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Table of Contents

- Editorial
- Statement by Indigenous Peoples’ Caucus
- Press Release by Indigenous Peoples’ Caucus
  - Organization of work
  - General debate
  - Intellectual and cultural property
  - Non-discrimination and minimum rights
  - Nationality and citizenship
  - Education and media
  - Protection against genocide and ethnocide
  - Participation, economic, social and cultural rights; development
  - Land, resources, environment
  - Treaties, implementation of rights, conflict with States
  - Cooperation and implementation of rights
  - Self-determination
  - Distinctive systems
- Indigenous Peoples, Biological Diversity and Forests
  - Documents from the COP3 Meeting
- Other Issues and Meetings
  - Committee on the Rights of the Child
  - Committee on the Elimination of Racial Discrimination
  - Committee on Human Rights
  - Committee against Torture
  - Committee on Economic, Social and Cultural Rights

EDITORIAL

At the second Intersessional Working Group on the Draft Declaration (WGCD) last November, indigenous representatives unanimously expressed their support of the adoption of the Draft Declaration in its present form. The document, according to them, represents minimum standards. They rejected the proposal of Mr Urrutia, Chair and Rapporteur, to re-examine the Draft Declaration article by article. The indigenous representatives then proposed a public debate, which was neither accepted nor even considered during the opening session. At that instance, the indigenous delegates left the plenary and returned only after the Chair accepted a public debate which was to take place before the discussion of the articles.

Several indigenous delegates from Australia, Aotearoa/New Zealand and North America went home because they considered that their "observer" status did not allow for full and equal participation in the WGCD. Others stayed behind to voice the same positions on behalf of all Indigenous Peoples.

The walkout succeeded in a partial change of the agenda and created more clarity about the positions of governments sympathetic to full indigenous participation and those who inhibit themselves with rules inappropriate for genuine partnership. The WGCD suggested to the Commission on Human Rights to discuss the procedures of indigenous participation at its next session in March-April 1997. It is therefore of utmost importance that indigenous delegations representing the different regions of the world participate there to finally break through the wall created by the states. docip and Incomindios are currently making the
necessary arrangements for the lodging of indigenous representatives.

In this issue of Update, we are reproducing the original texts of the Statement by Indigenous Peoples' Caucus and the Press Release of the Indigenous Peoples' Caucus. These are followed by the summaries of the written presentations of participants at the WGCD, by topic. Finally, also included in this issue is a brief report on the Third Conference of Parties (COP3) of the Biodiversity Convention (Buenos Aires) and on the intersessional Intergovernmental Forest Panel (Leticia, Colombia).

Statement by Indigenous Peoples' Caucus

October 25, 1996

Mr. Chairman, on behalf of the Indigenous Caucus, we would like to convey the following so that both those returning to the plenary and those who cannot may express their desires to the state delegations. There was a consensus of those in the Indigenous Caucus over the past number of days to bring a sense of dignity to the proceedings, so that we could participate in the discussions of the Draft Declaration as equal parties. This desire was reinforced when the proposals with respect to the work of this body were initially put forward on behalf of the caucus were blatantly ignored. We were told we are only observers here, when in fact, it was our understanding that the mandate of this body included cooperation amongst all the participants.

We return here today on the basis of the consensus that was reached unanimously in the Indigenous Caucus. We hereby go on record, that we will never freely consent to any future revisions, amendments, or deletions by states to the present language of the Draft UN Declaration on the Rights of Indigenous Peoples. All future discussions by Indigenous delegations will go forward on this basis, and are not regarded by us as negotiations. We want to further go on record that we regard the present Draft Declaration as representing the minimum standards for the expression and protection of the fundamental rights of Indigenous Nations and Peoples.

The need for a cooperative approach is crucial to building consensus. If the Indigenous Nations and Peoples seeking to participate here are viewed as mere observers, then many have no desire to subject themselves to such a low standard of recognition. Those who have chosen to return do so not in subjugation, but are driven by a deep concern that they must use whatever means available to defend their rights. These various acts and statements are a manifestation of the exercise by Indigenous Peoples as individual nations, peoples and organizations, of their inherent right to self-determination. Such a demonstration of the exercise of this right is and must be fully recognized and respected by all others. We must inform you that the return of Indigenous Peoples cannot be construed as indigenous consent to or acceptance of the current rules and procedures governing this process.

There remains a consensus that the rules are flawed and violate the spirit of cooperation and consensus that should guide this process. We want to respond to those governments who have taken the time to voice their support for full Indigenous participation. Your support must be translated into action and we expect that you will work with us to achieve the proper dignity and respect this process currently denies us.

Indigenous Peoples hold a distinct place in the human family. Indigenous Peoples are different with the right to be different and to be respected as such. In this regard, there is a legitimate ground for the specific request to change the rules to accommodate the distinct status and rights of Indigenous Peoples.

To facilitate future harmony, the Indigenous Caucus therefore proposes the following means by which an acceptable solution to the problems experienced at this session may be avoided in future. We formally request that you give these proposals serious consideration and work with us to ensure that these measures are pursued in a serious manner.

First, it must be explicitly recognized that Indigenous Nations and Peoples are equal participants in this Working Group and not "observers". We should have full input on the drafting of the report of this and all future sessions. Why else would Indigenous delegations take the time and expense to travel all this way? Merely to observe, while states discuss the international recognition of our rights? No, common sense should tell you we must be fully involved. There should be no decisions or recommendations here which do not have our full and informed consent.

Second, in future, Indigenous Peoples must have an equal ability to recommend how the work of this Working Group is to proceed and play a direct role in the development of the agenda and all other decision making processes of this body. Unfortunately, our fundamental concerns with the agenda for this session were not adequately addressed. Our refusal to participate was a direct consequence of this body's inability to address our concerns, which were formally conveyed on at least two occasions. This should not be allowed in future. Indigenous participants must have equitable input on organizing the work and other procedures.

Third, it is proposed that state governments discuss with us, both individually and collectively, a change of the rules of this working group with a view toward securing full and equal Indigenous participation. We feel this is a reasonable proposal that falls within the mandate provided under the Economic and Social Council, which directs that such a body may determine its own rules and procedures. It must be recognized that the original intent of this Working Group is to break new ground and build consensus amongst all parties. The preferred process to achieve consensus can be determined by the participants.
While it is understood that state parties must seek further direction on such a proposal, we must commence the dialogue now. It is our understanding that you, Mr. Chairman, would be prepared to facilitate this discussion. We ask you to assist in this endeavour, as it will determine the level of participation by Indigenous Nations and Peoples in any future sessions. If we cannot transcend the nature of colonialism within this process, what hope is there that a Declaration will be of any use to our Peoples at all in the real world.

We are formally requesting that you seriously consider these proposals, which are intended to offer constructive solutions to the practical problems brought to light in this second session of the Working Group. No one wants to waste valuable time on procedural wrangling, but it was important to all Indigenous delegations here that these matters be properly addressed. The process used here did not bring about a proper consideration of the concerns put forward by Indigenous delegates in a collective manner. We had to undertake the actions of the past days in order to ensure that a fair and equitable process is clearly established in future.

Mr. Chairman, we appreciate your efforts and the patience of all those present. We understand the constraints you have had to work under. As pointed out by one of the state delegations, we believe it was not time wasted, but time invested if we can achieve a proper procedure to guide all future sessions. Many delegates have pointed out that the full participation of Indigenous Peoples is necessary in this process if the Declaration is to be of any value.

We look forward to hearing the views that will be expressed.

Thank you, Mr. Chairman.

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**Press Release: Indigenous Peoples' Caucus Calls for Change to UN Rules**

**October 28, 1996**

In a historic development, Government representatives attending the 2nd session of the United Nations Open-ended Working Group to Elaborate a Declaration for the Rights of Indigenous Peoples meeting in Geneva have agreed to meet with the Indigenous delegates to discuss the changing of the procedures to permit Indigenous Peoples equitable participation with the States in the forum.

The unprecedented discussion is scheduled to take place on Monday October 28th at five p.m. at the close of the regular session. Last Monday October 21, the first day of the Session, representatives of Indigenous Nations, Peoples and NGOs organized a walk-out in protest of the agenda and the lack of response to their collective proposals for change. The Indigenous participants wanted to have the opportunity to defend the Draft Declaration as currently drafted, in its entirety, rather then proceed with a discussion of the articles one by one, which they perceived as yet another attempt by governments to begin altering the text. The Draft Declaration on the Rights of Indigenous Peoples has been endorsed by Indigenous Peoples and Nations, as well as by hundreds of Indigenous organizations, as a statement of minimum standards promoting and protecting the fundamental rights of Indigenous Peoples.

The President of the Intersessional Working Group, Mr. José Urrutia of Peru, met with Indigenous delegates on Tuesday and agreed to a change of the agenda which would allow for the opportunity to have a general debate on the Draft Declaration between governments and Indigenous representatives.

Indigenous delegations returned to the session on Friday October 25th to continue defending the Draft Declaration against any amendments or deletions proposed by States to weaken it. Of particular concern to Indigenous Peoples is the expressed intention by some States to alter, qualify or delete Article 3 which recognizes Indigenous Peoples' rights to self-determination under international law. A joint statement was presented expressing the dissatisfaction of Indigenous participants with the procedures, which relegates them to "observer" status in the proceeding, although they are allowed to make statements for the record.

Most Indigenous delegations chose to continue there participation in order to defend the Draft Declaration against changes by States. However, delegates stated that they could not continue to participate under the current rules of procedure which do not allow their full and equal participation. The Indigenous joint statement of Friday the 25th emphasized that whether the Indigenous delegation chose to stay and participate, chose to observe or to leave, they were united in their commitment to defend the Draft Declaration and to work for the full consent and participation of Indigenous Peoples in all aspects of current and future debates and decisions regarding the Draft Declaration for the Rights of Indigenous Peoples.

According to Indigenous participants as well as UN experts who have consulted with the Indigenous caucus, the rules of the ECOSOC provide that a Working Group of this type can modify its own methods of work and modes of participation in order to achieve its mandate. Equitable participation between Indigenous Peoples and States would be consistent with the spirit of cooperation expressed in the United Nations Decade of the World's Indigenous Peoples, which promotes "a new partnership" between Indigenous Peoples and States.

Indigenous Nations, Peoples and organizations believe that there has been enough work on this document throughout the past 14 years within the UN system, and that State governments have had ample opportunity during this time to make their positions
clear. Indigenous Peoples believe that it is time to move the document, without further delay and in its current form, for approval by the United Nations Economic and Social Council and the General Assembly.

Working Group on the Draft Declaration

Second Session, Geneva - 21 October to 1 November 1996


Organization of Work (Participation)

One hundred six (106) indigenous organizations were accredited by the ECOSOC for the second meeting of the Working Group on the Draft Declaration (WGCD). In their respective opening speeches, Mr. Pace welcomed the representatives on behalf of the High Commissioner for Human Rights, Mr. Ayala Lasso, and stressed the historical commitment to the complex task of reaching a consensus on the Draft Declaration during the International Decade.

Mr. Urrutia (Peru) was unanimously re-elected as Chairperson-Rapporteur. His provisional agenda proposed to discuss the Draft Declaration article by article.

The indigenous representatives rejected the agenda. and proposed a general discussion on the document in its present form as well as recommendations for its immediate adoption. At the apparent indifference of the WGCD, the indigenous delegates left the meeting hall. The successful walkout brought a dramatic suspense during the first week, both for the Indigenous Peoples (IPs) and the government representatives. It forced more clarity about the positions of governments who pleaded in favour of full indigenous participation and of those who inhibit themselves with existing rules.

The return to the meeting hall of the IPs representatives - without whose participation the Working Group would lose its credibility - was supported by the following governments: Canada, Denmark, Sweden, Finland, Norway, Mexico, Chile, Bolivia, South Africa, and Venezuela. However, the session continued with the discussion of individual articles as requested by Brazil and Argentina. The United States, China, Colombia, Australia, Aoteroa/New Zealand voiced their support for the Chair's decision.

Australia, Chile and Finland gave their support to the Chair's proposal to accept the indigenous request to place the general debate at the beginning of the session. Brazil insisted that this be noted as a unique exception to ECOSOC rules.

Thus, the full plenary session (with indigenous representatives) started on the third day. Later, several North American, Australian and Maori indigenous delegations walked out again blaming the mere observer status of IPs for the lack of full and equal participation.

General Debate

The session began with the reading of a joint statement of the IPC by the IPs by an indigenous delegate from Aoteroa/New Zealand. Its contents reminded the WGCD of the theme of the International Decade - "New Partnership" - and asked the states to work in this spirit. The statement called on the WGCD to respect the indigenous decision-making, and pointed out the inconsistencies of the WGCD with the theme of the Decade when i) the agenda was finalized without IPs' participation, and ii) when the collective indigenous proposals were disregarded by the Chair and fully ignored by States. Furthermore, it maintained that the present Draft Declaration represents minimum standards and called for its immediate adoption without change, amendment or deletion. Finally, the caucus requested a change of internal rules of procedures to provide for equal and full participation of IPs as partners in the decision making of the WGCD.

The joint statement was supported by IPs from the following geographical regions: Central and South America; the Pacific; North, South, Southeast Asia; Northern and Eastern Africa; North America; Australia and New Zealand.

GCC underlined neutrality, quality and depth of the Draft Declaration as result of 12 years of work; pointed to the compromises from the indigenous side; insisted on self-determination and on procedures of full and informed consent of IPs concerned.

CPA and LMPF asked for the adoption of the declaration as it stood.

Saami Council urged for a better spirit of partnership and for an end of discrimination, insisting on self-determination as a right to control peoples' own destiny and especially on land rights.

CHTPC pointed at the contradiction of statements from the Bangladesh government in the Martinez-Cobo report in contrast to its denial of the existence of IPs in its country.

ICITP underlined that the Draft Declaration expressed minimum standards and served as instrument of empowerment for actually
dispossessed IPs.

NSWALC jointly with other indigenous organizations from Australia called self-determination, interrelated with collective rights, the cornerstone of indigenous rights and accepted the Draft Declaration as minimum standards.

IWA insisted on adoption of minimum standards and expressed hope that the Draft Declaration provide legal basis for collective rights, self-determination and full sovereignty over lands and peoples; announced probability of another walkout of some frustrated IPs.

IOIRD declared that self-determination is a basic human right for survival of IPs; called upon WGCD to recommend adoption of Draft Declaration as it presently stood.

ATSI C jointly with other indigenous organizations called for adoption of Draft Declaration in its present form.

Goverments

Australia underlined the fundamental importance of indigenous participation and that it was impossible to consider the Draft Declaration as a whole at this stage, since more time for governments was necessary.

Canada pointed to the importance of genuine dialogue to finalize work on Draft Declaration.

Norway reaffirmed its interest in a strong declaration and its openness to dialogue and cooperation and to the most flexible application of the ECOSOC rules.

Sweden insisted on genuine dialogue to finalize work on Draft Declaration.

Chile expressed concern about IPs requests for immediate adoption of Draft Declaration and for change of procedure.

The Russian Federation underlined the vital importance of indigenous participation and of true dialogue; pointed out the flexibility shown by the WGCD so far.

The Chair stated that he considered all the indigenous concerns valid and promised to reflect them in his report.

Finland agreed to the Draft Declaration representing minimum standards; stated support to “indigenous peoples” making the collective rights meaningful and acceptance of the term “self-determination”.

Switzerland stressed the urgency for adopting the Draft Declaration for the international community stating its preference of “indigenous peoples” because of its own experience and practice of federalism and direct democracy, where the rights of minorities are respected and different cultures cohabit peacefully.

United States assured its support for the freedom of religion, speech and association, both at home and abroad; recalled its fight for the participation of IPs without consultative status in ECOSOC.

New Zealand pointed out the time needed for negotiations and compromise, especially for its own country with a new government.

Bolivia warned IPs about negative effects of their withdrawal and underlined States’ responsibility in deciding on the Draft Declaration.

Fiji recalled the serious responsibility of both governments and indigenous representatives and affirmed its support for the Draft Declaration in its present form.

Peru suggested to study means of ensuring greater participation of IPs and stated the need for extensive debate on self-determination.

ILO encouraged progress and improvement as compared to ILO Convention 169 and offered assistance through its experience.
Intellectual and cultural property

(Articles 12, 13, 14, 24, 29)

MITK recalled that the Special Rapporteur placed the protection of cultural heritage in the framework of self-determination and suggested the same for the WGCD; recommended to move A24 and A291 to Part III.

IICT wanted recorded that it opposed any changes in A12, 13, 14, 24 and 29.

CPA and CHTPC called for adoption of the present Draft Declaration in its entirety. WCIP and IWA called for the adoption of A24 and 29 as presently drafted and ANCAP for the adoption of A12, 13, 14.

NSWALC denied that A24 and 29 created new standards referring to previous international declarations and conventions.

GCC reminded of the practical importance of A12, 13 and 14 since both international instruments and national law have failed to work, e.g. devaluation of archaeological sites.

IOIRD suggested specific wording for A 12,13,14, 24,29.

Governments

United States criticized the open-ended obligation for restitution in A12, but supported A13 and 14 with minor drafting changes; questioned the rights of intellectual property of A29(2).

Russian Federation had no objection to A12, 13, and 14, but proposed to regroup A14(2) with A24 and 29.

Chile supported A24, understanding its second paragraph as a choice of health care; recommended revision of the Spanish version of A29.

Norway suggested to move A24 and 29 to Part III; asked for clarification of "restitution" in A12.

Brazil expressed support for A12, 13, and 14, but missed a concept of intellectual property in framework; suggested deletion of "archeological and historical sites" since they were already protected by national law and requested grouping of A12 and 13 into one.

France questioned appropriateness of some traditional practices affecting women and children; concerned that A14 should not prevent the use of the national language.

Japan asked for clarification "private property for public use"; wanted IPs reduced to singular form.

Switzerland suggested an improved cohesion with Universal Human Rights Declaration and a redrafting of A12 and 13; suggested separation of the second para. of A14 as an article of its own. Mexico wanted to replace A14; supports the proposal of Switzerland regarding A14.

Ukraine asked for clearer wording of A14(2), 12 and 13.

China questioned the position of these articles before civil, political and social rights and proposed regrouping with A16, 24, and 29.

Ecuador supports the adoption of the Draft Declaration in its present form; announced its recognition of Quechua as an official indigenous language.

Chile made further suggestions for small changes in the language and form of the Draft Declaration in order to safeguard the rights of state/domestic legislation.

Malaysia supports Japan's view on property ownership, but wanted a clearer definition of spiritual property, right to repatriation in A13, and 14(2).

Sweden wanted perfect clarity and accordance with human rights standards.

The Philippines suggested regrouping in one or two articles only; supported China in dividing Draft Declaration in five parts; hinted at difficult issue of spiritual property.

The Netherlands supported the positions of France, Switzerland and Sweden concerning A12 and 13 in accordance with human rights standards.

Brazil supported A24 because of the importance of traditional knowledge; suggested a strengthened addition to A29.
Canada confirmed its commitment to IPs rights; need to clarify the role of the state; suggested separation of A12 in two separate paragraphs; supported A13 as long as rights of others were respected; agreed with A14 but proposed to move para. 2 to Part V of Draft Declaration; rejected moving A24; suggested to include paragraph on children and to broaden to nutrition, pre- and post-natal care and other medical services; supported the suggestion to move A29 to Part III referring to recent and future meetings and legislation on intellectual property.

Finland encouraged the adoption of A29 and quoted own constitutional guarantee for the Saami to use own language before others.

France insisted that A24 be in line with standards of public health (WHO) and asked for the scope of the protection (line 2); concerned about positive discrimination in A29(2).

Australia reserved its right to preliminary comments; concerned about restitution in A12 and requested clarification of intellectual property in A12 and 29; concerned about services implied by A14 and by the vague wording of its second para.; criticized language of "treaty" rather than of declaration of rights in A13 and 14; wanted further clarification on A24 and 29(2).

Peru fully agreed with A24 and supported Brazil on A29.

Argentina is concerned with financial implications of A14 and with violation of state regulations implied in A24.

Malaysia requested further discussion of A24 and 29.

Non-discrimination and minimum rights

(Asserts 1, 2, 43, 42, 44, 45)

IOIRD denied any problems with regard to collective indigenous rights, since they existed side-by-side with individual rights.

GCC commented on France's view of human rights, pointing at racial discrimination as an example for group discrimination.

ATSIC and IWA stated their support for the articles under discussion as well as for the entire Draft Declaration in its present form. They opposed any attempt to exclude specific IPs from the Draft Declaration, by any definition.

ANCAP, ICC, CHTPC, GCCQ, MITK, IIOIRD, IITC, IAITPTF, MAA and LMPF all called for the adoption of the six articles in their present form as minimum standards and refused possible exclusions by way of a definition of IPs. MITK suggested to include the word "born" before "free and equal" in A2.

A joint statement of the IPC, read by an indigenous representative from North America, asked for a sense of dignity in allowing IPs to participate as equal partners. He explained the reason of those who have decided to attend the sessions and those who decided not to. He invited cooperative governments to act in favour of changing the rules and to support adoption of Draft Declaration without revisions or deletions. Australian IPs and Maori stated their withdrawal for consultation with their peoples at home. ACAIM blamed the process as being too arbitrary, oppressive and disrespectful and announced their withdrawal; proposed more participatory meetings in the UN regional offices. IPs representatives from the Russian Federation joined in solidarity with brothers leaving and with those remaining.

Governments

Finland and Denmark both confirmed their strong support of articles without any amendments, changes or deletions. Denmark also reiterated its support for the entire Draft Declaration in its present form, calling a re-definition unnecessary.

Norway expressed its strong support for the articles.

United States accepted A1 subject to satisfactory use of the term "peoples" as well as A2, 42 and 44 in general terms, and A43 as presently drafted.

New Zealand expressed support of the intent of A1 and 2 and the underlying principles of A42, 44 and 45, as long as their language was consistent with existing international human rights instruments.

China insisted on a definition of "indigenous people" in order to identify the beneficiaries, proposing a definition of IPs in former colonies; proposed to strengthen A2 against any form of discrimination.

Brazil proposed to delete the second half of A2, and to replace "minimum standards" in A42 with "indicative standards"; endorsed the language in A1, 43, 44 and 45.

France, as in 1995, declared its reservations against "collective rights", as it considered human rights were individual rights.

Japan expressed support for articles; shared France's understanding of human rights as individual rights; insisted on including a
flexible definition on the basis of Martinez-Cobo report and ILO Convention 169.

Canada recommended a provision on individual rights; suggested the review of "individual and collective rights" in each article; requested that A42 be considered in connection with A37.

Chile wanted A1 harmonized with relevant provisions in ILO Convention 169; suggested the postponement of discussion on A42; requested definition of the scope of A45 because of its impact on the interpretation of the right to self-determination.

Sweden expressed support for articles; shared France's view of human rights as individual rights.

The Netherlands was concerned about imbalance between individual and collective rights in A1 and 2; recommended a safeguard clause for individual rights, since many collective rights of the actual Draft Declaration did not apply to individuals, e.g. A8(2) of the Declaration on Minority Rights.

Australia denied any problems with collective rights and the term "indigenous peoples" and declared A1, 2, 43 and 44 to be acceptable, while A 42 and 45 needed further elaboration.

The Russian Federation expressed reservations regarding "future rights" in A44 and 45; suggested the wording of Article 9(2) of the Declaration on the Right to Development and support for the other articles under discussion.

Mexico asked for emphasis of the legal scope of A 42.

**Nationality and citizenship**

(Articles 5, 9, 32)

IOIRD, ATSCIC, AINU, MAA, IWA, IAIPTF, ANCAP, CJPAPOA and ICTIP all expressed support for the adoption of A5, 9, and 32 in their present form.

IITC called for adoption of the entire document and stated that no changes to the text of A5, 9, and 32 would be accepted.

AAH joined in the call for adopting the entire Draft Declaration and refused any re-definition of IPs.

The Sami Council, after expressing support for the three articles, pointed out Sweden's inconsistency with its own national legislation in which Saami reindeer herding rights are recognized as collective Saami rights.

**Governments**

Fiji supports the Draft Declaration as currently worded; considered a definition neither necessary nor desirable, but would argue for a flexible and all-inclusive definition rather than for a limited historical one, if negotiations moved towards favouring a definition.

Finland supports the articles; repeated that it had no legal problems with indigenous citizenship, in addition to citizenship of the state of domicile, as proposed in A32.

Norway expressed support for A5 and 9; wondered if A32 is to be understood as giving an open-ended choice to determine nationality. The right to determine indigenous citizenship had already been established in Norway via Saami Electoral Register; questioned whether A32 and 5 should be merge.

Brazil proposed deletion of the superfluous A32 and changes to A5 ("every indigenous individual has the right to citizenship of the state to which he belongs") and to A9 ("indigenous people have the right to belong to an indigenous community..."); asked for clarification of "nation" in A9.

Japan agreed with Brazil on the deletion of A32.

Canada understood A5 as applying to nationality within an existing state; with regard to A9, recognized the importance of self-identification, but would need some clarification of the notion of a "right to belong"; must be consistent with existing human rights standards and suggested a more explicit reference to each individual's right to a nationality; recommended to either combine A32 with A8 and 9 or delete it completely.

Australia asked for further discussion of "nation" in A9 and for clarification of "citizenship" in A32, and how the term related to "nationality" in A5; proposed to combine A32(2) with A19. Malaysia supports A5 but denied the applicability of A9 and 32 to Malaysia.

Ukraine denied acceptance of A32 since it was inconsistent with Ukrainian Law.

Ecuador suggested revision of "indigenous nations" in A9 and expressed having problems with "indigenous citizenship" in A32.
The United States agreed with the general thrust of A32; recommended clarification of A5 and further discussion of an individual's right to non-discrimination (A9).

Sweden agreed with Australia in asking for clarification of dual citizenship in A32 and considered the A5, 9, and 32 as overlapping.

Japan expressed support of Australian position on the concept of "nation" in A9 and shared Brazil's concern on A32.

The Russian Federation asked for the distinction of "citizenship" in A32 from "nationality" in A5.

Argentina requested further clarification of "nation" in A9 and of "citizenship" in A32.

**Education and media**

(Articles 15, 16, 17, 18)

ATSIC referred to Vienna Conference where economic, social and cultural rights and their fiscal implications for States had been settled not permitting any fiscal hierarchy; quoted Australian examples of misinformation to justify need for own media.

WCIP explained that Mexico had already been considering dual nationality and had, in fact, implemented A32 and invited the Mexican government to ensure the adoption of Draft Declaration without changes.

ANCAP deplored the non-fulfilment of the Moroccan king's promise in 1994 to allow the Amazigh language, one of the oldest of North Africa, in primary school teaching and in daily television.

A Maya Quiché quoted examples of non-understanding of indigenous culture arguing for own media to better inform non-indigenous societies.

IWA stated IPs' right to control the state educational systems within their territory and their external boundary.

IITC called for the adoption of the current Draft Declaration as minimum standards and insisted on recording the opposition to any changes of A15, 16, 17 and 18.

IAITPTF underlined the cultural diversity which is addressed by the articles under discussion and minimized concern for parallel education systems and dual citizenship; explained the need for own information as IPs' image has been misused by mass media; regarding A18, pointed out discrimination in spite of the employment of highly educated indigenous persons.

**Governments**

Estonia expressed support of the articles and underlined importance of State-provided instruction in the mother tongue.

New Zealand expressed support of A15, but recommended to consider the fiscal constraints upon States; understood A17 as a confirmation that indigenous people have the same right as any person or group to establish their own media.

Brazil showed concern for the administrative difficulties due to indigenous control of educational systems and institutions (e.g., 170 indigenous languages spoken by small groups in Brazil) while supporting the objective to secure the right to bilingual education of A15; expressed support for A16 and 18, whereas it proposed to add to A17, "in accordance with national legislation and regulations".

Canada favoured greater control of education by IPs and the inclusion of indigenous youth and adults in A15; indigenous children living outside their communities should receive education in own culture and language, where demand and resources allow; recommended further consideration of A16 including the para. 2 of A17; suggested to move A18 to Part V of the Draft Declaration, where there should be a special paragraph on indigenous children; made reference to discriminatory conditions in A18 should not affect a State's implementation of affirmative action or equal opportunity programmes.

Chile considered A15 to contradict itself, since it called for indigenous control of their educational system but obliged States to provide appropriate resources. It requested the revision of the language in A17 and A18.

Sweden expressed general support for A15, 16, 17 and 18 and underlined the importance of the right to education as stated in A15 as one of the major goals of the International Decade.

France expressed concern on parallel educational systems which would jeopardize the State-provided education in French; the freedom of expression (A17) should be guaranteed for all individuals including indigenous individuals rather than peoples.

Peru expressed support of A16 and 17; requested clarification of A15 and 18 to bring them in line with ILO Convention 169.

Japan is concerned with "States shall take effective measures" in A15, 16 and 17; shared France's position on A15; requested
further clarification of A16 and 18 (in particular on the concept of international labour law).

**Ecuador** expressed support for articles; proposed that A18 reflect that international labour law as evolving and not just a set of static norms.

**Finland** underlined its strong support for Part IV; emphasized the importance of articles under discussion.

**Australia** mentioned its own progress in providing education in indigenous languages and the use of traditional teaching methods; asked for clarification of “access” in A17; called for a clearer language of A18 in order to ensure IPs the benefit of international labour law instruments.

**Colombia** expressed support of articles; suggested strengthened additions to A15 and 18.

The **United States** support the articles; added that indigenous persons should have the right to create and administer their own educational institutions, if they choose to do so; criticized A16 for infringing on freedom of speech; pointed out possible conflicts of A17 with governing radio frequencies and private ownership of media; suggested to include the “non-discrimination concept” in the first sub-para. of A18.

**Bolivia** explicitly disagreed with France underlining the need for IPs to be involved in the administration of the education system.

**Malaysia** asked for clarification of the scope of the obligation “to take effective measures” in A17; expressed strong support for articles; quoted its Constitution as excluding any discrimination.

**Argentina** asked for A15 and 18 to be more explicit and warned that States might have difficulties in implementing bilingual education.

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**Protection against genocide and ethnocide**

(Articles 6, 7, 10, 11)

**IORD** supports A6, A7, A10 and A11; suggested that present texts remain unchanged.

**GCCQ** stated its strong support for A10; it is time to give indigenous communities protection under international law.

The representatives of the following expressed their strong support for A6, A7, A10 and A11, considered it as minimum standards and called for its adoption: ATSICSJC, Chickasaw Nation, NAILSS, CLC, NSWALC, Asociación Napguana, CHTPC, WCIP, IITC, ANCAP, FUCC, CPA, ICITP, LIBC, WCC.

**IITC** remarked that the concept of “integrity” in A6 and A7 is fundamental; the grouping of articles is detrimental to the overall concept of articles; articles must not be grouped in future meetings.

**MITK** proposed comprehensive changes in the articles.

**Governments**

**Sweden** stated the importance that Part II of the Draft Declaration be in accordance with international standards and instruments; provisions of A6 must be upheld and examined in the light of existing instruments; concepts of “collective rights” and “lands or territories” must be further clarified (A7 and 10); certain provisions of A11 should include the ensurance of the protection of IPs during internal conflicts.

**Colombia** supports A11.

**Mexico** supports A6 but believes it necessary to include provisions allowing authorities to remove sexually abused indigenous children; proposed to replace “any pretext” with “without any justified cause”.

**Norway** noted that A6 is in conflict with existing international instruments; A7(b) and A10 should be moved to Part VI of the Draft Declaration; concept of “lands and territories” needs to be clarified in the light of ILO Convention 169, which refers to “lands they occupy”; certain provisions of A11 need to be clarified.

**Russian Federation** supports A6, 7 and 10; provisions of A10 should be more general rather than by category.

**France** pointed out that certain provisions of the articles are in conflict with the French Constitution; cannot accept that special protection and security be accorded to certain groups, as defined in A11.

While displacements of certain communities may be necessary for their own security in times of conflict, **Brazil** stated it was ready to accept the general thrust of A10 and 11(c); just and fair compensation must be assured to displaced IPs.
Fiji supports the concept of collective rights as defined in the articles.

Finland supports the articles, and shares the views expressed by Norway and Sweden; questions relating to recruitment of IPs should be further elaborated.

Canada remarked that A6 should be considered with A7; A7 would be strengthened if it made reference to the Genocide Convention; questioned the term "ethnocide"; pointed out confusion in terms "removed" and "relocation" in A10; should move A10 to Part VI; explained that the concept of "right to protection" should also include the principle of ensuring that IPs benefit from the protection offered by international humanitarian law; the WGCD should consider the inclusion of this principle in the Draft Declaration; supported the inclusion of the principle prohibiting the use of IPs in the furtherance of domestic policies hostile to IPs; proposed that sub-para.(c) of A11 be moved to A10 of Part VI.

Malaysia supports A6 and 7; provisions of A10 are unacceptable and the word "forcibly removed" must be defined in narrow terms; during periods of armed conflict, IPs will be treated equally as any other citizens.

Japan declared that further discussion is needed on the articles; language in A6 must be in line with the Convention on the Rights of the Child; the term "collective rights" must be further examined.

Argentina pointed out that the term "territories" in A7, Spanish text, has a different meaning; proposed clarification of this term; A11 poses a problem because their Constitution requires compulsory conscription in times of national emergency, but was willing to consider the sanctity of indigenous communities during emergency situations.

Canada proposed combining A19 and A20 as they both reflect the same principle of participation in decision-making; Japan, Sweden supported this proposal; cautioned that rights are accorded to both indigenous and non-indigenous individuals; cited international instruments that could be useful in strengthening the provisions.

Malaysia supports A6 and 7; provisions of A10 are unacceptable and the word "forcibly removed" must be defined in narrow terms; during periods of armed conflict, IPs will be treated equally as any other citizens.

Chile expressed its support for A6; the Draft Declaration must align its definition of "distinct people" with A1 of ILO Convention 169; expressed its support for A7, but has reservations regarding the term "cultural genocide"; concerning A10, also has reservations with "territories", but affirmed and believed that any removal of IPs should be according to their free and informed consent; found that wording of A11 is discriminatory and that the article should apply to both indigenous and non-indigenous; thus, A11 must be redrafted.

Ukraine, while affirming A6, A7 and A10, is concerned with the general tone of the Draft Declaration: isolationist, aggressive and lacks a spirit of dialogue and cooperation; stated that A11 is in contradiction with Geneva Convention of 1949 and with Ukrainian legislation; reminded the group of Ukraine's current policy in addressing the peaceful return and settlement of peasants and Indigenous Peoples forcibly deported 60 years ago; stated that the Draft Declaration as a document must be more universal, practicable and applicable.

United States referred to its written comments submitted in 1995 and reaffirmed the individual and collective right to peace, security and liberty; pointed out that the terms "ethnocide" and "cultural genocide" in A7 must be replaced because they are not clearly applicable concepts; concerning A11, affirmed that IPs should have the same rights as non-IPs in times of conflict.

Ecuador expressed its support for the articles; shared concern of governments on the use of term "territories" in A7, A10, A11, suggesting that its scope be clarified; in relation to A10, noted that exceptions could be considered in times of conflict; A11 should be in line with existing Geneva Conventions.

Paraguay expressed its support for the articles; shared concern of governments on the use of term "territories" in A7, A10, A11, suggesting that its scope be clarified; in relation to A10, noted that exceptions could be considered in times of conflict; A11 should be in line with existing Geneva Conventions.

Participation; economic, social and cultural rights; development

(Artes 19, 20, 22, 23)

Representatives of the following called for the adoption of the articles: ANCAP, ATSICSJC, CAPAJ, CHTPC, GCC, ICTP, IOIRD, IITC, IWA, IWAC, LIBC, the Navajo Nation, NSWALC.

ATSIC opposed the deletion of "free and informed consent" because a democratic system does not necessarily guarantee adequate expression of indigenous perspectives.

Governments

Canada proposed combining A19 and A20 as they both reflect the same principle of participation in decision-making; Japan, Sweden supported this proposal; cautioned that rights are accorded to both indigenous and non-indigenous individuals; cited international instruments that could be useful in strengthening the provisions.
Fiji supports the Draft Declaration as adopted by the Sub-Commission; stated that the document does not accord specific rights to IPs but merely outlines provisions necessary to promote the rights of IPs.

Bolivia supports the articles in their present form and their immediate adoption.

Malaysia supports special measures enumerated in A22; sought clarification of A19; agreed to include "free and informed consent" and proposed the establishment of an appropriate mechanism for consultation.

France is concerned with the articles that seem to create special rights and raised questions of sovereignty, especially A19 which gave IPs the right to veto.

Brazil supports the thrust of A22; it is important to include a reference to the education in A15 and 16; proposed that appropriate changes be made in the language.

Chile, China, Colombia and Norway all support the articles and proposed appropriate changes

Australia pointed out that the articles were closely related to the issue of self-determination.

United States called for the revision of A20 to bring it in line with international instruments; pointed out that while special measures may be needed to ensure IPs' rights, such measures are not in accordance with international law; does not accept the right to development in an international context.

Land, resources and environment

(Articles 25, 26, 27, 28, 30)

The representatives of the following called for the adoption of the articles: AAH, ATSIC, CTT, GCC, IITC, IOIRD, MDA, OSILIGI, UPS, IAITPTF, IWA, MITK, FUCC, NSWALC, CSUTCB, ILRC, LMPF, Organización de la Nación Aymara, MCTP, ANCAP, IITC.

CAPAJ declared the relationship of IPs with their land and environment transcends time and space; management of IPs resources implies for them controlling their lives and future.

Governments

Canada supports A25 and 26; articles must take into account international land arrangements; pointed out that French texts of A25, 26 and 28 do not correspond to English texts; the term "lands" must be clarified and put in context of domestic law; recognition of traditional land systems must be considered in relation to self-government; felt that there should be adequate mechanisms to deal with land claims; as regards compensation, stated that consideration could be given to alternatives other than those described in A27; A28 needs to reflect international and domestic standards; noted that for economic reasons, some indigenous groups might be willing to accept hazardous materials.

France declared its difficulty with A27 of the legal and practical implications of "compensation shall take the form of lands . . . equal in quality, size and legal status"; A28 needed to be clarified because it implies giving IPs the right of vote.

Ukraine expressed is reservations on the articles, stating that land rights must be viewed in the context of national legislations.

United States commented that language of A25 was broad and unprecise; supports A26; does not agree with the use of the concept "traditionally owned or otherwise occupied or used"; considered that A27 overlapped with other articles, e.g., A7(b), 10 and 26; supports a clear recognition of IPs' right of ownership and possession of lands and property; it is more appropriate to urge states to take measures to assist indigenous communities preserve their environment rather than be absolute guarantors (A28); encouraged the design of governmental regulatory processes concerning large-scale projects in indigenous lands.

Japan called for clarification of concepts defined in A25; pointed out that the use of land in Japan is governed by national legislation.

Finland and Norway both called for flexible yet protective language to address the various land rights situations.

Fiji made reference to the Copenhagen Declaration on Social Development (paras. 33(f) and 75(g)) and its relevance to A4.

Brazil supports principles of A25 but suggested changing into the present tense "owned or otherwise used or occupied"; finds A27 consistent with Brazilian legislation; pointed out the positive role of the military in the protection of IPs; it would be appropriate to affirm that IPs have the right to require that states consider their opinion in the approval of any project affecting...
their lands and resources.

**Colombia** declared that the concept of "territories" was compatible with the notion of unified states allowing diversity.

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**Treaties, implementation of rights, conflicts with States**

(Articles 36, 37, 39)

The following called for the adoption of the articles: **IOIRD, GCC, ATSIC, IITC, IWA, CJPIT.**

**GCC** pointed out the importance of A36 because it provides for mechanisms to settle treaty disputes at the international level.

**ATSIC** called on the Australian government to begin negotiations; pointed out that the articles are in line with existing international instruments.

**Governments**

The following representatives support the articles: **Canada, Finland, Colombia and Chile.**

**Sweden** called for further definition of concepts as they would have implications for governments beyond the Draft Declaration.

**Canada** pointed out that their own treaties with IPs are domestic rather than based on international agreement; stated that treaty interpretation must reflect the intent of both parties; believes that it should be made clear that "spirit and intent" is only one of a number of factors that need to be considered; the Draft Declaration should give guidance to states and not impose mandatory regulations; the question of indigenous "legal systems" is one which should be the subject of negotiations between states and IPs.

**Venezuela** considered that agreements between states and IPs should be settled in competent national bodies.

**France** pointed to the use of "shall" in the articles, indicating that the document is a convention and not a declaration.

**Brazil** proposed that A36 also state that IPs shall have access to legal mechanisms; language of A39 needs clarification.

**United States** pointed out that treaty rights are enforceable in national contexts and not in international situations; supports the spirit of A37 and could be adopted with certain changes; supports A39 and encouraged the use of mutually acceptable mechanisms.

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**Cooperation and implementation of rights**

(Articles 35, 38, 40, 41)

The following representatives support the adoption of the articles: **IOIRD, Saami Council, CTT, ATSIC, ANCAP, IWA, OSILIGI, LIBC.**

**Governments**

**France** called for clarification of concepts.

**Chile** expressed general support for A35, but called for clarification of "assistance"; stressed the importance of a Permanent Forum.

**Venezuela** pointed out that "contacts" and "relations and cooperation" in A35 needed clarification; concerned about implications of A38, because it could mean that IPs could obtain international cooperation without going through the government structures.

**Australia** expressed general support for A35, but pointed out that clarification is needed as to what extent assurance of the right meant; stated that it would reserve its position on A41.

**United States** supports A35; expressed reservations on A38; declared that implementation of the Draft Declaration is mainly a responsibility of the State; A41 should be brought in line with Article 9 of the Declaration on Minorities, which provides that "specialized agencies and other organizations of the United Nations system shall contribute to the full realization of the rights and principles set forth in the present Declaration, within their respective fields."

**Brazil** supports A35; in A38, proposed to add after "technical assistance", the phrase, "in accordance with national legislation"; expressed full support for A40; reserves its position on A41. Japan supports Brazil's view on A35 and 41; stated that further clarification is needed on A38.
Self-determination

(Arcticles 3, 31, 34)

The following representatives support the adoption of the articles: **ANCAP, AAH, ASP, CJAPOA, IOIRD, IITC, IWA, Saami Council, NSWALC, WCIP, IOIRD, IWGIA, TK.**

The **MCTP** pointed out that the different aspects of the right to self-determination is defined in several articles, A3, 8, 9, 19, 20, 21, 33, 36, 37, 39, 40 and 41; supported the integrity of the Ukrainian state.

**Governments**

**Colombia** noted that self-determination does not conflict with State sovereignty; supports present texts as the principles enunciated are already being applied in Colombia, e.g., Article 6 of the Constitution.

While it believes that self-determination is an important basis for realization, the **Philippines** expressed reservations about the notion of “collective rights of indigenous communities” as defined in A34 and in other articles that use the term; agrees with the major thrust of the Draft Declaration, saying that it needs some improvement, e.g. shortened to add to its impact; suggested that the document Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities could serve as a model.

**Bolivia** stated the importance of emphasizing the conceptual scope and practicalities of the articles; in Bolivia's experience, the right to self-determination does not conflict with sovereignty; reaffirmed support for A3.

**Venezuela** supports the thrust and intent of A3 and 31 but stated that they overlapped; suggested they be merged into one article, as follows: "Indigenous peoples have a right to self-determination. By virtue of that right they have the right to autonomy, or self-government in matters relating to their internal and local affairs, including culture, religion, education, information, media, health, housing, employment, social welfare, economic activities, land and resource management, environment and entry by non-members, as well as ways and means for financing these autonomous functions."

**Chile** stated that the articles present the greatest difficulty in the consideration of the Draft Declaration; meaning of right to self-determination needs to be clarified within the context of article 7 of ILO Convention No. 169.

**United States** also believed that A3 presents the greatest difficulty; stated that while exercised domestically, the international practice of self-determination is not clear as it is open to different interpretations; said that there is no international consensus on its definition; agrees with principle of self-government but the texts go beyond this; as to A34, the exercise of individual responsibility to the community must be consistent with international human rights standards.

The present texts are misleading, according to **France**; questioned whether the right to self-determination was within a nation or by secession; the creation of a State within a State is contrary to the its Constitution; shared the opinion of the United States on A34.

**Fiji** wholly supports A3; pointed to its crucial importance of the Draft Declaration; stated that A3 be read alongside A45.

**Canada** echoed the importance of the question of self-determination to the Declaration; emphasized that it is legally and morally committed to the observance and protection of this right; stated that the goal of the WGCD must be to work towards establishing a framework for the full enjoyment of human rights while respecting the political and constitutional framework of the State, and this should be reflected in A3; supported provisions in the Draft Declaration which respect the political, constitutional and territorial integrity of democratic states; pointed out that is prepared to recognize a role for the State, together with IPs, in financing the implementation of self-government; called for further clarification of "self-government" and "autonomy."

**Brazil** shares the concerns of the United States and Canada; said that while self-determination is guaranteed in the Brazilian constitution, self-determination in the context of A3 of the Draft Declaration is not acceptable; present language regarding autonomy and self-government need to be changed; proposed to introduce a safeguard to protect individual rights.

The present form of A3 is not acceptable to **Argentina**; proposed adding a phrase to the effect that the Draft Declaration can not be interpreted as breaking the unity of the State; supported spirit of A34 but must conform with international instruments.

**Denmark** supports the articles in their present form; urged the CHR to finish the production of *Manual of Indigenous Self-Government*, distribute widely to IPs and governments, as can contribute to the understanding of self-determination.

**Distinctive systems**

(Arcticles 4, 8, 21, 33)

The representatives of the following called for the adoption of the existing texts in the articles: **IOIRD, IITC, IWAC, LIBC,**
ATSTISJC, ICITP.

IWAC is against any revision of the texts; stated that "self-identification" as contained in A8 was fundamental to the exercise of the right to self-determination; considered human rights as universal, indivisible and equal; IPs are bound by international human rights law.

CLC pointed out that the A21 should not be rejected out of fear for the possibility of claims for compensation.

ATSTISJC said that recognition of indigenous legal system was not only an issue of indigenous heritage and pride but is also an issue of survival; the concept of "self-identification" in A8 is widely recognized in international human rights law; enumerated jurisprudence on compensation claims for human rights violations, e.g., Aloeboetoe v. Surinam, Inter-American Court of Human Rights.

ICITP expressed concern that several governments have commented on having provisions of the Draft Declaration in conformity with international and domestic law; stated that the Draft Declaration looked to the future, therefore international and domestic laws should work towards it as well.

Concerning how far back compensation could be paid, GCC argued that this is not an issue because by definition compensation is retroactive.

Governments

France found the articles redundant, vague, and texts confuse civil with collective rights; wished to maintain reference to human rights in A33.

Norway strongly supports the articles; participation as defined in the articles is also articulated in other international instruments; requested further clarification of phrases, e.g., "in accordance with their own procedures" in A19; referring to the Technical Review, noted that there was overlapping in the articles of the Draft Declaration. This was the same observation of Sweden; pointed out importance of the reference to human rights in A33.

China called for the insertion of a procedure in defining IPs; believed that emphasis should be put on the phrase "of the State" in A4.

A8 and 33 are acceptable to Malaysia; but the existence of a legal system in parallel to that of the State is unacceptable.

Canada supports A4 and 8; agreed with the Technical Review that articles under consideration overlap; as with A21, wondered how responsibilities could be shared. Suggested that A21 be combined with A31 and placed in Part IV, and A33 combined with A31. This view was shared by the Russian Federation; agreed with "self-identification" as long as it does not conflict with national legislation.

Colombia supports articles under consideration as a whole. While it endorses the concept of participation, United States felt that certain aspects of the articles need to be reformulated or defined.

Japan had a problem with accepting a separate legal system; considered "collective right" as problematic; pointed out that compensation in Japan was regulated under national law.

Australia supports articles but called for clarification of "political and legal systems". Chile also called for clarification of A4 as regards with the scope of political and juridical institutions. Ukraine said that its implementation could lead to the existence of contradicting legal systems; agreed that articles overlapped.

Solidarity messages to the Indigenous Peoples during the Working Group on the Draft Declaration

The movement of protest of the indigenous representatives during the Working Group on the Draft Declaration gave rise to a strong movement of solidarity on Internet. doCip received 240 messages by e-mail and by fax, from all over the world. These messages were posted, as soon as they arrived, on a bulletin board at the entrance of the conference room.

List of abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>AAH</td>
<td>Ainu Association of Hokkaido (Japan)</td>
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<tr>
<td>ACAIM</td>
<td>Autonomous Confederation of the American Indian Movement (United States)</td>
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<tr>
<td>ANCI</td>
<td>Ainu National Congress (Japan)</td>
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<tr>
<td>ANCAP</td>
<td>Association nouvelle de la culture et des arts populaires (Morocco)</td>
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<tr>
<td>ASP</td>
<td>Association of Shor People (Russian Federation)</td>
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<tr>
<td>ATSIC</td>
<td>Aboriginal and Torres Strait Islander Commission (Australia)</td>
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<tr>
<td>ATSICSSJC</td>
<td>Aboriginal and Torres Strait Islander Commission and Social Justice Commissioner (Australia)</td>
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<tr>
<td>CHTPC</td>
<td>Chittagong Hill Tracts Peace Campaign (Bangladesh)</td>
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<tr>
<td>CJPAPOA</td>
<td>Comisión Jurídica Para el Autodesarrollo de los Pueblos Originarios Andinos (Peru)</td>
</tr>
<tr>
<td>CUPIF</td>
<td>Comisión Jurídica de los Pueblos de Integración Tahuantinsuyana (Peru)</td>
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The Convention on Biological Diversity (CBD), or Biodiversity Convention, was opened for signature at the United Nations Conference on Environment and Development (UNCED), or Earth Summit, in June 1992. Its main governing body, the Conference on Environment and Development (UNCED), or Earth Summit, in June 1992. Its main governing body, the Conference of the Parties (COP), met for the third time in November last year, in Buenos Aires, Argentina. By that time, 164 governments have ratified the CBD, turning it into one of the most successful international instruments in terms of participation and political support of the international community.

The Third Meeting of the Conference of the Parties (COP 3) was a crucial event for Indigenous Peoples. For the first time, the main provision of the Convention related to Indigenous Peoples and local communities (Article 8(j)), which addresses their knowledge, innovations and practices, was on the agenda for discussion, along with other relevant provisions, i.e. access to genetic resources, intellectual property rights and agricultural biodiversity.

To ensure a consistent and active participation of indigenous representatives at the COP3, a committee of indigenous organizations from Argentina, COICA (Coordinating Body of Indigenous Organizations of the Amazon Basin), and the International Alliance of Indigenous-Tribal Peoples of the Tropical Forests, organized a two-day Indigenous Biodiversity Forum before COP3, attended by some 300 participants. The local organizers also held a meeting of indigenous organizations from Argentina, to share information about the CBD, and a group of indigenous experts from Latin America prepared documents for discussion at the Forum.

All these preparatory activities proved useful and necessary. A Declaration containing the main conclusions and proposals of the meeting was adopted by the Forum, and presented at the inaugural plenary session of the COP3. In this Declaration, all indigenous organizations requested the establishment of an Open-ended, Inter-sessional Working Group, as an official mechanism to deal with Article 8(j) and all other relevant provisions of the CBD, based on a broad and active representation of indigenous and other peoples embodying traditional lifestyles.

The Forum selected a group of 20 organizations from all over the world to represent the indigenous participants at the COP3, together with an additional 30 indigenous organizations that had been directly accredited. Several indigenous representatives were included in the official delegations, i.e. Canada, Colombia, New Zealand, Norway and Sweden. Thus, more than 60 representatives from indigenous organizations and other ethnic groups were present at the COP3.

Official delegates attending the COP3 expressed their surprise and admiration about the way indigenous organizations coordinated and handled their activities during the two weeks of intense work. Two or three coordination meetings were held daily with all the organizations present at the COP, and small committees were formed to draw up proposals and interventions, and to coordinate and conduct negotiations. Several NGOs, especially IWGIA, WATU and WWF, worked actively in partnership with indigenous organizations and provided support to them.

After several days of intense and difficult negotiations, the COP adopted a resolution that acknowledged the importance of indigenous participation in the process of implementing the CBD, and requested the CBD Secretariat to organize an inter-sessional workshop to further examine the relevant provisions, and to discuss the possible options for the establishment of a working group or similar mechanism. Apart from government delegates, the workshop would gather a regionally balanced number

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**Indigenous Peoples, biological diversity and forests**

The opening of new opportunities in international negotiations on Indigenous Peoples and the environment

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**CLC:** Central Land Council (Australia)

**CPA:** Cordillera Peoples Alliance (Philippines)

**CSUTCB:** Confederación Sindical Unica de Trabajadores Campesinos de Bolivia

**CITI:** Consejo de Todas las Tierras (Chile)

**FUCF:** Finno-Ugric Consultation Committee (Russian Federation)

**FDC:** Four Directions Council (Canada)

**GCC:** Grand Council of the Crees (Canada)

**IAITPTF:** International Alliance of Indigenous and Tribal Peoples of the Tropical Forests (Great Britain)

**IPC:** Indigenous Peoples' Caucus

**ICITP:** Indian Confederation of Indigenous and Tribal Peoples (India)

**IITC:** International Indian Treaty Council (United States)

**ILRC:** Indigenous Law Resource Center (United States)

**IOIRD:** International Organization for Indigenous Resource Development (Canada)

**IWA:** Indigenous World Association (United States)

**IWAC:** Indigenous Women Aboriginal Corporation (Australia)

**IWGIA:** International Work Group for Indigenous Affairs (Denmark)

**LIBC:** Lummi Indian Business Council (United States)

**LMPF:** Lumad Mindanao Peoples Federation (Philippines)

**MDA:** Mas Development Association (Kenya)

**MGT:** Mejlis Crimean Tatar People (Ukraine)

**MTIF:** Miccosukee Tribe of Indians of Florida (United States)

**MITK:** Movimiento Indio Tupaj Katari (Bolivia)

**NAILSS:** National Aboriginal and Islander Legal Service Secretariat (Australia)

**NSWALC:** New South Wales Aboriginal Land Council (Australia)

**OSILIGI:** Organisation for the Survival of Illaikiipat Indigenous Maasai Group Initiative (Kenya)

**UPS:** Upper Sioux Community (United States)

**WCIP:** World Council of Indigenous Peoples (Canada)

**WCC:** World Council of Churches (Switzerland)
of indigenous representatives.

Although the COP's resolution does not fully reflect the indigenous proposal for the immediate establishment of a working group, in its global sense it represents a real step forward for the indigenous movement. From the COP3 on, it has become clear that a successful implementation of the CBD cannot take place without the broad and active participation of indigenous and other peoples embodying traditional lifestyles, and that their involvement necessarily implies the recognition of their rights and interests. There is still a long way to go, because of the complexity of the issues and the difficult national context in many countries, but an important door has been definitely opened by the indigenous movement.

Just three weeks after the COP3, another important international meeting took place in Leticia, Colombia: the International Meeting of Indigenous and Other Forest Dependent Peoples on the Management, Conservation and Sustainable Development of All Types of Forests, an event under the UN Intergovernmental Panel on Forests (IPF). The meeting was organized by a Committee made up of the International Alliance of Indigenous-Tribal Peoples of the Tropical Forests, COICA, and OPIAC (the Organization of Indigenous Peoples of the Colombian Amazon). It was sponsored by the governments of Colombia and Denmark. Established in March 1995 by the UN Commission on Sustainable Development (CSD), the IPF will hold its fourth and final meeting in February 1997.

The IPF meeting discussed four major themes: (1) national forest and land-use plans, (2) underlying causes of forest loss, (3) traditional forest-related knowledge, and (4) international institutions and instruments. Participants felt that all these themes were relevant to the fate of Indigenous Peoples and other forest dwellers, and therefore their active involvement is critical in order that their voice may be heard.

There were three results of the meeting: a unanimously-agreed Declaration, a set of Proposals for Action, and a Chairperson's report. These outcomes will be considered by the IPF at its last session.

The IPF is expected to agree on a proposal to the CSD for the continuation of the process of negotiating a new international forest regime. However, the specific shape of this post-IPF process is not yet clear. What is important for indigenous and other forest peoples, is that any post-IPF process include an effective mechanism and a consistent programme of work to address all the issues concerning their rights and interests in relation to forest conservation and management; and that such mechanism and programme ensure their proper participation as legitimate actors.

### Documents from the COP3 Meeting

The report from the indigenous participation at COP3, En Nombre de todas las Vidas (In the Name of All Lives), is available (only in Spanish for the moment) from the Coordinator of the International Indigenous Biodiversity Forum:

Jorge Nahuel  
Coordinación de Organizaciones Mapuches de Argentina  
Neuquen  
Argentina  
Tel./fax : + 54 99 438 134

The documents of the IPF Leticia meeting (Declaration, Proposals for Action, Chairpersons' Report, and a full comprehensive report) are available from:

Technical Secretariat  
International Alliance of Indigenous and Tribal Peoples of the Tropical Forests  
14 Rudolf Place  
Miles Street  
London SW8 1RP  
United Kingdom  
Tel.: +44 171 587 37 37  
Fax: + 44 171 793 86 86  
E-mail: morbeb@gn.apc.org

### Other issues and meetings

#### Committee on the Rights of the Child

At its 15th session from 20 May to 6 June 1997, the Committee will consider, among others, the reports of the following countries: Algeria, Australia, Azerbaijan, Bangladesh, Cuba, Ghana, and Lao People's Democratic Republic. The Committee will eventually consider Pakistan and Paraguay.

Pre-Sessional Working Group, 16th Session, from 9 to 13 June 1997: Czech Republic, Democratic People's Republic of Korea,
Trinidad and Tobago, Togo, Maldives, Uganda.

At its 16th session from 22 September to 10 October 1997: Czech Republic, Democratic People's Republic of Korea, Trinidad and Tobago, Togo, Maldives, Uganda.

Pre-Sessional Working Group, 17th session, from 13 to 17 October 1997: Ecuador, Ireland, Japan, Libya, Micronesia, and Sierra Leone.

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**Committee on the Elimination of Racial Discrimination**

At its 50th session, from 3 to 21 March 1997, the Committee will consider the reports of the following countries: Algeria, Belarus, Belgium, Bulgaria, Germany, Guatemala, Iceland, Iraq, Luxembourg, Mexico, Pakistan, Panama, Swaziland, United Kingdom.

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**Committee on Human Rights**

From 24 March to 11 April 1997, the Committee will consider the reports of the following countries: Bolivia, Colombia, India, Georgia, Lebanon, Portugal (for Macao).

From 14 July to 1st August: Belarus, Slovakia, France and Congo.

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**Committee against Torture**

At its 18th session, from 28 April to 9 May 1997, the Committee will consider the reports of the following countries: Denmark, Mexico, Namibia, Paraguay, Sweden, and Ukraine (subject to change).

At its 19th session from 10 to 21 November: Argentine, Cyprus, and others not yet known.

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**Committee on Economic, Social and Cultural Rights**

At its 16th session, from 28 April to 16 May 1997, the Committee will consider the reports of the following countries: Central African Republic, Guyana, Libya, Peru, Russian Federation, and Zimbabwe.

Pre-Sessional Working Group, 17th session, 20-23 May 1997: Cyprus, Nigeria, Sri Lanka, United Kingdom, and Uruguay.

At its 17th session, from 17 November to 5 December 1997, the Committee will consider the reports of the following countries: Azerbaijan, Iraq, Luxembourg, Nigeria, Saint-Vincent and the Grenadines, and the United Kingdom.

Pre-Sessional Working Group, 18th Session, 8 to 12 December 1997: Antilles, Aruba, Germany, Poland, Netherlands, Switzerland, Tunisia.
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