindhi people in Pakistan are still systematically denied their right to development, and are facing severe social, political and economic oppression, leading to an increase of suicide. IPs do not get much benefit out of development facilities in their areas and are discriminated in job hiring. Many Sindh districts are threatened by desertification and drought due to unequal water supplies and dam constructions. This causes immense agricultural damage. Pollution is feared in the Indus River because of a drainage scheme. WSC urge the UN to influence Pakistan diplomatically, and to rescue Indus river environment.

KYC state that IPs are not partners in development projects in Nepal. They are seen only as beneficiaries but not as contributors to development and are not informed nor consulted. The “National Foundation for the development of indigenous nationalities”, created by Nepali government in 2001 and whose committee should consist of indigenous persons, was never implemented. Development is only possible through recognising their right to self-determination, and in no way under militarization (nor colonisation or oppression, BPCA).

HIHRW demand UN full protection for Hmong people in Laos and Thailand, especially in refugee camps in Laos where disappearances occur. Hmong people cannot participate in politics and Christians are prosecuted. In Thailand Hmong refugees neither enjoy citizenship nor their rights to education. They are not registered, neither protected by UNHCR. Hundreds of Hmong leaders were killed in the past five years. HIHRW urge UN to put an end to Hmong crisis in Laos.

CSSC claim that as Chagos Islands IPs, recognised by the Human Rights Committee (HRC), are not allowed by the British government to access their ancestors lands and cannot therefore develop them. Nor have they access to education, health system and employment. They had to wait for the British government to decide if development is possible on Chagos Islands but could not participate in the decision. They further claim HRC recommendations to be implemented.

BPCA say Bangsamoro people of Minadao are colonised by the Philippine government and denied their right to self-determination; despite their distinct identity, common culture and long history of political independence. They urgently need development but this is not possible without the enjoyment of their right to self-determination. The government encourages Filipinos to settle in Bangsamoro territories in order to create a minority of IPs. BPCA claim that the right to development must be pursued within the framework of the right to self-determination; a standard must be set on the nature of development for IPs; and Philippine government must be urged to allow the holding of a referendum in Bangsamoro territory. CPA underline that Philippine
government continue to violate Cordillera IPs' rights to ancestral lands and self-determination, through mining and dams project, extension of commercial agriculture, privatisation of communal lands, evictions due to ecotourism and militarism. CPA particularly refer to the Lepanto Consolidated Mining Company that systematically violates IPs' rights, and to San Roque dam, whose construction continues despite no free, prior informed consent from the affected communities. CPA call for WGIP support in order to make the government recognise IPs' rights to ancestral lands and self-determination, and free, prior and informed consent. They call for a moratorium on projects affecting IPs and the development of a monitoring mechanism to evaluate the impact of development actors and the rehabilitation of communities and lands. In the context of the Philippine's experience, TF/PIPlinks refer to the crucial right of IPs to free, prior and informed consent in the development as a central issue requesting the WGIP's further study and consideration. TF/PIPlinks further refer to the World Commission on Dams and to the World Bank policy positions regarding free, prior and informed consent. The implementation of laws regarding free, prior and informed consent in the Philippines is problematic, particularly regarding mining and dams projects.

SUANPA challenge the Convention on Biodiversity and specifically the idea of “benefit sharing” in article 8(j). Furthermore, Australia's State and Territory Governments can ignore international laws and standards that have been signed by the National Government alone. Thus far development has meant a real threat to IPs in Australia. CNDPA call upon the GTPA, the CHR and the International Community to contest the present construction of a metallurgical plant supported by the French government, causing damage to the Kanaks' land. The Kanaks have lost 74% of their land since the French colonization, their collective rights violated by the French government and multinational companies. The French government and the environmentalists fail to link the protection of biodiversity and cultural diversity. Development is often an alibi for domination, as IPs are considered unable to develop. For the Kanaks, identity is the starting point of a responsibility towards one's human fellows and nature. The relationship between IPs and nature is seldom considered. For example, mining exploitations were permitted without the Kanak leaders' consent and IPs receive only scarce benefit. AIPR refer to unexploded bombs left from World War II on Okinawan people's lands, a dangerous threat that causes economic losses. Target practice in military bases increases the number of bombs and their removal will cost time and money. Field fires happen continuously and environmental disruption is rapidly spreading. Environmental pollution caused by US army activities is very serious, due to uranium and chemical wastes. Environmental inspection of the base must be on mutual agreement. This pollution must be assessed and residents should participate in the decision-making of the purification plan. The USA should apply the Environmental Purification System based on the DD, and the WGIP should promote the Declaration strongly.

Russia

MCTP state that IPs are entitled to choose which values and aspects of their identity must be preserved and which ones may be transformed, adapted to the new situation or developed. Governments often deny the possibility for IPs to develop themselves or to participate in development, thus denying them equal rights and treatment. Crimean Tatar saw their cultural heritage destroyed under the Soviet power, now the Ukrainian government argue that they are no longer IPs. They wish to control their own development, land and natural resources, rather than to receive charity. AS present native language teaching problems of the Shor people (Khakassia, Eastern Siberia), low level of education and high level of unemployment, which affect their development possibilities. ASP also underline the educational problems, such as the lack of government's funding for schools and textbooks, and the various difficulties faced by the young Shor people.

CANADA described its multi-dimensional efforts to promote IPs' right to development, in order to ensure that IP can share in the benefits, and risks, of development and their views be taken into consideration.

WAC refer to achievements regarding IPs' rights in UN system and to aspects of IPs' protection and development that still should be achieved, such as: 1) a thorough investigation of development and aid policies; 2) application in practice for all, including IPs, of the universal principles and implementations of social and economic development; 3) international monitoring for aids projects; 4) replacing systems of direct and indirect restrain through IPs' empowerment; 5) promotion of permanent fora for dialogue between religions, including IPs; 6) world-wide family planning and forest protection as top-priority; 7) close co-operation and co-ordination of all organisations concerned; 8) world-wide promotion of education for peace, tolerance and understanding; 9) research programme for human and sustainable development; 10) consider depriving IPs of their resources without adequate compensation, as a crime against humanity.

The word “development” has been coined by the industrial culture, disqualifying all other cultures as “less developed”, although there is no necessity to assume that they should become like the industrialised world (SRC). When exposed to this world IPs suffer a bias of dominance. It is thus necessary to ensure that they can decide freely and maintain their cultural diversity, so that mutual respect can exist.

The creation of the WGIP in 1982 marked a milestone in the history of the UN by putting an end to the exclusion of hundreds of millions of peoples. The WGIP is essential to IPs and should be maintained by the UN for the reasons mentioned in other statements (see items 4. & 4a.) and because it has a unique structure and operating procedure within the UN system that diminishes the disruption of regional and geopolitical disagreements. Furthermore, the structure of the PF does not allow it to take over unique aspects of WGIP mandate (Mililani Trask).

The Naga people, backed by the World Council of Churches, have attended the WGIP for many years, as a part of the collective voice for the defence of human rights of IPs. They celebrate the existence of both the WGIP and PF and encourage them to work together on common issues while following their complementary mandates. They suggest that the PF, as part of the ECOSOC, should have its own secretariat.

Latin America

FIMG are concerned about the future of IPs, in Brazil they continue to face land right violations, invasion and pollution of their land and sacred places by mining, logging, hydro-electrical and agricultural companies who also introduce foreign elements that slowly erode the culture and social structure of IPs. Thus, it is necessary for the WGIP, PF and SR to continue to work together for the promotion and protection of human rights at the international and national level.

OOTM points out that governments worldwide have handed over their power and influence to TNCs. Globalisation has had devastating effects such as with the dramatic fall of the coffee prices. However, there is still hope if governments, NGOs and indigenous organizations fight for the continuation of the WGIP. Since the mandate of the WGIP is bound to change and evolve over time, OOTM propose it takes on the responsibility of setting: (1) codes of conduct for TNCs; (2) protection standards on IPs’ intellectual property and traditional knowledge; and (3) standards on free and informed prior consent.

Asia

ARC and AIPR report that through their participation in the WGIP they have been able to discover their own peoples' history, values and sense of identity, enabling them to reclaim their rights. There is concern that the final report of the PF presented to the ECOSOC was not the same as the one drafted during the first session that reflected the mutual consensus on indigenous proposals. The WGIP and PF have distinct yet complementary mandates; those who are seeking the discontinuance of the WGIP are mistaken about the ability of the UN to guarantee human rights.

The RUSSIAN FEDERATION proposes to give to the PF the status of the main UN body in the matter of the rights of IPs. The Working Group and the SR may provide advisory services to the PF during the initial phase, later their mandates shall be reconsidered.

The Fox administration has shown its commitment to establish a new relation between the state, IPs and society at large through constitutional amendments that include the aspirations of IPs regarding autonomy, right to self-determination (while ensuring national unity) and a respect of IPs' justice system and customs. The perfecting of these constitutional amendments is fundamental to the MEXICAN democracy.

Item 5: Review of recent developments pertaining to the promotion and protection of human rights and fundamental freedom of indigenous people

Mr. Guissé underlines that IPs cannot be understood without their close link to the earth, where their wealth and only resources lie. IPs are not allowed to participate in their exploitation and benefits. IPs claims to their resources met mainly oppression or even death. There exist many such cases in Africa, where the plundering ignores IPs’ rights. Mr. Guissé urges every national and international institution to call for a juridical framework with compelling rules that include IPs participation at all levels of their resources exploitation, permitting thus to fight against IPs extreme poverty.

The UNESCO Centre of the Basque Country refers to the risk of increased marginalisation of IPs due to information society and Internet. Information and knowledge need to be shared through specific methods that ensure democratisation. IPs cultural treasure must be saved in order to encourage them to be actors of their own destiny. This could be done through community access to new technologies of information, in the context of 2003 World Summit on Information Society.
North America

ICN report that the Canadian government, rather than eliminating the Indian Act based on discrimination and the separation of races, wants to transform it into the Governance Act. IPs consider that the process of the Governance Act is a unilaterally designed process imposed on First Nations, it is not about their right to self-determination and is in violation of the Sacred International Treaties (also IITC/KYM/Confederacy of Treaty Six First Nations).

LPDC report the case of Leonard Pelletier, a Lakota-Anishinabe, incarcerated for the past 26 years in a U.S.A. penitentiary for a crime he did not commit. His illegal extradition from Canada, unfair trial and failing appeals, all indicate that Mr. Pelletier is held in prison for vindictive and political reasons. LPDC ask for an investigation of this case by the SR.

Central and Latin-America

ICSA report that IPs in South America are engaged in a political battle with the states in which they live to obtain the right to free determination and defend their human rights, which are continuously violated, as is the case in Bolivia for the Aymara and Quechus (also CECB, CSQ). They have raised public awareness on the situation of IPs, on the corrupt governing system and had successful candidates in the Bolivian presidential elections (also CSQ). ICSA deplores the lack of existence of a UN body that can ensure the accountability of states regarding indigenous issues. CECB/CSQ call for the solidarity amongst IPs to better voice their concerns.

CONAMAQ sanctioned the Bolivian Senators for having approved the law that authorizes them life nominations in the senate in a time when Bolivia is in the midst of an economic crisis bringing poverty and criminality. They encourage the Bolivian population and IPs to reclaim their rights through the creation of a National Constituent Assembly.

APG/CZGSC state that despite the Bolivian government's new agrarian plan that includes the legal recognition of indigenous territory, the Guaraní have still not enjoyed this recognition and are unable to start the long process of land restoration. Economic means for the agrarian plan are often used to secure land for non-indigenous owners within the indigenous territories. Furthermore, 578 Guaraní families still live under serfdom in ranches.

SOCIDICO call the international community and IPs to cooperate with them in the difficult task of restoring the environment through tree planting, sustainable development and wise use of natural resources (also GEEV). The problem of environmental destruction goes beyond politics, national borders or religions, which affects Mayan as well as others on a daily basis.

CNI Region Centro Pacífico Michoacán call for (1) the removal of the Mexican military forces from IPs’ land, whom are perpetrators of violence and killings against IP; (2) they demand an indemnity for those who have lost members of their families and for widows; and (3) the creation of a development program for IP.

Africa

MPIDO refer to Southern Kenya Maasai who are facing poverty, frequent displacement, poor health and lack of education. Corruption overwhelms the legal framework when it comes to implementation of projects for IPs. Maasai demand fairness, justice and recognition as equal citizens, and the right to their culture, lands and resources. Kenya is reforming its Constitution and IPs hope the new one will recognize their rights, protect their culture, language and heritage, and ensure their political autonomy and representation. IPs are discriminated all over the world, but must have the freedom to solve their own problems, which means self-determination. MAAP address the issues of land sell, gender and AIDS. Maasai sell lands to, in some cases, dishonest migrants, and become then the very poor in society, sometimes bringing AIDS to their communities. A high level of stigmatization concerning HIV/AIDS exists. Women often are the most discriminated within the community, which makes them more vulnerable to HIV/AIDS and sexual violence. Equal participation of men and women must be ensured, as well as women's access to secure livelihoods and resources, and education. MAAP make a special call to the international community and UN about AIDS orphans.

The Sengwer, a minority hunter-gatherer IP from Kenya are facing extinction, SIDP say. Under British colonial government they were forced to leave their ancestral forests and land and were assimilated into a dominant community. Land issue is a “time-bomb” in Kenya. IPs who lost lands did not get them back after independence. SIDP refer to their struggle against oppression, discrimination, and identity. They ask for the WGIP to send an expert to carry out an investigation on land issues affecting IPs in Kenya.

RCN state the Rehoboth community of Africa was stripped of all their lands, resources and institutions at independence of the Republic of Namibia. They submitted a communication to the Human Rights Commission in 1992, and in 2000 Namibia was found in breach of the Convention on Matters of Language and Education rights. Namibia still has done nothing to redress the discrimination. RCN call for application of HRC recommendations. Rehoboth Community has resisted calls for violence until now, putting their confidence in UN system.

OI refer to traditional indigenous chiefs in Africa as guardians of the tradition. They are used as auxiliaries to administrative power. OI invite the African government to stop using the guardians of traditions. They should
understand that a partnership would be better, since the heritage of the ancestors is a wealth to their people and to all humanity.

Tilalt/Tunfa/Tchichtt/CAASM/Tamynut/CAIDDH/Temust/CMA/Tin Hinan welcome the struggle of Amazigh people for their rights, condemn all linguistic, cultural, identity, economic, political and social discrimination from states towards Amazigh people. They also condemn crimes committed by states, cultural genocide and the international community indifference. They support the Amazigh cultural movement claims, a society project based on universal values of democracy, human rights and self-determination, as well as all means to achieve these aims. They further support maintaining the WGIP as complementary to the PF. They claim that UN convene a world summit on culture, and urge North African states to apply the recommendations of World Conference Against Racism (WCAR). IACDHR underscore that Amazigh people are still subject to domination, repression and murder by the holders of central power in Algeria. IPs identity in Northern Africa is considered as a threat by omnipotent regimes. Regarding lands issues, AT say Tuareg manage their lands according to ancestral laws, out of their experienced relationship to earth. These lands are now used as state reservations or hunting territories without the IPs being informed nor consulted. France made nuclear experiments after Algeria’s independence and the populations are still not informed about consequences on health and environment. Regarding language, AT claim Tamazight was recently recognised as a national language, but still hasn’t been introduced in educational system and administration.

Asia-Pacific

VP denounce the violation of human rights suffered by the IPs of Bangladesh, which include the killing of indigenous leaders and forceful migration. VP urge the Bangladesh government to recognize all the IPs living in its territory in the constitution, to create a policy for the development of IPs, to promote indigenous language through education programs and respect the ILO Convention 107 Article 11 as well as establish a Land Commission (also BIPO) to deal with land right issues.

BIPO denounce the lack of implementation of the following provisions of the CHT Accord and demand they be implemented: (1) the removal of hundreds of army and para-military camps and government-sponsored non-indigenous settlers from the IPs' land; (2) the rehabilitation of Jumma refugees, all internally displaced Jumma people and members of the Jumma political party; (3) empowerment of the Hill District Councils and CHT Regional Councils.

CPMP say that the lack of safeguards regarding IPs' rights to land, water and natural resources within the Indian constitution allows the government to deny IPs their collective rights to land and hold all the resources in usufruct. This results in the continuous destruction of the ancestral agricultural and forest land of IP.

ZORO declare that the Zo people have been and continue to be deprived of their fundamental rights due to a tripartite division and subsequent intermittent alienation of part of Zo country through the use of military and administrative force (also ZOIPU). ZORO aims to peacefully rectify these divisions.

CRG declare that the UK does not respect the judgment pronounced by the Royal High Court of London allowing Chagossians to return and live freely on in their island that was seized to build a US military base. They denounce the injustice of allowing foreigners live and work on their island while this right is denied to them and find it unacceptable that their land is used to attack innocent people in Afghanistan, Iraq and elsewhere.

The ongoing Peace process and Indo-Naga Political dialogue since the cease-fire of 1997 between the Indian government and Naga Resistance Groups continues despite serious setbacks. NPMHR take advantage of the cease-fire to work on a democratising peace process and create a vision for the future. The Bangkok Naga consultation Statement (2002) maintains that the UK has the moral and legal obligation to clarify its position on the Naga people and their land, which India claims to have inherited from the then British-India.

India has half of the world’s child labour, and half of the world’s destitute with an income lower than $1 a day, of which most are IPs – Dalits and Tribals, live under exploitation in the name of the Hindu Caste system. ACJP demands that the Indian government implement the recommendations of: (a) CERD Treaty Body (1996); (b) Committee on Human Rights (1997); (c) Committee on Child Rights (2000); and that the Buddha Gay Temple be freed from the dominant culture allowing IPs to exercise their religious rights.

TWAC deplore the fact that the Indian Government does not recognize the Adivasi people as IP, this means that (a) the DD is not applicable for them; and (b) their land is destroyed and peoples displaced in the name of development. A study of the Adivasis’ situation is necessary as well as their recognition as IP.

CPA state that the present situation of the Igorot is very alarming. Contrary to government claims, imposition of military patrols in the Cordillera ancestral domain, for the protection of destructive development projects, has resulted in reported cases of arbitrary detentions, torture, killings of leaders and members of indigenous organizations and violence against women and children. They demand the pullout of the military and recommend the WGIP to conduct a research on the impacts of militarism on IP.

SSAI say that since their statement last year at the WGIP on the human rights violations and encroachment on their land by a Canadian mining corporation TVI, the National Commission on Indigenous Peoples, the Government Commission on Human Rights and the Philippine president Arroyo have also denounced these
violations. However, TVI remains on their land and other corporations are implementing projects without prior informed consent as guaranteed by the law (WEZTA).

**UHI/LHCR** declare that between 1975 and 2002 the Vietnamese and Laos communist governments killed more than 300,000 Hmong and Lao peoples. Despite the religious persecution that these IPs suffer, the Thai government has announced the removal of some 32,000 Hmong from its lands, meaning a dangerous repatriation for many. **UHI/LHCR** urge the Thai government to give the Hmong refugees citizenship and, continued asylum and appeal the UN to urge the Laos and Vietnamese governments to stop ethnic cleansing.

**AMASUTA** say there needs to be a rearrangement of the relationship between IPs and the Indonesian government, especially in the management of the forest and natural resources, because IPs are victims of the destructive and invasive development of their lands. IPs in Indonesia have organized themselves for the defence of their rights.

**ARC** declare that the Japanese government has yet to recognize the **Ainu** people as IP and that they are having difficulties resolving issues of compensation and land rights. The Ainu people want to know how and when the Japanese government intends to determine their authenticity as IP. The final observations of the CERD report recommends the Japanese government to ratify ILO Convention 169.

**AYO/AIPR** deplore the fact that ever since the Japanese invasion in 1872 **Okinawan** people have been forced to adopt the Japanese culture through the education policies and the use of military and governmental force, resulting in the loss of their language, history and culture. They demand the Japanese government to recognize and fully respect them and apologise for their forceful assimilation policy.

**MURKELE** state that for the past three years the Moluccan people and the indigenous **Alifuru** have suffered the joint attacks of Indonesian military troops and their Jihad mercenaries who persecute, kill, loot and displace the people of the Maluku islands. Landmines are placed in order to avoid the return of IPs and TNCs are given the protection of the Indonesian government to exploit the resources of the Moluccas.

**PTC** inform that the enjoyment of basic rights by IPs are again threatened by the present Indonesian leadership. In light of the Special Autonomy Law for Papua IPs are embarking on the DD by creating legal entities to defend their rights. There is a current police order to stop any type of democratic expression of indigenous cultures and human rights as well as an increase in the number of military forces in Papua.

**NIKILH** report that the national legislation for the recognition of a **Native Hawaiian** governing entity has been severely altered without consultation by removing all references to rights to natural resources and the right to self-determination and protection of the IP. Currently, the bill allows only a majority of Native Hawaiians with 50% blood quantum to participate in the governing entity. Also, an agreement between the University of Hawaii and a DNA collecting corporation was signed without free and prior informed consent of IPs going against article 8 (j) of the Convention on Biological Diversity.

**INPT** report that in Tripura, India, the numbers of the **Saihmar** and **Korbong** tribes is alarmingly low, they are amongst the poorest in the population, the local government has no record of these tribes nor any interest to protect them and they have nobody pleading their cause. If action is not taken now, it is likely they will disappear.

**SUANPA** report that the CERD found that in relation to the 1998 Native Title Act amendments the Australian government was in violation of the International Human Rights obligation, a conclusion supported by the ICCPR and ICSECR (also **FAIRA**). Australia responded by attacking the UN Human Rights bodies and continues to deny entry into Australia of UN investigation groups seeking to review the Native Title Rights and interests of Aboriginal peoples. **SUANPA** suggests that the WGIP address the difficulty of enforcing Member States to observe Human Rights laws. **FAIRA** ask the SR to examine the issue of breaches of human rights against IPs and to propose remedial mechanisms to be invoked within the UN system.

**ATSIC** inform on the success of the negotiating protocols with each State and Territory government in Australia on matters such as housing, employment and policy development. However, since September 11th there has been a hardening by the government and population on issues of cultural identity and difference. The Report on Aboriginal Death in Custody (1992) has brought about little change. Despite legal measures, the government still does not acknowledge the distinct rights of IPs arising from prior sovereignty.

**Russia**

**MCTP** report that the Ukrainian State is in the process of eliminating the chapter regarding indigenous peoples from the constitution until the government achieves a definition of IP. This action would deny the Crimean **Karaites** their rights as IP. They are currently experiencing the pressure of assimilation, meaning the violation of their collective rights and denial of their culture. Currently the Karaites are dispossessed of their land and their numbers and culture are in decline. **ACK** have been working for the conservation and revival of the Karaites indigenous nation since 1989.

**RAIPON** raise the issue of the inconsistency of new indigenous laws with existing legislation and ask for urgent modifications in order to put them into practice. They also mention the positive cooperation with the authority of the Khabarovsky region and list several concrete proposals for their further improvement.
AEN describe common problems of the Evenk people in the areas of land development, employment, health, education and native language teaching. They propose to keep the Working Group. AIPSR also describe IPs’ problems in Sakhalin in the recent years.

EEICL present their activities, namely: environmental protection, legal advising, etc. They also refer to the land and resources rights of IPs. CCSA address the issue of renaissance of historical and cultural heritage of the Khakassia peoples as a mainstream activity of their Center.

CANADA refers to their improving IPs quality of life, especially regarding education, land claims settlements, infrastructures (i.e. safe clean water supplies), and legislative measures (specific claims settlements, and governance). Initiatives facing the problems of IPs living in urban centres are planned, and populations living in the North are especially considered. Canada recognises the need for an economic and social development.

FINLAND concentrates on land issues and informs about progress achieved. The Saami Parliament can have its say on issues concerning their culture, livelihoods, language, social position and status as an IP. Land ownership issues are solved separately. FINLAND has not ratified ILO Convention 169 because the requirements regarding indigenous land rights must still be settled. A Committee with 50% Saami representation was established in 2000 to further examine these land issues, regarding possession, management and decision. A Government Bill is prepared.

NEW ZEALAND is committed to accelerating Maori development. Regarding education Maori need to participate more in decision-making, and building self-esteem of young Maori is important. The government assists Maori into affordable housing, provides assistance to identify local opportunities and capacity building. Programmes address the elimination of disparities between Maori and non-Maori. Regarding cultural development, government’s efforts are concentrated on education, broadcasting, community-based initiative and promoting Maori artworks. New Zealand believes increased participation of Maori brings benefits to the whole country.

GCWP state that no lasting world peace is possible without IPs enjoying freedom, proper dignity and respect. IPs are the roots of nations and should be given sovereignty and self-determination. IPs must be free from economic and political slavery. The WGIP should be a permanent presence in Geneva.

RHF refer to the lack of international standards to be applied to corporate entities: pollution threatens the environment and IPs health. More studies are needed on difficult-to-reach peoples, often IPs. International community should continue to pressure TNCs to require that Environment Impact Assessment surveys be conducted rigorously. The WGIP must contribute to standards-setting. Informed consent is crucial to knowledge sharing on health practices.

HEP state that IPs seek respect and dialogue with other peoples, rather than development. Indigenous knowledge is a wealth for humanity. In order to share it, IPs want education and participation in development projects and programmes. IPs should be encouraged not to rely on governments for all their needs.

IMTA state that neo-liberal globalisation is a threat to IPs and the earth is being plundered. The fight against terrorism brings more terror and violence, and the struggle for freedom and self-determination are now considered terrorism.

**Item 6: Standard-setting activities**

Ms. Hampson states that standard-setting is needed on questions that affect most peoples, but IPs in a particular way. In economic and social issues, she stresses the relationship between IPs and international institutions. Globalization impacts on IPs must be studied specifically, as well as intellectual property rights and the impact of corporations including mining corporations. Regarding civil and political rights, how should membership to indigenous groups be determined? Is the group or the state responsible for protecting individual human rights? Regarding cultural rights, protecting languages is a problem, especially in broadcasting. On legal issues, Ms Hampson underlines that monitoring of national and international legislation is necessary for any issue affecting IPs.

**North America**

GCC underline setting new international standards as a most important aspect of WGIP’s mandate. They insist that in the human rights context all peoples must be treated on an equal footing. This includes self-determination, which is interdependent to the right to development. Standard-setting should not undermine these rights, since their implementation must be ensured. The DD must affirm the right to development. States must respect UN Purposes and Principles. GCC call for procedural safeguards towards states, and indigenous consent in the drafting of the Declaration.

**Africa**

MF stress the importance of indigenous knowledge in its many diverse forms. Western scientific knowledge is often privileged over indigenous knowledge and traditional ideas are misappropriated and commercialised. MF
recommend to strengthen intellectual property rights; to set standards for corporations to inform IPs of these rights; and to include indigenous interpretations into all studies undertaken by UN bodies and academia.

Asia-Pacific
The current situation of standard-setting by the Australian government fails to include the IPs perspective. The WGIP has always considered the review of life experiences of IPs as a guideline for the formulation of standards. ATSIC counts on the WGIP to lead the governments in that direction.

FAIRA state that the DD can and should be endorsed in its present form (also ATSIC, TF). The PF should work together with other bodies to achieve this goal (NAILSS). The declaration cannot be a valuable document for IPs, unless it includes collective rights and the right to self-determination (also NAILSS). IPs have to struggle with states to keep these rights and others in the DD (TF).

For NAILSS, the confrontations caused by the DD, indicate the racism and xenophobia still present in member states, who wish to classify IPs as minorities subject to domestic law. In fact, the WGIP’s raison d’être is the member states' non-observance of international laws. Standard-setting is an activity that requires the UN’s direct and competent leadership, whether it be through the WGIP or another institution.

CORE state the importance of evaluating the work done by the WGIP and considers that the situation of IPs has evolved in a positive manner over the last 20 years. They suggest that the WGIP prioritize the reviewing of standards existing or under development in the international system that address IPs issues.

TF report that unequal globalisation is undermining the advances made by IPs humanitarian organizations, thus they suggest a Technical Seminar on “Globalisation and IPs”. The gap between universal human rights standards and state acceptance and practice of these standards, needs to be bridged.

BRAZIL announces its recent ratification of ILO Convention 169, a move supported by the Brazilian Congress. Brazil sees this ratification as a milestone in the development of indigenous rights, and has also taken on the World Conference Against Racism Platform for Action.

CIH refer to the WHO "Participatory Management Guidelines for Indigenous Peoples and Research Institutions undertaking collaborative research in health” presented during the 2002 PF session. CIH suggest the WGIP to recommend the WHO to promote IPs' consultation in all matters regarding their own health.

CIER emphasised the need to protect mother earth. CIER work in Winnipeg, Canada, in capacity building programmes, through partnerships with other indigenous agencies, training in environmental assessment and advice. CIER can be a model for other IPs, so that they can participate in and control their own lands.

WGIP 20th session : statements available at doCip

Item 7: International Decade of the World’s Indigenous People, including information relating to the Voluntary Fund for the International Decade of the World’s Indigenous People and the report of the Advisory Group :
World Adavasi Council; Russian Association of Indigenous Peoples of the North; Aboriginal & Torres Strait Islander Commission Australia; Centre for Sustainable Development; Asociación de Mujeres Quechua Ayllu Azangaro –Puno Perú; Movimiento Runa; Centro de Educación Campesina de Bases; Indian Movement " Tupaj Amaru".

Item 8: Follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance:
Ms Irene A. Daes; Mr El-Hadji Guissé; Mr Ole Henrik Magga; Zo Reunification Organisation; Zo National Students’ Federation; Aboriginal & Torres Strait Islander Commission Australia; Foundation for Aboriginal and Islander Research Action; Centro de Educación Campesina de Bases; Asamblea del Pueblo Guarani; Capitanía Guarani Zona Santa Cruz Bolivia; Space Afro-American; Ambedkar Centre for Justice and Peace.
Protecting Indigenous languages through broadcasting

In her statement, Ms. Françoise Hampson states that:

“In the area of cultural rights, there is a well established problem in protecting indigenous languages from the effect of telecommunications in different languages. I wonder whether it would be helpful to explore the following possibility. States often plead that they are not allocated enough frequencies to enable them to give indigenous groups access to radio wavelengths. Would it be possible to move forward through the International Telecommunications Union (ITU)? Would it be possible to reach agreement on one or two agreed wavelengths worldwide for transmissions by indigenous groups. No state would be able to use the wavelengths in question. If one group were broadcasting in one country, it would not prevent another group from using the same wavelength in a different country. It might also facilitate communication between different indigenous groups. Would it be helpful to further explore this question?”

In consequence, Ms Françoise Hampson asks the indigenous organizations to respond to the following questions:

Do you have difficulties in broadcasting radio programmes?
Is the fact that states claim not to have available wavelengths, a problem for you?

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The experts of the WGIP:

Mr. El-Hadi Guissé (Africa)
Mr. Yozo Yokota (Asia)
Ms. Iuliana-Antoanella Motoc (Eastern Europe)
Mr. Miguel Alfonso Martínez (Latin America)
Ms. Françoise Hampson (Western Europe and Other States)
3. SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS
54th session, 29 July – 16 August 2002

The Sub-Commission expresses its full support for the continuation of the WGIP. It requests the CHR to be involved in the consultations regarding the UN mandates dealing with indigenous issues. It decides to appoint Ms Daes as Special Rapporteur to undertake a study on indigenous peoples' permanent sovereignty over natural resources.

Indigenous peoples' permanent sovereignty over natural resources

Resolution 2002/15

The Sub-Commission:
1. Expresses its deep appreciation to Ms. Erica-Irene Daes for her important and comprehensive working paper;
2. Decides to appoint Mrs. Daes as Special Rapporteur (SR) to undertake a study on indigenous peoples' permanent sovereignty over natural resources based on her working paper, and requests the SR to submit a preliminary report to the Sub-Commission at its 55th session and her final report at its 56th session;
3. Requests the Secretary-General to provide the SR with the necessary assistance to enable her to carry out her study;
4. Recommends the following draft decision to the CHR for adoption:
"The CHR, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2002/15 of 14 August 2002, endorses the Sub-Commission's request to appoint Mrs. Erica-Irene Daes as SR to undertake a study on indigenous peoples' permanent sovereignty over natural resources based on her working paper (E/CN.4/Sub.2/2002/23), and its request to the SR to submit a preliminary report to the Sub-Commission at its 55th session and her final report at its 56th session. The Commission also endorses the request to the Secretary-General to provide the SR with all necessary assistance to enable her to carry out her study."

Working Group on Indigenous Populations

Resolution 2002/17

The Sub-Commission:
1. Expresses its full support for the continuing need and therefore for the continuation of the Working Group on Indigenous Populations (WGIP);
2. Requests the Chairman-Rapporteur of the Working Group to contact the Economic and Social Council (ECOSOC) to request that he be involved in the consultations regarding the United Nations mandates dealing with indigenous issues;
3. Requests the CHR, on the basis of the report of the Working Group, on its 20th session (E/CN.4/Sub.2/2002/24) including its programme of action, to express its support for the continuing need for the Working Group;
4. Recommends to the CHR the following draft decision for adoption:
"The CHR, taking note of resolution 2002/17 of 14 August 2002 of the Sub-Commission on the Promotion and Protection of Human Rights, of the report of the WGIP on its 20th session (E/CN.4/Sub.2/2002/24) and, in particular, its programme of action, endorses the Sub-Commission's view regarding the continuing need for the WGIP on account of its mandate, which is distinct from those of the Permanent Forum on Indigenous Issues (PF) and the SR on the situation of human rights and fundamental freedoms of indigenous people, and urges the ECOSOC to request the Secretary-General to continue to provide the Working Group with all necessary assistance to fulfil its mandate."

Working Group on Indigenous Populations

Resolution 2002/21

The Sub-Commission:
1. Expresses its deep appreciation to all members of the WGIP, and in particular to its Chairperson-Rapporteur, Mr. Miguel Alfonso Martinez, for the important and constructive work accomplished during its 20th session;
2. Requests the Secretary-General to transmit the report of the Working Group on its 20th session (E/CN.4/Sub.2/2002/24) to the United Nations High Commissioner for Human Rights, indigenous organizations,

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2 Highlights of the five resolutions directly regarding IPs, and passed by the Sub-Commission at its 2002 session.
governments and intergovernmental and non-governmental organizations concerned, as well as to all thematic rapporteurs, special representatives, independent experts and working groups;
3. Requests that the above-mentioned report of the Working Group be made available to the CHR at its 59th session;
4. Recommends that the Working Group, upon request, cooperate as a body of experts in any conceptual clarification or analysis which might assist the open-ended intersessional working group established by the CHR in its resolution 1995/32 of 3 March 1995 to elaborate further the draft United Nations declaration on the rights of indigenous peoples;
5. Decides that the Working Group at its 21st session shall adopt as the principal theme "Indigenous peoples and globalization", as agreed upon by the Working Group (E/CN.4/Sub.2/2001/24, para. 94), and that the Office of the High Commissioner for Human Rights shall invite all relevant organizations and departments of the United Nations system to provide information and, if possible, to participate in the meetings of the Working Group;
6. Also decides that the Working Group at its 21st session will consider the elaboration of draft guidelines relating to transnational companies whose activities affect indigenous communities, with particular emphasis on elements that would contribute to a better consultative process, equitable benefit-sharing and conflict resolution;
7. Invites the members of the Working Group to prepare the following working papers and commentaries for its 21st session:
   (a) Mr. Yozo Yokota - a working paper on the possible elaboration of draft guidelines relating to transnational companies whose activities affect indigenous communities;
   (b) Mr. El-Hadji Guissé - a working paper to serve as a framework for the discussions on the principal theme "Indigenous peoples and globalization";
   (c) Ms. Iulia-Antoanella Motoc - a list with commentaries of possible standard-setting activities that might be considered by the Working Group at its future sessions;
   (d) Ms. Françoise Hampson - a working paper containing commentaries on the most important provisions of the draft United Nations declaration on the rights of indigenous peoples;
   (e) Mr. Miguel Alfonso Martínez - a list with commentaries of possible new studies to be undertaken by members of the Working Group in the immediate and near future;
8. Decides, in the light of the first report of the SR on the situation of human rights and fundamental freedoms of indigenous people (E/CN.4/2002/97 and Add.1), to request Mr. Yokota to prepare a working paper on possible cooperation between the SR and the Working Group, for submission to the Working Group at its 21st session;
9. Also decides, in the light of the first session of the PF and of the mandate of the Forum as established in ECOSOC resolution 2000/22 of 28 July 2000, to request Mr. Alfonso Martínez to prepare a working paper on ways and means of developing cooperation between the Working Group and the PF, for submission to the Working Group at its 21st session;
10. Further decides that its agenda for its 21st session would be as follows: 1. Election of officers; 2. Adoption of the agenda; 3. Organization of the work of the session; 4. Review of developments: (a) General debate; (b) Principal theme: "Indigenous peoples and globalization"; 5. Standard-setting; 6. Other matters: (a) Cooperation with other United Nations bodies in the sphere of indigenous issues; (b) Follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; (c) Review of activities undertaken under the International Decade of the World's Indigenous People; (d) State of the Voluntary Funds;
11. Agrees with the Working Group's decision in principle to establish as principal themes for its 22nd (2004), 23rd (2005), and 24th (2006) sessions, respectively, the following matters: "Conflict resolution of indigenous issues", "Domestic and international protection of indigenous traditional knowledge" and "Indigenous children and youth";
12. Decides that at its 21st session the Working Group will organize its discussions under the item "Review of developments: general debate" on the basis of issues raised under this item during the 20th session;
13. Invites the Office of the High Commissioner for Human Rights, after consultations with the Chairperson-Rapporteur, to inform participants at the 21st session of the Working Group about the organization of issues under the item "Review of developments: general debate" in advance of the session in order to facilitate a more interactive dialogue;
14. Requests the CHR to invite Governments, intergovernmental organizations and indigenous and non-governmental organizations to provide information and data, in particular on the principal theme, to the Working Group at its 21st session;
15. Requests the High Commissioner for Human Rights, in consultation with interested Governments, to continue efforts to organize meetings on indigenous issues in different parts of the world so as to provide greater opportunity for participation by indigenous peoples and to raise public awareness about issues affecting them;
16. Requests the High Commissioner to encourage studies with respect to the rights to food and adequate nutrition of indigenous peoples and indigenous peoples and poverty, stressing the linkage between their present general situation and their land rights, and to develop further cooperation with the Food and Agriculture Organization of the United Nations and the World Food Programme on indigenous issues;
17. Invites indigenous organizations and the indigenous caucus to submit a working paper on appropriate action that might be undertaken by the Working Group as follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

18. Recommends that the CHR, in view of the adoption of ECOSOC resolution 2002/22 that permits indigenous organizations to participate in the work of the PF on the same basis as the WGIP, adopt a similar procedure for participation in the Working Group established in accordance with Commission resolution 1995/32, in order to ensure consistency in matters relating to the participation of indigenous peoples in the work of the United Nations affecting them;

19. Requests the Chairperson-Rapporteur to inform the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations that the Working Group at its 21st session will highlight the issue "Indigenous peoples and globalization", so that the Board can bear this in mind when it meets for its 16th session;

20. Appeals to all Governments, organizations, including non-governmental organizations and indigenous groups, and other potential donors in a position to do so, to contribute generously to the United Nations Voluntary Fund for Indigenous Populations in order to assist representatives of indigenous communities and organizations to participate in the deliberations of the WGIP, the open-ended intersessional working group on the draft United Nations declaration on the rights of indigenous peoples, and the PF;

21. Expresses its appreciation to Ms. Erica-Irene Dues for her statement on the achievements and future work of the Working Group;

22. Requests the Secretary-General to prepare an annotated agenda for the 21st session of the Working Group in accordance with the decision of the Working Group (E/CN.4/Sub.2/2002/24, para. 103);

23. Requests the CHR to request the ECOSOC to authorize the WGIP to meet for five working days prior to the 55th session of the Sub-Commission in 2002;

24. Recommends to the CHR the following draft decision for adoption: "The CHR taking note of resolution 2002/21 of 14 August 2002 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses the Sub-Commission's request that the ECOSOC authorize the WGIP to meet for five working days prior to the 55th session of the Sub-Commission in 2003."

International Decade of the World's Indigenous People Resolution 2002/19

The Sub-Commission:

1. Welcomes the observance of the International Day of the World's Indigenous People on 26 July 2002;

2. Recommends that the celebration of the International Day of the World's Indigenous People be held on the fourth day of the 21st session of the WGIP in order to ensure as large a participation of indigenous peoples as possible;

3. Welcomes the decision by the General Assembly in its resolution 52/108 of 12 December 1997 to appoint the United Nations High Commissioner for Human Rights as Coordinator for the International Decade of the World's Indigenous People;

4. Recommends that the Coordinator for the Decade appeal to Governments and other donors to contribute generously to the Voluntary Fund for the International Decade of the World's Indigenous People, in particular so that activities can be undertaken prior to the end of the Decade;

5. Recommends that attention continue to be given to improving the extent of the participation of indigenous peoples in planning and implementing the activities of the Decade in order to implement fully the Decade's theme, "Indigenous people: partnership in action";

6. Strongly recommends that, in accordance with General Assembly resolution 50/157 of 21 December 1995, the draft United Nations declaration on the rights of indigenous peoples be adopted as early as possible and not later than the end of the International Decade in 2003 and, to this end, appeals to all participants in the intersessional working group of the CHR and to all others concerned to put into practice new, more dynamic ways and means of consultation and consensus-building, in order to accelerate the preparation of the draft declaration;

7. Welcomes the establishment of the PF;

8. Notes the view expressed by the indigenous caucus and indigenous and non-indigenous observers during the 20th session of the WGIP that the establishment of the PF should not be construed as grounds for the abolition of the Working Group, which should continue to carry out the ample, flexible mandate conferred upon it by the ECOSOC in resolution 1982/34 of 7 May 1982;


10. Recommends that the High Commissioner for Human Rights, in consultation with interested Governments, organize meetings and other activities in all regions of the world within the framework of the International Decade in order, inter alia, to raise public awareness about indigenous issues;

11. Also recommends that the High Commissioner organize a seminar on treaties, agreements and other constructive arrangements between States and indigenous peoples to discuss possible follow-up to the study on the matter completed by the SR, Mr. Miguel Alfonso Martínez (E/CN.4/Sub.2/1999/20), and to explore ways and means of implementing the recommendations included therein;

12. Invites Mr. Alfonso Martínez to prepare a short working paper identifying the themes and possible outputs of the seminar on treaties for possible consideration by the CHR at its 59th session;

13. Recommends that the High Commissioner organize, in collaboration with the United Nations Conference on Trade and Development and the International Labour Organization and other relevant organizations, a follow-up workshop on indigenous peoples, private sector natural resource, energy and mining companies and human rights in order to contribute to the ongoing work of the sessional working group on the working methods and activities of transnational corporations of the Sub-Commission;

14. Invites the High Commissioner to explore the possibility of convening a world conference on indigenous peoples in 2004 to review the achievements of the Decade and recommend future action in relation to indigenous peoples;

15. Congratulates the Advisory Group for the Voluntary Fund for the Decade for the work it has accomplished;

16. Recommends the following draft decision to the CHR for adoption:

"The CHR, taking note of resolution 2002/19 of 14 August 2002 of the Sub-Commission on the Promotion and Protection of Human Rights, decides to recommend to the ECOSOC that it request the United Nations High Commissioner for Human Rights to organize, before the end of the International Decade of the World's Indigenous People, a seminar on treaties, agreements and other constructive arrangements between States and indigenous peoples to explore possible ways and means to follow up on the recommendations included in the final report of the SR, Mr. Miguel Alfonso Martínez (E/CN.4/Sub.2/1999/20)."

Presentation of the report of the WGIP on its 20th and 21st sessions to the PF

Resolution 2002/20

The Sub-commission:

Endorses the request contained in paragraph 85 of the report of the WGIP on its 20th session (E/CN.4/Sub.2/2002/24) and recommends to the CHR the following draft decision for adoption:

"The CHR, taking note of resolution 2002/20 of 14 August 2002 of the Sub-Commission on the Promotion and Protection of Human Rights, decides to approve the decision to invite the Chairperson-Rapporteur of the 20th session of the WGIP to attend the second and third sessions of the PF in 2003 and 2004 and to present to it the reports of the 20th and 21st sessions of the Working Group, respectively, and recommends to the ECOSOC that it endorse the present decision."

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**4. COMMISSION ON HUMAN RIGHTS**
**58th Session, 18 March-26 April 2002 - Agenda Item 15**

One year after his nomination, the Special Rapporteur (SR) on the Human Rights of Indigenous Peoples (IPs), presents his first report.

**Special Rapporteur (SR)**

Mr. Stavenhagen, SR on the situation of human rights and fundamental freedoms of IPs states, according to his report (E/CN.4/2002/97), that in his first year the general pattern of reported alleged violations of IPs rights refer mainly to indigenous collectivities, though numerous cases of individual rights violations also exist. Land rights are a primary issue and although legislation has been adopted by some states in recent years to address the rights of IPs these laws are slow in being implemented and sometimes conflict with other laws. Cultural rights questions also arose. IPs’ rights to their identity and culture are being recognized and formulated to varying degrees, yet the gap between the legal norms/political agendas and the reality that IPs face in their daily interactions with other sectors of the population, is increasing. To exemplify the above issues the SR reports on a recent case in Botswana of alleged involuntary relocation of Baswara in the Kalahari. With reference to the DD, many IPs indicate their concern as to why the DD has not yet been approved, while others worry that the delay in adoption of norms regarding the customary legal systems, exploitation of children, participation of IPs in policy of the DD will erode the norms of human rights that IPs have been waiting for during all the years of debate.

Within the mandate of the CHR and in consultation with IPs, States and others, particular topics needing attention, such as the impact of development, evaluation of national legislation and gender discrimination, will be identified as a means of processing the volume of communications on alleged IPs’ rights violations, including the many invitations from IPs in various regions.

The World Bank looks forward to continue their dialogue with the SR.

**CANADA** welcomes the appointment of the SR (also **GRULAC, ECUADOR, NEW ZEALAND, NORWAY**), and acknowledges contribution made by the first report of the SR and the potential contribution of the SR’s work in ensuring IP’s rights (also **AUSTRALIA, MEXICO**).

**BOSTWANA** disputes the SR’s report and asserts that the source is not reputable and that the allegations regarding the Baswara are false and asks the SR to verify the information before the publication of the report.

**SC** support the appointment of the SR and assert that they had been raising these issues for years.

**Permanent Forum (PF)**

The World Bank supports the PF as it allows more access to IPs knowledge on environmental, economic, financial, social, trade, development and governance issues. The Bank invites the PF steering group members to use its videoconference facilities and continue to explore ways of contributing during the PF. They also look forward to active collaboration with the PF.

The International Labour Organization (ILO) reports that it had been actively involved in the preparations for the PF and hope the PF will become an effective mechanism that will benefit IPs. SC add that the competence of the PF will be unduly limited otherwise.

ICSA deplore the way the PF was created, which minimizes its importance and results in its cooptation. SC stress that the PF has a broader mandate than human rights and strongly request the States to cooperate in funding the PF and establishing a separate secretariat.

**GRULAC** hope that enough resources will be provided for the PF.

**NEW ZEALAND** states that the PF would be an important means for IPs to participate on the same basis as states. Several states agree that the secretariat for the PF should be given sufficient resources and reflect the broad mandate of the PF (**CANADA, ECUADOR, MEXICO, NEW ZEALAND, NORWAY**).

In light of the creation of the PF, **AUSTRALIA** believes that the multiplication of UN efforts on IPs’ issues is unnecessary and calls for the review of indigenous mechanisms within the UN to be conducted by ECOSOC after the PF’s first meeting

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3 The resolutions and decisions concerning indigenous peoples of the 58th session of the Commission on Human Rights were published in the *Update 44-45*. The following report of the interventions made during the session is based on the written statements.
Draft Declaration (DD)

Some NGO’s express strong reservations regarding the DD process. ICSA note that the CHR has instructed the Working Group of the Commission on the Draft Declaration (WGCD) to study and approve the DD but 7 years have passed and the WGCD has still not approved the DD due to the pressure of the so-called powerful states on the one hand, and the adulterated representation of IPs on the other. There is already a lack of real IPs’ representation because non-indigenous interests manipulate the process and get funding from the Voluntary Fund and others to send their representatives to the UN to defend their interests. ICSA ask the UN to not endorse visits by individuals who represent their acronyms and nothing more. Further, the CHR should completely revise the WGCD and give the authority to groups like CSUTCB and ICSA in order to adopt a DD as soon as possible.

IITC assert that the DD represents the minimum standard required to ensure full recognition of IPs’ rights and deplore the proposed changes that will seriously undermine and diminish the rights that the text now affirms. The protection of “third party rights” in the name of advancing the approval of the DD is deeply disturbing. The transparent discussions that take place at the WGCD sessions must continue, and the mandate be extended.

SC are disappointed that the WGCD has been unable to adopt any of the provisions of the DD. Collective rights are the main obstacle for the adoption of the DD. They disagree with the States who presume there is no such thing as collective human rights. Collective human rights already exist in international law, and since IPs generally focus on collective rights more than non-IPs, SC declare that the DD must include collective rights in order to be of relevance to IPs.

GRULAC say that though there are communications related to collective rights, there is no universally accepted definition of those rights. They assert that the DD would be useful for recognizing those rights. They wish to strengthen and speed up the dialogue process in order to reach an agreement on the central issues, so the DD can be approved by the end of the Decade.

AUSTRALIA states that the WGCD sessions enabled work between states and was an important element to further the aim of adopting the DD by the end of the Decade (also PERU).

PERU says that it is important to continue the same methodology of WGCD meetings and it is evident that the WGCD needs the support of the CHR. It reiterated its support for finding mechanisms to include the participation of IPs (also NEW ZEALAND), and acknowledges the important work of Mr. Chávez (also ECUADOR).

NORWAY reports that they are committed to working towards the adoption of the DD before the end of the Decade but asserts that the WGCD is still far from being able to submit a text. Norway calls for greater flexibility in the drafting process to bring the negotiations to a successful conclusion by the end of the Decade (ECUADOR).

ECUADOR and CANADA are optimistic about the probability of accelerated progress toward a DD that will be approved by the end of the Decade. CANADA understands and accepts that it will not be an easy goal to achieve, but asserts that the WGCD is dealing with complex fundamental principles at the forefront of international efforts to develop new relationships and partnerships between indigenous peoples and states. In view of the establishment of the PF they support reviewing, among other mechanisms, the WGIP with a view to promoting effectiveness.

SWITZERLAND says that the WGCD process is too laborious and slow, and it puts its faith in the PF as well as the work of the CHR to advance toward approving the DD by 2004.

To accelerate the process of approving the DD, MEXICO suggests creating mechanisms to guarantee and encourage the participation of IPs, and hopes that the States will respond positively.

Decade/UN General

The Board of Trustees reports that the mandate of the Voluntary Fund has been expanded by General Assembly resolution 56/140 to include the provision of assistance for representatives of indigenous organizations and communities to attend, as observers, the sessions of the PF. The Advisory Group recommends allocating most of the money available in the Voluntary Fund to project grants and expresses its appreciation to the contributing States.

World Bank invests in education for IPs, citing the strong link between ethnicity and poverty in Latin America, especially amongst IPs. The World Bank supports judicial reform programs and meets periodically with other UN system agencies as part of the Decade.

ILO reports that 14 States have ratified Convention 169 and note that it aims to provide opportunities and fair treatment for IPs while providing a framework that allows them to participate in legislative and development processes that affect them.

CANADA wishes to emphasize the importance of the Voluntary Fund for Indigenous Populations and the Voluntary Fund and will continue to contribute to both. They commend the Advisory Group and note that many IPs’ voices have been heard at the UN.
**Norway** states that activities undertaken during the Decade have increased awareness of human rights problems faced by IPs and that this is a step toward finding solutions.

**Switzerland** proposes partnerships with IPs in sustainable forestry projects in which IPs’ participation in the forest management will be intensified; they guarantee the recognition of IPs’ rights in forest management frameworks, and will develop other projects tied to the forest economy, directed by IPs.

**World Conference Against Racism (WCAR)**

**IMTA** assert that racism, racial discrimination, xenophobia and related intolerance is not given enough attention at WCAR. Due to a lack of political will on the part of states the roots of racism in history and the suffering caused have not been properly recognized. The WCAR instead of furthering its mandate in regard to racism has actually taken steps backwards. Paragraph 27 of the Durban Declaration, proposed by the US who boycotted the Conference, is evidence of racism against IPs, and negates the concept of IPs’ rights as recognized in international law. IMTA recommends that the CHR exhort the colonial and western States who benefited from the exploitation of IPs’ and others’ labour to consider paying fair reparations to them.

**IITC** regret that the Durban Declaration has not affirmed the recognition of IPs’ without qualification or limitation, and looks towards the WGCD to resolve this issue. They deplore some states’ receptivity to protecting “third party rights.”

**New Zealand** is pleased that consensus language on indigenous peoples was achieved at the WCAR and also notes the UN encouragement of IPs’ participation in the World Summit on Sustainable Development.

**Country Situations**

**Central and South America**

**ICSA** denounce the implementation of the Zero Coca initiative by the government in Bolivia and assert that as a consequence some coca handlers are killed or their legal rights are violated.

**FL** say that in Chiapas, militarization, lack of access to the justice system, structural poverty (Chiapas has 41.5% of the national per capita income) and lack of political will are the principal contributors to the constant and systematic violation of human rights. **CETIM** and **AAJ** say that the Mexican government must back up the investigations of atrocities, otherwise the paramilitary forces will continue to act with impunity, further destabilizing the region. **FL** and **CETIM** urge an end to militarization, and call for immediate and total compliance with the San Andres Agreements, immediate amnesty for political prisoners, and the designation of a SR for the situation of human rights for Mexico.

**NS** ask the Mexican government to honour the San Andres Agreements in light of IPs’ centuries’ long occupation of their land, taking into account that IPs demand that the acceptance of the Agreements be included in any constitutional amendments.

**ANIPA** denounce the recently legislated reforms, asserting that they totally contradict the San Andres Agreements and remove the possibility of peace. There have been instances of injustice and atrocities perpetrated by the armed forces against IPs, without even counting Chiapas. Officials in Guerrero declare Mexico’s ratification of ILO Convention 169 as invalid (**FL**, **CETIM**).

**ICSA** report that the six different IPs in French Guyana are characterized by layered identities in which their history of colonization plays a large role. Each of these groups has its own language and history, and each is part of a larger group of its own people who extend beyond French Guyana borders. France’s idea of human rights as a matter that can be treated or remedied only in relation to individuals, stands in the way of IPs’ rights: an internationally defined group possessing collective rights is incompatible with the French Constitution. That is why France has not ratified ILO Convention 169, which stipulates that if the return of traditional lands is not possible then IPs collectively have the right to land of equal or more value.

**Ecuador** notes that their constitution recognizes collective and individual rights of IPs and that they have also ratified ILO Convention 169.

**Peru** reports the creation of the Andean and Amazon Peoples’ Council in which indigenous representatives participate to direct and coordinate indigenous policy matters, draw on international cooperation to develop resources and adhere to international agreements.

**Mexico** says that the democratic process requires the full participation of IPs and is implementing a 5-year development programme.

**Asia and the Pacific**

**II** report that the natural resources of the **Sindh** people of Pakistan are exploited and their cultural social, economic, civil and political rights violated. **II** assert that though the Sindh people contributed 60% of Pakistan’s budget through natural resources and tax revenues, they received only 2% of the benefits. The Sindh people demand the right to self-determination and ask for a UN fact-finding mission.
IADL report that the Alifuru people of Molucca are an endangered IP, and are still under the attack of the Indonesian army. They call for a UN team to monitor the war crimes and crimes against humanity that are still being perpetrated.

COAC report that in a landmark decision the High Court ruled that the Orang Asli of Malaysia have a proprietary interest in customary and traditional land occupied by them, and that they have the right to use and receive profit from the land that they and their forefathers and foremothers have occupied and cultivated for many years.

TRP welcome the statement of the European Union urging Viet Nam and Cambodia to cooperate with UNHCR on the situation of the Degar people, also known as Montagnard, as refugees. The Montagnards ask the CHR to urge the Vietnamese government to allow UN visits to repatriated refugees and to establish an ongoing presence in the central highlands.

NEW ZEALAND reports that much has been done but much still remains to be done to give Maori greater control over their own development, and asserts its commitment to ensuring that indigenous issues are addressed openly and constructively within the UN system.

AUSTRALIA says it has increased its spending on IP-related programmes to a record level and asserts its goals to ensure IPs are able to participate fully in Australia’s social and economic life, and to achieve practical, lasting reconciliation between indigenous and non-indigenous Australians.

Other Regions

ECT assert their right to decree the Independent Tribes as a distinctive entity independent of the United States and therefore not governable or taxable by the United States or Alaska. They invoke a history of legislation in which the IPs of Alaska had been recognized by the US as “independent tribes inhabiting an independent territory.” Based on this history domestic jurisdiction cannot be asserted by the United States, a colonial situation prevails in which the US violates its own constitution as well as international law.

RNNC say that observers have investigated the issues raised by them last year and found evidence of corruption and misinformation. RNNC ask for the Special Rapporteur to visit Canada to witness the situation.

IFFJ report that 3,000 of the world’s languages are in danger of disappearing and that many of these belong to IPs. The Chechen people’s survival is threatened by cleansing operations. In the Russian Federation the language of the Urdmurt, who make up 32% of the population, has almost disappeared. In the Baltic region, Latvian, Lithuanian and Estonian languages are being restored. NGOs propose that Baltic victims and their descendants receive restitution for massive human rights violations during Soviet occupation.

Other statements presented at the Commission concerning IPs, and available at doCip

Item 5: Right to self-determination
IWA: Colonized IPs of Alaska deny the imposed authority of the US.

Item 6: Racism and racial discrimination
IWA: US policy in Alaska is a form of racism.
IMTA: Racism and colonialism are inextricably linked; IPs have a right to reparation.
ACJ: Armed conflict in Colombia and its consequences throughout the region exacerbate racial discrimination and related intolerance.

Item 7: Right to development
IWA: Alaskan IPs have the right to choose their own level of association with the US.
IITC: Development activity that violates other human rights is inconsistent with the right to development.

Item 9: Human rights violations
FI/DJP: Rights violations are worsening in Papua.

Item 11: Civil and political rights
STP: Increase in military operations in Aceh and Papua (Indonesia) and the resulting murders and disappearances have not been subject to timely official investigations.
5. INDIGENOUS PEOPLES AND THE EUROPEAN UNION POLICY

Indigenous movements and European development organisations can expect interesting new developments in EU policy making on indigenous issues in the next few years.


Indigenous Peoples’ Declaration - Indigenous Preparatory Meeting, 16-17 June, 2002

Recognizing the growing international recognition of the need for a full, equitable and direct role of IPs in the development process, including in the resolutions and decisions of the European Parliament, the Council of the European Union and the European Commission.


Encouraged by the acknowledgement in the aforesaid Working Document and Resolution of the right of IPs to self development and Prior Informed Consent, including their right to object to projects affecting their lands, territories and their resources, which draw upon the inherent right of self-determination of all peoples, including IPs.

Emphasizing the importance of the clear recognition of the IPs’ land and territorial rights and their capacity for their sustainable resource-use knowledge, practices and usages diversity.

Reaffirming our commitment to the goals of the International Decade of the World’s Indigenous Peoples, including the adoption of the UN Declaration on Rights of the indigenous peoples within the period of the Decade.

Recalling the responsibilities of the international community to ensure the economic, social and cultural well-being of IPs, and their enjoyment of the fruits of sustainable development and their full and free participation in all aspects of society.

Encouraged by the European Community’s growing role in including IPs’ issues in its policy dialogue with partner countries of development cooperation on such vital matters as their identity, culture, political, social and economical development.

Emphasizing the importance of all relevant international, regional and national agreements, treaties and other constructive arrangements in relation to the rights of IPs and the need to observe and implement such agreements, treaties and other constructive arrangements.

Recalling the European Council’s Resolution on the need for the adoption of comprehensive policy on IPs and deeming it to be vital to take forward the process as recommended in the Working Document.

We, the representatives of different organizations and institutions of IPs meeting before the conference on Speaking Out: Indigenous Views of Development and the Implementation of the EU Policy on Indigenous Peoples meeting in Brussels, on 16 and 17 June, 2002 adopt this declaration and make the following recommendations to the European Union, the Council of the European Union and the European Commission:

Dialogue, policy and mainstreaming:

1. To adopt a comprehensive policy on IPs, which applies to IPs in all parts of the world, based upon existing and emerging standards of international law with regard to the rights of IPs.
2. To enable the holding of regular policy dialogues between the European Community and IPs.
3. To institutionalise the process of dialogue between the European Community and IPs to enable an ongoing, direct and substantive dialogue.
4. To mainstream IPs’ issues into the European Union’s policies, practices and work methods.
5. To involve IPs in a periodic review of the European Union policy on Indigenous Peoples and its implementation.
6. To provide financial and political support to the functioning of the UN Permanent Forum on Indigenous Issues (PF).
7. To distinguish IPs and their institutions and organizations from NGOs and other members of civil society.
8. To regularly include IPs’ issues in the policy dialogue between the European Union and its partner countries of development cooperation.
9. To encourage Member States of the European Union to give priority to IPs’ issues in furthering the goals of the UN International Decade for the World’s Indigenous Peoples.
Projects:
10. To ensure that IPs are able to fully participate at all stages of the project cycle, from design, planning, implementation, monitoring and evaluation of European Commission-funded projects affecting their lands, territories and the resources thereon.
11. To prevent IPs from being subjected to exploitative treatment as mere objects of scientific research and folkloric studies.
12. To recognize and respect the ancestral land and cultural rights of IPs in projects on IPs’ lands and territories.
13. To simplify funding procedures of the European Commission to enable IPs to obtain adequate funding from the Union for the protection and promotion of human rights and for development activities.
14. To allocate specially earmarked funds to European Union country delegations to be allocated for IPs’ projects.
15. To take appropriate measures to raise the capacities of the European Commission and the country delegations of the European Union with regard to IPs’ issues.

The Conference
By Mardoeke Boekraad

Around 45 indigenous representatives mainly from developing countries and 40 EU Commission administrators dealing with issues related to IPs as well as many other EU officials from the European Parliament, government representatives, academics, NGOs and experts were present at the conference “Speaking out: Indigenous Views of Development and the Implementation of EU policy on Indigenous Peoples”. It was the first initiative of this type and also the first large representative indigenous gathering around EU policy since the consultative meeting on the EU-Commission Working document in May 1998. The European Union is together with its member states the largest donor of development aid world-wide. Highlights of the three-days gathering were the contributions of EU Commissioner for Development and Humanitarian Aid Poul Nielson, of Joaquim Miranda Chairperson of the European Parliament’s Development Committee and of the representatives of the present and future EU presidencies Spain and Denmark.

The conference was co-organized by the Rainforest Foundation UK, the International Alliance of Indigenous-Tribal Peoples in Tropical Rainforests and the EU Commission who also financially supported it. The case studies were financed by Danida, the Danish development agency.

The aim of the initiative was to follow up the implementation of the existing EU development policy in a direct dialogue between indigenous representatives and EU decision makers and to formulate proposals for improvement. The indigenous caucus adopted an “Indigenous Peoples’ Declaration” with a detailed set of remarks and policy proposals. The conference adopted general final “Conclusions and Recommendations”. The main conclusion was that the current EU policy needs further implementation. In many projects there was not enough informed consent and participation of local indigenous communities. Indigenous culture and living conditions are not sufficiently studied, understood and respected. Indigenous organisations were not sufficiently used to carry out projects.

Case studies

The meeting was set up around the discussion of the results of seven case studies of EU-sponsored development projects all over the world. They were made by independent indigenous experts. The case studies did not pretend to be exhaustive evaluations of the respective development programmes. They mostly cover only a part of the programmes. The experts have made a brief visit to concerned local communities and talked to project leaders. EU commission responsible officials had made written comments to the studies. It resulted in very interesting documents. The conclusions of the studies were very similar. None of the projects fully satisfied the experts. Besides the COAMA, the project in India and PAPICA, local communities were not consulted on beforehand, not involved in project planning and hardly in the implementation, they often even did not have the information on how the project was managed. The result was that the positive effects on indigenous communities of these projects were absent or remained limited.

Long-term indigenous policy

Long-term indigenous policy experts Brigitte Feiring and Joji Carino had drafted a text called “Mainstreaming indigenous peoples issues into the wider policy framework- opportunities and issues”. They made a critical analysis overview of EU policy and guidelines and made proposals. The text shows that the existing EU policy has not been systematically implemented, that there is in particular a lack of a coherent approach and the development of methodologies. The experts stated that “Recognizing that IPs almost by definition hold a marginalized position in the national society and therefore often will be excluded from the national dialogue on development policies and priorities, the EC holds a specific responsibility for a proactive and systematic inclusion of indigenous peoples in their dialogue with civil society”.

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Three sets of working groups intensely discussed around the themes of “Impact”, “Participation” and “Partnership”. These working groups issues adopted separate conclusions.

**EU Report: Review of progress of working with IPs**

One week before the conference the European Commission adopted their long-awaited report to the Council entitled ‘Review of progress of working with indigenous peoples’, on 11.6.2002, (COM(2002)291 final). The adoption of the review document was one of the commitments of the 30.1.1998 EU Development Council resolution. It shows what has been done to implement the resolution that asked to integrate, or ‘mainstream’ the indigenous issue throughout all EU policies and programmes. According to the resolution the review should have been published in the year 2000. The Commission explains the delay out of the fact that there is no database on actions involving IPs, that projects concerning IPs have no reference to that and the EU commission was reorganising internally during this period. In the period 1998-2000, projects for a value of 21,9 MEUR were identified out of the EU budgets for Human rights, De-centralised NGO co-operation, Environment and tropical forests, and ECHO/Humanitarian help. References to IPs have been included in the three EU-regulations: on the environmental dimension in the development process, on co-financing of NGOs and on human rights. Two co-operation framework agreements with Latin and Central America, four guidelines for project management and a number of country strategy papers mention IPs. EU has been actively promoting IPs’ rights in UN fora and on the global level, having for instance a decisive role in the Ad hoc-working group on article 8(j) of the Convention on Biological Diversity. Focal points to liaise with IPs and an inter-service group on IPs were set up. The review concludes that projects need to be properly identified as targeting IPs, IPs’ rights should be included in all guidelines and relevant procedural documents, training for staff and consultation with the grass-roots groups in developing countries are important. Those groups should also be supported by small-scale financial interventions.

**New development council resolution in December 2002**

The keynote speakers of the conference made strong commitments to strengthen the indigenous policy of the European Union. Commissioner Nielson insisted on the need to define four or five pilot countries to focus on including IPs in the project development, constant analysis of impact of EU policy on IPs by relevant EU services, inclusion of IPs as full partners in EU-civil society dialogues with partner countries and the need for training of EU staff and inclusion of IPs in the EU staff. He called on all EU member states to join ILO Convention 169.

The Danish government representative Anders Ørnemark confirmed that the EU-governments are negotiating a new development council resolution for the next meeting before the end of the year. He stressed that the priority lies on the implementation and realisation of existing policy. He found the concept of a regular consultative body with IPs on the regional level would be an extremely interesting novelty in international IPs’ policy development.

The conference can be considered as a great achievement. The thorough preparation, the high number of useful informative documents and the excellent overall organisation were generally appreciated. One criticism was that some documents were available late: just before or during the conference. A controversy occurred when the status of a Rainforest Foundation presentation of conclusions of the case-studies at the starting session of the conference was questioned by the IPs’ representatives. This misunderstanding was resolved without problem. Indigenous movements and European development organisations can expect interesting new developments in EU policy making on indigenous issues in the next few years.

**Websites:**

http://www.rainforestfoundationuk.org/Conference/conference.htm : all relevant conference documents in English, French, and Spanish


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4 Available on the Rainforest foundation UK website
5 European Union Development Council Resolution of 30.11.1998 on support for indigenous peoples within the framework of development co-operation of the Community and the Member States, 13461/98.
The case studies are the following.
All document and EC comments are available on the Rainforest foundation UK website.

Central Cordillera Agricultural Programme (CECAP), Philippines, a project by the Philippines government, experts: Jill K. Carino and Cynthia Dacanay.

Integrated Community Development Programme, Jharkhand, India, a project by the Diakonia and the Xavier Institute of Social Science, expert: Suhas Chakma, Asian Indigenous and Tribal Peoples Network.

Dja Biosphere Reserve Component of Forest Eco-systems of Central Africa (ECOFAC), Cameroun, a project by the EU and the government of Cameroun, experts: Samuel Ngiffo General Secretary of the Centre for Environment and Development (CED), Edith Abilogo (Journalist), Patrice Bigombé Logo (anthropologist/political analyst), Hélène Aye Mondo (association of the Baka, ASBAK).

Leuser Development Programme, Indonesia, a project by the Government of Indonesia, expert: Emil Kleden, Aliansi Masyarakat Nusantara (AMAN).

Programme of Support for the indigenous people of Central America (PAPICA), a project by the Foundation for the Economic and Social Development of Central America (FUNDESCA), expert: Marcial Arias Garcia, foundation for the Promotion of Traditional Knowledge.

Programme for the Support of the Consolidation of the Colombian Amazon (COAMA), a part was managed by the Gaia Foundation, UK, experts: Antonio Jacunamijoy Tisoy and Juan Carlos Gamboa Martinez from OPIAC and COICA.

Lisu AIDS Alert Project, Northern Thailand, a project by the Life Development Center (LDC) as project sub-contractor of the AIDS Network Development Foundation (AidsNet), Chiang Mai, expert: Krishna Maharaj for the Inter Mountain Peoples Education and Culture in Thailand Association (IMPECT).

Conclusions and Recommendations

1. There was a strong call for the European Union to adopt a comprehensive policy on IPs, which applies to IPs in all parts of the world, building on the European Council's Resolution on Indigenous Peoples in the Framework of Development Co-operation, and the Commission Working Document.

2. The bulk of the EU relations are with states, and innovative mechanisms and initiatives are needed to build relations with IPs. There was a call to institutionalise the dialogue process between the European Community and IPs to enable ongoing, direct and substantive dialogue.

3. The EU was called upon to recognise IPs as political entities, as peoples and actors with authority over their own development. The partnership goes beyond the "project level" to the building of a political relationship or partnership, which must be institutionalised, continuous and based on long-term commitment. Recognising IPs’ human rights is crucial, and land rights should be a central aspect of EU policy. Relations of equality can be established where the IPs community is resource-rich and has control of its land and resources. Local control is the key to real partnership. The problem arises because resources are usually under the control of government agencies. The importance of bottom-up mapping of indigenous territories was underlined so that IPs can be more clearly identified, and their political identity recognised.

4. EU member states should support the approval and later ratify the UN Draft Declaration on the rights of indigenous peoples and should ratify the ILO Convention 169, to provide a framework. Development co-operation should not overlook the collective dimensions of indigenous lands and territories. Sensitivity to cultural issues, language and religion is also important. To guarantee a sustainable partnership, it is thus essential to maintain more cultural exchanges, between the member states of the EU and IPs.

5. Partnerships can be based on mutual respect, mutual benefit and mutual trust and that mutuality was a good description of the relationship. "Mutuality” means that there is recognition that each party brings something distinct and special to the relationship, and therefore have different roles in the relationship. A real partnership should be made up of a close collaboration and permanent exchange between partners on the basis of equality, taking into account the historical reality of each of the actors in this co-operation.

Understanding the distinct roles and contributions of each party opens the way for joint learning and continuous learning. Learning from each other thus strengthens the capacity of each party. Capacity building is a mutual process. Not only IPs’ Organisations but also NGOs, governments and the EC itself need capacity building.
6. The European Commission must ensure that IPs are able to fully participate at all stages of the project cycle, from design, planning, implementation, monitoring and evaluation.

7. Governments can play a role in constructing these partnerships. The main challenge for them is to provide legal recognition of IPs’ rights. This can then provide the basis for successful engagements between IPs and other parties. The recognition of rights is crucial to the establishment of partnerships.

8. Relationships with NGOs are fully discussed, including negative and positive experiences. NGOs that support IPs were seen as long-term partners. These NGOs must have an explicit goal to empower IPs’ organisations. NGOs can contribute to the promotion of IPs rights but as IPs change the NGOs must adapt. They must never claim to represent IPs and they should adopt a facilitative and not executive role. They should never initiate projects without the implicit agreement of the communities concerned. Problems with big NGOs are common but IPs do recognise that they may have a role.

9. The EU should support the UN Permanent Forum on Indigenous Issues (PF) to ensure coherence in policy evolution. The European Commission is called upon to provide financial support for the UN PF.

10. It is necessary to include the concerns of IPs in the elaboration of Country Strategies and in thematic strategies, taking into account the Convention of Cotonou between the EU and the ACP countries that contemplates the participation of non-State actors in the elaboration of country strategies. This is a healthy development and we must now envisage concrete measures to achieve this participation and the conditions under which this can be achieved.

Decentralised responsibility to EC delegations means decentralised capacity building i.e. building capacity at EC delegations to build partnerships with IPs.

Participatory national assessment of policies towards indigenous peoples is required which involve indigenous representatives.

11. Communications between the EC and IPs must recognise cultural differences and must adapt to these practices. Information should flow from the European Commission to their EC delegations on IPs’ policy and initiatives.

12. Implementation must be done in a participatory manner but with flexibility so that the concerns of IPs can be incorporated into the projects. This can be achieved through frequent and regular participatory evaluations, the conclusions of which are taken into account in the implementation of the project.

13. It was decided that the International Alliance of Indigenous-Tribal Peoples of the Tropical Forests should be entrusted with the task of forming a broad and representative working group, to follow up implementation of the recommendations of the conference, and to continue dialogue with the EC. The working group will consist of IPs representatives from all regions of the world.

**Speaking out: A true encounter in Brussels?**

The IPs must be recognised as active and sovereign actors, having authority over their own development, and not as political tools within development programmes and projects. A process allowing direct and permanent dialogue between the IPs and the European Community needs to be institutionalised. This relationship must be based on mutual respect, mutual benefit and mutual trust. It has to be a true partnership in the form of a close collaboration and a permanent exchange within an egalitarian framework, while taking into consideration the historical reality of each party. It is necessary to include the indigenous issues in the elaboration of the thematic and country Strategies. These recommendations are the outcome of the conclusions formulated by members of Indigenous Peoples during the conference that was organised conjointly by the European Commission, the International Alliance of Indigenous-Tribal Peoples of Tropical Forests, and the Rainforest Foundation. Mr. Pashuram Tamang, Executive Secretary of the International Alliance speaks in his welcoming speech of the "need to go beyond the narrow confines of a paternalistic 'donor-beneficiary' relationship".

The conference entitled "Speaking Out : Indigenous Views of Development and the Implementation of the European Union Policy on Indigenous Peoples" took place in Brussels from the 18-20 June 2002 and brought together more than 200 people of which 48 were members of indigenous populations from 25 countries. The representatives of the European governments, of the European Parliament, and the concerned officers of the European Commission vis-à-vis the European civil society, listened to the indigenous peoples who had come from far away, from numerous regions of the world, in order to share their experiences regarding development programs offered by the European Community. They were also there to give suggestions as to how better integrate the aspirations and needs of IPs into these programs, and to finally establish a dialogue without intermediaries.
This event was co-organised by the European Commission and often very critical NGOs, and included the participation of the following representatives at the highest level of the European Union: Mr. Alberto Virella and Mr. Anders Orremark, representatives of the governments who have the presidency of the European Union for 2002 (Spain and Denmark), Mr. Joaquim Miranda, President of the European Parliament Development Committee; and Mr. Poul Nielsen, European Commissioner for Development and Humanitarian Aid. These facts represent an opening and constitute an important sign of commitment by the European Union, as well as a mark of respect for those who managed to come despite the often-encountered difficulties.

The European Union Policy

The EU tackles the issue of IPs within the framework of its development policy. Two key documents define the principles of this policy: the Working Document adopted by the European Commission the 11 May 1998 and the Resolution of the European Union Council of 30 November 1998.

In the Resolution of 30 November 1998 the Council of the EU calls for the systematic integration of “the concern for IPs as a cross-cutting aspect at all levels of development co-operation, including policy dialogue with partner countries”. It “acknowledges the importance that IPs attach to the affirmation of their ‘self-development’, that is to say, the shaping of their own social, economic and cultural development and their own cultural identities”. “This approach also recognises their own diverse concepts of development, and asserts that they should participate fully and freely in the development process”. The Council underlines that “IPs have the right to choose their own development paths”, which includes “the right to object to projects, in particular in their traditional areas” and implies “compensation where projects negatively affect the livelihoods of IPs”.

The European Union (EU)

Fifteen Member States delegate some activities to independent institutions, which represent the interests of the Union as a whole, its member countries and its citizens. The European Commission traditionally upholds the interests of the Union as a whole, while each national government is represented within the Council, and the citizens directly elect the European Parliament. This “institutional triangle” is flanked by other institutions, bodies and agencies.

The EU is one of the major players in international development co-operation, providing 55 % of total Overseas Development Aid world-wide. Aid from the European Community (managed by the European Commission) amounts to around 5.5 billion euros annually, namely 10 to 15 % of all aid world-wide to which is added the bilateral aid of the member States.

Certain aspects of the recent reform of the foreign services of the European Commission, present a definite interest in the development of relations with IPs. The Commission is engaged in a ‘devolution’ process, the majority of the financing decisions will be made on the spot in the concerned country by Delegations of the Commission, bringing the place where decisions are made closer to IPs. A central objective of this reform is to improve the quality of programming of the European Community’s external aid, one of the measures taken is the creation of a new Interservice Quality Support Group. The Group is responsible within the framework of the external aid for harmonising programming and for assessing Strategy Papers and Indicative programmes of intervention established by country and at the regional level to ensure that those documents are of high quality.

Progress and the Insufficiencies

Putting into practice the principles defined by the EU in its Resolution of 30 November 1998 and the realisation of this vision, are a true challenge. Despite the recorded positive results, progress is slow. Some development projects financed by the European Community regarding IPs present certain deficiencies. These deficiencies are visible in the case studies selected by the Alliance of Indigenous-Tribal Peoples of Tropical Forests, these were done in 2002 in preparation for the conference and were carried out by actual members of the indigenous communities or by the Alliance. The case studies are as follows: Central Cordillera Agricultural Programme, Philippines, analysed by the Alliance of Peoples of the Cordillera; the Programme for the Conservation of Forest Eco-systems of Central Africa carried out by the Centre for Environment and Development; the Programme of Support for the Indigenous Peoples of Central America, by the Foundation for the Promotion of Traditional Knowledge in Panama; the Leuser Development Programme, Indonesia, by the

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8 The EU’s web site, Europa, provides information within various languages : http://europa.eu.int

9 Source : Background information document distributed at the conference
Alliance of Indigenous Peoples of the Archipelago; the Programme for the Support of the Consolidation of the Colombian Amazon by the COICA; and the AIDS Alert Project for the Lisu people of Thailand by the Inter Mountain Peoples Education and Culture in Thailand Association.

All case studies demonstrate that negative results are due to the absence of adequate socio-economic research prior to the programme, and a lack of comprehension of the IPs. The initially determined objectives were not achieved as a result of poorly defined roles and responsibilities of those concerned by the projects, of erroneous identification of development priorities of IPs, but also due to a lack of their participation in the creation, planning, execution and evaluation of the projects.

The Progress report on the implementation of the Resolution of the European Council of 30 November 1998 elaborated by the European Commission for the attention of the EU, was presented during the conference.

A first dialogue and the reaffirmation of an engagement

It is the first time that such an encounter takes place at the centre, in Brussels, to expose, listen, debate, and dialogue without intermediaries. The case studies were presented before everyone during the plenary session and workshops for exchange and reflection were held on different themes. Of course there was not enough time to accomplish precise solutions, or concretise, in a sense, detailed formulas to address particular cases. However, the hope to see the consolidation of a true dialogue and the realisation of a vision, which makes of diversity a mutual enrichment between the participants, was present at the meeting. It is the hope of a living intercultural dialogue, within the largest sense of the word intercultural. "I speak of a culture anchored in the flesh and soul of people, a culture which is not what 'remains when everything else is forgotten' in the words of Edouard Herriot, but to which I prefer its opposite, 'culture is what remains when nothing has been forgotten'. Nothing forgotten, meaning especially not the lessons of History, the lost roots, the open wounds, the conquests, the colonisations, the enslavement, in other words, everything that allows humans to be what they are within the very depths of their selves. This is the only way to accept the other as he/she is and to recognise ourselves as multiple, mixed, individually and collectively, through society."

The members of indigenous communities who were present at the conference drew up and handed in at the closure of the event a Document of Conclusions and Recommendations together with its annexes.

At the highest level, representatives of the States having the Presidency of the Union in 2002, of the European Parliament, of the European Commission, an engagement has been reasserted with firmness during this encounter.

At the opening, Mr. Virella declares that a new impetus is necessary after a revision the achievements and that a sincere and respectful dialogue can lead to the definition of activities, if the same final objective is shared. Mr. Miranda stipulates that "IPs have the right to fully enjoy the ensemble of the human rights and fundamental freedoms recognised by the international agreements, such as the Charter of the United Nations, the Universal Declaration of Human Rights and the Charter of Fundamental Rights of the European Union. It is important to eliminate all forms of discrimination based on the origin or identity of IPs; and the juridical and customary laws of IPs to own, use and manage their land, their territories and their resources must be respected and recognised."

During the closing session, Mr. Ørnemark gives his support to this vision and informs that the future Presidency of the EU envisages including the issue of IPs in development on the agenda of the Council of the EU before the end of 2002. Mr. Nielson states “you represent the diversity and richness of the humankind and it is only through your observations and views that this Conference could become as successful and enriching as it did”. Mr. Nielson "is very glad to hear that the future Presidency is already considering producing Council conclusions on Indigenous Peoples and that therefore, your work here comes at a perfect time and can be properly taken into consideration. All the case studies presented in this Conference have underlined the importance of a real and meaningful dialogue to ensure that the projects meet their development goals". "This is where the importance of this conference is and I conclude by expressing my sincere support and personal engagement to taking all the necessary steps to enhance the integration of Indigenous Peoples' particular needs in the European Union's development co-operation", are amongst the last words spoken by the Commissioner Nielson.

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10 François Nizery’s, officer of the European Commission, extract of his presentation at Recife, Brazil in 2001.
11 Spain, country having the Presidency of the EU from 01.01 to 30.06.2002
12 Denmark, country having the Presidency of the EU from 10.07 to 31.12.2002
13 Council General Affairs from 18 November 2002 in its item "Development", 14183/02 (Press 350)
A New Dynamic

The success of this conference consists in having offered, at the appropriate political moment, the possibility of an encounter, perhaps even a truthful one, between the concerned parties. The IPs had the possibility to be heard at the centre, the headquarters and in a concrete manner at the highest level; and those in charge in the EU institutions were given the possibility to open up and live an enriching experience.

This moment could be the point of departure of a new dynamic but for this to occur the two sides must help each other to operate a real reconciliation and foster this vision of development.

A very good indicator that this is not simply another conference is the approval by the Council of the EU on 18 November 2002 of conclusions “Indigenous Peoples” in accordance with the commitments made during the conference. The Council, that is the member States, on 18 November 2002 recalls its strong commitment to the Resolution of 30 November 1998 and gives orientations for the implementation of this Resolution. The Council welcomes the initiative taken by the Commission in co-organising the conference, which took place the 18-20 of June 2002 and invites the Commission to ensure its follow-up!

An article regarding the conference by Moussa Sawadogo is published in the Courrier N° 194 of September-October 2002, a publication of the European Commission. It can be found on the Europa site: http://europa.eu.int/comm/development/publicat/courier/index_194_en.htm

Realising the vision, extracts from the speech of Poul Nielson, European Commissioner

«The Conference has been focusing on the Council Resolution of 30 November 1998 on Indigenous Peoples and its implementation. What I consider as the core progressive element of this resolution, is that it sets the respect for others as the guiding principle of all development co-operation. It focuses on the recognition of the right of Indigenous Peoples to their own diverse concepts of development.»

«The Commission believes that securing access to land and natural resources is crucial for Indigenous Peoples.»

«However, in the case of indigenous peoples, the question of land rights goes beyond the traditional debate between property rights and customary tenure as both these concepts inadequately reflect the complex link between indigenous communities and the territory in which they have lived on for centuries.»

«Indeed the rights of indigenous people to gain authority on and autonomy in the management of their territory have been often overshadowed in land reform processes. It is time to reverse this tendency and support Governments in devising land tenure laws that adequately take into account the special relationship of these communities with their land. This is a precondition for successful land reform.»

«The EC, through its policy dialogue with Governments, will be further promoting the development of appropriate frameworks that recognise such rights while supporting indigenous peoples’ capacity to articulate their needs and expectations in negotiations with Governments, both at the macro level and at project level.»

«If access to land and the associated rights are insensitive to indigenous people's needs then, these will often reflect underlying conflicts on land use. The determination of Governments to address such conflicts in an equitable and transparent way is an important test for Governments’ commitments to respect human rights and the rights of Indigenous Peoples as it is recognised in the ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries.

I should like to underline that respect for such rights is an essential element of all our co-operation agreements, and is fully consistent with the overarching priority of the Commission to fight against poverty and to support sustainable development.»
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6. LIST OF ABBREVIATIONS

AAI: Asociación Agroecoturismo Indígena
AAJ: American Association of Jurists
ACHPR: African Commission on Human and Peoples Rights
ACIP: Asian Caucus of Indigenous Peoples
ACJ: Andean Commission of Jurists
ACJP: Ambedkar Centre for Justice and Peace
ACK: Association of the Crimean Karaites
ACRICAR: Asociación de Criadores de Camélidos Andinos de las Regiones del Perú
AEN: Association of Evenks of the Neryungri ulus
AFN: Assembly of First Nation
AIPR: Association of Indigenous Peoples in the Ryukyus
AIPS: Association of Indigenous Peoples of Sachalin Region
AMASUTA: Alliance of Indigenous People of Sulawesi Tengah
ANIPA: Asamblea Nacional Indígena Plural por la Autonomía
APG: Asamblea del Pueblo Guaraní
ARC: Ainu Resource Centre
AS: Association Shoria
ASC: Apache Survival Coalition
ASP: Association of the Shor People
AT: Association Tagatz
ATSIC: Aboriginal and Torres Strait Islander Commission
AYO: Association of Young Okinawans
BIPO: Bawn Indigenous Peoples' Organization
BPCA: Bangsamoro People’s Consultative Assembly
CAASM: Confédération des Associations Amazighes du Sud Marocain
CAIDDH: Commission amazighe internationale du développement des droits de l'homme
CAMCAPC: Central Andina de Mujeres Campesinas de la Provincia Cercado
CAURWA: Communauté des Autochtones Rwandais
CAPAJ: Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos
CCSA: Cultural Center of Saiano-Altai
CECB: Centro de Educación Campesina de Bases
CEHO/OBAAQ: Centro de Ecología Holística Otorongo/Organización de Comunidades Aymaras, Amazonas y Quechuas
CETIM: Centre Europe-Tiers Monde
CFSC: Canadian Friends Service Committee
CGZSC: La Capitanía Zona Santa Cruz
CHR: Commission on Human Rights
CHT: Chittagong Hill Tracts
CIER: Centre for Indigenous Environmental Resources
CIIH: Committee on Indigenous Health
CMA: Congrés Mondial Amazigh
CNDPA: Conseil National pour les Droits du Peuple Autochtone
CNI: Consejo Nacional Indígena
COAC: Center for Orang Asli Concerns
CONACANP: Confederación Nacional de Criadores de Llamas, Alpacas y Vicuñas del Perú
CONAMAQ: Consejo Nacional de Ayllus y Markas del Quillaszuyu
CORE: Centre for Organization Research and Education
CPA: Cordillera Peoples' Alliance
CPMP: Centre for Progress of Manipuri Peoples
CPNAB: Consejo de Pueblos Nahuas del Alto Balsas
CRAL: Centre de Recherches sur l’Amérique Latine
CRG: Chagos Refugees Group
CSQ: Consejo del Saber Qulla
CSSC: Comité Suisse de Soutien aux Chagossiens
CSUTCB: Confederación Sindical Única de Trabajadores Campesinos de Bolivia
CVRWSSC: Cactus Valley/Red Willow Spring Sovereign Community
ECT: Elders Council of Tununak
EEICL: Ethno Ecological Information Center “Lach”
EF: Eco-spirituality Foundation
FAIRA: Foundation for Aboriginal and Islander Research Action
FDMCT: Federación Departamental de Mujeres Campesinas de Tarija
FENOCIN: Confederación Nacional de Organizaciones Campesinas, Indígenas y Negras del Ecuador
FI/DJP: Fransiscans International and Dominicans for Justice and Peace
FIMG: Federación Indígena de Mato Grosso
FL: France Liberté
GCC: Grand Council of the Crees
GCWP: Global Country of World Peace
GEEV: Grupo de la Estación Experimental Valhalla
GRULAC: Grupo de Países de América Latina y el Caribe
HEP: Health and Environment Program
HH: Hojas de Hierba
HIHRW: Hmong International Human Rights Watch
HWO: Huisen Women Organization
IACDHR: International Amazigh Commission for Development & HR
IADL: International Association of Democratic Lawyers
ICC: Inuit Circumpolar Conference
ICN: Innu Council of Nitassinan
ICSA: Indian Council of South America
IFFI: International Federation of Free Journalists
II: Interfaith International
IITC: International Indian Treaty Council
IJC: International Jumma Community
IMTA: Indian Movement "Tupaj Amaru"
INPT: Indigenous Nationalist Party of Twipra
INTI: Centro de Promoción para el Desarrollo Comunal
IOIRD: International Organization of Indigenous Resource Development
ISTOK: Atlay Regional Public Organization of Kumandin People
IWA: Indigenous World Association
JPL: Jumma Peoples Link
KCC: Khoekhoeogowab Curriculum Committee
KiKI: Kebager Te Ked-Inged (Lumad Peoples Movement for Peace, Power & Righteousness)
KYC: Kirat Yakthung Chumlung
KYM: Kuna Youth Movement
LHRC: Lao Human Rights Council, Inc.
LPDC: Leonard Peltier Defence Committee
MAAP: Maasai Aids Awareness Program
MBOSCUDA: Mbororo Social and Cultural Development Association
MCTP: Mejlis of Crimean Tatar People
MEDC: Mount Elgon Dorobo Community
MF: Mbuyu Foundation
MIT: Movimiento de Tungurahua
MN: Metis Nation
MoN: Mohawk Nation
MPIDO: Mainyoito Pastoralists Integrated Development Organisation
MUINAVI: Movimiento de Mujeres Indígenas en Acción por la Vida
NAILSS: National Aboriginal and Islander Legal Services Secretariat
NKIKLH: Na Koa Ikaika o Ka Lahui Hawaii
NPMHR: Naga Peoples Movement for Human Rights
NS: Nord-Sud XXI
OI: OCAPROCE Internationale
OOTM: Organización OTM
OWA: Ogiek Welfare Association
PCG: Peace Campaign Group
PDESM: Programa de Desarrollo Económico de la Mujer
PIP: Paran Integrated People
PIPlinks: Philippine Indigenous Peoples Links
PKK: Programa Kichin Konjel
PTC: Papua Traditional Council (Dewan Adat Papua)
R.W.A: Reto Women Association
RAIPON: Russian Association of Indigenous Peoples of the North
RCN: Rehoboth Community of Namibia
RHF: Rehab Hope Foundation
RNNC: Red Nation of Northern Canada
RNTI: Red Nation of Turtle Island
SC: Saami Council
SGC: Shimin Gaikou Centre (Citizen's Centre for Diplomacy)
SIDP: Sengwer Indigenous Development Project
SMOO: Simba Maasai Outreach Organization
SOCIDICO: Sociedad Civil de Desarrollo Integral Comunitario
SRC: Semiotics Research Centre
SSAI: Siocon Subanon Association Inc.
STP: Society for Threatened Peoples
SUANPA: Sovereign Union of Aboriginal Nations and People of Australia
TF: Tebtebba Foundation
Tomwo IPDI: Tomwo Integrated Pastoralist Development Initiative
TRP: Transnational Radical Party
TWAC: Tribal Women Artist's Cooperative
UHI: United Hmong International Inc.
UNDP: United Nations Development Program
VP: Voices for Peace
WAC: World Adivasi Council
WEZTA: Western Zamboanga Timuay Association
WSC: World Sindhi Congress
ZOIPU: United Zo Indigenous Peoples
ZORO: Zo Reunification Organization
7. OTHER MATTERS

Historical Use of Legal Term “Indigenous Peoples” in UN Declaration

The United Nations World Summit on Sustainable Development (Johannesburg, South Africa, 26 August – 4 September 2002), for the first time in UN history, has just adopted the unqualified term “indigenous peoples” in its official political declaration:

“We reaffirm the vital role of indigenous peoples in sustainable development.” (paragraph 22bis)

In stark contrast to last year’s UN World Conference against Racism, held in Durban, South Africa, where the term peoples was qualified as still being “under negotiations” (paragraph 24 of the Durban Declaration), the term “indigenous peoples” was unconditionally adopted for the first time in an official UN document.

“We think the UN has made a vital step towards respecting Indigenous Peoples equal to other peoples of the world”, stated Vicky Tauli-Corpus, “This is a significant step in defining the rights of Indigenous Peoples.”

We hope that with this historical advancement, this respect will be reflected in the Plan of Action of the WSSD. We expect governments, UN Agencies and corporations to give the respect that indigenous peoples deserve in all future consultations, relationships, partnerships and negotiations.

Indigenous Peoples now look forward to the upcoming discussions on the UN Draft Declaration on the Rights of Indigenous Peoples, to be held in Geneva, Switzerland in December 2002, where we hope that this will open the way to a smooth approval of the Declaration.

Kenneth Deer

Indigenous Child at the UN Committee on the Rights of the Child

We did it! We have been informed by Child Rights International Research Institute, New York who received a telephonic confirmation from Jaap Doek, Member-Rapporteur of the UN Committee on the Rights of the Child saying that we succeeded in our memorandum application submitted on 17 September 2002. The Committee has agreed to dedicate its General Discussion Day 2003 to “Rights of the Indigenous Child”. This is an extremely timely decision for the CRC at the end of the International Decade. We warmly thank all who had sent in support messages and letters to the memorandum.

The Secretariat of the Committee on the Rights of the Child will be drafting a preliminary agenda for the General Discussion Day and the Committee will go over it at their January session and finalize the programme. Jaap thinks that we should have people submit papers that could eventually be published.

We shall be in close communication with the Secretariat about the program planning and updating you all about developments.

Roy Laifungbam
laifungbam@hotmail.com
Indigenous Participation at the V World Congress on Protected Areas

IUCN's World Commission on Protected Areas (WCPA) will hold in September 2003 the V World Congress on Protected Areas, a ten-yearly event that congregates protected area professionals and experts of the world. The meeting will be held in Durban, South Africa. It is anticipated that there will be some 2500 delegates, and in principle the organizers have agreed to have about 250 participants representing indigenous and community organizations. Participation in the Congress is by invitation only, and for that purpose all people interested in receiving an invitation are required to submit a nomination using the nomination form (http://iucn.org/themes/wcpa/wpc/wpcnomination.htm). Nominations will be finally approved by the Congress Secretariat. For the moment there is no funding secured to support participants' travel costs, but a significant degree of interest from donor institutions is anticipated to help cover costs, since the Congress is a very important event for conservation and also for indigenous and local communities.

Nominations must be sent between December 2002 and the end of January 2003, since the screening will be done in February 2003. Nominations should be sent to these two addresses:
Ashish Kothari : ashishkothari@vsnl.com
Grazia Borrini-Feyerabend : gbf@cenesta.org

The Congress will deliver a Declaration called Durban Accord, followed by a Plan of Action containing the specific proposals aimed at achieving the objectives of the Accord. Further, it is expected that the Congress will be highly influential in the discussions of the VII COP to the CBD in 2004. The Congress is a very important opportunity for indigenous and community organizations, where they can advance their agenda on protected area issues. Participation and inputs on indigenous and local communities at the Congress is facilitated by the Theme on Indigenous and Local Communities, Equity, and Protected Areas (TILCEPA), set up in 2000 by the World Commission on Protected Areas (WCPA) and the Commission on Environmental, Economic, and Social Policy (CEESP) of the World Conservation Union (IUCN). The TILCEPA seeks the full and effective recognition of the rights and responsibilities of local communities in the development and implementation of conservation policies and strategies that affect the lands, waters and other natural and cultural resources that they relate to. It advocates, in all countries, the recognition of community conserved and managed areas that are significant from a biodiversity point of view, and the development of management partnerships with the communities.

More information on the Congress can be found at: http://iucn.org/themes/wcpa/wpc/wpcindex.htm

The final versions of this year’s ECOSOC resolutions and decisions pertaining to the PF are now available at doCip or at: http://www.un.org/esa/coordination/ecosoc/document.htm. The draft versions were published in Update 46-47:
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