1. EDITORIAL

The unanimous approval of the creation of the Permanent Forum for Indigenous Peoples by ECOSOC in July 2000 and subsequently by the General Assembly in December mean that two critically important processes now follow a parallel course in the United Nations: the implementation of the Permanent Forum within ECOSOC and the adoption of the Declaration on the Rights of Indigenous Peoples by the Commission on Human Rights.

Within the context of the first process, indigenous peoples’ organisations are engaged in regional consultations which should enable them to adopt a definitive position on the ways and means of implementing the Permanent Forum, in particular regarding the nomination of their respective representatives. To give but two examples of forthcoming consultative processes, the Asian Indigenous Peoples’ Pact is organizing a meeting at the beginning of May 2001 in Chiang Mai (Thailand) and national meetings are scheduled for February in Bolivia and Australia. In spite of all the difficulties and expenditure involved in such consultations, indigenous peoples’ organisations do their utmost to achieve unified and representative proposals. According to our information, the next stage of the UN process is due to begin in May and culminate at the next ECOSOC meeting, which is to be held in Geneva. A decision will most likely be taken there to hold the first meeting of the Permanent Forum in Geneva in July 2002, either immediately before or after the Working Group on Indigenous Populations.
The second process concerns the Working Group on the Draft Declaration. The report on the proceedings of the most recent meeting represents the key issue of this newsletter. This summary proved particularly difficult to write up owing to many informal meetings which punctuated the discussions and of which often no written trace exists. Furthermore, several governments were opposed to some of their interventions being collected and we had at times to use our own notes. We would therefore ask the reader to kindly take this into consideration. Finally, this report does not claim to be exhaustive, especially as far as the section containing the Article-by-Article analysis of the Declaration is concerned. It emphasises the governments’ position and in particular their reasons for wishing to amend Articles, as indigenous peoples themselves have wished to do on many occasions. Of particular note is the fact that while several Articles were discussed, none were actually ratified.

A number of other major international events concerning indigenous peoples have also been held recently. The UNCTAD brought together governments, intergovernmental organisations, UN specialized agencies, indigenous peoples’ organisations, NGOs, and experts with a view to discussing national systems and exchanging experiences related to knowledge, innovations and traditional practices. A great many authorities are in fact currently working on this issue, notably the WIPO, Biodiversity Convention, ILO, WHO, FAO, UNESCO, World Bank, WTO and, it goes without saying, the Subcommission on the Protection and Promotion of Human Rights, with the study by special rapporteur Mrs. Erica-Irene Daes on the protection of the heritage of indigenous peoples. Seven indigenous organisations were represented there and the report on the proceedings was written up by one of their delegates.

Last but by no means least, the Second International Indigenous Peoples’ Forum on Climate Change was held at The Hague in December 2000. It gave rise to a Declaration of Indigenous Peoples, which we have been asked to publish.

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2. WORKING GROUP ON THE DRAFT DECLARATION
   GENEVA, 6TH SESSION, 20 NOVEMBER - 1 DECEMBER 2000

2.1. Organization of work

The Indigenous Caucus submitted the following proposals to the Chairman-Rapporteur, Mr. Luis Enrique Chávez (Peru): (1) a discussion of the process, in particular the full and equal participation of indigenous peoples in the working group; (2) the inclusion of an agenda item entitled “General debate” and focusing on self-determination, land rights and natural resources; (3) the nomination of Mr. Wilton Littlechild of IOIRD as an indigenous co-chair.

The first two proposals were adopted, while the third was rejected on the grounds that UN rules of procedure do not permit the appointment of a co-chair. The following programme was adopted: (1) General debate on the process (formal plenary); (2) General debate on core issues, including self-determination, land rights and natural resources (formal plenary); (3) Consideration of Articles 1, 2, 12, 13, 14, 44 and 45 (informal plenary). An informal consultation on the World Conference against Racism was held prior to the adoption of the report. Article 13 was not discussed due to time constraints. Closed government meetings took place parallel to this procedure.

2.2. General debate¹

2.2.1. Process

As the indigenous delegations requested to express their positions throughout the discussions, we have chosen to focus on them in this part. We also summarize the general ideas expressed unanimously by indigenous peoples’ (IPs) delegations, as well as specific proposals and comments on the process, without including all their statements due to the limited available space. A list of IPs organisations which took the floor under this item is included at the end of this part.

While governments justified their use of closed sessions in an effort to find a common position on the text of the Draft Declaration (DD) which they were unwilling to adopt as it stood, indigenous representatives stressed that they were entitled to full participation on an equal footing with States and that they were unable to accept changes that did not uphold the principle of racial equality and non-discrimination, that were inconsistent with existing international standards or that altered the core principles.

¹ This report on the general debate, including process and core issues, is based on written statements and draft report E/CN.4/2000/WG.15/CRP.1.
meetings, namely to bring States’ positions closer together in order to present fewer proposals (supported by AUSTRALIA and NORWAY). DENMARK suggested that government meetings be opened to indigenous delegates in order to make the process more transparent. Like many governments, AUSTRALIA was unable to accept the text of the DD as prepared by the WGIP (as was also the case of NORWAY, although it agreed on most of the Articles as they stood). AUSTRALIA was of the opinion that substantive discussions on the terms of each Article were necessary for agreement to be reached and that significant changes needed to be made (noted by the RUSSIAN FEDERATION). NEW ZEALAND recognised the usefulness of informal sessions, although it stated that these should not take place at the expense of the limited time allocated to plenary sessions. CHILE said that negotiations were necessary in order to come to a political agreement on sensitive issues. ARGENTINA felt that it was not the process which impeded progress, but substantive issues. The DD is an evolving text which requires negotiation. SWITZERLAND believed that discussions on the definition of indigenous peoples (IPs) should be avoided. The DD should serve as a basis for the work of the Permanent Forum. Like many other governments, MEXICO stated that it was important to make progress.

As in previous years, the Indigenous Caucus strongly opposed the use of closed government meetings, which result in governments providing alternative texts during the time allocated to the working group. Such a procedure is in violation of CHR resolution 1995/32, which provides for the full and equal participation of IPs. Indigenous organizations denounced their exclusion from the UN system and the lack of transparency. They reiterated their full support of the current version of the Draft Declaration, without any qualification of their inherent right to self-determination and status as peoples. CISA stated that the denial of this status amounted to the legal disappearance of IPs and that once they had legally disappeared, discussions on self-determination, territory or any other issue would be worthless. Supported by the Indigenous Caucus, ILRC/AFN/GCC/HD/ITFS/NN/IOIRD/NKI/AILA said that it would be illegitimate, immoral and unconstitutional for States to seek to weaken the basic rights and obligations referred to in this aspirational document. Self-determination and the prohibition of racial discrimination were considered to be peremptory norms.

MLS suggested that a right of reply be granted to speakers to allow for continuity of discussion. The notion of consensus as interpreted by governments was also questioned. ECOSOC Resolution 1835 (LVI) of 14 May 1974 defines consensus as general agreement without a vote and not necessarily the agreement of all concerned (ICC/SC, ATSIC/NSTSIO/NAILSS/IWAC/FAIRA, MRTKL). The fact that IPs are not afforded the opportunity to hear the specific objections of individual State delegations to the current text and are denied the possibility to discuss these problems openly goes against consensus building (IITC/DM/CCAG/MJK/FICI). IWA deplored the lack of progress under the leadership of the current chair.

In concluding the debate, the Chairman clarified that the mandate of the working group was to elaborate a declaration on the basis of the text adopted by the Sub-Commission. The alternative texts presented will be considered in the future and have been included in the report as a means of advancing the work. He further stated that the so-called “closed sessions” were private government sessions that started before the beginning of a meeting of the working group and that he would make every effort to prevent their continuing during the time allocated to plenary sessions. Nevertheless, he also stressed that he would suspend the meeting whenever necessary to allow consultation among participants. As regards the concept of consensus, he saw no contradiction between the practice followed by the working group and ECOSOC Resolution 1835 (LVI). He specified that consensus meant that a text could be adopted without a vote and that “majority” should not be confused with “consensus”.

Statements were made by the following indigenous organizations: AFN, AIPP/IWGIA, AN, ANCAP-T, ANIPA, ATSIC/NSTSIO/NAILSS/IWAC/FAIRA, CAPAJ, Chirapaq/TPMIP, CIN, CISA, COCEI, CONAIE, CONAMAQ, CPA, DM, FOAG, ICC/SC, IITC, ILRC/AFN/GCC/HD/ITFS/NN/IOIRD/NKI/AILA and the Indigenous Caucus, IMTA, IPNC, ITFS, IWA, JOHAR/IWGIA, MLS, MRTKL, NKIKLH, NN, NTG/IAITP, Chagossian/OIDEL, RAIPON, SLFN, TF.

2.2.2. Core issues

2.2.2.1. Self-determination (SD)

The positions expressed by the government delegations who take the floor on the principle of SD range from acceptance of Article 3 in its current wording (DENMARK), the inclusion of the right of SD in the Declaration without any arbitrary limitation or qualification (CUBA), the view that SD is a right a right which does not need to be re-defined (GUATEMALA) and wich has sufficient clarity in international law (PAKISTAN), to the impossibility of including this right in the Declaration (AUSTRALIA and JAPAN). A conditional acceptance of the
right to SD as an internal right, provided the territorial integrity and sovereignty of States are respected, is the position held by the majority of States (notably New Zealand, Canada, Venezuela, Norway, Finland, France, Spain, Ecuador, Russian Federation, Denmark). Some States stressed that this right could be included in the Draft Declaration (DD) only if it is consistent with their domestic jurisdiction (New Zealand and Mexico). Bangladesh said that the concept of SD has global acceptance as a right and reported that the Asian Group has decided to put aside the discussion on the definition for the moment.

Denmark and the Greenland Home Rule Government stressed that IPs must have the right to freely determine their political status and freely pursue their economic, social, and cultural development. Cuba said that the right to SD does not imply the disintegration of territorial integrity or political unit of independent States that respect the principle of equality and SD of peoples (the same is true to Guatemala). It is an indispensable condition for the exercise of IPs' autonomy and the preservation of their identity. Pakistan saw no contradiction between the right to SD and the principle of States’ territorial integrity. This right is not a consequence of a limited historical process, but is a principle of international law based on fundamental political postulates. Colonisation did not lead to the emergence of the right to SD. On the contrary, it was the existence of this right which propelled the process of decolonisation. Guatemala considered that the right to SD only makes sense if it was accepted as a collective right of IPs. Within States, this right enables peoples or groups to define their political status, providing for decentralisation and autonomy. To deny or limit this right in a democratic State is contradictory.

On the other hand, for Australia, SD implies the establishment of separate nations and laws and is therefore inappropriate to their situation. In Australia Aboriginal people exercise substantial control over their affairs. Indigenous communities own their land (about 15% of Australia) and manage local government functions. Japan says that the concept of collective rights is unclear, as no international human rights instruments refer to such rights, and that their domestic legislation does not recognize them. If each State fully respects individual rights, it is not necessary to introduce this new concept. Individual rights can also be exercised in community as provided for in Article 3 of the Declaration on the Rights of Minorities.

Canada pointed out that the right of SD has evolved and is now seen by many as a right which can continue to be enjoyed in a democracy in which citizens participate in the political system and have a say in the political processes that affect them. It accepts the right to SD, involving negotiations between States and IPs to determine IPs’ political status and means of pursuing their economic, social and cultural development, as arrangements for self-government. The goal of this working group is to develop a common understanding of how this right should apply to indigenous collectivities and what this right involves.

Norway points out that the term "self-determination" is not clearly defined in international law. This principle includes the right of IPs to participate at all decision-making levels in legislative and administrative matters and in the maintenance and development of their political and economic systems. Norway supports the DD provisions on how to implement this right and has taken steps to implement these objectives.

Finland supports the use of the term "indigenous peoples" since the collective rights in the DD are essential to preserving and strengthening IPs’ identity. It accepts the use of the term "SD" in the DD provided that article 31 is formulated as currently drafted, so that self-government applies to internal and local affairs.

New Zealand said that the references to autonomy, self-government and separate legal, taxation and judicial systems in the DD are inconsistent with NZ government policy. It stressed that Maoris have the right to exist as a community with their own cultural identity.

France stated that concretely that the exercise of this right must be negotiated and discussed with all the populations concerned. The application of this principle has led to the process of SD in New Caledonia. The 1998 Noumea Agreement was reached through tripartite negotiations between the Kanak people, the Caldoches and the government.

Referring to Article 3, Argentina, proposed including paragraph 3 of Article 1 of ILO Convention 169.

Ecuador recognised the diversity of ethnic and cultural groups and collective rights for IPs (as did Venezuela and Mexico). Mexico referred to an initiative to integrate the concept of SD into the national constitution. The Russian Federation reported the adoption of a federal law which grants IPs the right to preserve their traditional lifestyles and protect their environment.

All indigenous representatives stated that the right to SD was a fundamental underlying principle of the Declaration from which all rights derive. It is the fundamental condition for the enjoyment of other human rights and fundamental freedoms, be they civil, political, economic, social or cultural. In order to survive as distinct peoples in their own land, IPs should have full control over their lives. References are made to Ms. Daes’ study
on IPs and their relationship with the land, Alfonso Martinez’ treaty study, Martinez Cobo’s study (CTT) and the International Covenants to supporting IPs right to SD.

**IMTA** stated that SD is deeply rooted in indigenous life, had belonged to peoples since time immemorial and had never been the State property. Negation of this right would make the Declaration devoid of legal, political, economic and cultural substance. According to **HD**, the exclusion of IPs from the UN Declaration on Human Rights has forced them to draft their own declaration in defence of their peoples, nations, and lands. SD is a fundamental principle of natural law, a state of being, involving ethical and moral issues, not only political ones.

**AIP** pointed out that the lack of representation of African governments in this meeting is a clear manifestation of their lack of concern and commitment to the whole process and of continued marginalisation of IPs in this region.

**IPs’ right to SD cannot be limited or qualified by virtue of the principles of equality and non-discrimination (ATSIC/NSTSIO/NAILSS/IWAC/FAIRA/CETO, ABCP, COCEI, DD, ILRC/AFN/GCC/ITFS).** IPs’ right to SD must be recognised since SD applies to “all peoples” by virtue of the UN Charter and Article 1 of both Human Rights Covenants (IOIRD, IMTA, IITC/DM/CCAG/MJK/FICI, SC). The international covenants not only require that all peoples be able to freely dispose of their natural resources, but also urge States to fulfil their obligations as far as the effective exercise of SD is concerned (IMTA, IOIRD, SC).** IOIRD also recalled CERD recommendations to Canada (1997) concerning the effective participation of IPs in public life and the conclusions of the Committee on ESC Rights (1998) about the “gross disparity between Aboriginal people and the majority of Canadians with respect to the enjoyment of Covenant Rights”. **MIL/NIKKLH** cites the International Court of Justice as also having confirmed the right to SD of all peoples as a rule of general customary law. **NYJC** referred to a 1979 Report of the Commission on Security and Cooperation in Europe relating to American Indians and their nations, addressing equal rights and the SD of all peoples. Going back to the foundation of international law in Spain in 1550, **NWGHR** referred to the fact that Indians were considered to be human and to have political rights as well as property rights. Spain has recognised all these rights but has not honoured them.

Indigenous representatives drew attention to the fact that the working group had no competence to define the terms “SD” and “peoples” or to engage in any process that would undermine the status of IPs as “peoples” or their right to SD (ILRC/AFN/GCC/ITFS). The debate should rather focus on the objections of the respective State Parties (SUANPA, DD). The issue is not whether IPs have a right to SD, but whether the respective Nation States recognise them as “peoples” (SUANPA). The **CANZUS** group sought to argue that the rights mentioned in Articles 3 and 31 were not extended to IPs and, if they were, they would be restricted rights (SUANPA, and MIL/NIKKLH, which include **NORWAY**). Article 3 cannot include a definition of the right to SD since this would be contrary to the principles of equality and non-discrimination. A definition, which takes international evolution since decolonisation into account, may be relevant, but it should be developed in another forum, the conclusions would apply to all peoples (DD). **CANADA** must not attempt to set a lower standard for IPs than that of the International Covenants (IOIRD and ILRC/AFN/GCC/ITFS mention the **USA** as well). International law does not impose a specific form of self-governance. The ongoing discussions about SD at UNESCO distinguish internal from external SD, a principle which is understood as a right to choice, participation and control (NIKL). The qualifications of this right as proposed by **FINLAND**, the **RUSSIAN FEDERATION** and **NORWAY**, are clearly in contradiction with the observations of the HR Committee. This explains why the Saami Parliament has decided not to join the Norwegian delegation at this session (SC). **RAIPON/ASP** expressed concern about the fact that the Russian delegation was now seeking to limit the scope of Article 3 to the decolonisation period. **CISA** also comments on “internal SD” in democratic States, pointing out that, in Canada, some can exercise the right to external SD –as in Quebec, while others –IPs– cannot. This is a discriminatory practice (also **NN**). **SLFN** speaks as a nation (nationhood under international law) as they have been recognised in both de facto and de jure terms as nations. **NN** is striving to maintain its government-to-government relationship with the USA. **JOHAR** said that the only way out was to maintain the status quo on SD and peoples.

With regard to the concerns expressed by government delegations, many indigenous organizations stated that IPs were not seeking secession (RAIPON/ASP) and that, on the contrary, the right of SD would strengthen the existing States (NIPDISC). SD is seen as means to avoid conflicts (ABC, SC, MRTKL, CONAMAQ), which contributes effectively to safeguarding States’ territorial integrity (NTG/IAITPTF, ILRC/AFN/GCC/ITFS). It is vital for democracy, friendly relations and cooperation among peoples. For example, Bangladesh’s denial of Jumma people’s right to SD led to a lasting conflict (ABC, HWHRF). The racist, exclusionist and corrupt system in Bolivia has led to major social conflicts (THOA, MRTKL, CONAMAQ, Aymara IPs). Social unrest in the Solomon Islands is a problem inherited from the colonisers (ZPEF). The conflict in Chiapas continues and the militarisation of many indigenous regions increases because **MEXICO** does not recognize the San Andres Agreement (COCEI). A State’s territorial integrity and sovereignty is protected under international law (SC).
The creation of an independent State is only one of several options and IPs have generally opted for the establishment of an autonomous region (NKIKLH). Territorial integrity always depends upon the collective will of the peoples of the land, which arises from respect for human dignity, different faiths and cultures, non-discrimination and non-domination (NTG/IAITPTF). A State’s territorial integrity and sovereignty will be undermined if it does not recognise the basic rights of IPs, rather keeping them in situations of oppression, poverty, inequality and discrimination. There is no valid reason for denying IPs their right to SD (TF). Governments may not feel quite so democratic, which would account for their unfounded fear of secession (COCEI). SD, as mentioned in Article 3, is considered as internal autonomy, self-government and self-control over their own future without constituting a threat to State sovereignty (IMTA). The right of SD is a relative, not an absolute right without limitations and does not confer on any people the right to deny other peoples the same right on an equal footing (ILRC/AFN/GCC/ITFS).

Most IPs have a preference for recognition and constitutional reform within States in order to develop their own political institutions and determine their development in accordance with their own values. The distinction suggested by some States between internal and external SD is “ahistorical” and “artificial”. For instance, IPs’ participation in UN fora is one external expression of SD which does not involve secession or independence (ATSIC/NSTSIO/NAILSS/IWAC/FAIRA/CETO). In Hawaii, the majority of IPs want a “nation within a nation”, i.e., an autonomous region where a Hawaiian governing entity would exercise jurisdiction over internal affairs and, to a limited extent, over external affairs (NKIKLH). SD means that IPs should be consulted for national policy and planning processes in the areas of education, environment, health, cultural and heritage policies and should be able to speak for themselves (IPACC).

Indigenous organizations are concerned about the fact that some States limit the Declaration to their domestic legislation, which conflicts with the purpose of international human rights standard-setting (MLS/NKIKLH, ATSIC/NSTSIO/NAILSS/IWAC/FAIRA/CETO, CISA).

Indigenous representatives emphasised that the right of SD is the only way to guarantee the existence of IPs and their survival as distinct peoples. The recognition of their right to SD will prove to be the fair answer to centuries of colonisation and the opportunity to combat poverty, illiteracy, malnutrition which devastate their communities and peoples (THOA). SD is seen as a security shield against discrimination and exploitation (NTG/IAITPTF). SD, which is the key to genuine political, economic, social and cultural progress, permits emancipation from exploitation, deprivation, domination and assimilation (ABCP). The right to SD must be implemented in order for an IP not to be forced to adapt to authoritarian administrative systems (Batwa IPs). This principle advocates the promotion and protection of diversity. It also makes possible the survival of language and scripts, culture, traditions, beliefs, knowledge, identity of IPs and tribal peoples (ABCP, HWHRF) and ecosystems (TF). It protects IPs’ identities and languages and ensures participation rights in the cultural and political life. The Declaration has no value without this principle (ANCAP-T/WAC). CONAIE demanded the recognition of IPs’ political rights, i.e., SD and the free expression of their ancestral traditions. CAPAJ stated that the Aymara People Parliament claimed Aymara’s right to integrity as a people.

2.2.2.2. Land rights and natural resources

Although the issue of land and resources is recognised as a core one by all governments, their positions with regard to the provisions of the Draft Declaration (DD) vary considerably. The special relationship between IPs and their traditional lands, as emphasised in Ms. Daes’ study (E/CN.4/Sub.2/2000/25), is broadly acknowledged and many governments have included or are including collective land titles in their domestic legislation (notably AUSTRALIA, ECUADOR, VENEZUELA and NORWAY). As far as GUATEMALA is concerned, rights to land and resources are meaningless if they are not recognised as collective rights of IPs. Some States will take their domestic law and practice into account with regard to the clarification of the parts of the DD relating to natural resources (AUSTRALIA and NEW ZEALAND).

AUSTRALIA was unwilling to adopt the provisions of the DD on these issues as they are currently drafted. It described the ongoing process of legal recognition of native title rights in Australia relating to the traditional use and enjoyment of natural resources. However, the ownership of resources is vested in the Crown and the exploitation of such resources is governed by legislation.

CANADA recognised that IPs had the right to own, control, develop and use their lands and resources. The wording of the DD must be flexible enough to accommodate a variety of historic and current circumstances and local regimes. The current text needs to be amended and clarified. For instance, a clear distinction should be drawn between “lands” and “territories”, and the phrase mentioning lands that IPs “have traditionally owned, or otherwise occupied or used” needs clarification. A distinction should be made between “traditional use” and “ownership”. The wording of the draft is too prescriptive as far as conflicts of laws are concerned.
France has taken IPs’ aspirations into consideration as regards land claims. Replies are adapted to each particular situation: the recognition of rights to collective use of domanial lands for the forest dwellers in Guiana, focused on environmental protection and ecodvelopment, and, in New Caledonia, the 1998 Agreement strengthens customary land tenure and recognises the enjoyment of collective land ownership for tribes.

Ecuador recognises IPs’ right to maintain ancestral community land ownership (as does Venezuela) and the right to participation in the use, usufruct, control and conservation of the renewable natural resources found on their lands. IPs also have the right to be consulted on plans and programmes related to the exploration and exploitation of non-renewable resources on their lands, the right to benefit-sharing and the right to compensation for socio-environmental damages. Venezuela stated that the exploitation of natural resources must not damage cultural, social or economic integrity. Natural resources are owned and controlled by the State.

Norway is currently preparing legislation on the use, management and ownership of land and resources in Finnmark County, where there is a large Saami population.

The Russian Federation reported the adoption of a federal law granting IPs the right to preserve their traditional lifestyles and protecting their environment.

WTO/WB stated that legal measures should consider all dimensions of land ownership including sacred aspects. IPs should be consulted in relation to investment projects concerning raw materials, mining and oil found on their lands and should benefit from such projects. Social impact assessments should be carried out for all projects affecting IPs.

Indigenous representatives reaffirmed the fundamental significance of land and resources to their existence and survival as peoples (ICC, FOAG, IPACC, IWA, ZPEF, IAITPTF/NTG, COCEI). IPs’ relationship with land forms the foundation and principles of their government, which is based on natural law (HD). They are spiritual partners of their land in its development, preservation and sustainability (SLFN). Land rights are associated with traditional lifestyle, social organization and culture (FOAG). Land and natural resources are inseparable from them, since they determine their future and represent life itself (ZPEF). Separation from the land would mean the extinction of their peoples and destruction of their cultures, knowledge and skills (NTG/IAITPTF). Some governments, such as France and Australia, were asked to clearly state their position on the issue of land rights (FOAG, SUANPA). Indigenous representatives unanimously urged governments to adopt the relevant articles as drafted.

The issue of land and resources was considered to be closely interrelated with self-determination (FOAG, IPACC, SC, RAIPON/ASP, IPNC, IWA, TF, ILRC/AFN/GCC/ITFS). Referring to Article 1 of the two Covenants, SC pointed out that land and natural resources are an integral part of the right to self-determination and that any attempt to define IPs right to self-determination in a way which excludes land and resource rights is therefore incompatible with existing international law. As provided for in Article 2 of both Covenants, self-determination also means that IPs cannot be denied their own means of subsistence, spiritually, socially or economically. The HR Committee has fully endorsed the Canadian Royal Commission on Aboriginal Peoples’ recommendations that an adequate land and resource base is crucial to the exercise of self-government (ILRC/AFN/GCC/ITFS). Prior land occupation is an essential element and rights to lands and territories entail the right to autonomous land management and land restitution (FOAG).

In many parts of the world, land rights are either not recognised (FOAG, Batwa people) or not respected (ABCP). Since a title to territory is an underlying principle of self-determination, governments must obtain the full and informed consent of the peoples concerned if they have no title to IPs territory in order to legitimately govern there. Failing to do so is unconstitutional under both the US Constitution and the UN Charter. Without legitimacy, governments cannot recommend changes to the text on behalf of IPs (IPNC). IPs’ current situation is derived from colonisation processes, especially in America. The role of the doctrine of negation and dispossession of indigenous land rights must be taken into account, as well as Alfonso Martinez’ study on treaties. Land dispossession is a violation of IPs’ collective rights (CTT). NIPDISC asked for the use and ownership of land and natural resources as well as the maintenance of traditional systems.

Globalisation increasingly affects the right to self-determination and rights to lands and resources (TF, IMTA, IPACC). More peoples and countries do not have effective control over development in their territories. With the liberalisation of trade, finance and investments, the rights and welfare of corporations are given priority. IPs, who suffer the most negative impacts of globalisation, cannot participate in making national law, even less in global rule at the WTO, WB and IMF. Nation-states and IPs should reinforce the right to self-determination and to land and resources (TF). In the light of the perverse effects of globalisation, IMTA states that it is imperative to reaffirm the original right to collective ownership on traditionally occupied lands and territories, as well as the enjoyment of natural resources. HD pointed out that IPs were more endangered now than ever before due to the conflicting philosophies of western societies and their ideas of commerce and development.
Many indigenous representatives from all over the world described situations of eviction (Chagossian delegation/OIDEL), denial of land rights leading to exclusion and social discrimination (Batwa IPs, Aymara IPs), deprivation of natural resources resulting in extreme poverty (AIMPO, AIP, Batwa IPs, Aymara IPs), forced migration (MCTP) and environmental degradation (IPACC). They underlined the importance of the Declaration, which would defend IPs from these illegal actions. For ZPEF, the underlying causes of social conflicts are related to ownership and benefits from land and resources. Referring to the devastation of their territories by industry and the military, African indigenous representatives also emphasised their knowledge of ecological systems. Nomadic IPs’ cultural survival is closely linked to environmental sustainability (IPACC).

During colonisation and after independence, customary law was ignored (ANCAP-T/WAC). Following the decolonisation of Africa, governments and dominant groups have continued to alienate more lands through development initiatives (AIP). In addition to land dispossession and its negative impacts, IPs also suffer regional conflicts (Batwa IPs). In Australia, Aboriginal peoples do not have the right to control or use the wealth gained from royalties. AUSTRALIA’s 1998 amendments to the Native Title Act are racially discriminatory, according to the CERD, HR Committee and the Committee on ESC Rights (SUANPA, also mentioned by ATSIC). In Russia, where industries are in conflict with IPs, two federal laws were adopted in 1999 to guarantee the rights of the peoples of the North, Siberia and the Far East to the protection of traditional lifestyles and the environment, but these have not yet been implemented (RAIPON/ASP). In the USA, the government may abolish the rights to Pueblo Indians’ land and natural resources (IWA). The IPs of the Chagos Archipelago reported that their eviction in the 1970s was illegal, as ruled by the British High Court in November 2000 (Chagossian delegation/OIDEL). In Bangladesh, 400,000 acres of Jumma IPs’ land have been occupied by Bengali settlers and 300,000 acres acquired for forestry and military purposes (ABCP).

### 2.3. Discussion of Articles 1, 2, 12, 14, 44 and 45

Given the informal aspect of the debate and the absence of written statements, this report is mainly based on personal notes and the draft report (E/CN.4/2000/WG.15/CRP.2 and CRP.3). It is therefore not exhaustive. Although incomplete, it aims to provide a general overview of both the process and the discussion. Given the consensus among indigenous delegations concerning the acceptance of the original version of the Draft Declaration and their request to know the reasons underlying proposals for changes by States – and also due to a lack of space –, this report focuses on the governments’ comments. The alternative texts, as mentioned herein, are included in an annex to the draft report (E/CN.4/2000/WG.15/CRP.4).

For each Article under discussion, the governments have presented joint proposals for “alternative wording”, which appear as “discussion papers” drafted during their closed sessions. In addition to a new version of the text, these papers include comments and items for further discussion, as well as an explanatory note concerning the term “peoples”. Although they seem to be the product of a consensus among governments, differences still exist. Some States can accept the Articles without any changes, while others are unable to do so. State delegations did not provide individual statements in writing, but made individual comments on their proposals at the session. These proposals appear in the draft report but States are not named individually. While reiterating the need to adopt the Articles as originally drafted, IPs delegations explained why they were unable to accept the new versions of the text as drafted by the governments. The Indigenous Caucus requested the Chairman to call for consensus on Articles 44 and 45 since there were no alternative wording proposals. They supported the wording formally proposed in 1996 (cf. E/CN.4/1997/102, para. 128).

At the end of each discussion on an Article, the Chairman concluded that consensus had not been reached and proposed coming back to the Article at a later stage. None of the Articles referred to hereunder were adopted.

### Article 1

“Indigenous peoples have the right to the full and effective enjoyment of all human rights and fundamental freedoms recognised in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.” (Art. 1)

Some governments, notably GUATEMALA, NORWAY, ECUADOR, FINLAND, NEW ZEALAND, MEXICO, SWITZERLAND and DENMARK, stated that they were willing to accept the text as originally drafted.

Some States, such as the RUSSIAN FEDERATION, NEW ZEALAND, ARGENTINA and SPAIN, pointed out that international human rights generally guaranteed rights to individuals. A specific reference to individuals was suggested to emphasise the rights of individuals as well as the rights of collectivities. Some governments stated that the Article should more closely reflect the Universal Declaration of Human Rights.

ANCAP-T, ATSIC, ICC, IITC/DM, ILRC, IOIRD, IMTA, IWA, Maya IPs, NKIKHL and SC presented statements.
Article 2

“Indigenous individuals and peoples are free and equal to all other individuals and peoples in dignity and rights and have the right to be free from any kind of adverse discrimination, in particular that based on their indigenous origin or identity.” (Art. 2)

**ECUADOR, FRANCE, DENMARK** and **SWITZERLAND** were willing to accept the original text.

The term “adverse” before “discrimination” should be deleted (**GUATEMALA, AUSTRALIA, NORWAY, FRANCE, DENMARK, CANADA, ECUADOR**).

Particular reference should be made to “special measures” to promote equality, as in Article 1(4) of the Convention for the Elimination of All Forms of Racial Discrimination (**AUSTRALIA, SWITZERLAND, FRANCE, CANADA**). The proposed sentence on special measures needs to be discussed (**GUATEMALA, NORWAY**). **USA** supported the alternative text.

The Article should more closely reflect Article 2 (1) of the Universal Declaration of Human Rights (**UK**).

**AN, ANIPA, ANCAP-T, Chirapaq, CISA, ICC, IITC, IMTA, IPNC, IOIRD, IWA, JOHAR, MLS, NKIKLH, SC and SUANPA** made statements.

Article 12

“Indigenous peoples have the right to practise and revitalise their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature, as well as the right to the restitution of cultural, intellectual, religious and spiritual property taken without their free and informed consent or in violation of their laws, traditions and customs.” (Art. 12)

Some States, such as **GUATEMALA** and **FINLAND**, were willing to accept the Article in its original form.

Many States believed that the recognition of the right to practice and revitalise cultural traditions and the issue of the return of cultural property taken without consent should be treated in two separate paragraphs. Some States, such as **BRAZIL**, were concerned with the issue of restitution of property that was confiscated in the past. **DENMARK and SWITZERLAND** stated that they were willing to accept the first part of the original text, but not the part concerning restitution. **NEW ZEALAND, SWEDEN** and **JAPAN** requested clarification on the issue of restitution.

Concerning IPs’ right to practice and revitalise their cultural traditions, the proposed amendment “in conformity with domestic laws” was supported by **AUSTRALIA**, but rejected by **DENMARK** and **FRANCE**.

Some States, such as **DENMARK** and **FRANCE**, proposed the inclusion of a new paragraph on third-party rights, stating that “Implementation of the rights in this Declaration shall take into account measures necessary to protect public safety, order, health, morals and the fundamental rights and freedoms of others.” (cf. Article 18(3) of the ICCPR).

**JAPAN** supported the second paragraph of the alternate text concerning States’ efforts to promote the return to IPs of their cultural and religious property. **CANADA** supported the alternate text.

**AAH, AFN/GCC/ITFS, AN, ANCAP-T, ATSIC/NAILSS/NSTSIO/FAIRA/IWAC, CAPAJ, Chirapaq, CISA, CIT, EFN, FOAG, IITC, ILRC, IMTA, IOIRD, IPNC/NKIKLH, IWA, JOHAR, MCTP, NN, SC, SLFN, STP, SUANPA and THOA** presented statements.

Article 14

“Indigenous peoples have the right to revitalise, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

States shall take effective measures, whenever any right of indigenous peoples may be threatened, to ensure that this right is protected and also to ensure that they can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.” (Art. 14)

**FINLAND, NORWAY, SWEDEN, ECUADOR, DENMARK, SPAIN**, the **RUSSIAN FEDERATION** and **SWITZERLAND** were willing to adopt the text as currently drafted. **CANADA** and **NEW ZEALAND** strongly supported the first paragraph as originally drafted.
The alternate version of the text, which deletes the second paragraph of the original version, was supported by UKRAINE, AUSTRALIA and the RUSSIAN FEDERATION.

DENMARK, NEW ZEALAND, BRAZIL and ARGENTINA were of the opinion that paragraph 2 could be clarified or strengthened. A reference to States’ obligations should be discussed. BRAZIL and ARGENTINA were concerned about the financial aspects of the provision concerning interpretation services.

AUSTRALIA, MEXICO, NORWAY, CANADA, DENMARK, FRANCE, SWEDEN, SWITZERLAND and SPAIN believed that the issues mentioned in paragraph 2 should be addressed in the context of Articles 37, 39 and 19 of the Declaration.

Some States were concerned that the text as drafted might conflict with copyright laws and proposed including a general clause on third parties.

MEXICO understands the last paragraph in the light of Article 12 of ILO Convention 169.

ANCAP-T, ATSIC, CAPAJ, IITC, ILRC, IMTA, IOIRD, IPNC, IWA, MNC and Philippines IPs presented statements.

Article 44

“Nothing in this Declaration may be construed as diminishing or extinguishing existing or future rights indigenous peoples may have or acquire.” (Art. 44)

AUSTRALIA, CANADA, SWITZERLAND, GUATEMALA, NEW ZEALAND, SPAIN, FINLAND, ECUADOR, DENMARK, SWEDEN, NORWAY and FRANCE were willing to accept the text as it stood.

ARGENTINA, AUSTRALIA, CANADA, SWITZERLAND, NEW ZEALAND, FINLAND and DENMARK stated that the term “existing or future” in the English version was redundant. The English version should therefore be reviewed. The wording could also be improved through consideration of other international instruments.

BRAZIL and USA explicitly supported the bracketing of the term “peoples”.

ANCAP-T, ANIPA, ATSIC, CAPAJ, CISA, FICI, HD, ICC/SC, IITC, ILRC, IMTA, IOIRD, IPNC, IWA, JOHAR, NN, SLFN and THOA took the floor.

Article 45

“Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations.” (Art. 45)

This Article may be addressed in the context of the discussion on Article 3 (self-determination). Although no alternate wording was proposed, this Article could not be adopted because it qualified the entire Declaration. Its adoption was therefore postponed to a later stage.

The Chairman concluded that progress had been made as six Articles had been discussed and said that he would continue to hold consultations before the next session of the Commission on Human Rights in order to prepare for the next session of the working group. He announced that he would group the Articles by themes, starting with easier issues and continuing with more difficult ones. He considered E/CN.4/1997/102 to be an important document for the process.

2.4. List of abbreviations

AAH: Ainu Association of Hokkaido
ABCP: Asian Buddhist Conference for Peace
AFN: Assembly of First Nations
AILA: American Indian Law Association
AIMPO: African Indigenous and Minority Peoples Organization
AIP: African Indigenous Peoples
AIPP: Asian Indigenous Peoples Pact
AN: Asociación Napguana
ANCAP-T/WAC: Association nouvelle pour la culture et les arts populaires - Tamaynut/World Amazigh Congress
ANIPA: Asamblea Nacional Indígena por la Autonomía
AT: Association Tamaynut
ATSIC/NSTSIO/NAILSS/IWAC/FAIRA/CETO: Aboriginal and Torres Strait Islander Commission/National Secretariat of Torres Strait Islander Organisations/National Aboriginal and Islander Legal Services
3. SECOND INTERNATIONAL INDIGENOUS FORUM ON CLIMATE CHANGE
DECLARATION OF INDIGENOUS PEOPLES ON CLIMATE CHANGE
THE HAGUE, NOVEMBER 11-12, 2000

Preamble

We, the Indigenous Peoples of our Mother Earth, as partners with in the United Nations Family, have collectively developed our rights, responsibilities and aspirations in international law and formal declarations, including the U.N. Draft Declaration on Indigenous Peoples Rights. In the light and spirit of these instruments we welcome this opportunity to participate in the UNFCC –Process, for the recognition, promotion and protection of our rights. As the Delegates of Indigenous Peoples and organisations convened on the occasion of the Sixth Conference of the Parties of the Framework Convention on Climate Change in the Second International Indigenous Forum on Climate Change at the Hague from November 11th to the 12th, 2000, we affirm the Albuquerque Declaration, the Quito Declaration, Lyon Declaration and Position Paper of the First Forum of the Indigenous Peoples on Climatic Change. Furthermore, we address the Parties and other participants at this Conference to share the conclusions of our Forum:

Considerations

1. Earth is our Mother. Our special relationship with Earth as stewards, as holders of indigenous knowledge cannot be set aside. Our special relation with her has allowed us to develop for millenia a particular knowledge of the environment that is the foundation of our lifestyles, institutions, spirituality and world view. Therefore, in our philosophies, the Earth is not a commodity, but a sacred space that the Creator has entrusted to us to care for her, this home where all beings live.

2. Our traditional knowledge on sustainable use, conservation and protection of our territories has allowed us to maintain our ecosystems in equilibrium. This role has been recognised at the Earth Summit and is and has been our contribution to the planet's economy and sustainability for the benefit present and future generations.

3. Our cultures, and the territories under our stewardship, are now the last ecological mechanisms remaining in the struggle against climate devastation. All Peoples of the Earth truly owe a debt to Indigenous Peoples for the beneficial role our traditional subsistence economies play in the maintenance of planet’s ecology.

4. Over twenty international instruments affirm, promote or suggest the rights of Indigenous Peoples to full and direct participation without discrimination in the development of national and international policies that have the potential to impact upon us. However, while instruments such as the ILO Convention covers a wide range of Indigenous Peoples rights, such as labor issues, land rights, social and economic rights, cultural rights, political representation and self-governance, they fail to adequately protect our concerns with regard to the destruction of the Earth’s climate.

5. We reaffirm our ancestral rights to self-determination and our right to decide without any outside interference on issues directly or indirectly related to our lands and territories, that include terrestrial and marine ecosystems and that are among the most diverse and particularly fragile on the planet.

6. There have been advances in the legal-philosophical debate for the recognition of our collective rights. Furthermore, we think that there have been regional and national advances on this matter, but unfortunately, grave and systematic human rights violations and violations of the fundamental liberties of the Indigenous Peoples persist.

7. Climate change is a reality and is affecting hundreds of millions of our peoples and our territories, resulting in famine, extreme poverty, disease, loss of basic resources in our traditional habitats and provoking involuntary displacements of our peoples as environmental refugees. The causes of climate change are the production and consumption patterns in industrialised countries and are therefore, the primary responsibility of these countries. The policies of developing countries and economies in transition that promote coal and uranium mining, logging, nuclear and large hydro electric power station and oil and gas extraction and transportation contribute to climate change and the destruction of our territories.

8. We are profoundly concerned that current discussions within the Framework Convention on Climate Change, as well as the practical implementation of the Kyoto Protocol do not recognise our right to adequate participation. These policies and mechanisms exclude us as participants, deny our contributions, and marginalize our Peoples. These policies and mechanisms will permit developed countries to avoid their responsibility to reduce emissions at source, promote the expansion of global capital, and deepen our marginalization.

9. We are also profoundly concerned that the measures to mitigate climate change currently being negotiated are based on a worldview of territory that reduces forests, lands, seas and sacred sites to only their carbon absorption capacity. This world view and its practices adversely affect the lives of Indigenous Peoples and
violate our fundamental rights and liberties, particularly, our right to recuperate, maintain, control and administer our territories which are consecrated and established in instruments of the United Nations.

10. We reject the inclusion of carbon sinks within the CDM and disagree with the definition of carbon sinks as stated in the Kyoto Protocol. We, as Indigenous Peoples, manage the “natural carbon sinks” in our territories according to our world view and their integral use is a right that our people have and exercise according to our local and specific needs. We do not accept that forests are valued only for their carbon sequestration capacity.

11. We are profoundly concerned that the current proposed definitions of afforestation, deforestation, and reforestation pose a threat to the traditional uses of Indigenous Peoples of their lands and territories. We demand that these definitions be in accord with the already accepted definitions in other international conventions, specifically the Convention on Biological Diversity.

12. Concepts, practices, and measures, such as plantations, carbon sinks and tradeable emissions, will result in projects which adversely impact upon our natural, sensitive and fragile eco-systems, contaminating our soils, forests and waters. In the past, even well intentioned development policies and projects have resulted in disastrous social and ecological consequences. In this case, the concepts, policies and measures being negotiated do not consider the best interests of Indigenous Peoples. Consequently, we cannot accept any concepts, projects or programmes that ravage our territories or deny, limit, or restrict our fundamental rights and freedom.

Recommendations

1. We propose that COP guarantees the fullest and most effective participation of Indigenous Peoples in all activities related to the FCCC through:
   a. notation of this Declaration,
   b. accreditation of Indigenous Peoples with special status in the decision-making processes in the Conference of the Parties, meetings of the Subsidiary Bodies, as well as at all activities carried out within the Convention;
   c. establishment of an ad-hoc, open-ended working group on Indigenous Peoples and climate change with the broad participation of Indigenous Peoples;
   d. creation of a Division on Indigenous Peoples within the Convention's Secretariat;
   e. inclusion of a permanent agenda item on Indigenous Peoples in the permanent agenda of the COP and its subsidiary bodies and all activities that they organise;
   f. meaningful consultation between the FCCC and the CBD, the proposed Permanent Forum on Indigenous Issues, and other bodies dealing with Indigenous issues;
   g. inclusion of Indigenous Peoples in the IPCC, Executive Board of the CDM, expert review teams and the compliance committee;

2. We propose that COP establish appropriate programs of capacity building, formation and diffusion of the Convention and the Kyoto Protocol and its activities with the participation of the representative Indigenous organisations.

3. We propose that COP support access for Indigenous Peoples as equal partners at every level of decision-making including needs assessments, case studies, and national and international policy-making activities concerning climate change impacts, causes and solutions.

4. We propose that to ensure the non intervention of oil, gas, nuclear and large hydro-electric power station, logging and mining companies, in their exploitation of natural resources in Indigenous territories, COP support Indigenous Peoples in our permanent struggle to defend the environment through such actions as:
   a. establishment of a moratorium on these activities in pristine areas and the promotion of locally appropriate, renewable, and efficient energy solutions;
   b. imposition of legally binding obligations to restore all areas already affected by such activities, with the participation of Indigenous Peoples; and
   c. creation of a fund for use by Indigenous Peoples to address the potential and actual impacts of development and climate change in the short and long term in a manner compatible with our traditional and customary cultures and lifestyles.
The Hague on the 15th of November, 2000

**Parshuram Tamang, Nepal**  
International Alliance of Indigenous  
Tribal -Peoples of the Tropical Forests

**Antonio Jaconamijoy, Colombia**  
Coordinating Body of Indigenous  
Organizations of the Amazon Basin (COICA)

**Ronald Aloema, Surinam**  
Coordinating Body of Indigenous  
Organizations of the Amazon Basin (COICA)

**Sam Ferrer, Philippines**  
Climate Action Network, Southeast Asia  
(CANSEA)

**Organization of Indigenous Peoples of Surinam (OIS)**

**Clark Peteru, Samoa**  
Indigenous Peoples Biodiversity Network

**Hendro Sangkoyo, Indonesia**  
Consortium for Community Forest Systems

**Jocelyn Therese, French Guyana**  
Coordinating Body of Indigenous  
Organizations of the Amazon Basin (COICA)  
Federation of Amerindian Organizations  
of French Guiana (FOAG)

**Alejandro Argumedo, Peru**  
Indigenous Knowledge Program

**Mario Ibarra, Geneva**  
International Indian Treaty Council  
Climate Change, CEALP

**Hector Huertas, Panama**  
MesoAmerican Indigenous Organizations on  
Climate Change (MOIC)

**Victor Kaisiepo, Papua (Indonesia)**  
West Papua Peoples Front

**Hubertus Samangun, Indonesia**  
ICTI - TANIMBAR

**Raymond de Chavez, Philippines**  
Tebtebba Foundation

**Ivar Vaca, Bolivia**  
CIDOB

**Edwin Vasquez, Peru**  
Inter-ethnic Development Association  
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Coordinating Body of Indigenous  
Organizations of the Amazon Basin (COICA)

**Johnson Cerda, Ecuador**  
Amazon Alliance

**Stella Tamang, Nepal**  
Bikalpa Gyan Kendra

**Kalinba Zephyrin, Rwanda**  
Community of Rwandan Indigenous Peoples  
(CAURWA)

**Penninah Zaninka, Uganda**  
Emanzi Food and Peace Development Centre

**Lucy Mulenkei, Kenya**  
Indigenous Information Network  
African Indigenous Women Organization

**Sergei Shapkhaev, Russia**  
Butyatk Regional Department of Lake Baikal

**Diana Christine Webster, New Zealand**  
Representative of Maori Congress

**Orlando Rodriguez, Colombia**  
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**Adalberto Vargas, Mexico**  
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**Domingo Peas, Ecuador**  
FINAE

**José Adolfo de León, Mexico**  
Unión de Credito Pajal Yacactic  
(ZONA TZELTAL)

**Atencio López Martínez, Panama**  
Centro de Desarrollo Kuna Yala  
Association Napguana
4. THE UNCTAD EXPERT MEETING ON SYSTEMS AND NATIONAL EXPERIENCES FOR THE PROTECTION OF TRADITIONAL KNOWLEDGE, INNOVATIONS AND PRACTICES

The UNCTAD Expert Meeting on Systems and National Experiences for the Protection of Traditional Knowledge, Innovations and Practices was held in Geneva from 30 October to 1 November 2000. UNCTAD worked closely with the World Intellectual Property Organization (WIPO) and the secretariat for the Convention on Biological Diversity in preparing the meeting.

UNCTAD’s work in this area is mandated by the Plan of Action adopted by UNCTAD X, held in Bangkok from 12 to 19 February 2000.

The Plan of Action specifies that this work should focus on “taking into account the objectives and provisions of the Convention on Biological Diversity and the TRIPS Agreement, studying ways to protect traditional knowledge, innovations and practices of local and indigenous communities and enhance cooperation on research and development on technologies associated with the sustainable use of biological resources.”

Member states were requested to nominate experts who participated in their personal capacities to put forward their views and policy options for governments for the protection of traditional knowledge, innovations and practices. Experts were selected from academia, public and private sectors, and non-governmental organizations, in particular those representing local and indigenous communities.

There were several elements of the views and concerns expressed by Indigenous representatives. The first focused on TK available for commercial exploitation. This included issues such as collective rights and the limited scope of existing intellectual property legislative regimes to take this into consideration, including the need to strengthen existing customary laws and value systems of indigenous peoples in the protection of TK.

The second thread was concerned with TK that is not exploitable. For example, patenting life forms, which attacks the values and livelihoods of indigenous peoples.

A third element raised the lack of participation of indigenous peoples in the process with the exception of agencies such as the secretariat for the Convention on Biological Diversity, Ramsar, the United Nations Forum on Climate Change (FCC) and the United Nations Development Program (UNDP).

As noted by one Indigenous expert:

“If States and UN agencies are committed to finding durable solutions in relation to recognition and protection of traditional knowledge systems and customary laws, then they need to talk with and not just about indigenous peoples”.

Finally, it was noted by indigenous representative that while it seemed the purpose of the meeting was the “protection of traditional knowledge”, it was not so much protecting TK from exploitation, as ensuring TK can be exploited equitably.

The Outcome Document summarized the suggestions and recommendations for the protection of traditional knowledge and can be found at http://www.unctad.org

The indigenous peoples’ organizations attending UNCTAD’s meeting were:

Asociación Napguana
Coordinating Body for Indigenous Organizations of the Amazonian Basin (COICA)
Ilkerin Loita Maasai
Indigenous Peoples Biodiversity Network
International Indian Treaty Council
5. NEWS

5.1. Human Rights meetings in Geneva for 2001

8–26 January
Committee on the Rights of the Child, 26th session: Egypt, Ethiopia, Lesotho

5–23 March
Committee on the Elimination of Racial Discrimination, 58th session: Algeria, Argentina, Bangladesh, Fiji, Georgia, Iceland, Lao P.D.R., Senegal, Sudan

19 March–27 April
Commission on Human Rights, 57th session

28–30 March
Board of Trustees of the UN Voluntary Fund for Indigenous People

2–5 April
Advisory Group of the UN Voluntary Fund for the International Decade of the World’s Indigenous People

23 April–11 May
Committee on Economic, Social and Cultural Rights, 25th session: Bolivia, Honduras, Venezuela

30 April–18 May
Committee Against Torture, 26th session: Bolivia, Brazil, Norway, Sweden, Venezuela

9–27 July
Human Rights Committee, 72nd session: Azerbaijan, Czech Republic

23–27 July
Working Group on Indigenous Populations: Main theme: Indigenous peoples and their right to land

23 July–10 August (to be confirmed)
Committee on the Elimination of Racial Discrimination, 59th session

30 July–17 August
Sub-Commission on the Promotion and Protection of Human Rights, 53rd session

13–31 August
Committee on Economic, Social and Cultural Rights, extraordinary session, 26th session: Japan, Nepal, Panama, Senegal, Ukraine

17 September–5 October
Committee on the Rights of the Child, 28th session: Bahrain, Chile, Malawi, Mozambique

28 September
Informal day of consultations of the Commission on Human Rights

1st October (to be confirmed)
Advisory Group of the United Nations Voluntary Fund for the International Decade of the World’s Indigenous People

15–26 October
Working Group on the Declaration on the Rights of indigenous peoples

15 October–2 November
Human Rights Committee

12–23 November
Committee against Torture, 27th session

12–30 November
Committee on Economic, Social and Cultural Rights, 27th session: Algeria, Colombia, France, Sweden, UK
5.2. First International Indigenous Summit of CONIC 2000

The Council of Indigenous Organizations and nations of the Continent (CONIC) organized the First International Indigenous Summit that was held in Teotihuacan, Mexico from October the 25th to the 28th 2000.

The Treaty of Teotihuacan, a traditional Treaty of Alliance between the Lakota Nakota Dakota Alliance of Turtle Island and the Mexica Calpultin of Aztlanahuac was sealed before the Summit.

During the Summit of CONIC the issues “National and International Legislation”, “Autonomy-Lands and Territories-Sovereignty”, “Unification and structure of the indigenous Movement of the Continent”, “Identity; Spirituality and Indigenous Resistance” and “Regional Conflicts were discussed” by five Working Groups.

The Declaration of Teotihuacan is the result of the Summit of CONIC, signed by Indigenous Delegations representing 36 Indigenous Organizations from throughout the Continent.

This Continental Indigenous Summit Teotihuacan 2000 made a call to all their Relations “to strengthen our continental organizational processes of communication, so that we may together construct a better future for the generations to come”.

The next Summit will be held in Ecuador in the year 2001 and the Confederation of Indigenous Nationalities of Ecuador (CONAIE) will host it.

For further information about the Working Groups’ issues, the Treaty, the Declaration of Teotihuacan and the next Summit contact:

www.tonatierra.com
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5.3. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

Durban, South Africa
31 August–7 September

Preparatory Meetings

22–24 January
Dakar, Senegal: African regional meeting

19–21 February
Tehran, Islamic Republic of Iran: Asian regional meeting

6–9 March
Geneva, Switzerland: Inter-sessional open-ended Working Group

21 May–1 June
Geneva, Switzerland: Second Session of the Preparatory Committee

5.4. “Racism”: the new Program of the World Organization Against Torture

The World Organization Against Torture (WOAT) started last year a Program “Racism” with the aim of participating actively in the preparatory process of the UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (South Africa 31 August-7 September).

In its report at the UN World Conference in South Africa, the WOAT will deal with the following subjects:
• Restrictive and discriminatory policies and the treatment of immigrants, asylum seekers and refugees in Europe and the USA.
• Racial discrimination and violence against indigenous peoples in South America.
• Ethnic conflicts in Africa.

The International Secretariat of the WOAT will be grateful about any information on these issues, in order to compile an important documentation for its report.

For further information please contact:

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5.5. Manila Declaration of the International Conference on Conflict Resolution, Peace Building, Sustainable Development and Indigenous Peoples

Organized and convened by Tebtebba Foundation, Manila, Philippines, December 6-8, 2000

90 indigenous persons from Greenland, Siberia, Eastern Europe, the Americas, Southern, Central and Western Africa, Middle East, South and Southeast Asia, Australia, Aotearoa and the Pacific, met to discuss about the need to assert their identities and rights as indigenous peoples, their current situation in their lands, the common roots of the conflicts they are waging, and their participation in the construction of justice and a lasting peace as a basis of the future.

The main points the Conference agreed on were:

• The organization of an “Independent International Commission of Indigenous Peoples for Mediation and Conflict Resolution”, a body that will promote and defend the rights of Indigenous Peoples.
• The creation of an “Indigenous Global network for Research” to support and strengthen the capacities of indigenous peoples to undertake research and to disseminate information.
• The creation and/or strengthen of global, regional and local networks that will collaborate in education, campaign and policy advocacy
• The Indigenous peoples networks’ convenience of building partnerships with media, academe, civil society organizations, NGOs, etc. to promote the public understanding of the indigenous peoples’ issues.

For further information contact: tebtebba@skynet.net or www.tebtebba.org

5.6. The Indigenous Peoples' Millennium Conference

NAPGUANA and The Netherlands Centre for Indigenous Peoples (NCIV) have the honour to announce The Indigenous Peoples' Millennium Conference, which is scheduled to take place in Panama City, Panama, from 6-13 May 2001. The Indigenous Peoples' Millennium Conference is to be a global conference for Indigenous Peoples.

Objectives:

– To provide Indigenous Peoples with an opportunity to have their own Mid Term Review of the present United Nations Decade of the World's Indigenous Peoples (1995-2004) and, more importantly, to set their own goals for the achievements to be accomplished within the remaining Decade and beyond.
– To prepare and influence the upcoming UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which will take place in South Africa from 31 August until 7 September 2001.
– To provide an opportunity for Indigenous Peoples worldwide, to exchange experiences, as well as to draft common strategies, resolutions and recommendations in order to actively contribute towards the success of the UN Decade.
Main themes:
- Overview of Developments of the Indigenous Peoples' International Decade
- Preparation for the World Conference Against Racism
- Indigenous Peoples and Economic Colonization
- The Permanent Forum for Indigenous Peoples

Workshops:
- ILO 169
- Conflict Resolution
- United Nation's Draft Declaration on the Rights of Indigenous Peoples
- Human Rights Instruments and Complaints Procedures
- OAS Declaration
- Specialized Agencies of the UN
- Protecting Indigenous Knowledge & Intellectual Property Rights
- Economic Organizations and their impact on Indigenous Peoples

Further:
- Craft Sales
- Video
- Cultural Evening Events

Conference languages:
English, Spanish, French and Russian

Steering Committee:
An International Indigenous Peoples' Steering Committee consisting of the following persons is in control of all aspects of the Conference:
- Mr. Marcial Arias - Napguana/International Alliance of Indigenous & Tribal Peoples of the Tropical Forests (Panama)
- Ms. Andrea Carmen - International Indian Treaty Council (based in the USA, but also covering the Latin American and Pacific Regions)
- Mr. John Henriksen - The Saami Council (Norway/Finland/Sweden/Russia)
- Mr. Aucan Huilcaman - Todas las Tierras (Chile)
- Mr. Hassan Id Balkassm - Tamaynut (Morocco)
- Mr. Willie Littlechild - International Organization of Research and Development (Canada)
- Ms. Victoria Tauli-Corpuz - Tebtebba Foundation, Inc., Indigenous Peoples' International Centre for Policy Research and Education (Philippines)
- Ms. Mililani Trask - Na Koa Ikaika O Ka Lahui Hawai'i (Hawaii)

Hosting Organization:
NAPGUANA, the Associations of Kunas United for Mother Earth offered and has been mandated by the Steering Committee to host this conference in Panama City, Panama.

Conference Secretariat:
NCIV is a Dutch-based non-governmental organization (NGO) that has supported Indigenous Peoples all over the world since its establishment in 1969. NCIV has been mandated by the Steering Committee to be the Secretariat for this conference.

For further information, please contact us putting “Millennium Conference” on the subject line: nciv@antenna.nl

5.7. Indigenous Peoples at the Commission on Human Rights

Item 15 on Indigenous issues will probably be on the agenda on 9-10 April 2001.

5.8. UN Voluntary Fund for Indigenous Peoples

The deadline for applying to the UN Voluntary Fund (travel and stay during the UN Working Groups in 2002) is 1 November 2001.

The application form is enclosed with this Update and can be found on:

* * *
ACKNOWLEDGMENTS

Contributors to this issue
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Special thanks to
Neva Collins, FAIRA

Translation
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The reproduction and dissemination of information contains in Update is welcome provided sources are cited.

This issue is available in English, Spanish and French.

PLEASE NOTE
Update is and will remain free for all indigenous organizations.
Rates for non-indigenous organizations or individuals help us defray part of our costs, and cover three to four issues per year:
− individuals: SF 25.-
− small NGOs: SF 30.-
− large NGOs and institutions: SF 40.-

We recommended that you pay these amounts by Post-Cash or International Money Order from your local post office.
Our giro account is: CCP 12-11429-8
Bank transfers charge high commissions; nevertheless payment may be made to:

Banque Cantonale de Genève
Account No. E 775.87.12

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