TABLE OF CONTENTS

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

2. Working Group on Indigenous Populations
   23rd session, Geneva, 18 – 22 July 2005.................................................................................... 3
   Item 4: Review of Developments ................................................................................................. 3
   Item 4a: General Debate .............................................................................................................. 3
   Item 4b: Principal theme: IPs and the international and domestic protection
   of traditional knowledge.............................................................................................................. 5
   Item 4c: IPs and conflict prevention and resolution ................................................................. 10
   Item 5: Standard-setting ............................................................................................................. 12
   Item 5a: Legal commentary on the concept of free, prior and informed consent .................. 12
   Item 5b: Review of the draft principles & guidelines on the protection of the heritage of IPs.. 13
   Item 5c: Future priorities for standard-setting activities......................................................... 15
   Item 6: International Decade of the World’s Indigenous People............................................. 16
   Item 7: Other matters.................................................................................................................. 18
   Item 7a: Cooperation with other UN bodies.............................................................................. 18
   Item 7b: State of the Voluntary Fund ......................................................................................... 20
   Item 7c: The human rights situation of IPs in States and territories threatened with
   extinction for environmental reasons ....................................................................................... 20
   Abbreviations ............................................................................................................................. 22

3. Sub-Commission on the Promotion and Protection of Human Rights
   Resolution 2005/19.................................................................................................................... 24
   Resolution 2005/20.................................................................................................................... 24
   Resolution 2005/23.................................................................................................................... 25

4. Upcoming meetings and deadlines for IPs from May 2006............................................... 28

5. Others ....................................................................................................................................... 33
1. EDITORIAL

As the three-week Working Group on the Draft Declaration made a large dent in the modest resources available to indigenous delegations, the 23rd session of the Working Group on Indigenous Populations (WGIP) gathered relatively few participants. But this session was all the richer for the large number of new delegates.

Issues of extreme importance were addressed, such as draft guidelines on the protection of indigenous peoples’ heritage, submitted by the expert Mr. Yokota and the Saami Council; these guidelines will hopefully lead to the elaboration of a legally binding international instrument. Generally speaking, it is in fact necessary that once elaborated, standards be followed by guidelines to orient application. Such guidelines have then to be submitted to other bodies dealing with the same issue – in this case the Convention on Biodiversity, UNESCO and WIPO – in order to assert its human rights dimension.

The working paper on free prior and informed consent, jointly elaborated by the expert Mrs. Motoc and the indigenous organization Tebtebba Foundation from Philippines, also showed the need for guidelines for the application of a concept that is stated in International Treaties.

The debate on future priorities for standard-setting activities highlighted the need to develop some of the provisions contained in the Draft Declaration, such as the ones that relate to the effects on indigenous peoples of International Financial Institutions’ policies and practices: nature and scope of their obligations under domestic and international human rights standards, remedies and conflict resolution mechanisms, as well as working standards.

The issue of cooperation between the WGIP, Permanent Forum (PF) and Special Rapporteur (SR) was the opportunity of a high-level dialogue, which highlighted that these bodies have a shared mission but different functions. So it is natural that they address the same issues. Thus on free prior and informed consent, the WGIP is to draft guidelines for application together with indigenous peoples, and to ensure implementation by other UN bodies; the PF must promote the use of this principle and of ensuing guidelines by UN bodies; whereas the SR is gathering new data on implementation of the principle. The expert Mrs. Hampson underlined that the PF might be considered as an executive body, the SR as a quasi-judicial body and the WGIP as a quasi-legislative body. Under the rule of law, no one would object to the fact that such three bodies all dealt with a particular issue.

This 23rd session confirmed the interest for studies drafted jointly by members of the WGIP and indigenous organizations. It also emphasized the human-rights nature of the various aspects of indigenous issues, therefore agreeing in its conclusions with the 2005 World Summit Outcome, which closely ties human rights and development.

* * *

Published on June 20, 2006
2. WORKING GROUP ON INDIGENOUS POPULATIONS

23rd session, Geneva, 18 – 22 July 2005

The theme of 23rd session was “IPs and the international and domestic protection of traditional knowledge”. As follow-up to the 2004 session, the 2005 agenda also included a debate on “IPs and conflict prevention and resolution”. Under the agenda item for standard setting were discussed several expanded working papers prepared by WGIP’s members with the collaboration of indigenous organizations, thus carrying on with a methodology established in previous sessions. The theme for the 24th session is: “Utilization of IPs’ lands by non-indigenous authorities, groups or individuals for military purposes”.

Item 4 – Review of developments pertaining to the promotion and protection of the rights of IPs

Item 4a – General Debate

Central and South America

CNV report that the demarcation and registry of IPs’ lands mandated by Venezuela has not been carried out, so although Cumanagoto have titles for their ancestral lands, they have to pay rent for their own lands to the settlers who appropriated them. Venezuela’s claim on the territory of Esequibo, would permit indigenous peoples (IPs) to live nomadically and retain their customs, while integrating themselves into modern life.

MIL charge that the Chilean government criminalizes protest activities and social demands (also PBSF), as in the case where two Mapuche chiefs and 14 others are charged with “illicit terrorist association”. They ask the WGIP to pressure the Chilean Government to implement the recommendations of the Special Rapporteur (SR) and ratify ILO Convention 169.

CAPAJ emphasize that Ms. Daes’ study on permanent sovereignty sets parameters for full application of Article 1 of both Human Rights Covenants. States in partnership with trans national corporations (TNCs) employ legislation that deprives Andean IPs of lands and resources; as for example, logging in Ecuadorian Huarorani territory and water diversion in the Andean highlands of Peru, Chile and Bolivia.

IITC state that IPs continue to be deprived of their human rights and fundamental freedoms, as well as their collective rights, and are at the brink of destruction (also IMTK). Though States make treaties with IPs such as the Maya, mining rights in IPs’ territories have been granted to TNCs without their free, prior and informed consent (also JOHAR/ICITP/WAC). IPs held consultations in accordance with ILO Convention 169 rejecting the exploitative mining projects, but Guatemala’s government declined to recognize and respect these legally binding decisions (also TF for Philippine). IITC insist that the Mining Act be reformed, with the full and effective participation of Maya, Garifuna and Xinka peoples.

IMTK are concerned with the worldwide water crisis, worsened by the International Monetary Fund (IMF) and neo-liberal governments consigning water to the free market. Sixty years of UN domination by egotistical Western powers has given up the search for real answers to humanity’s problems, while some indigenous delegates are being excluded due to lack of visas, a problem the Office of the High Commissioner for Human Rights (OHCHR) should act on.

North America

ICN recognize the SR’s contribution to establishing dialogue between Canada and IPs when he advised Canada to address the serious violence faced by indigenous women and girls, especially in urban areas. Canada must still do much more to eliminate the widespread poverty experienced daily by many indigenous women, and begin a dialogue with national IPs’ organizations to eliminate, in accordance with the UN Human Rights Committee’s recommendations, the deeply discriminatory statutes in the Indian Act. ICN applaud Canada’s human rights leadership at the UN and encourage the State to consult IPs with regard to the ratification of ILO Convention 169. Despite official denials, unacceptable demands that IPs stop exercising their fundamental rights still exist in the treaties.

TOTSNTC denounce the open pit uranium mines in South Dakota and Wyoming that pollute two IPs’ reservations, affecting cattle and crops that are shipped all over the world. Since the federal government is doing next to nothing about this, while tribal governments are prevented from acting because the pollution originates off reservation, TOTSNTC beg the WGIP to pay attention to this matter.

---

1 This report is based on written statements orally presented during the session, as well as on the UN Report (document E/CN.4/Sub.2/2005/26).
IPNC assert that domestic law cannot be used as an excuse for breaking international law. In Alaska, the USA is attempting the same kind of exploitative unilateral legislation it used against Hawai’i. IPNC regret that in the UN reform process, IPs’ input on self-determination is denied, and ask the WGIP to investigate the situation of political prisoners and IPs exiled due to USA injustices.

LPDC deplore that Leonard Peltier is still unjustly held in solitary confinement, after 17 years as a model prisoner (also IPNC) and invite the UN High Commissioner for Human Rights, WGIP and others to express urgent concern to USA government about his treatment. „Administration of Justice“ should be a permanent WGIP agenda item and the principal theme of an upcoming session.

Canada thanks the SR for his visit and report, which reinforces the value of governments working together with IPs. A judge has been appointed to help resolve the legacy of residential schools; this will enable former students to pursue physical and sexual abuse claims, and will support ongoing healing. Canada encourages IPs, States, NGOs and the private sector to ensure IPs’ participation in the World Summit on the Information Society (WSIS) in Tunisia.

Asia and Pacific

LHRC state that between 1975 and 2004 more than 300,000 Hmong and Laotian people in Laos were killed by the Vietnamese and Laotian governments, and many Hmong who surrendered were killed or imprisoned, leading many thousands more to flee to Thailand. Because the Thai government refused food and medical care to more than 6,500 Hmong political refugees, and intends to forcibly repatriate them (also WHPC), LHRC request the UN to grant them refugee status so they can settle in third countries.

MMF report that in the Moluccas, efforts toward self-determination have led to thousands of deaths, injuries, imprisonment and torture, and suggest that a UN office be established there and a visit conducted by the SR.

GSIPF report that (also JOHAR/ICITP/WAC) lands are being invaded by so-called national parks and (also IPACC) parks are developed by trans national banks and other agencies, while the government encroaches on Khasi lands, degrading them through deforestation, commercial plantations, and mining. GSIPF ask the UN to look at human rights violations in the Khasi hills.

TF report on IPs’ challenge to the Philippine Mining Act in the face of government unwillingness to uphold IPs’ rights. IPs are challenging the Philippine government, which also wants to benefit mining companies by falsifying consent and dealing with illegitimate so-called leaders. Despite interference by the World Bank (WB) IPs won their case in 2004, but it was quickly overturned due to pressure from the Philippine Congress (also PIPLinks).

PIPLinks submit extensive research to the WGIP showing violation of sacred sites, threats to livelihood and culture, and destruction caused by mining, and call for effective mechanisms to ensure protection from the State, which is prepared to breach its own as well as international laws to profit from exploitation by TNCs. The OHCHR and WGIP should step up human rights standard setting for state and the private sector.

DeMmAk report that Papuan people are struggling for their very survival, due to 45 years of Indonesian efforts to eradicate them from Papua in order to expropriate their resources, which amounts to genocide. Papuan languages and culture are not taught, racism and job discrimination are rampant, but IPs have their traditional knowledge.

JOHAR/ICITP/WAC welcome the legislation in Assam that includes two tribal languages, Santali and Bodo, as media of primary, secondary and higher education, and other legislation that ensures tribal communities’ control over education and other resources. There is an educational divide between the affluent urban, and poor rural populations which will lead to rural people being left behind. A political solution to the violent conflicts between IPs and the government is needed.

WAC/JOHAR conclude that despite increased world awareness promoted by the WGIP, the Permanent Forum on Indigenous Issues (PF) and others, IPs’ conditions are worsening (also ICSA), especially in Asia and Africa. To prevent misuse, aid should be carefully monitored, and the process investigated at the international level. Family planning must take priority, otherwise IPs will be replaced by the dominant society. Lack of adequate compensation for IPs’ lands and resources should be declared a crime against humanity.

SRGWS describe conditions in Bangladesh where IPs starve, lack jobs, education, and land. The Chittagong Hill Tracts (CHT), coastal areas and remote rural areas are under attack by Muslim fundamentalists, and IPs are treated as second class citizens by the Islamic government. The peace treaty is ignored, while IPs are being tortured, raped and robbed; the situation will worsen if the world doesn’t help.

FAIRA state that the UN human rights system has not taken action on Australia’s race discrimination as determined by the Committee on the Elimination of Racial Discrimination (CERD) in 1999 and 2000. The government refuses to dialogue with IPs on land rights, ignoring CERD and effectively engaging in torture against traditional landowners. The Aboriginal and Torres Strait Islander Commission (ATSIC) was abolished because it challenged racist laws, the UN is too politicised to act on human rights issues, and no State seems to stand up for IPs. FAIRA regret the lack of resolution after 20 years of the WGIP.
Africa

IPACC welcome the SR’s visit to South Africa and report progress: the new king of Morocco has recognized the Amazigh identity and taken action with regard to education and language. IPACC regrets that although Algeria’s constitution recognizes cultural identity and the Amazigh language, the assimilation policy in force over the past 40 years has prevented real progress for the rights of IPs, treating them as nothing but resources to be exploited, and allowing TNCs to further destroy the land and disrespect its true owners (also ICSA, COPipe). They recommend states initiate, especially in Africa, reforms to guarantee IPs’ full participation in planning, executing and sharing benefits (also CEDEKY, NWAC for Canada).

TUNFA/TinHinan refer to the political isolation of Tuareg throughout decolonisation and nation building which leaves their traditional medicine, arts, and crafts unprotected or served up as folklore. They ask the UN for help with concrete projects that will protect Tuareg and Amazigh contribution to the richness and diversity of human civilisations.

SENICK report that the 70’000-member Sengwer community of Kenya is at the verge of extinction, and ask the OHCHR help to prevent further suffering in a situation where lack of administrative governance in local and national affairs has left IPs out of the process of writing a new constitution. They ask for the SR to visit IPs’ areas to help them have a voice in the governing process, in order to achieve their goal of a unified Sengwer district, as well as reparation for lands already taken.

FPCN/DKBC inform that Bushmen have been fragmented, discriminated against and robbed of their traditional knowledge, and ask that State conservation departments and others stop evicting tribal peoples, and restore those already evicted, otherwise Bushman culture will disappear.

In response to accusations by NGOs, ALGERIA says that it prioritizes implementation of the Amazigh Council, Tamazigh language instruction in the Algerian educational system (also IPACC), Tamazigh newspapers and television, and the national Tamazigh 24-hour radio syndicate, stating that Amazigh roots are enshrined in the Constitution as an integral part of Algerian identity.

Central and Eastern Europe and Russia

AOM report that at their third Congress, the World Reindeer Herders presented their vision for the future: the Declaration of Yakutia. AOM ask the WGIP to include the rights of the 18 reindeer-breeding IPs in its next agenda.

SC report on Saami villages that have been denied adequate reindeer grazing rights in an unjust legal system weighted against the Saami.

BTCML inform that although not physically distinguishable from the non-indigenous population of Europe, Breton people have their own religious traditions and identity associated with the megalithic area of Carnac, access to which is being denied them through expropriation and barriers. BTCML ask the WGIP’s support to remove the barriers surrounding their heritage, and to block further construction projects.

CESCP lament that among the 600-member Crymchak community living in the Ukraine and in the Autonomous Crimean Republic, only 5% know and use their native Crymchak language. Subject to genocide by the Nazis during World War II, and denied existence by the Soviets, they now can claim Crymchak ethnicity but have no schools or teaching materials.

Middle East

NCF state that the Negev Bedouin lived as subsistence farmer-herders for centuries until the State of Israel was established in 1948, when they were dispossessed. Today almost half of Israel’s 150,000 Bedouin live in government townships, the rest in 45 non-recognized villages without basic services such as water, education, electricity and social services.

AANF deplore the systematic discrimination and persecutions, including forced Islamization, western spiritual colonization, and exile, of Aramean people of Aram-Nahrin.

Item 4b – Principal theme: IPs and the international and domestic protection of traditional knowledge

Françoise Hampson presents an analogy between traditional knowledge rights and land rights. Human rights law allows a State to take land under certain circumstances if it provides compensation; this however does not apply to IPs’ land, in particular because IPs’ rights are supra-constitutional. Similarly, IPs’ rights to their traditional knowledge cannot be exploited by the State. IPs determine both whether and how their property is to be shared.

This contrasts with the Convention on Biological Diversity (CBD) Secretariat’s statement, which says the benefits of traditional knowledge should be shared equitably with IPs, implying that sharing is non-negotiable, but it does not specify what is “equitable”. Worse, CBD Article 8j provides for using traditional knowledge “with the approval and involvement” of the knowledge holders, and the paragraph itself is subject to national
law. This is theft. The CBD is not consistent with Article 29 of the Draft Declaration (DD) (also IPNC). It must be established that IPs’ knowledge belongs to IPs: they have the right of veto (also CNV, KMTK/IWA/NKIKLH/KF). Without their consent, there can be no exploitation of their traditional knowledge (also RAIPON, FRSCIP, EUROPEAN COMMUNITY). When this consent is respected, IPs are more than generous with it. Consent must be not only free and prior, but also informed (also IPNC, CNV). Indigenous groups may wish to consider the World Trade Organization (WTO) situation, where an NGO makes first rate lawyers available to those states who wouldn’t otherwise be able to hire them, in order to level the playing field. Something similar should be created for IPs’ intellectual property rights.

The Indigenous Caucus highlights some of the urgent threats to traditional knowledge: Threats to life and physical survival of IPs and traditional knowledge holders (AW, COPIPE citing the Guarani-Kaiowa and Truka); displacement and eviction from traditional homelands that threaten to extinguish indigenous knowledge systems (OCIP/ORIP, UNIPROBA, CTGCHY, CAASM/CMA, IMTK, WAC); massive immigration by outsiders into indigenous territories, eroding community and cultural integrity and marginalizing indigenous languages (AW); rapid extension of expropriation powers by governments, including land that IPs have not exploited because it would profane the land; commercialisation and mass exploitation of traditional cultural practices and objects (also CNV, CAM, MEXICO); erosion of indigenous cultures due to environmental destruction (also NWAC); illegitimate leaders who continue to exploit indigenous communities by writing books and selling copies of indigenous creations; eco-tourism (also CAM); the digital divide and lack of communication amongst indigenous communities; and formal education systems that devalue indigenous cultures and knowledge.

The Caucus on the Rights of Indigenous Children states that children’s involvement is essential for safeguarding traditional knowledge, and it is important to prevent inaccurate information from corrupting the traditional knowledge passed down to children (also ICN). IPs themselves should be the teachers and resources, since they are the experts. The Convention on the Rights of the Child (CRC) specifically encourages attention to children’s linguistic and educational needs in terms of their own culture (also MLC/ICITP/JOHAR, ICN).

SACS state that knowledge systems are stored within the practice of traditions that require self-confidence and self-reliance, and mechanisms must be established to ensure the continuation of the complex social systems that the information is embedded in.

The European Community is engaged in developing the Work Programme on Article 8j on traditional knowledge, and the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization, both of which hold that States are expected to seek IPs’ free, prior and informed consent when accessing traditional knowledge associated with genetic resources. A WIPO voluntary fund should be established (also APDMAAC, BOLIVIA, VENEZUELA).

Central and South America

CTGCHY underline the effects on IPs of being displaced from their lands in Argentina. Their traditional knowledge is threatened and Argentina must recognize and guarantee IPs’ rights, with their full participation. CNTA report on their work since 1998 to protect and conserve the traditional knowledge of the Quechua and Ashaninka peoples in Peru. IPs must carefully weigh the consequences of accepting or refusing the domestic or international protection regimes.

CNV inform that the Cumanagoto are willing to share their knowledge if they receive the written, firm and registered guarantee of a fair share of benefits, and will collaborate if they are guaranteed protection of their environment (also VENEZUELA).

CEDEKY recall that although several Latin American states now have related laws, the patent system protecting intellectual property do not benefit local economies, much less protect IPs’ traditional knowledge (CAM). They suggest that an indigenous initiative, Panama’s Law on the Intellectual Property Special Regime on the Collective Rights of IPs for the Protection and Defence of their Cultural Identity and Traditional Knowledge (2000), could serve as a model for other IPs to elaborate international protection standards.

AW assert to recover and strengthen indigenous languages; States and IPs’ organizations must use constructive agreements and the WGIP should recommend that UNESCO’s actions on indigenous languages be strengthened during the Second Decade. In Colombia, while traditional knowledge is promoted through international instruments such as ILO Convention 169 and domestic standards on IPs, the Free Trade Agreement between Colombia and USA greatly threatens traditional knowledge. In addition, the armed conflict threatens the existence and traditional knowledge of over 40 different IPs. Colombia should implement the Indigenous Territorial Entities, included in its 1991 Constitution, which make processes of autonomy possible for IPs.

CAM define cultural heritage as a collective heritage passed down from one generation to the next; no individual person owns it (also CTGCHY). The Maya culture constitutes an example of this, and Guatemala must now recognize that the heritage they are exploiting belongs to the Maya peoples, and should implement ILO Convention 169, as well as sharing the benefit earned from tourism, promoting Maya education and intellectual property. The Maya peoples will use existing treaties and agreements to support their claims.
The fight of FAPCI to maintain cultural individuality is not opposed to the integration of peoples, but seeks to assure that integration of peoples does not mean that the most vulnerable lose their cultural identity in the name of globalization. The WGIP greatly contribute to awareness that the fight for the unity of peoples is not yet lost. COPPIPE inform that even after more than 500 years of having their rights denied, IPs’ knowledge and culture are still alive and dynamic, but several State development projects threaten the Truká, Tumbalalá and Tuxá, and Brazil health programs for IPs ignore their traditional health practices. COPPIPE ask the WGIP to recommend that Brazil 1) comply with its own Constitution regarding protection of IPs; 2) develop projects respecting each people’s social organization; 3) guarantee protection of IPs’ communities; 4) adopt and implement projects aimed at IPs’ self-sufficiency and autonomy; 5) implement specific, differentiated and intercultural school education; and 6) remove all settlers in indigenous lands, and protect indigenous borders.

SER commend the WGIP’s theme of traditional knowledge, which is of particular interest for IPs in Mexico. Every indigenous culture has constructed logics, concepts, ideas and knowledge that integrate all aspects of daily life. For the Mixe peoples, constructs based on thinking result from collective action, and individual creativity only has real significance when integrated by the community and passed on from one generation to the next. IMITK state that IPs’ traditional knowledge and cultural expression are at risk of extinction if the international community does not take action for their protection (also PCJSS), and refer to the existing but insufficient international standards on indigenous knowledge.

ARGENTINA is beginning to design, with IPs, a national regime for the protection of traditional knowledge. In response to the OHCHR Diagnostic, MEXICO implemented a National Human Rights Program, supported by the European Union, to address violations of IPs’ rights in Oaxaca. VENEZUELA states that according to its Constitution, IPs are part of the Venezuelan nation, State and peoples, and they therefore have the duty to safeguard its national integrity and sovereignty. The WGIP must encourage WIPO approval of legally binding instruments on IPs’ collective intellectual property (also BOLIVIA).

North America

A First Nations Independent Speaker states that First Nations attempts to reassert their cultural knowledge are outweighed by the large number of indigenous children in the child welfare system. IPs know how sacred the mother-child relationship is, but because of drug and alcohol addictions, family violence, low education, high unemployment, and a host of other diseases, child removals are as prevalent now as in Residential School removal times. To repatriate these children and to keep them home it will be necessary to understand the ancestral medicine ways of healing spirits and peoples.

IPNC state that IPs need to be informed about genetically modified life forms and chemical pollution from mining, which distort IPs’ traditional knowledge and use of plants, animals, sea life, minerals, and the air (also JOHAR/ICITP/WAC).

IWA/IMN insist that cultural norms must be respected when placing traditional knowledge on public and private databases, otherwise this contributes to it being considered public domain (also CEDEKY).

NWAC present examples of environmental degradation on IPs’ lands and make recommendations to improve indigenous women’s health, especially reproductive health, (also KCLCDA). Indigenous women should have greater access to learning traditional health and healing practices from elders who still hold knowledge of reproductive medicine, and Canada must support this.

ICN exhort Canada and the other States to undertake measures in accordance with Article 28 of ILO Convention 169 to cooperate with IPs to safeguard indigenous languages and promote their development and use. The Innu are delighted to begin the dialogue process with Canada towards specific legislation to assure IPs’ free, prior and informed consent concerning language use (also JOHAR/ICITP for India).

BRDN report that the human rights violations case brought against Canada, Saskatchewan and TNCs in the Buffalo River Dene Nation’s territory will be heard by the International Court of Justice in the Hague in 2007, and they are waging international publicity campaign. Traditional knowledge is sacred and not for sale, otherwise it will be lost to future generations (also Caucus on the Rights of Indigenous Children).

ASC/EF report that a huge telescope project funded partially by Italy and the Vatican is desecrating the Apache sacred mountain, Mount Graham, and ask the WGIP to help protect their religious rights and identity.

IITC suggest using the terms “collective property” and “original right”, regarding protection of IPs’ knowledge, and recommend recognition and protection, in accordance with their traditional systems: of IPs’ right to the collective property constituted by their ancestral knowledge, innovations and practices; of IPs’ traditional institutions; of IPs’ right to possess, control and develop their traditional knowledge. States must be responsible for informing and requesting consent from indigenous communities before giving authorizations to researchers.

KCLCDA deplore the lack of documentation of women’s traditional knowledge, lack of awareness of women’s issues among indigenous men and non-indigenous communities, lack of respect for women’s rights to gender equality and control of their knowledge and genetic resources, and assert capacity building to promote their knowledge (also APDMAAC).
CANADA commend the WGIP for reviewing the progress of WIPO, UNCTAD, UNESCO, and the CBD, but its standard-setting activities should not preclude outcomes reached elsewhere, as IPs in Canada are finding their own ways to protect traditional knowledge. The WGIP should develop voluntary guidelines for the protection of traditional knowledge, and make its work compatible with existing and evolving international law; and complement and support WIPO, the CBD and the PF.

Asia and the Pacific

PCJSS warn that total extermination of IPs in Bangaldesh is imminent due to lack of constitutional protections, and unless the government recognizes IPs’ existence and frames appropriate laws, IPs traditional knowledge will not be protected.

WAC regret that despite efforts by the UN and other international agencies to protect IPs’ human rights, the results have been limited, and they present information on the Santal, the largest Adivasi community in India.

AIPR inform on the history of the Ryukyu people, and the fact that 75% of USA military bases in Japan are in Okinawa, which is causing cultural destruction, social breakdown, economic disintegration, drain on resources, and environmental destruction. AIPR denounce the assimilation policies and human rights violations by the Japanese government.

TF inform on the capacity-building workshops for IPs on CBD implementation held in Asia, East Africa and the Philippines, and assert that the International Regime on Access and Benefit-Sharing, which WIPO says will protect IPs, will only be meaningful for IPs with free, prior and informed consent (also EUROPEAN COMMUNITY, BOLIVIA). The WTO, through Article 27.3(b) of the TRIPS agreement, allows the patenting of life forms; it should be amended and the WTO should extend the implementation period accordingly (also IMTK). TF fully support the recommendations of IWA and IMN in document E/CN.4/Sub.2/AC.4/2005.

CNDPA inform that 150 years of colonisation have dispossessed the Kanak of their lands and precious traditional knowledge of art, science and spirituality. Today the Kanak face a culture of assimilation and integration, based on a western model, and a State-dominated economy based on profit. France, the land of human rights, should support Kanak claims to self-determination.

CPC deplore the difficulty of preserving Kanak traditional knowledge while TNCs under the auspices of the French state destroy their lands and their lagoon in the name of business. CPC propose reorganising traditional hierarchical structures in order to achieve consensus on cultural unity, which necessitates resolving conflicts in the fratries, clans, tribes, religions and districts.

BAA inform that the Alifuru people of the Moluccas order their society through their customary law system, which also embodies a certain attitude towards life. It has helped the Alifuru survive centuries of colonialism, war and exploitation, and embodies their identity as a people and nation, as well as their obligations to future generations.

GSIPF state that a large part of the world depends on indigenous knowledge for their medical needs, while at least half depends on it for their food supply. Their knowledge is being exploited and commercialised, and in some cases patented, without their consent, by external economic interests (also NWAC, IMTK, TF, CORE/JPNI). IPs receive no benefit from this exploitation of their food, medicine and sacred tradition (also CHEMUDEP, BRDN, CNV, CEDEKY, IITC, WAC). GSIPF recommend that States who have ratified the CBD fulfil their obligations to protect traditional knowledge; that States recognize IPs’ rights to traditional knowledge, undertake a program of documentation to prevent patenting, and uphold protection and promotion of traditional knowledge (also OCIP/ORIP, CHEMUDEP, ACProd, APDMAAC, CEDEKY, COPipe, FRSCIP, WAC, CNTA, EUROPEAN COMMUNITY).

FAIRA report on the joint statement issued by IPs’ representatives to the WIPO Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore (IGC) meeting. WIPO is not the appropriate organisation to establish standards for IPs and their traditional knowledge and intellectual property rights; this must be done in the DD.

WHPC ask the UN to ensure that the Lao government live up to its promises regarding IPs, who would not be leaving the country if there were opportunities for them in Laos.

CORE/JPNI assert that the TRIPS agreement and the WTO are causing health and agriculture to suffer, and should ultimately be dropped (also IWA/IMN); the WGIP must address the fact that compliance with human rights treaties is less enforceable than trade and patent law.

KIP report that effects of British colonialism on traditional knowledge of the Kuki, an underrepresented people, are exacerbated by militant groups in Manipur.

CSSC deplore that in 30-40 years of forced exile, the Chagossian people of Mauritius and the Seychelles have lost significant traditional knowledge; and certain musical instruments, folk narrative and meteorological knowledge are no longer being used and will be lost to future generations, but efforts to revive this are being made by Chagossians.
Africa

WACIPR warn that the cultural heritage of indigenous minorities in Nigeria is heading for extinction. Traditional herbal pharmaceuticals are passed on orally, and when language is lost and tradition unrecorded, traditional knowledge is lost (also AIPR, CHEMUIDEP, CNV, MBOSCUDA, CANADA). Community radio programs for minorities should be encouraged by reducing or removing licensing fees.

WIMSA report on progress by the San of Southern Africa in protecting their intellectual property rights, including agreements on benefit sharing of profits from *Hoodia gordonii* (a natural appetite suppressant), and on protecting rock art in South Africa. San activism has contributed greatly to the government achieving its Biodiversity Act of 2004. San youth are acquiring the skills to manage their heritage, convincing most media workers and researchers to sign contracts mandating San permission for publication of their intellectual property, ending years of cultural theft. Rights abuses such as researchers’ attempts to bribe San to part with traditional knowledge will be pursued by San authorities.

OCIP/ORIP report that one-fifth of the 20,000 Ogiek in Kenya have been forcibly removed, leaving their territories vulnerable to bio and copyright piracy (also MBOSCUDA); the UN must petition Kenya to recognize Ogiek as a distinct people with the right to free, prior and informed consent regarding their traditional knowledge and to teach it in schools (also UNIPROBA, FRSCIP for the Ukraine, and PANAMA).

MBOSCUDA state that newly independent African states allow IPs’ culture to be assimilated because cultural diversity would threaten State power. This leaves IPs’ collective traditional knowledge unprotected by domestic and international law in Africa, and vulnerable to patents by outsiders (also UNIPROBA), while WIPO refuses to protect it. MBOSCUDA suggest creating museums and ethno-tourism to preserve indigenous traditional knowledge.

UNIPROBA deplore that Batwa continue to suffer the awful consequences of being expelled from their forests, which was done without undertaking any measures to ensure their survival and has resulted in a great many deaths due to lack of plant medicines. They further urge States to put into practice the agreements ratified by their governments.

ACPROD assert that although the Democratic Republic of Congo (DRC) has signed the CBD, which protects the people’s traditional values, the Congolese state has never defined its protection of IPs’ traditional knowledge (also NWAC). The Batwa of the DRC do not enjoy the right to their traditional values because their practices are largely outlawed and practitioners prosecuted, and the values that characterizes Batwa identity are in danger of disappearing.

APDMAAC state that rainforests are not there by accident but are evidence of IPs’ traditional knowledge over centuries. The Pygmies of Central Africa encourage States to ratify ILO Convention 169.

CHEMUIDEP state that in Africa, Western culture saw indigenous traditional knowledge as backward, and saw traditional medicine to be worthless witchcraft. But scholars argue that without traditional medicine, which is usually the first health contact, primary health care delivery in Africa would be very difficult. CBD Article 8j has not been implemented (also APDMAAC, KCLCDA), while development initiatives, particularly in Kenya, tend to ignore local traditional knowledge, and so they fail because of community mistrust.

MAWEEED state that databases of IPs’ knowledge maintained by WIPO and WB members constitute a misappropriation of IPs’ knowledge and violates their rights to self-determination. Existing regulations, such as patent laws, do not recognize traditional knowledge, while the TRIPS agreement renders IPs’ knowledge vulnerable to biotech companies (also CORE/JPNI, CEDEKY, TF, IWA/IMN). MAWEEED call upon WIPO and UNESCO to ensure IPs’ traditional knowledge issues are heard, and call upon WIPO and the government of Kenya to work with UNDP to address domesticating the CBD.

MEDSS suggest the creation of a global database on IPs’ knowledge and heritage in which it would be registered, placed under UNESCO and recognized by WIPO. This would become a binding instrument through adoption of a conflict resolution procedure regarding IPs’ cultural rights and copyrights, using the existing Arbitration and Mediation Centre, and the same approach could be used for human rights.

CAASM/CMA inform that in Algeria, Amazigh rights are ridiculed, while the government tries to break their identity claims. The Tuareg movement in Niger and Mali is being revitalized to claim the basic right to survival, including access to water. In Libya Amazigh are forbidden to use their language, alphabet and even their traditional music, and in the Canary Islands their culture has virtually disappeared. CAASM/CMA call on the international community to launch an international awareness program to promote governmental respect for Amazigh people (also KIP for the Kuki people).

ALGERIA says that education is the most effective measure to stem the erosion of IPs’ rights and traditional knowledge, so children can learn fundamental human rights concepts and escape the prevailing global ideology. IPs’ traditional knowledge should not be treated as folklore for special occasions, but rather collected, evaluated, and brought back into everyday life.
Central and Eastern Europe and Russia

SC/ICC affirm that all IPs’ cultures are part of humankind’s cultural heritage, deserving domestic and international protection and respect, and they all have the right and duty to develop themselves (also NWAC, CANADA). Most of the intellectual property rights of indigenous cultures are considered to be in the public domain, but IPs contend that their traditional knowledge has been placed there without their free, prior and informed consent (also IWA/IMN). SC/ICC support the PF’s suggestion for a workshop on IPs’ traditional knowledge.

RAIPON say that traditional knowledge is fundamental to IPs, not only as a manifestation of their oral tradition over the generations, but also with respect to, among others, use of plant and animal medicines, surviving extreme weather conditions, traditional forms of education and child rearing, (also COPPIPE, ICN, UNIPROBA, NWAC especially in relation to women, and ALGERIA for the Kabyle). Although many specialized agencies such as WIPO, CBD, WTO are working on legal mechanisms to regulate access and distribution, this needs to be done with the wide and equal participation of IPs, with respect for their right to self-determination and to property and land, territories and natural resources (also SER, TF, FAIRA, IWA/IMN, ITC/CONAMI, PANAMA, EUROPEAN COMMUNITY). The WGIP should be consulted in the process of elaborating standards relating to genetic resources (also IITC, VENEZUELA). RAIPON inform that support is needed for peoples with small, dwindling populations who need resources to record and preserve their knowledge (also CHEMUDEP).

CESCP claim that the term “indigenous people” as it stands in the Ukrainian Constitution should be clarified and legitimately defined.

FRSCIP report that the forcible deportation of Crimean Tatar in 1944 resulted in the loss of most of their cultural heritage, and the rest of it is now State property; Ukrainian law should protect this heritage (also CESCSP), and restore all historical geographical names in Crimea.

Middle East

ITHRRF deplore that Turkmen, representing 13% of Iraq’s population, were ignored, assimilated, displaced, and deported by earlier Iraqi governments, while USA’s support of Kurds in Kerkuk has further restricted Turkmen from access to their own schools. They demand UN control of census and election processes, that Turkish be considered Iraq’s third language, and Turkmen be represented in the writing of the new constitution.

Item 4c – IPs and conflict prevention and resolution

The Caucus on the Rights of Indigenous Children reports that many States are in non-compliance with the CRC. Construction of military bases, war and over-policing of IPs damage children’s health and well being, violating CRC Articles 28 and 24, while abducting children for warfare has been reported in 36 countries. The Caucus recommend: a committee of experts be created to work with Councils of Elders from all indigenous cultures to make reparations, institute land protection and de-militarize IPs’ lands; and that indigenous children’s issues be discussed during Phase II of the WSIS.

Central and South America

Although States are responsible for conflict resolution, the possibilities for domestic appeal are insufficient and a UN judicial body must be created. ICSA inform on land tenure problems in Paraguay, and on the illegal eviction of the Tekojoja in Caaguazu to benefit a Brazilian producer of transgenic soybeans. The UN Commission on Human Rights (CHR) and Sub-Commission should visit and investigate this case, and Paraguay’s government should be investigated on the human rights violations perpetrated by its armed forces and on whether it is observing ILO Convention 169.

SER state that in Mexico conflicts arise between the government and IPs, while autonomous Zapatista entities are subject to political harassment and militarization. Other conflicts are due to the lack of recognition of the collective nature of IPs’ land tenure: the State recognizes and awards titles to indigenous lands on the basis of individual claims, thus opening the way to the selling and buying of communal lands (also TPMIP). SER propose that Mexico establish mechanisms for resolving land conflicts in indigenous regions; suspend State programmes and policies that put IPs’ collective lands in jeopardy; recognize and respect IPs’ autonomy processes; and demilitarise IPs’ territories. In many countries IPs are considered a problem, when in truth they are victims of invasion and colonization, and conflict resolution requires that their rights are recognized and respected by non-indigenous parties (CEDEKY).

TPMIP highlight the conflicts based on competition for resources that grieve the Quechua people in Peru. Many indigenous persons had to leave their lands due to the political violence in the eighties and nineties, and non-indigenous settlers have appropriated their lands so they cannot return. The use of underground resources causes enormous problems between IPs and TNCs, who do not respect ancestral indigenous rights and destroy plant and animal resources on indigenous territories without adequate compensation. In distributing economic resources, the Peruvian state privileges urban dwellers over IPs, and the justice system only serves the wealthy.
North America

LPDC appreciate the WGIP’s choice of the theme of conflict resolution and renew their call for an international mechanism to help establish dialogue between States and IPs to peacefully resolve conflicts.

IPNC will develop a paper on colonialism and its sequels, in a process to identify the gaps in existing standards, so conflicts can be solved with a rights-based approach, which will assist in the reconciliation between indigenous and non-indigenous sectors of society.

Asia and the Pacific

AIPR relate and deplore the problems caused by USA military bases on Okinawa. They demand that Japan and USA governments reduce US military bases on Okinawa.

KIP refer to the Kuki, Naga and Meitei peoples of Manipur, and state that a tripartite solution that goes beyond British colonial boundaries must be found to prevent conflict among IPs in Manipur.

CORE/JPNI announce that recent legislation by the Indian government curtails the support so-called tribals (IPs) can receive from NGOs and international sources. The government unjustly uses terrorism laws against peaceful activists, and its governance of IPs violates international law, compelling their consent to extraction projects on their lands. CORE/JPNI urgently requests the WGIP consider the plight of IPs who are not recognized as such by the governments of States where they live (also AASAA).

AITPN call attention to the Bangladeshi government’s ongoing conspiracy to settle tens of thousands of families in the Rangamati Hill section of the CHT, which has resulted in the Jumma becoming a minority in their own land. For settlers’ security the army built a road in violation of Bangladeshi law. AITPN express concern that personnel from the same armed forces that are responsible for killing, raping, torturing and grabbing IPs’ land are working as UN peacekeepers (also APDMAAC).

AASAA refer to the plight of the Oraon, Santal, Ho, Kharia and other peoples of Assam, who are denied Scheduled Tribe status by the Indian government, who does not recognize their rights and refers to them with demeaning names (also JOHAR/ICITP/WAC).

WAC deplore the very poor standard of education of IPs in India, where good schools are in danger of being closed by the dominant society.

BRDN inform that contemporary “ethnic” or “domestic” conflicts are in fact international conflicts between States and IPs; they result from colonialism at the intra-state level such as with the Tamil, Naga, Eritrea and Aceh peoples, as underlined by Amnesty International (2002). BRDN assert that IPs’ self-determination is essential for peaceful co-existence.

AWUK question why the welcome repeal of the 1983 Illegal Migrants Act did not come sooner, and conclude that India’s goal of “one nation, one culture, one language” makes the IPs of Assam expendable, but welcome the news that the Indian government has invited the United Liberation Front of Assam to work on solving the conflict, and are willing to include the question of Assam sovereignty.

CSSC denounce the fact that Chagossian are still forbidden by the UK government to return to the Chagos Archipelago, and deplore the repeated postponement of a promised visit by 100 Chagossian to go back to visit the archipelago.

BPCA welcome the UN Secretary General’s willingness to assist in resolving the conflict in Mindanao (Philippines) between the Bangsamoro and the government, and ask UN agencies to facilitate dialogue between IPs and State institutions to resolve conflicts peacefully.

PBSF report that in the southern Philippines, Subanon traditional leaders have the role of resolving conflicts, but conflicts from outside are dividing Subanon from each other, and the government, advised by the WB, is contravening both IPs’ and national laws by making Subanon land available to foreign mining interests such as TVI Pacific of Canada, which is destroying the sacred mountain, Canatuan. The mining must stop and the damage be compensated. PBSF thank Canada’s Parliament for listening to Subanon representatives on this issue, and also thanks the SR for his visit.

CNDPA inform that Kanak society is based on: the primacy of the land as the place the clan and its members come from; the virtue of humility; the idea that those who give away the most are the wealthiest; and disapproval of criticising something one has not participated in. Kanak society is fluctuating; there is no fixed central power but rather autonomous groups who have ties to each other. The Noumea Accords do refer to land registration but this is in the context of development projects and says nothing about restitution of Kanak lands already stolen through colonization, or about taking into account IPs’ relationship with the land. CNDPA’s approach is to identify land holding clans in terms of their connection to the land, survey and reclaim Kanak place names (also FRSCIP) rendered anonymous by colonization, thus reviving Kanak clans’ ties of responsibility to the land, so young Kanak will know where they came from in order to know and respect themselves.

FPCN/AHF deplore that the Akha were refused Swiss visas to attend the WGIP, and draw attention to their situation in Thailand, where in spite of the Thai Consul’s statement at the PF, killings of Akha men and women by Thai army and police personnel continue. Thailand’s Queen continues to hold Akha lands that were never given with free, prior and informed consent. FPCN/AHF call on the High Commissioner for Human Rights and
the SR to investigate the Akha case in Thailand, and ask the Thai government to improve the condition of Akha peoples’ human rights.

**Africa**

**APDMAAC** state that allegations of sexual abuse of women and children by UN peacekeepers that contravene the UN General Assembly’s Code of Conduct for all UN peacekeeping missions have led to some action, but the rapes of Pygmy women have not been investigated and few peacekeepers, who are shielded from prosecution by military agreements, have not been prosecuted. The WGIP must recommend to the CHR and the Sub Commission that the Department of Peacekeeping Operations (DPKO) screen and monitor to ensure that personnel with a history of human rights abuse not be sent on peacekeeping missions; that DPKO’s so-called blacklist should be open to additions from IPs and human rights groups; that the process should be monitored to prevent human rights abuses; that human rights abusers be prosecuted by their States. The SR on Violence Against Women is urged to study this issue with the participation of indigenous women and communities.

**AIMPO** deplore that the Batwa/Bambuti/Pygmy IPs in the Great Lakes region of central Africa (Rwanda, Burundi and the DRC) suffer marginalization, discrimination, displacement, rape, and genocide, due to constant inter ethnic conflicts in the region (also FB). In light of their situation AIMPO demand that the CHR and the international community condemn the cannibalism perpetrated against the Pygmies by the troops under the vice-president of the DRC; that UN forces in the DRC and Burundi grant special protection to the Batwa/Pygmies, especially to the women; and that these peoples be included in the peace process and resolution of internal conflicts.

**Item 5 – Standard-setting**

**Item 5a – Legal commentary on the concept of free, prior and informed consent**

Following the invitation of the WGIP at its last session, Antoanella-Iulia Motoc and TF submitted an Expanded working paper offering guidelines to govern the practice of implementation of the principle of free, prior and informed consent of IPs in relation to development affecting their lands and natural resources (E/CN.4/Sub.2/AC.4/2005/WP.1).

Gáspár Bíró stresses the organic relationship between self-determination and the principle of free, prior and informed consent. In his view, it is critical who decides in matters directly related to the survival of the community and how these decisions are taken.

**Central and South America**

**IMTK** state that the DD is being discriminated against in the UN system. After 10 years of unproductive debates, the WGCD has failed to elaborate the DD, due to the lack of political will of the States. The 10th session of the WGIP showed the egoism and incoherence, both of the rich Western states and of the elites of Southern states. They are insensitive to the extinction of IPs and deny them their rights, thus making it worthless to keep discussing IPs’ issues at the UN. Year after year, governments undermine and dilute the provisions regarding the collective rights of IPs.

**CNV** state that meetings and assemblies in indigenous communities aim to disseminate information on matters that affect community members, with priority given to the collective, but in the outside world there has been no understanding of this since the Conquest, when IPs’ consent was achieved by threatening them with death. Real solutions to abuses suffered by IPs require studying their worldview regarding ownership (which is held by future generations), borders (where nomadism is essential to life) and power (which is transitory) (also RST).

**PANAMA** informs on its recent Intellectual Property Special Regime on the Collective Rights of IPs for the Protection and Defence of their Cultural Identity and Traditional Knowledge, which grants collective rights to protection of IPs’ traditional knowledge. Traditional indigenous authorities can submit to the State, free of charge, a request for protecting a particular item. The protection is of unlimited duration, and under these rights the use and commercialisation of the item are guided by the customs of the concerned IPs, duly registered. International cooperation will be necessary to ensure these registered collective rights.

**North America**

**ICN** describe the agreement between the Innu nation and the Voisey Bay Nickel Company (VBNIC), whose project must include training, employment, certain workplace conditions, business opportunities, environmental protection and other assurances for Innu. Governments must guarantee that the mine project can only go ahead when all agreements between VBNIC and the Innu have been finalized: that is, when Innu consent. ICN state that free, prior and informed consent requires that both sides have an opportunity to debate all sides of a proposal, and acknowledge the contribution of grassroots civil disobedience, especially by Innu women, in bringing about the agreement.
For **Canada**, the point of free, prior and informed consent is to change behaviour so that IPs are more fully involved and consulted, and, where appropriate, accommodated. Far more important than focusing on consent *per se* is the meaningful involvement of IPs and the development of processes that support fairness – a continuum of approaches should be considered.

### Asia and the Pacific

**JOHAR/ICITP** explain that laws to protect tribal interests exist in the Indian constitution and in local Jharkhand law, but these are being disregarded as tribal lands are encroached upon (also **SER** for Mexico and **COPINE** for Brazil). Legislation also empowers village councils to control management of land, water, forest, schools, health centres, village markets, and to restore lands and settle disputes, but in fact the village council’s power is limited to the village periphery, with no role to play in inter village disputes, management of forest lands and regional development projects. **JOHAR/ICITP** also report on the rehabilitation and resettlement policy for people affected by large scale development projects, this policy comes after 50 years of not consulting IPs. **JOHAR/ICITP** recommend amendment of relevant laws and development of monitoring mechanism to ensure that the intended benefits reach the concerned peoples.

**TF** recommend that the expanded working paper be used as a background paper, meant to provide clear guidance to the use of the principle. Legal principles and guidelines should be drawn from the best practices submitted. The questions concerning the appropriate decision-making body or process, and identifying the interest of the community involved, require careful consideration. Critical issues are information as a necessary precondition for making an informed choice, as well as oversight bodies and resource mechanisms.

### Central and Eastern Europe and Russia

**FPCN/AHF** inform that in the Genographic Project scientists will collect genetic samples from IPs’ without providing transparency regarding methods, and without revealing how the free, prior and informed consent of IPs will actually be obtained in this matter. **FPCN** agrees with the Indigenous Peoples Council on Bio-colonialism that the Genographic Project’s genetic analysis violates IPs’ integrity and sacredness (also **IMTK**); therefore this project must be boycotted and an independent ethics board be created to control future genetic proposals and projects using indigenous human genetic material.

### Item 5b – Review of the draft principles and guidelines on the protection of the heritage of IPs

Following the invitation by the WGIP at its last session, **Yozo Yokota** and **SC** submitted an “Expanded working paper on the substantive proposals on the draft principles and guidelines on the heritage of IPs” (E/CN.4/Sub.2/AC.4/2005/3). The WGIP should consider the draft guidelines as a starting point, which could then be transformed into an international legally binding instrument; and whether a comprehensive protection system should be developed, involving the different UN bodies working on this issue, to ensure a human rights-based approach (also **CTT**, **ITC/CONAMI**, **TPMIP**, **MEXICO**).

**Gáspár Bíró** commends the work done (also **Indigenous Caucus**, **CORE**, **IPACC**, **CAPAJ**, **TF**, **CTT**, **MEXICO**). States should take more positive measures to protect the heritage of IPs. The guidelines should also focus more attention on the preservation of indigenous languages. Protection of indigenous heritage should not have a time limit.

The **Indigenous Caucus** commends the WGIP’s work on the heritage of IPs, and look forward to the guidelines’ continued evolution as tools for IPs’ human rights advocacy (also **TF**, **RST**, **FAIRA**, **KMITK/IWA/NKIKLH/KF**). Narrow protections such as intellectual property rights can be harmful when applied inappropriately to IPs’ collective heritage. Comprehensive protection requires recognition of IPs’ rights to self-determination; lands, territories and resources; indigenous law; culture and knowledge; free, prior and informed consent in relation to external interventions; and appropriate benefit sharing. Indigenous knowledge is the core of IPs’ traditional customary law, and within that law lies the identity of IPs and nations. This knowledge is constantly threatened, misused, exploited and expropriated by TNCs, academics and other external institutions (also **SER**, **TPMIP**). The DD must be adopted (also **TF**, **FPCN**, **NWAC**, **IWA/IMN**, **ITC**, **FAIRA**, **IMTK**, **PIPLinks**), as well as the Principles and Guidelines on Heritage, to be disseminated widely once completed. The WGIP’s work on contemporary issues and standard setting fills what would otherwise be a serious gap in the UN (also **TF**). States should further elaborate the heritage principles and apply them immediately.

**FPCN** present a comparative study on the constitutions of Asian and Latin American states with regard to standards established in the DD. In most of the Asian constitutions, IPs’ fundamental rights are not recognized, whereas most of the Latin American constitutions do recognise these. There is an urgent need to include specific and explicit standards on indigenous rights, which respect the indigenous worldview. The strengthening of IPs’ rights must have real effects on domestic law and on the conscience of the general population, which will contribute to the promotion and protection of IPs’ heritage. Due to the increased globalisation of the market, States must protect and fairly regulate access to and distribution of cultural, biological and genetic diversity of...
the nation, which are being exploited by TNCs; these in turn must respect and safeguard the natural and cultural heritage of IPs, in compliance with various international binding instruments.

Central and South America

CAPAJ suggest that in the Draft Principles the following areas be included in the definition of cultural heritage: archives and traditional registries; food and organic fertilizers; storage spaces where food and fertilizers were stored for future use; hydraulic canals, natural dams and communicating vessels that IPs used to improve the distribution of waters; and techniques for soil cultivation. IPs’ heritage should be used by the IPs themselves (also ICSA), and should be promoted and protected to ensure its everlasting use.

CTT support the recommendations of the Draft Guidelines (also FAIRA), which support the views expressed by IPs in other international fora such as the CBD and PF. CTT note that these issues should be addressed by the PF and WGIP, as WIPO and the CBD do not represent political conditions in favour of IPs, and continue to address this issue in terms of the conventional intellectual property system. States’ sovereignty over their natural resources is limited by IPs’ legitimate right to self-determination, while IPs’ right to free, prior and informed consent is not limited to the access to cultural heritage and traditional knowledge, but is closely linked to the land, biodiversity and natural resources (also CE/IIED/BCHRG).

ITC/CONAMI state that the WGIP plays an important and strategic role in ensuring IPs’ past, present and future ancestral rights, especially their collective rights (also TF). Though traditional knowledge cannot be sold, IPs are conscious that humankind needs it. IPs could accept new legal forms that respect the link between traditional knowledge and land; these cannot be dealt with separately under the law. IPs recognise the role of WIPO and the CBD in the protection of IPs’ rights on traditional knowledge, but the WTO should examine its conscience and consider the coming recommendations of the WGIP.

TPMIP consider that in order to guarantee IPs’ heritage, State policy must include IPs in education, culture, social, economic and health matters, as well as assign specific budgets for IPs.

CE/IIED/BCHRG recommend that the Draft Guidelines emphasize the protection of traditional knowledge, biodiversity and genetic resources as holistic components that cannot be separated; and present a series of specific recommendations regarding the text of the Guidelines.

MEXICO considers that the Draft Guidelines should reinforce the active participation of IPs and favour respect for a multicultural State. The document’s language should be modified to that of international instruments; and the WGIP should assist in defining the elements and criteria for an operative identification of the right holders.

North America

RST call attention to a 2005 USA Supreme Court decision on “eminent domain” that broadens the scope of government power to expropriate land without just compensation, and express concern that expropriation are now driven by economic development; among other abuses, the USA is turning IPs’ sacred sites into parks and tourist attractions. IPs’ lands must not be subject to expropriation; domestic legislation must prevent unjust seizures. The WGIP should address the issue of expropriation.

Asia and the Pacific

TF suggest that the Draft Guidelines address the current negotiations for an international regime on Access and Benefit-sharing under the CBD, noting the proposal for the WGIP to initially focus on bio-cultural heritage to make more explicit the relationships between IPs’ land and knowledge, and between biological and cultural diversity (also CE/IIED/BCHRG). Bodies such as the WTO, WIPO and CBD assume anything can be privatised, commodified and traded (also KMTK/IWA/NKIKLH/KF, CE/IIED/BCHRG) through such dubious approaches as “eminent domain”, and that IPs’ lands, resources and knowledge is part of States’ sovereignty over natural resources (also RST). The paper could also more fully elaborate elements that may be considered in national sui generis legislation that adequately deals with indigenous customary laws and authorities relevant to indigenous knowledge and cultural diversity (also KMTK/IWA/NKIKLH/KF, RST). Also, the WGIP’s standard setting would be helped by stronger participation by States and other UN agencies, and their comments on the paper can be elicited.

The Ifugao People inform that their Banaue Rice Terraces in the northern Philippines were listed as a World Heritage Site in 1995, which made the terraces not just their heritage but also that of the world, which then would have the responsibility to preserve and conserve them. However this also leads to outside impositions and controls, resulting in misunderstandings about undertakings that benefit IPs, but do not accord with UNESCO policy guidelines, in which authenticity and culture have been defined without the knowledge and participation of IPs. Culture and traditional knowledge cannot be preserved without recognition of the right to self-determination. All development organizations and the Philippine government are called upon to secure the free, prior and informed consent of the community before undertaking programs or projects in indigenous territories.

MLC/ICITP/JOHAR state that language is the basis of identity, along with religion and other characteristics, and this is especially true for the 600 Scheduled Tribes of Jharkhand, who are set apart only by their various languages, such as the Munda, Santhal, Oraon. State and provincial governments must provide the resources.
for educating in the mother tongue, followed by State, national and international languages; and indigenous languages should be used in administration and the judiciary to ensure participation of IPs.

FAIRA propose the mention, in the opening paragraphs on international human rights standards, of the UNESCO conventions, and particularly the World Heritage Convention, a protection that often clashes with IPs’ interests. FAIRA commend the inclusion of women’s important role as custodians of IPs’ heritage (also CORE) and suggest more elaboration on this role, based on this session’s discussion of traditional knowledge; additional documentation on indigenous women and heritage protection would be appropriate as an elaboration of the Draft Principles. The authority for heritage protection should arise out of treaties and agreements between IPs and the State, rather than out of national legislation. FAIRA add an inclusion that raises the value of the State’s guarantee of IPs’ cultural survival (also CE/IIED/BCHRG). A World Conference on IPs’ Cultural Heritage should be convened as part of the Second Decade, in order to have IPs adopt the standard under the authority of that conference.

CORE commend the collaboration between IPs and the UN in the WGIP standard-setting process. The role of elders in securing IPs’ heritage both through practice and through inter-generational transmission should also be affirmed in the Draft Guidelines. The final recommendations should be adopted by the WGIP as its own agenda for future work (also TPMIP).

KMTK/IWA/NKIKLH/KF report on the Paoakalani Declaration developed in Hawai‘i, which holds that by virtue of their right to self-determination Kanaka Maoli people have the right to freely determine their status, as well as appropriate use of their traditional knowledge, cultural expressions, art forms, and natural and biological expressions, and further affirms their right to exclude anyone who would exploit, privatise and unfairly commercialise their traditional knowledge. They object to discussing compensation for “continued exploitation” of indigenous cultures without discussing compensation for the original expropriation or privatisation of traditional knowledge (also Françoise Hampson, FRSCIP), and thank Mrs. Hampson for her comments on the protection of indigenous and minority languages.

Item 5c – Future priorities for standard-setting activities

Françoise Hampson states that standard setting is also about creating guidelines for the implementation of existing legally binding norms. Standard-setting work in the form of guidelines could be tackled on:

(a) Issues where the concept is well understood but where, in the case of indigenous issues, the implications of the collective dimension of indigenous rights mean that the issue needs to be considered separately.

(b) Issues where the concept is well understood but where there are particular implications for certain groups, including IPs as well as, for instance, national minorities. Any guidelines drafted in the indigenous context should, so far as possible, be consistent with those appropriate to national minorities. Any differences should not be the result of inadvertence but of deliberate decision.

(c) Issues seen as particular to the indigenous context, even if they contain elements of more general application.

The Indigenous Caucus assert that the WGIP’s two-fold mandate on review of developments and standard setting is unique in the UN system (also TF). The WGIP should be seen as identifying conflicts and bringing forth solutions. An implementation process must be created to address human rights violations, with the WGIP assisting by channelling the parties concerned to the appropriate UN bodies. The Indigenous Caucus recommend that the WGIP, in the Second Decade, address colonialism’s impacts and visible sequels in the daily lives of IPs, developing a working paper followed up by recommendations, and should examine the relationship between IPs and international financial institutions (IFIs) (also TF, PIPLinks, FPP) and start a process of standard-setting. The WGIP should initiate a study of the impact the adoption of the DD will have on the Universal Declaration on Human Rights, and review developments regarding the legal recognition of IPs. A board should be set up to assist with the organization and coordination of the program for the Second Decade, workshops on conflict resolution should be held, and a forum created to open dialogue between the world’s religions and indigenous religions (also WAC), and establish a task force to study health concerns.

FPP present a list of areas for the proposed working paper on IFIs and IPs: the impact of IFIs on IPs; policies and how these may be made more responsive to IPs’ rights and interests; remedies or conflict resolution mechanisms available to IPs regarding IFIs; human rights obligations of IFIs; mechanisms within IFIs to insure full and effective participation of IPs. FPP also present a list of institutions that should be considered IFIs for the purpose of the paper.

Asia and the Pacific

TF state that in the WGIP’s future work the combination of reviewing developments and developing standards on a theme can be used with such themes as Extractive Industries and the Human Rights of IPs (also PIPLinks), contributing to standard-setting work on the Sub-Commission’s UN Norms for TNCs and Business Enterprises in relation to IPs (also Indigenous Caucus). TF recommend the WGIP continue to build research partnerships with IPs’ organizations (also Gáspár Biró, Indigenous Caucus, FPP), and call attention to the practice of the
UN Commission on Sustainable Development in which the major groups (including IPs) prepare background papers on important themes. PIPLinks recall that the most important achievement so far of the WGIP was the DD, propose future standard-setting activities regarding development and development assistance as it affects IPs, addressing the way assistance is given. In Philippines the Canadian International Development Agency supports indigenous women’s projects channelling funds through the TVI mining company, which is viewed as support for an unwelcome intruder.

**Item 6 – International Decade of the World’s Indigenous People**

**FB** and **ARGENTINA** recognized progress made during the First Decade. **BAA** was able to represent with dignity their peoples, and to expose their suffering caused by TNCs, states and terrorists; a lasting bond was established with other IPs. Mentioned shortcomings of the First Decade are the failure to combat IPs’ poverty (**FAIRA**) due to lack of States’ efforts (**CEDEKY, IMTK**); the non-implementation of legal instruments protecting IPs’ rights (**TPMIP**); and the lack of information on the Decade available to IPs (**JPP, CEDEKY**). Indigenous representatives were harassed for participating at the WGIP (**UZIP**).

The failure to adopt the DD was underlined (**CNDPA, FB**) and its speedy adoption called for (**CEDEKY, Pacific Caucus, BAA, KF, IWA, NKKLH, KMTK, TF, RAIPON, UZIP, FPP/IPs’ Link, ICSA, MEXICO**). **FPP/IPs’ Link** reject UK’s claim that collective rights are not recognized in international human rights law. Protection of these rights is vital for IPs. UK must review its discriminatory position before further intervening in international fora on IPs’ rights.

The WGIP is the lowest body in the UN hierarchy on human rights, but the only place form for IPs to directly promote their rights (**UZIP**). It must remain a guide (**JPP**) be strengthened and the PF play a more active role (**CEDEKY**). **BAA** call for adequate financial support for the WGIP, the PF, and docip. **IMTK** call for modifications of the WGIP membership - to include indigenous experts - and mandate - drafting of a frame convention on IPs’ intellectual and cultural property, and of a legally-binding regulating instrument on TNCs (also **RAIPON**).

The WGIP should enable IPs to clearly define their relationship to lands, nature, traditional knowledge, in order to create new legal models (**CNDPA**).

**Central and South America**

The Second Decade cannot repeat the same errors (**CEDEKY**); the unfulfilled objectives of the First Decade must be implemented now (also **UZIP, ARGENTINA**), and all actions aim at the recognition of IPs’ self-determination. IPs must call on governments to realize programmes in accordance with their requirements. Indigenous culture must not become folklore. **FAPCI** will invite indigenous healers to exchange on their knowledge.

**JPP** hope that the Second Decade will be widely known and participatory. Special attention should be dedicated to the indigenous children and youth, who can help to maintain alive the hopes for a better life. IPs must take care of their health and be always grateful to the Creator, Mother Earth, water and foodstuffs. **FAPCI/AHP/ATPPAR** request that the **Quipus**, an ancient Andean registering system, be declared part of the World’s material heritage.

IPs must use the Second Decade to make States implement their rights, with their active participation and their own forms of development, **TPMIP** claim. The Second Decade must result in visible changes for IPs.

**MEXICO** proposes that the Second Decade aim at overcoming the obstacles facing IPs, at facilitating the collaboration of all involved actors, identifying best practices, and elaborating operative models (in particular for the application of the DD). Capacity-building activities should include negotiation, to help actors join their efforts to improve IPs’ situation. The OHCHR should assist national institutions to implement States’ international commitments (also **ARGENTINA**).

**ARGENTINA** calls for IPs’ wide and active participation, particularly in the standard-setting and policy-making processes at national and international level. States should develop mechanisms and procedures for consultation with IPs, and include IPs’ customs and standards in the evaluation and design of legislative reforms.

**GUATEMALA** informs on progress and efforts to further ensure effective political participation and awareness raising. It is ready to work with IPs on the remaining challenges.

**North America**

**RHF** propose an indigenous “Council of Traditional Knowledge Keepers” to: document and monitor the existing intellectual property laws related to traditional knowledge; develop means to protect IPs’ intellectual property; educate IPs at grassroots level about their intellectual property rights; ensure that decisions on intellectual property protection are made by concerned IPs themselves.

Published on June 20, 2006
Asia and the Pacific

The Pacific Caucus (supported by BAA, KF, IWA, NKIKLH, KMTK) presents proposals developed at a regional workshop held in April 2005: States must financially support the activities of the Second Decade. IPs must be assisted to fulfil their aspirations, and strengthen their languages. All States should ratify ILO Convention 169 (also FB). The UN should include indigenous women in all decision-making processes, hire indigenous staff in areas dealing with indigenous issues, and develop an international communication strategy for the Second Decade. All UN bodies and States should incorporate the Millennium Development Goals in the Second Decade Plan of Action. A SR should be appointed to study the impacts of colonization on IPs. States should work with IPs and the mining industry to establish best practices on the restoration of mining areas.

The failure of the First Decade being mostly due to lack of implementation at country level, FAIRA are disappointed that the Second Decade focuses again on international cooperation and repeat their call to establish a mechanism for IPs to monitor and review progress during the Second Decade. This Decade must actually benefit IPs, and help indigenous communities renegotiate their relationship with the State. It should be an opportunity to establish an international structure for States’ abuses of IPs’ human rights to be collected, monitored and addressed. An Indigenous International Plan of Action should focus on the procedures for States’ review under the human rights standards.

TF present proposals for activities focusing on human rights for the Second Decade and aiming at: adoption of national legislation for the protection and promotion of IPs’ human rights (also RAIPON); evaluation of the national machineries on human rights so as to provide a basis to increase efficiency; increase IPs’ knowledge and awareness of existing human rights instruments (also CNDPA); further the implementation of the recommendations on IPs of all high-level conferences and agreements; and further the development and effective use of environmental, social and human rights impact assessment methods that are sensitive to IPs’ realities. The Human Rights Council should become a principal organ of the UN system in order to avoid threats to the mandate and existence of the Sub-Commission and WGIP under the name of efficiency. The Sub-Commission should include candidates recommended by IPs’ organizations (SGC).

UZIP and BAA expressed support for the Second Decade. BAA recommend free prior and informed consent of IPs in UN decision making on indigenous issues (also TPMIP for States’ activities).

Protection of forests is of vital importance for the survival of IPs (WAC).

CNDPA propose that during the Second Decade IPs unite their strengths and coordinate in regional caucuses (also TPMIP); and make their voices heard on poverty, global warming, rising of sea level, and respect for biodiversity.

KF/IWA/NKIKLH/KMTK add the following proposals: re-state the concepts of self-determination, ethnocide and genocide in language that governments can acknowledge; UN support for regional fora on indigenous issues; States’ compliance with the international human rights treaty bodies related to indigenous issues; UN agencies reporting on the status of indigenous women in the Pacific Region. The colonial governments should take their responsibilities towards IPs in the Pacific Region.

Africa

FB state that conflict resolution should be a priority of the Second Decade (also BAA including military persecution), to restore peace to IPs in Central Africa.

IPACC recommend the following activities to the OHCHR for cooperation with African IPs during the Second Decade: investigate serious cases of human rights abuses (Pygmy peoples in the Great Lakes area, nomadic herders in the Sahara region); assist in the definition of IPs’ rights in Africa, through study of existing constitutional, legal and policy practices; help investigate on the possible international impact of the 2003 decision of the African Commission for Human and Peoples Rights; continue human-rights capacity building; help certain African States develop a degree of expertise and commitment to the UN process of standard setting; contribute to explore the specific policy and rights needs of hunter-gatherer and of nomadic IPs in Africa.

Central and Eastern Europe and Russia

RAIPON present proposals for the Second Decade, issued by a Round Table on IPs and the UN system held in April 2005. A number of key goals must be set, including enforcement of IPs’ rights to lands and natural resources. New international standards must be adopted on IPs’ free prior and informed consent, and sovereignty over their lands and natural resources. The WGIP should study the human rights situation of disappearing IPs (also WAC/JOHAR). States should establish national committees, and action plans with annual report to the Coordinator of the Decade (also the Pacific Caucus for its region, with IPs’ participation). The UN should establish a Fund for IPs with the status of a UN agency, and a position of Special Advisor on Indigenous Issues.
Item 7 – Other matters

Item 7a – Cooperation with other UN bodies

Dialogue between the PF, WGIP and SR

Victoria Tauli-Corpuz, Chair of the PF, calls for close coordination, mutual strengthening, and more opportunities for the three bodies to discuss difficulties, means of complementarity and cooperation (also Rodolfo Stavenhagen). It is natural that many issues overlap (also Gáspár Bíró, CANADA). The issue of free, prior and informed consent shows that no one can deal comprehensively with the subject and ensure effective implementation. The standard-setting mandate of the WGIP provides a basis for the development of guidelines, methodologies and procedures for implementation, while ensuring consultation with IPs. The SR is gathering more data on implementation.

Rodolfo Stavenhagen, SR, underlines that laws on IPs’ rights have been adopted in many countries but a big gap remains between laws and application (also Françoise Hampson). The coordination of the Second Decade by the Department for Economic and Social Affairs provides an excellent opportunity for the human rights sector to define its specific tasks (also Françoise Hampson). How the restructuring of the UN system, and the possible creation of a Human Rights Council, will affect IPs, remains unclear. For more than 20 years the WGIP, and the PF now, have received information regarding current trends facing IPs, but it has yet to be meaningfully processed, coordinated and communicated (also Françoise Hampson).

Françoise Hampson states that the PF cannot undertake standard setting (also FAIRA). The WGIP has the role of determining legal standards and non-legally binding guidelines, but both need to be adopted. A three-pronged approach is required: normative standards; legislative and executive implementation; and remedies for inadequacies in implementation. The PF and SR could alert the WGIP to deficiencies in the normative framework, and assist in identifying standards.

Gáspár Bíró stresses that the seriousness and magnitude of the problems negatively affecting IPs deserve to reach a global audience.

Alfonso Martínez underlines that the WGIP is intended to cover the new developments - both good and bad - in the lives of indigenous communities. The SR’s mandate is to analyze possible violations of human rights. The separation of functions is clear; any cooperation must come from the bodies themselves. The proposed Human Rights Council might resolve the issue that the three bodies have no shared superior body (also Françoise Hampson).

According to the Report on the WGIP at its 23rd session for agenda item 7a (document E/CN.4/Sub.2/2005/26), at paragraph 68: “Ms. Victoria Tauli-Corpuz stated that there were many issues that overlap. This was natural. The issue of the principle of free, informed and prior consent showed that none of these bodies could deal comprehensively with the subject in such a way as to ensure that such principles would be effectively implemented and that the standard-setting mandate of the Working Group was vitally important. It provided a basis for the development of guidelines, methodologies and procedures for the principle of free, informed and prior consent to be implemented. It would ensure that different bodies were guided by standards and frameworks that were framed in consultation with IPs. The SR was gathering more data on how this was to be implemented.”

And at paragraph 70: “Ms. Françoise Hampson stated that she had always been puzzled by those who said the functions of the Working Group were duplicated by other mechanisms. We were used to the separation of powers. No one suggested there was duplication because a parliament, courts and the executive all dealt with a particular issue. She stressed that there would be a gap if they did not. She said that the Permanent Forum on Indigenous Issues was the executive, the Special Rapporteur was a quasi-judicial body and the Working Group on Indigenous Populations was a quasi-legislative body. There was no duplication, she stressed.”

The World Bank has made substantive efforts to ensure that development processes foster full respect for the dignity and human rights of the IPs, by engaging directly with them, and by providing funding for IPs’ culturally appropriate projects and for investment projects involving IPs. The WB claims its revised policy on IPs (Operational Policy 4.10) of May 2005 reflects an increased awareness of the need to promote indigenous participation in development-related activities and to protect IPs’ rights to their lands, resources, identities and cultures. Regarding the proposed standard setting on IPs and IFIs, the WB claims to be engaged in direct dialogue with the global indigenous community through UN fora.
FPCN state that WIPO is the key player on matters regarding intellectual property. For instance the TRIPS agreement sets minimum standards for national intellectual property systems without mentioning IPs, who have no forum to engage with WTO (also ICSA). The WGIP should consider engagement with WIPO to get the following changes at national level: 1) disclosure of the source of information for each patent applied for (also EUROPEAN COMMUNITY, BOLIVIA, VENEZUELA); 2) acceptance of oral evidence of prior art; 3) request to all applicants for intellectual property rights, to provide evidence of the free prior and informed consent of the communal knowledge holder.

Central and South America

The WGIP work is even more important now that standard-setting activities regarding IPs’ human rights are undertaken by several UN agencies. IITC/CEDEKY/FPCI consider the WGIP as an international forum for IPs’ representatives to inform and denounce on issues affecting their peoples. The WGIP has also elaborated very important standards, among them the DD (also KF/IWA/NKIKLH/KMTK/CORE/IHRC, ICSA). ICSA denounce a creeping privatisation of the UN agencies. The UN cooperation on matters related to IPs must include the recognition of their self-determination, of their lands, territories and natural resources, of their form of life, as well as their full participation (also CAASM).

The judicial actions initiated by CHILE and involving indigenous persons were aiming at punishing the authors of offences, and not at “criminalizing” the indigenous movement. Chile underlines the increasing relevance of the Fondo de Desarrollo de los Pueblos Indígenas de Latinoamérica y el Caribe, and of the Intercultural Indigenous University. UN Member States should implement the recommendations of the PF, in particular regarding education and eradication of poverty.

MEXICO recalls the statement of Louise Arbour at the fourth session of the PF (see Update 65-66, page 28) and calls upon all parts to unite their efforts in order to adopt the DD.

North America

The active inclusion of IPs in every UN international conference might increase the effectiveness of the Second Decade. RHF strongly recommend the continuation of the WGIP: its annual gatherings strengthen not only the IPs, but also the UN system (also ICSA, FAIRA IITC/CEDEKY/FPCI, KF/IWA/NKIKLH/KMTK/CORE/IHRC).

CANADA welcomes the WGIP’s initiative to bring together the three bodies, thus sending a clear message on the public stage and the rest of the UN system on the need to further strengthen their practical cooperation.

Asia and the Pacific

The Pacific Caucus informs on the constitutional review that New Zealand started in 2004, without due participation of the Maori, despite its consideration of the 1840 Treaty of Waitangi, recognized as the founding document of the Maori nation. UN bodies should ensure that New Zealand constitutional review meets applicable UN human rights standards for IPs. The SR, in his visit to New Zealand, should give particular attention to seabed and foreshore and to the constitutional review.

KF/IWA/NKIKLH/KMTK/CORE/IHRC encourage the WGIP to preserve: its structure dedicated to IPs that permits new studies, standard setting and topics to be introduced; its location where most participants can attend; its July-August schedule; its membership of experts supportive of and accessible to IPs; its open, simple and efficient credential process; the availability of conference facilities with ample meeting room spaces; the voluntary fund that support IPs’ participation at all key proceedings.

DAP call for the Indonesian government’s cooperation, while informing that the IPs from Papua would like to celebrate the UN International Indigenous Day in their homeland and would welcome any written speech in celebration of their existence as distinct peoples and nations, from the UN Secretary-General, High Commissioner for Human Rights, SR or Chairperson of the PF. They wish to host the UN flag as symbol of the recognition, promotion and protection of their collective rights and traditional knowledge.

FAIRA welcome the proposal to establish a Human Rights Council, with a higher authority, decision-making powers, a well-resourced OHCHR with capacity to undertake follow-up activity to end human rights abuses by States, combined with the understanding that State sovereignty is insufficient protection from international scrutiny and intervention regarding human rights matters. But the proposed reform must better associate other organisms both inside and outside the UN. IPs are inadequately involved in the UN reform (also ICSA). The Human Rights Council should establish a revised WGIP, with a wider mandate, reporting directly to the Council and engaging in the appropriate way with the work of other special procedures. IPs must be able to contribute equally with civil society in the work of the Council.
Africa

CAASM underline the crucial importance of the cooperation between IPs and the UN system, in particular UNESCO, WB, ILO, WHO and FAO; and recommend to establish focal points and investigating centres for indigenous issues in the UN agencies’ country offices, to improve communication with IPs.

Item 7b – State of the UN Voluntary Fund for Indigenous Populations

The Board of Trustees of the UN Voluntary Fund for Indigenous Populations welcomes the 25 beneficiaries of travel grants for this session. Applications to attend the UN meetings are increasingly numerous, and the Voluntary Fund’s mandate was expanded over the years, but available funds are insufficient. Approximately half of them are now used for beneficiaries to attend the PF.

Central and South America

IITC/CEDEKY/FPCI are concerned about the state of the Voluntary Fund, of crucial importance for the strengthening of the WGIP, while some IPs are threatened with immediate extinction.

Asia and the Pacific

FAIRA call for greater assistance to IPs from the Pacific Region, underrepresented at the UN meetings, where the Pacific Caucus can inform on at most half of the region’s States and Territories with IPs. FAIRA propose their help to promote the Voluntary Funds on the indigenous media in Australia. FAIRA thank the States contributing to the Voluntary Funds and urge others to do so (also IITC/CEDEKY/FPCI), in particular those attending the WGIP. Australia has not contributed yet. The private sector should increase its contributions.

Item 7c – The human rights situation of IPs in States and territories threatened with extinction for environmental reasons

Françoise Hampson presents her Expanded paper on the agenda item 7c (E/CN.4/Sub.2/2005/28). The study is not about environmental degradation of IPs’ lands generally or relocation on account of development projects, only about land that is going to disappear with severe consequences for the IPs currently living there, and about permanent displacement due to risks of natural disasters (supported by JPN1). Such cases are not covered by existing international law, resulting in several human rights issues. Some indigenous communities will see their lands disappear and will have to be relocated in the same State; they will become internally displaced persons. In some cases the State where indigenous communities live will not be able to relocate them, they will not become stateless but will not be able to live there. In cases where the territory of the State will cease to exist, the IPs will have to be relocated; their possible status remains unclear. The study’s continuation (supported by FAIRA) will seek a complete picture of the different cases; and information on what solutions the concerned IPs would like to see implemented.

Central and South America

CAPAJ state that many IPs are threatened with extinction due to environmental degradation. Many South American States hand their lands over to TNCs (also TPMIP, MIP, and CORE for India) and leave their territory to be defended by IPs. Governments only use environmental standards for fundraising purposes; they do not respect them. The WGIP should propose new standards to safeguard IPs’ ancestral territories (also ICSA for IPs’ resources).

TPMIP denounce that in Peru IPs are threatened by: contamination of their environment, way of life and health due to extracting industries (also MIP for Bolivia); construction of a transcontinental motorway in a high-biodiversity indigenous territory. States must respect IPs’ rights to the protection of their environment, life, knowledge and ancestral resources. In Bolivia IPs’ lands have grown infertile, driving them out of their communities (MIP). State and private companies must respect and learn IPs’ laws, norms and technology, based on respect for the human being and for nature.

CEDEKY/IITC/FPCI state that IPs also face threats due to lack of recognition of their self-determination (also NWAC, BAA), territories, traditional knowledge and intangible heritage. Their fight to strengthen their culture also aims at protecting nature. States should take effective measures to mitigate the damage caused to Mother Earth (also JPP), while respecting and promoting indigenous rights. IPs are not against development and science, as long as their traditional knowledge is considered on an equal footing, in the search for solutions to the global problems facing humankind.
North America

NWAC warn that global systems will be damaged beyond repair unless humans reverse destructive living habits. Much of this environmental destruction is taking place on indigenous lands (also WAC). Canadian indigenous communities already witness changes to the land that other people do not recognize.

ICSA inform on the concerns of the Black Mesa Dineh and Hopi communities about activities of the Peabody Western Coal Company in Arizona (USA). IPs’ right of permanent sovereignty over their natural resources is critical for the future well being of their global environment, for their physical and cultural survival, and social and economic development. Laws that arbitrarily expropriate IPs’ resources are discriminatory and contrary to international law. ICSA commend the SRs Martinez, Amor, Stavenhagen and Daes for their ongoing work. The UN should facilitate meetings between IPs and the private sector. The SR Stavenhagen should examine the impacts of extracting industries.

Asia and Pacific

The Pacific Caucus is concerned about the continuous threat by rising oceans on IPs’ traditional lands and territories in the Pacific Region, and about all related issues. The UN and States should, with IPs, develop concrete and holistic solutions to reverse this trend. Greater commitment is needed in addition to the Kyoto Protocol. The Pacific Caucus welcomes New Zealand’s offer to relocate IPs to Aotearoa, but relocation should not be imposed on the affected peoples. Considering that the wealthiest and most developed States have disproportionately contributed to the global warming (also AIPR for USA and Japan), they must correspondingly contribute resources and commitment to solve the resulting problems.

FAIRA welcome the examination of this issue (also AIPR, JPNI, CORE, NWAC), which the Pacific Caucus will address at its March 2006 meeting. FAIRA ask what are the actual States or Territories under immediate threat (this would allow to pursue answers to some of the raised human rights questions); and ask for information on Tuvalu’s responses to these human rights issues.

BAA express their solidarity with the people of Tuvalu, and warn that in the 1970’s the Indonesian government misused natural disasters by relocating settlers to the ancestral lands of IPs. The WGIP should: Sponsor a seminar on IPs facing catastrophe; Compile documentation on rising sea levels; Encourage regional cooperation and hold a seminar in affected regions, to allow IPs to share perspectives (AIPR).

The WGIP, IUCN and CBD have all adopted recommendations on this issue. PCJSS call for monitoring and protection of the human rights of IPs threatened by the extreme degradation of their environment. IPs should be assisted to regularly highlight their environmental situation.

CORE refer to changes in glacier melt in the Himalayan region, affecting freshwater flows, biodiversity, IPs and livelihoods, and possibly regional food security. Environmental threats have introduced an unpredictable variable into the debate of what a “safe dam” is. Glacial lakes outburst floods and dam floods are already happening in India, meaning extinction for the never consulted small indigenous peoples and nations (also WAC). New policy and legislation are being introduced without IPs’ knowledge, denying their collective ownership rights and reducing the protection provisions. The WGIP should examine this issue.

WAC refer to isolated IPs at the verge of extinction due to eviction and environmental degradation. This extinction must be prevented through sufficient funding, adequate compensation or proper resettlement, and proper implementation of their human rights.

AAPSU refer to massive relocation, by the Government of India, of settlers in Arunachal Pradesh (also JPNI), threatening IPs’ survival and their lands, leading to deforestation (also PCJSS for the Jumma in Bangladesh) and to IPs becoming a minority, denied of their rights to effective legal recourse. The WGIP should encourage the resolution of disputes in Arunachal Pradesh.

JPNI refer to other potential reasons for disappearance of IPs’ lands, to inform some of the proposed questions and indicate further mechanisms for dealing with the issue. The proposed study should consider regional specificities, longer-term consequences of forced relocation, and the potential for future conflict between refugees and the original inhabitants of the receiving area. It should be complemented by a study by the SR on Internally Displaced Persons on the situation of IPs displaced in the indigenous belt stretching from the Andaman Islands to Nepal and Tibet, where any relocation means movement to other indigenous lands. The WGIP should strongly condemn any action that leads to the degradation of the ancestral lands of IPs.

Central and Eastern Europe and Russia

LIENIP object to the Russian Federation’s Draft Forest Code, which aims at tacitly privatizing the country’s forest reserves, thus threatening IPs’ rights, environment and traditional way of life. The WGIP should recommend that the Russian Federation respect the preferential rights of IPs to the use of forest, and allow for IPs to implement their lawful rights.

RAIPON report on the struggle of the Nivkhi, Nanai and U尔ta peoples of the Sakhalin region, to preserve their traditional way of life and ancestral habitat against dangerous large-scale projects for oil and gas extraction and
transportation. The attempts of IPs’ organizations to negotiate with industrial companies have failed, driving them to a civil protest process.

### Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>AANF</td>
<td>Arameans of Aram-Nahariam Foundation</td>
</tr>
<tr>
<td>AAPSU</td>
<td>All Arunachal Pradesh Students Union</td>
</tr>
<tr>
<td>AASAA</td>
<td>All Adivasi Students Association of Assam</td>
</tr>
<tr>
<td>ACPROD</td>
<td>Action Chrétienne pour la Promotion des Defavorisés</td>
</tr>
<tr>
<td>AHF</td>
<td>Akha Heritage Foundation</td>
</tr>
<tr>
<td>AHP</td>
<td>Association Huaman Poma</td>
</tr>
<tr>
<td>AIMPO</td>
<td>African Indigenous and Minority Peoples Organisation</td>
</tr>
<tr>
<td>AIPR</td>
<td>Association of Indigenous Peoples in the Ryukyus</td>
</tr>
<tr>
<td>AITPN</td>
<td>Asian Indigenous and Tribal Peoples Network</td>
</tr>
<tr>
<td>AIWO-CAN</td>
<td>African Indigenous Women Organisation - Central Africa Network</td>
</tr>
<tr>
<td>AOM</td>
<td>Association Ololevodi Mira (Association of the World Reindeer Herders)</td>
</tr>
<tr>
<td>APDMAAC</td>
<td>Support Action for the Protection of Minority Rights in Central Africa</td>
</tr>
<tr>
<td>ASC</td>
<td>Apache Survival Coalition</td>
</tr>
<tr>
<td>ATTPPAR</td>
<td>Asociación Tinkuy para la Preservación del Patrimonio de Rapaz</td>
</tr>
<tr>
<td>AW</td>
<td>Asociación para la Divulgación, Promoción y Defensa de los Derechos Humanos e Indígenas de los Territorios y Asentamientos Wayuu de la Guajira - Akuaipa Waimakat</td>
</tr>
<tr>
<td>AWUK</td>
<td>Assam Watch, United Kingdom</td>
</tr>
<tr>
<td>BAA</td>
<td>Bangsa Adat Alifuru</td>
</tr>
<tr>
<td>BCHRG</td>
<td>Bio-Cultural Heritage Research Group</td>
</tr>
<tr>
<td>BPCA</td>
<td>Bangsamoro People's Consultative Assembly</td>
</tr>
<tr>
<td>BRDN</td>
<td>Buffalo River Dene Nation</td>
</tr>
<tr>
<td>BTCML</td>
<td>Breton Traditional Community of &quot;Menhirs libres&quot;</td>
</tr>
<tr>
<td>CAASM</td>
<td>Confédération des Associations Amazighes du Sud Marocain</td>
</tr>
<tr>
<td>CAM</td>
<td>Centro de Aprendizaje Maya</td>
</tr>
<tr>
<td>CAPAJ</td>
<td>Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos</td>
</tr>
<tr>
<td>CE</td>
<td>Call of the Earth</td>
</tr>
<tr>
<td>CEDEKY</td>
<td>Centro de Desarrollo Kuna Yala</td>
</tr>
<tr>
<td>CESCP</td>
<td>Crimean Republican Cultural and Educational Society of the Crymchak People</td>
</tr>
<tr>
<td>CHEMUDEP</td>
<td>Cherangany Multipurpose Development Programme</td>
</tr>
<tr>
<td>CMA</td>
<td>Congrès Mondial Amazigh</td>
</tr>
<tr>
<td>CNDPA</td>
<td>Conseil National pour les Droits du Peuple Autochtone en Kanaky</td>
</tr>
<tr>
<td>CNTA</td>
<td>Casa Nativa Tampa Allqo</td>
</tr>
<tr>
<td>CVN</td>
<td>Cumanagoto Nation of Venezuela</td>
</tr>
<tr>
<td>CONAMI</td>
<td>Conselho Nacional de Mulheres Indígenas, Brazil</td>
</tr>
<tr>
<td>COPPIPE</td>
<td>Comisión de Profesores Indígenas de Pernambuco</td>
</tr>
<tr>
<td>CORE</td>
<td>Centre for Organisation Research and Education</td>
</tr>
<tr>
<td>CPC</td>
<td>Congrès Populaire Coutumier, Nouvelle-Calédonie</td>
</tr>
<tr>
<td>CSSC</td>
<td>Comité Suisse de Soutien aux Chagossiens</td>
</tr>
<tr>
<td>CTGCHY</td>
<td>Comunidad Indígena del Pueblo Tupi Guarani &quot;Cacique Hipólito Yumbay&quot;</td>
</tr>
<tr>
<td>CTT</td>
<td>Consejo de Todas las Tierras</td>
</tr>
<tr>
<td>DAP</td>
<td>Dewan Adat Papua</td>
</tr>
<tr>
<td>DeMMak</td>
<td>The Koteka Tribal Assembly</td>
</tr>
<tr>
<td>DKBC</td>
<td>Dawid Kruiper Bushman Clan</td>
</tr>
<tr>
<td>EF</td>
<td>Ecospirituality Foundation</td>
</tr>
<tr>
<td>FAIRA</td>
<td>Foundation for Aboriginal and Islander Research Action</td>
</tr>
<tr>
<td>FAPCI</td>
<td>Fundación de Ayuda y Promoción de las Culturas Indígenas</td>
</tr>
<tr>
<td>FB</td>
<td>Fondation Batwa</td>
</tr>
<tr>
<td>FPCI</td>
<td>Fundación para la Promoción del Conocimiento Indígena</td>
</tr>
<tr>
<td>FPCN</td>
<td>Friends of Peoples close to Nature</td>
</tr>
<tr>
<td>FPP</td>
<td>Forest Peoples Programme</td>
</tr>
<tr>
<td>FRSCIP</td>
<td>Foundation for Research and Support to the Crimean Indigenous Peoples</td>
</tr>
<tr>
<td>GSIPF</td>
<td>Greater Sylhet Indigenous Peoples Forum</td>
</tr>
<tr>
<td>ICC</td>
<td>Inuit Circumpolar Conference</td>
</tr>
</tbody>
</table>
ICITP: Indian Confederation of Indigenous and Tribal Peoples
ICN: Innu Council of Nitassinan
ICSA: Indian Council of South America
IHRC: International Human Rights Consortium
IIED: International Institute for Environment and Development
IITC: International Indian Treaty Council
IMN: Indigenous Media Network
IMTK: Indigenous Movement "Tupaj Katari"
IPACC: Indigenous Peoples of Africa Co-ordinating Committee
IPNC: Indigenous Peoples and Nations Coalition
ITC: Intertribal Committee
ITHRRF: Iraqi Turkmen Human Rights Research Foundation
IWA: Indigenous World Association
JOHAR: Jharkandis Organisation for Human Rights
JPNI: Jumma Peoples’ Network International
JPP: Jatun Pacha Producciones
KCLCDA: Kirat Chamling Language and Culture Development Association
KF: Koani Foundation
KIP: Kuki Indigenous People
KMTK: Kanaka Maoli Tribunal Komike
LIHR: Lao Human Rights Council, Inc.
LIENIP: Lauravetlan Information and Education Network of Indigenous People
LPDC: Leonard Peltier Defense Committee
MAWED: Masai Women for Education and Economic Development
MBOSCUDA: Mbororo Social and Cultural Development Association
MEDSS: Maasai Education Discovery, Swiss Section
MIL: Mapuche International Link
MIP: Movimiento Indigena Pachacute
MRC: Mundari Literary Council
MMF: Mena Muria Foundation
NCF: Negev Coexistence Forum
NKIKLH: Na Koa Ikaika o Ka Lahui Hawaii
NWAC: Native Women's Association of Canada
OCIP: Ogiek Cultural Initiatives Programme
ORIP: Ogiek Rural Integral Programme
PBSF: Pigsalabukan Bansa Subanon Federation
PCJSS: Parbatya Chattargram Jana Samhati Samiti
PIlinks: Philippine Indigenous Peoples Links
RAIPON: Russian Association of Indigenous Peoples of the North
RHF: Rehab Hope Foundation
RST: Rosebud Sioux Tribe
SACS: Structural Analysis of Cultural Systems, University of Berlin
SC: Saami Council
SENICK: Sengwer Indigenous Community of Kenya
SER: Servicios del Pueblo Mixe
SGC: Shimin Gaikou Centre (Citizen's Centre for Diplomacy)
SRGWS: Shilkup Rekha Granthagar Welfare Society
TF: Tetebeba Foundation
TOTSNCT: Tetuwan Oyate Teton Sioux Nation Treaty Council
TPMIP: Taller Permanente de Mujeres Indígenas del Perú
UNIPROBA: Unissons-nous pour la promotion des Batwa
UZIP: United Zo Indigenous Peoples
WAC: World Adivasi Council
WACIPR: West African Coalition for Indigenous Peoples Rights
WHPC: World Hmong Peoples' Congress
WIMSA: Working Group of Indigenous Minorities in Southern Africa
3. SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

57th session, Geneva, 25 July – 12 August 2005

At its 57th session, the Sub-Commission expressed the view that the 23 years of experience of the WGIP should be taken into account in the planning and implementation of the second Decade; decided the preparation of a study on the legal implications of the disappearance of States and other territories for environmental reasons; reiterated the distinctiveness and complementarity of the WGIP, the SR and the PF; encouraged the collaboration of other SRs, treaty bodies and thematic special procedures of the Commission on Human Rights with the WGIP and supported the organization of two workshops, among others. The new Human Rights Council will address these three Resolutions.

Resolution 2005/19 (highlights)
Second International Decade of the World’s Indigenous People

The Sub-Commission on the Promotion and Protection of Human Rights,
1. Endorses the list of activities recommended by the Working Group on Indigenous Populations (WGIP) to the Coordinator for the Second Decade of the World’s Indigenous People for possible inclusion in the programme of action of the Second Decade (E/CN.4/Sub.2/2005/26, annex IV), compiled in compliance with Commission on Human Rights (CHR) resolution 2005/49;
2. Requests the Office of the High Commissioner for Human Rights (OHCHR) to forward, at its earliest convenience, the list mentioned in the preceding paragraph and the present resolution to the Coordinator for the Second Decade;
3. Reiterates the need to continue giving particular attention to achieving the effective participation of IPs in the planning, organization and implementation of the activities of the Second Decade in order to fully realize the Decade’s goals;
4. Requests the UN High Commissioner for Human Rights to take the necessary steps to ensure the participation of her Office in the activities of the human rights component of the programme of action of the Second Decade, in full cooperation with the Coordinator for the Second Decade;
5. Requests its WGIP to follow closely the activities carried out as part of the human rights component of the programme of action of the Second Decade on the basis of the information to be submitted regularly by the OHCHR to the members of the Working Group, so as to be able to contribute to the mid-term and end-term reviews of the Second Decade, to be carried out by the General Assembly in 2010 and 2015;
6. Expresses its view that the conclusions and recommendations adopted annually by the Working Group and the experience accumulated by this body during its 23 years of continuous work on the most diverse indigenous issues and in the evaluation of the implementation of the programme of action of the first Decade could be of particular value for the successful planning and implementation of the activities to be undertaken within the framework of the Second Decade;
7. Welcomes the observance of the International Day of the World’s Indigenous People on 21 July 2005;
8. Recommends that the celebration of the International Day of the World’s Indigenous People continue to be held in Geneva, as usual, on the fourth day of the annual session of the WGIP, in order to ensure as large a participation as possible of representatives of IPs, Governments, intergovernmental and non-governmental organizations, as well as of staff of UN bodies and the specialized agencies;
9. Recommends that the Coordinator for the Second Decade appeal to Governments and other possible donors to contribute generously to the Voluntary Fund for the Second International Decade of the World’s Indigenous People;
10. Welcomes the steps that have been taken and continue to be taken to establish and promote cooperation between the Permanent Forum on Indigenous Issues (PF), the WGIP and the Special Rapporteur (SR) on the situation of human rights and fundamental freedoms of indigenous people, as was the case in working to achieve a successful common approach stressing the need for a second international decade.

Resolution 2005/20 (highlights)
The legal implications of the disappearance of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of IPs

The Sub-Commission on the Promotion and Protection of Human Rights,
1. Endorses the conclusions and recommendations contained in the working paper [E/CN.4/Sub.2/2005/28];
2. Decides to appoint Françoise Hampson as SR with the task of preparing a comprehensive study on the legal implications of the disappearance of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of IPs, based on her expanded working paper as well as the comments received and the discussions that took place at the 57th session [2005] of the Sub-Commission and the results of the questionnaires endorsed by the Commission in its decision 2005/112;

3. Requests the SR to submit a preliminary report to the Sub-Commission at its 58th session [2006], a progress report at its 59th session [2007] and a final report at its 60th session [2008];

4. Requests the Secretary-General to provide the SR with all the assistance necessary to accomplish this task;

5. Decides, if for whatever reason Ms. Hampson’s appointment is not endorsed by the CHR or the Economic and Social Council (ECOSOC), to request Ms. Hampson to prepare an expanded working paper on the legal implications of the disappearance of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of IPs to be submitted to the WGIP at its 24th session [2006] and to the Sub-Commission at its 58th session;

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

“The Commission on Human Rights, taking note of the Sub-Commission on the Promotion and Protection of Human Rights resolution 2005/20 of 10 August 2005, decides to endorse the decision of the Sub-Commission to appoint Françoise Hampson as Special Rapporteur with the task of preparing a comprehensive study on the legal implications of the disappearance of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of Indigenous peoples, based on her expanded working paper (E/CN.4/Sub.2/2005/28) as well as the comments received and the discussions that took place at the 57th session of the Sub-Commission and the results of the questionnaires endorsed by the Commission in its decision 2005/112 of 20 April 2005, and its request to the SR to submit a preliminary report to the Sub-Commission at its 58th session, a progress report at its 59th session and a final report at its 60th session. The Commission also decides to endorse the request to the Secretary-General to provide the Commission with all the assistance necessary to enable her to accomplish her task.”

7. Decides to continue consideration of this issue at its 58th session under the same agenda item.

Resolution 2005/23 (highlights)

Working Group on Indigenous Populations

The Sub-Commission on the Promotion and Protection of Human Rights,

1. Expresses its deep appreciation to all members of the Working Group who attended its 23rd session for the important and constructive work accomplished during the session and for the new working methods introduced, with the purpose of facilitating a more interactive dialogue during its annual sessions;

2. Reiterates its view, in the context of the ongoing process of reform of the UN human rights activities, bodies and mechanisms recently initiated by the Secretary-General, that in reviewing the activities, bodies and mechanisms relating to IPs, account should be taken of the fact that the mandates of the WGIP, the SR on the situation of human rights and fundamental freedoms of indigenous people and the PF are clearly distinct and complementary and that consequently none of these three bodies should be discontinued, and invites its superior bodies to endorse this view in the light of the already established cooperation among the three mechanisms;

3. Requests the Secretary-General to transmit the report of the Working Group on its 23rd session (E/CN.4/Sub.2/2005/26) to the UN High Commissioner for Human Rights, indigenous organizations, Governments and concerned intergovernmental and non-governmental organizations, to the Board of Trustees of the UN Voluntary Fund for Indigenous Populations, as well as to the CHR at its 62nd session, all thematic rapporteurs, special representatives, independent experts and working groups existing as special procedures under the authority of the Commission, and to all the treaty bodies;

4. Reiterates its invitation to the treaty bodies and all thematic special procedures to advise the Working Group on how they take into account, in their work and in accordance with their respective mandates, the promotion and protection of IPs’ rights and in this context further invites them to take duly into account paragraphs 3 and 4 of CHR resolution 2004/58 of 20 April 2004;

5. Requests the current Chairperson-Rapporteur of the Working Group to make an oral presentation to the 13th annual meeting of special rapporteurs/representatives, independent experts and Chairpersons of working groups of the special procedures of the CHR to substantiate the need for further cooperation between the special procedures and the Working Group and to propose possible modalities for further developing this much-needed cooperation;

6. Reiterates its recommendation that the Working Group, upon request, cooperate as a body of experts in any conceptual clarification or analysis that might assist the open-ended intersessional working group established by the Commission in its resolution 1995/32 of 3 March 1995 to complete as soon as possible the final version of the draft UN declaration on the rights of IPs;
7. Decides to authorize the Working Group to make available to the PF and the SR on the situation of human rights and fundamental freedoms of indigenous people, upon their specific request, the information provided by representatives of Governments and IPs during the annual general debate on its agenda item 4 (Review of developments), as a specific step towards further cooperation with other bodies with specific mandates related to the situation of IPs;
8. Requests the Working Group to continue exploring ways and means to further strengthen its cooperation with the PF and the SR;
9. Requests the CHR to endorse the participation, for one week, of the Chairperson-Rapporteur of the Working Group at the fifth session of the PF in 2006, as recommended by the Working Group (see E/CN.4/2005/26, para. 120), to enable him to present the report of the Working Group on its 23rd session, and to recommend to the ECOSOC to approve such participation;
10. Decides that the Working Group, at its 24th session, shall adopt as the principal theme “Utilization of IPs’ lands by non-indigenous authorities, groups or individuals for military purposes”, and that the OHCHR shall invite all relevant organizations and departments of the UN system to provide information on this subject and, if possible, to participate actively in the debates on this matter at the Working Group;
11. Decides that the Working Group’s agenda for its 24th session would be as follows: 1. Election of officers; 2. Adoption of the agenda; 3. Organization of work; 4. Review of developments: (a) General debate; (b) Principal theme: “Utilization of IPs’ lands by non-indigenous authorities, groups or individuals for military purposes”; (c) IPs and conflict prevention and resolution; 5. Standard-setting: (a) Future priorities for standard-setting activities; (b) Possible new studies to be undertaken; 6. Other matters: (a) Second International Decade of the World’s Indigenous People; (b) Cooperation with other UN bodies; (c) Follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; (d) State of the Voluntary Fund for Indigenous Populations; (e) The draft UN declaration on the rights of IPs (update); 7. The human rights situation of States and territories threatened with extinction for environmental reasons, with particular reference to IPs; 8. Adoption of the report;
12. Requests the Secretary-General to prepare an annotated agenda for the 24th session of the Working Group on the basis of paragraph 11 of the present resolution;
13. Invites the OHCHR, after consultation with the Chairperson-Rapporteur, to inform participants at the 24th session of the Working Group about the organization of issues under agenda item 4 in advance of the session, in order to facilitate a more active dialogue among the various participants;
14. Requests the Working Group to continue to review, if necessary at its 24th session, under draft agenda item 5, the revised draft principles and guidelines on the heritage of indigenous people elaborated by Erica-Irene Daes (E/CN.4/1995/26, annex) and the issue of free, prior and informed consent;
15. Calls upon all States to give specific attention to the promotion and protection of the traditional knowledge of IPs and to ensure that the principle of free, prior and informed consent is fully applied when protecting their traditional knowledge in their relations with non-indigenous sections of the population;
16. Requests Miguel Alfonso Martinez to submit, if possible to the 24th session of the Working Group under draft agenda item 4 (c), the additional working paper requested by the Sub-Commission in its resolution 2004/15 on the issue of IPs and conflict prevention and resolution;
17. Invites all States to submit to the Working Group at its 24th session any information they deem fit to provide on the mechanisms for conflict resolution and prevention available to IPs living under their jurisdiction, in case of existing or potential conflict situations based on the exercise of their rights in their relations with non-indigenous entities or individuals;
18. Requests the OHCHR to forward, as soon as possible, to the Coordinator for the Second International Decade of the World’s Indigenous People annex IV to the Working Group’s report containing the list of activities suggested by the Working Group for possible inclusion in the programme of action of the Second Decade, to be submitted to the General Assembly for consideration at its 60th session [2005];
19. Endorses once again the recommendation of the Working Group to request the OHCHR to organize a workshop on IPs and conflict resolution and prevention and, to this effect, to take the necessary steps to include in the budget for the 2006-2007 biennium the required appropriations so as to secure the holding of such a workshop in Geneva no later than in autumn of 2007;
20. Decides, in view of the discussions that took place under the principal theme of its 23rd session, to invite the OHCHR to organize, in the spring of 2006, as a matter of priority and in consultation with the Chairperson-Rapporteur of the Working Group, a second workshop on IPs, mining and other private sector companies and human rights, with a view to preparing guidelines based on respect for the cultures, traditions and the cultural heritage of IPs, and for the principle of free, prior and informed consent;
21. Expresses its deep appreciation to the Mascwachis Cree Nation’s Elders and Chiefs for their formal announcement confirming their hosting of the UN seminar referred to in Sub-Commission resolution 2004/15 on possible ways and means to implement treaties, agreements and other constructive arrangements between States and IPs, to be held from 25 to 27 September 2006 in their traditional lands under Treaty 6 in
Canada, in accordance with the invitation extended by them during the 22nd session and already formally accepted by the Working Group (see E/CN.4/Sub.2/2004/28, para. 118);

22. Requests the OHCHR to establish as soon as possible the necessary cooperation with the indigenous organizers of this seminar so as to ensure the full organizational and technical preparation as well as the successful holding of this important event;

23. Welcomes the invitation extended to the Chairperson-Rapporteur of the Working Group by the UN Department of Economic and Social Affairs and the Office for Latin America and the Caribbean of the UN Children’s Fund to participate in the Workshop on Indigenous Traditional Knowledge recommended by the PF at its fourth session, to be held in Panama City from 21 to 23 September 2005, and decides to authorize his participation in representation of the Working Group;

24. Requests the OHCHR to submit to the Working Group at its 24th session an updated compilation of all studies, reports and other research work on the situation of the rights of IPs, including their human rights, that have been carried out and completed since 1982 by the diverse UN bodies with a mandate specifically related to indigenous issues, as well as those currently being undertaken by those same bodies; to serve as a point of reference for the Working Group in its future research action, so as to avoid duplication of work;

25. Requests Mr. Alfonso Martinez to prepare, without financial implications, a working paper on the present-day sequels of the colonial era that continue to adversely affect the living conditions of IPs in various parts of the world, to be submitted to the Working Group at its 25th session [2007] and to the Sub-Commission at its 59th session [2007];

26. Appeals to all Governments, IPs, governmental and non-governmental organizations and other potential donors in a position to do so to contribute generously in 2006 to the UN Voluntary Fund for Indigenous Populations and the Voluntary Fund for the Second Decade of the World’s Indigenous People;

27. Requests the CHR to request the ECOSOC to authorize 10 meetings for the WGIP prior to the 58th session of the Sub-Commission in 2006;

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

4. UPCOMING MEETINGS AND DEADLINES FOR INDIGENOUS PEOPLES FROM MAY 2006

The Human Rights Council will review and might rationalize all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights. However, we are assuming here that the meetings scheduled for 2006 will take place. In any case, before starting a process to prepare for a meeting of any of the Human Rights bodies, please check with the corresponding secretariat.

MAY

1 – 12 May 2006 (New York, USA)
14th session of the Commission on Sustainable Development
Contact: Juwang Zhu, CSD Secretariat
UN Department of Economic and Social Affairs,
2 UN Plaza, New York, NY 10017, USA
Phone: +1 212 963 2803 Fax: +1 212 963 4260
Email: zhu@un.org
Web: http://www.un.org/esa/sustdev/calendar/may2006.htm

1 – 19 May 2006 (Geneva, Switzerland)
36th session of the Committee Against Torture
Countries scheduled for consideration: Republic of Georgia, Guatemala, Republic of Korea, Qatar, Peru, United States of America, Togo.
Contact: Ms. M. Morales Fernandez, Secretary
Office of the High Commissioner on Human Rights
United Nations, 1211 Geneva 10, Switzerland
Phone: +41 22 917 9139 Fax: +41 22 917 90 22
Web: http://www.ohchr.org/english/bodies/cat/cats36.htm

13 – 14 May 2006 (New York, USA)
Preparatory meeting for IPs to the Fifth session of the Permanent Forum on Indigenous Issues
Church Center for the United Nations, second floor
777 UN Plaza (corner of East 44th Street and 1st Avenue)
New York, NY, 10017, USA

15 – 26 May 2006 (New York, USA)
Fifth session of the Permanent Forum on Indigenous Issues
"The Millennium Development Goals and IPs: Re-defining the Millennium Development Goals"
Secretariat of the Permanent Forum on Indigenous Issues
United Nations, 2 UN Plaza, Room DC2-1772
New York, NY, 10017, USA
Phone: +1 917 367 5100 Fax: +1 917 367 5102
Email: IndigenousPermanentForum@un.org

15 May – 2 June 2006 (New York, USA)
35th session of the Committee on the Elimination of Discrimination against Women (CEDAW)
Countries scheduled for consideration: Bosnia & Herzegovina, Malaysia, Saint Lucia, Turkmenistan, Cyprus, Guatemala, Malawi, Romania.
United Nations Division for the Advancement of Women
Department of Economic and Social Affairs
2 UN Plaza, DC2-12th Floor, New York, NY 10017, USA
Fax: +1 212 963 3463 E-mail: see link “E-mail DAW” on bottom left hand corner of website
Web: http://www.un.org/womenwatch/daw/cedaw/35sess.htm

Published on June 20, 2006
15 May – 2 June 2006 (Geneva, Switzerland)
42nd session of the Committee on the Rights of the Child (CRC)
Countries scheduled for consideration: Colombia, Latvia, Lebanon, Marshall Islands, Mexico, Tanzania, Turkmenistan, Uzbekistan. (Optional Protocol on the Sale of Children: Iceland, Italy, Qatar, Turkey; Optional Protocol on the Involvement of Children in Armed Conflict: Belgium, Canada, Czech Republic, El Salvador, and Iceland.)
Contact: M. P. David, Secretary
Office of the High Commissioner for Human Rights
United Nations, CH-1211 Geneva 10, Switzerland
Phone: +41 22 917 9301 Fax: +41 22 917 9022
E-mail: crc@ohchr.org
Web: http://www.ohchr.org/english/bodies/crc/crcs42.htm

15 – 26 May 2006 (Bonn, Germany)
24th session of the Subsidiary Bodies for Scientific and Technological Advice
United Nations Framework Convention on Climate Change
Phone: +49 228 815 1999
E-mail: secretariat@unfccc.int Web: http://unfccc.int/meetings/sb24/items/3648.php

22 – 27 May 2006 (Geneva, Switzerland)
59th World Health Assembly
World Health Organisation
Avenue Appia 20
1211 Geneva 27, Switzerland
Phone: +41 22 791 2111 Fax: +41 22 791 0746

31 May – 16 June 2006 (Geneva, Switzerland)
95th International Labour Conference
International Labour Organisation
Contact: Official Relations Branch
Phone: +41 22 799 7732 Fax: +41 22 799 8944
Email: reloff@ilo.org Web: www.ilo.org/ilc

JUNE

19 – 23 June 2006 (Geneva, Switzerland)
Meeting of Special Rapporteurs, Representatives, Independent Experts and Chairpersons of Working Groups of the Commission on Human Rights
Office of High Commissioner on Human Rights
United Nations, 1211 Geneva 10, Switzerland
Phone: +41 22 917 90 00 Fax: +41 22 917 90 11

19 – 22 June 2006 (Albuquerque, New Mexico)
International Indigenous Business and Entrepreneurship Conference
The University of New Mexico
Sandia Casino & Resort, Albuquerque, NM
Phone: +1 505 277 8889 Fax: +1 505 277 9868
E-mail: iibec@mgt.unm.edu Web: http://iibec.mgt.unm.edu/default.asp

19 – 30 June 2006 (Geneva, Switzerland)
First session of the Human Rights Council
Office of High Commissioner on Human Rights
United Nations, 1211 Geneva 10, Switzerland
Phone: +41 22 917 90 00 Fax: +41 22 917 90 11
Web: http://www.ohchr.org/english/bodies/hrcouncil/
JULY

3 – 28 July 2006 (Geneva, Switzerland)
Substantive session of the Economic and Social Council of the United Nations (ECOSOC)
(Humanitarian Affairs 14-19 July)
Division for ECOSOC Support and Coordination, Department of Economic and Social Affairs
1 UN Plaza, Room DC1-1428, New York, NY 10017
E-mail: esa@un.org Web: http://www.un.org/docs/ecosoc/meetings/2006/index.html

10 – 28 July 2006 (Geneva, Switzerland)
87th session of the Human Rights Committee
Countries scheduled for consideration: Central African Republic, Honduras, United States of America, UNMIK
(Interim Administration Mission in Kosovo), Bosnia and Herzegovina, Madagascar, and Ukraine
Contact: M. P. Gillibert
Office of the High Commissioner for Human Rights
United Nations, CH-1211 Geneva 10, Switzerland
Phone: +41 22 917 9332 Fax: +41 22 917 9022
Web: http://www.ohchr.org/english/bodies/hrcs87.htm

12 – 15 July 2006 (Minneapolis, Minnesota, USA)
International Symposium on Indigenous Healing & Chronic Disease
Africa First, in association with other organisations
Ted Mann Hall, University of Minnesota, Minneapolis, Minnesota, USA
Phone: +1 651 646 4721 Fax: +1 651 644 3235
E-mail: info@africa-first.com Web: http://africa-first.com/isih/Default.aspx

29 – 30 July 2006 (Geneva, Switzerland)
Preparatory meeting to the WGIP for indigenous peoples
World Council of Churches (WCC) Headquarters, Indigenous Peoples Programme
PO Box 2100, 150 route de Ferney
CH-1211 Geneva 2, Switzerland
Phone. +41 22 791 60 44 E-mail: lsm@wcc-coe.org
Web: http://www.ohchr.org/english/issues/indigenous/groups/groups-01.htm

31 July – 4 August 2006 (Geneva, Switzerland)
24th session of the Working Group on Indigenous Populations:
“Utilization of IPs’ lands by non-indigenous authorities, groups or individuals for military purposes”
Secretariat of the Working Group on Indigenous Populations
Office of the High Commissioner for Human Rights
United Nations, CH-1211 Geneva 10, Switzerland
Phone: +41 22 917 9323 Phone/Fax: +41 22 917 9008
E-mail: WGindigenous@ohchr.org
Web: http://www.ohchr.org/english/issues/indigenous/groups/groups-01.htm

31 July –18 August 2006 (Geneva, Switzerland)
69th session of the Committee on the Elimination of Racial Discrimination (CERD)
Countries scheduled for consideration: Denmark, Estonia, Israel, Malawi, Mongolia, Mozambique, Namibia,
Norway, Oman, Saint Lucia, Seychelles, South Africa, Ukraine, and Yemen.
Contact: Ms. N. Prouvez, Secretary
Office of the High Commissioner for Human Rights
United Nations, CH-1211 Geneva 10, Switzerland
Phone: +41 22 917 9309 Fax: +41 22 917 9022
Web: http://www.ohchr.org/english/issues/indigenous/groups/groups-01.htm
AUGUST

7 – 25 August 2006 (New York, USA)
36th session of the Committee on the Elimination of Discrimination against Women (CEDAW)
Countries scheduled for consideration: Cape Verde, Chile, China, Cuba, Czech Republic, Democratic Republic of Congo, Denmark, Georgia, Ghana, Jamaica, Mauritius, Mexico, Philippines, Republic of Moldova, and Uzbekistan.
United Nations Division for the Advancement of Women
Department of Economic and Social Affairs
2 UN Plaza, DC2-12th Floor, New York, NY 10017, USA
Fax: +1 212 963 3463 E-mail: see link “E-mail DAW” on bottom left hand corner of website
Web: http://www.un.org/womenwatch/daw/cedaw/36sess.htm

7 – 28 August 2006 (Geneva, Switzerland)
58th session of the Sub-Commission on the Promotion and Protection of Human Rights
Secretariat of the Sub-Commission
Office of the High Commissioner for Human Rights
United Nations, CH-1211 Geneva 10, Switzerland
Phone: +41 22 917 97 25 Fax: +41 22 917 90 11
E-mail: ngochr@ohchr.org Web: http://www.ohchr.org/english/bodies/subcom/index.htm

9 August 2006 (Celebrated throughout the world)
International Day of the World’s Indigenous Peoples

New deadline: 15th August 2006
2007 Indigenous Peoples Fellowship Programme
Web: http://www.ohchr.org/english/issues/indigenous/fellowship.htm

SEPTEMBER

11 – 29 September 2006 (Geneva, Switzerland)
43rd session of the Committee on the Rights of the Child (CRC)
Countries scheduled for consideration: Benin, Ethiopia, Ireland, Jordan, Kiribati, Oman, Republic of Congo, Senegal, Samoa, Swaziland. (Optional Protocol on the Sale of Children: Denmark, Syrian Arab Republic, Viet Nam; Optional Protocol on the Involvement of Children in Armed Conflict: Kazakhstan, Malta, and Viet Nam.)
Contact: M. P. David, Secretary
Office of the High Commissioner for Human Rights
United Nations, CH-1211 Geneva 10, Switzerland
Phone: +41 22 917 9301 Fax: +41 22 917 9022
E-mail: crc@ohchr.org Web: http://www.ohchr.org/english/bodies/crc/crcs43.htm

12 September – December 2006 (New York, USA)
61st Session of the UN General Assembly
UN Headquarters, 1 UN Plaza, New York, NY 10017
Phone: +1 212 963 8811 Fax: +1 212 963 1267
E-mail: aydin@un.org Web: http://www.un.org

14 – 15 September 2006 (New York, USA)
UN General Assembly High-Level Segment on International Migration and Development
UN Headquarters, 1 UN Plaza, New York, NY 10017
Phone: +1 212 963 8811 Fax: +1 212 963 1267
E-mail: aydin@un.org Web: http://www.un.org

19 - 20 September 2006 (Singapore)
World Bank and International Monetary Fund Annual Meeting
Pan Pacific Hotel, Singapore
Phone: +1 202 473 7272 Fax: +1 202 623 4100
E-mail: bfcoffice@worldbank.org Web: http://www.imf.org/external/am/2006/
25 September – 3 October 2006 (Geneva, Switzerland)
Assemblies of the Member States of WIPO, 42nd series of meetings
World Intellectual Property Organisation (WIPO)
PO Box 18, CH-1211 Geneva 20, Switzerland
Telephone: +41 22 338 9111 Fax: +41 22 733 54 28
For email go to: http://www.wipo.int/tools/en/contacts/index.jsp
Web: http://www.wipo.int/index.html.en

OCTOBER

9 – 10 October 2006 (Warsaw, Poland)
Ministerial Conference on the Protection of Forests in Europe
Expert Level Meeting
Swedish Authorities, Joint Experts Network & MCPFE
Contact: Ms. Kornatowska, b.kornatowska@lu-warsaw.pl
For information and outcomes: http://www.mcpfe.org/Members/Marta/elm

16 October – 3 November 2006 (Geneva, Switzerland)
88th session of the Human Rights Committee
Countries scheduled for consideration: not announced yet
Contact: M. P. Gillibert
Office of the High Commissioner for Human Rights
United Nations, CH-1211 Geneva 10, Switzerland
Phone: +41 22 917 9332 Fax: +41 22 917 9022
Web: http://www.ohchr.org/english/bodies/hrc/sessions.htm

NOVEMBER

6 – 17 November 2006 (Bonn, Germany)
12th Conference of Parties (COP) and 25th session of the Subsidiary Bodies (SBI and SBSTA)
United Nations Framework Convention on Climate Change
Phone: + 49 228 815 1527 Fax: + 49 228 815 1999
E-mail: secretariat@unfccc.int Web: http://www.unfccc.int

6 – 24 November 2006 (Geneva, Switzerland)
37th session of the Committee Against Torture
Countries scheduled for consideration: Hungary, Russian Federation, Mexico, Guyana, Burundi, South Africa, Tajikistan, and Seychelles.
Contact: Ms. M. Morales Fernandez, Secretary
Office of High Commissioner on Human Rights
United Nations, 1211 Geneva 10, Switzerland
Phone: +41 22 917 9139 Fax: +41 22 917 9022
Web: http://www.ohchr.org/english/bodies/cat/cats37.htm

6 – 24 November 2006 (Geneva, Switzerland)
37th session of the Committee on Economic, Social and Cultural Rights (CESCR)
Countries scheduled for consideration: El Salvador, Albania, Tajikistan, The Former Yugoslav Republic of Macedonia, and The Netherlands
Contact: Mr. Alexander Tikhonov, Secretary
Office of the High Commissioner for Human Rights
United Nations, CH-1211 Geneva 10, Switzerland
Phone: + 41 22 917 9321 Fax: + 41 22 917 9046
Web: http://www.ohchr.org/english/bodies/cescr/cescrs37.htm

DECEMBER

December 2006 – precise dates to be confirmed (Geneva, Switzerland)
Tenth session of the Intergovernmental Committee on Traditional Knowledge, Genetic Resources and Traditional Cultural Expression/Folklore
World Intellectual Property Organisation (WIPO)
PO Box 18, CH-1211 Geneva 20, Switzerland
Telephone: +41 22 338 9111 Fax: +41 22 733 54 28
For email go to: http://www.wipo.int/tools/en/contacts/index.jsp
Web: http://www.wipo.int/tk/en/igc/
5. OTHERS

Office of the High Commissioner for Human Rights’ Indigenous Fellowship Programme

The Office of the High Commissioner for Human Rights is accepting applications for the 2007 Indigenous Fellowship Programme. The programme exists in English, Spanish, French and – since 2005 – as a pilot programme in Russian. The aim of the programme is to provide young indigenous men and women (preferably, but not exclusively between the ages of 25 – 35 years) with general knowledge about the overall United Nations system, and with knowledge about the international human rights instruments and mechanisms, in particular those with relevance to IPs. Furthermore, each Fellow should also at the end of the Programme be capable of giving training within their communities and organizations in the fields of international human rights in general, and on IPs’ rights in particular, and be able to disseminate the information and knowledge gained during the Fellowship Programme. Five fellows will be selected to participate in each of the four components of the programme: the four-month English programme, based at the Office of the High Commissioner for Human Rights in Geneva, Switzerland; the four-weeks Russian programme, also based at the OHCHR in Geneva; the ten-weeks Spanish programme, based at the Deusto University in Bilbao, Spain; and the ten-weeks French programme, based at the Dijon University, France. A stipend will be provided to cover costs for living, insurance and travel to and from Geneva. For more information on the program, the conditions for the application and the application form, please visit the website mentioned below. Additional questions pertaining to this programme should be addressed to the Indigenous Project Team (see address below). Please note that the **deadline for the 2007 Fellowship Programme is 15 August 2006** and that in order to be considered, applications must be fully completed and sent only by fax or post to the address below.

**Contact:**

Indigenous Fellowship Programme
Indigenous Project Team
Office of the UN High Commissioner for Human Rights
UNOG-OHCHR
CH-1211 Geneva 10 / Switzerland
Telefax: + 41 22 917 9008
E-mail: fellowship@ohchr.org
Website: [http://www.ohchr.org/english/issues/indigenous/fellowship.htm](http://www.ohchr.org/english/issues/indigenous/fellowship.htm)

**Fellows of the 2006 Programme**

**English speaking fellows**
2 May – 1 September 2006 (based in Geneva, Switzerland)

Ms. Karmen Ramirez Boscán, Wayúu (Colombia)
Ms. Bandana Rai, Chamling (Nepal)
Ms. Leanne Maree Liddle, Arrente Clan (Australia)
Ms. Delaria Festus, Khomani San (South Africa)
Mr. Peter Kiplangat Cheruiyot, All Ogiek (Kenya)

**Spanish speaking fellows**
17 July-18 August 2006 (based in Deusto University, Bilbao, Spain)

Ms. Claudia Leticia Magzul López, Maya-Kaqchikel (Guatemala)
Mr. José Alejandro Brooks Casanova, Miskito (Nicaragua)
Ms. Evelin Carolina Acosta, Wayúu (Colombia)
Mr. Kar Atamaint Wamputsar, Shuar (Ecuador)

**French speaking fellows**
11 September -17 November 2006 (based in Dijon University, France)

Mr. Léonard Habima, Batwa (Burundi)
Mr. Alexis Mantsanga, Pygmy (Congo)
Ms. Sanaa Bouzit, Amazigh (Maroc)
Ms. Garcia Cynthia Ampha, Pygmy (Congo)
Mr. Isaac Oukafi Cheikh, Tuareg (Algeria)

Russian speaking fellows
The names of the Russian-speaking fellows for the 2006 Programme are not available yet. This component of the programme will take place some time during the months of November-December 2006. We will publish more information when available.

United Nations Voluntary Fund for Indigenous Populations

The forms for representatives of IPs to apply to the Voluntary Fund for travel grants to the 2007 sessions of the:
- Permanent Forum on Indigenous Issues
- Working Group on Indigenous Populations
- Working Group on the Draft Declaration

are available on the OHCHR’s Website:

http://www.ohchr.org/english/about/funds/indigenous/docs/form.e2007.doc

This application has to be completed, signed, dated and accompanied by a letter of nomination and sent

by 1 OCTOBER 2006 to

Secretariat of the Voluntary Fund for Indigenous Populations
Office of the United Nations High Commissioner for Human Rights
CH-1211 Geneva 10 - Switzerland
Tél. +41 22 917 91 64/91 42 - fax +41 22 917 90 66
E-mail: indigenousfunds@ohchr.org
For applications and more information: http://www.ohchr.org/english/about/funds/indigenous/

Closure of the Commission on Human Rights - Creation of the Human Rights Council

You will find regularly updated information on the Human Rights Council and on the effects this reform might have on the fate of IPs at the United Nations, by visiting doCip’s website: www.docip.org.
WIPO Intergovernmental Committee: Voluntary Fund for IPs’ participation

In order to further facilitate the participation of indigenous and local communities in the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (ICG), in October 2005 the Member States of WIPO set up a Voluntary Contribution Fund for Accredited Indigenous and Local Communities.

Further information on the objectives, rules and functioning of the Fund, as well as application forms and deadlines, are available on http://www.wipo.int/tk/en/ngoparticipation/voluntary_fund/index.html or at doCip.

Please note that only representatives of local or indigenous communities who are already accredited to participate in the ICG may apply for this funding. Information on the accreditation procedure for the ICG is available at http://www.wipo.int/tk/en/igc/accreditation.html or at the address below.

Traditional Knowledge Division
World Intellectual Property Organization (WIPO)
34, chemin des Colombettes
1211 Geneva 20 / Switzerland
Fax + 41 22 338 8120
E-mail: gtkf@wipo.int

If you have comments and suggestions about this Update, please do not hesitate to share them with us:
- by e-mail at: docip@docip.org (Subject: Update)
- by fax at: + 41 22 740 34 54
- by mail at: doCip, 14 avenue Trembley, CH-1209 Genève

Thanks!

INFORM US OF YOUR CHANGE OF ADDRESS

Please inform us each time you change your e-mail/postal address, or phone/fax number so that we may keep our address book up to date. Send an email to docip@docip.org, subject: Change of Address. Many thanks.
Contributors to this issue
Pierrette Birraux, Geneviève Herold, Ingrid Kokajeve, Karen Smith.

Translation
Virginia Alimonda, Julie Graf, Ingrid Kokajeve, Jorge Zaral Gonzales.

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

This issue is available in English, Spanish, French and Russian.
Original version: printed and Internet (www.docip.org) English text.

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

With the support of:
Swiss Agency for Development and Cooperation.
City of Geneva

This document has been produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of doCip and can under no circumstances be regarded as reflecting the position of the European Union.