1. Editorial

In anticipation of the first meeting of the Permanent Forum on Indigenous Issues, we have deemed it appropriate to devote this issue of Update to the various conferences dealing with human rights. In the following issue we aim to place more emphasis on the achievements of the specialised organizations based in Geneva. This division, may, however, need to be modified in the light of the latest events.

The present issue, devoted to human rights, begins with the report of the 19th session of the Working Group on Indigenous Peoples (WGIP), whose publication we had to postpone in order to concentrate on the creation of the Permanent Forum. The specific theme of the WGIP was the right of indigenous peoples to development, including the right to participate in development affecting them. This theme will be taken
up again next year, together with issues relating to the achievements of the United Nations where indigenous peoples and their prospects for the future are concerned. 2002 will, indeed, be the 20th anniversary of the WGIP, and Mrs. Daes, Chairperson for the past 18 years, has been asked to prepare a document on this subject. Mrs. Daes is, of course, retiring from the presidency of the WGIP, but will continue to be active, both as an expert for the Sub-Commission on the Promotion and Protection of Human Rights and as a member of the WGIP.

Following this we include some information concerning the first report which the Special Rapporteur on the rights of indigenous peoples, Mr. Stavenhagen, will present to the Commission on Human Rights, as well as the resolutions of the Sub-Commission. These recommend the drafting of working documents on (1) standard-setting (2) the effects of biotechnologies on indigenous peoples and (3) the permanent sovereignty of indigenous peoples over their natural resources.

Although differences continued to exist on the placement of three articles in the Declaration and the Action Plan of the World Conference on Racism, it has been possible to publish those articles mentioning indigenous peoples, insofar as they have already been seen by the General Assembly of the United Nations. We have included a summary of the recommendations resulting from dialogue between indigenous peoples and the media, where the theme has been precisely the fight against the discrimination prevalent in the media.

Many activities are planned for 2002 - a seminar on treaties, meetings in Africa, Asia and Latin America, a workshop on ecotourism, the promotion of indigenous participation in the Rio +10 Conference, the setting up of a database on national legislation dealing with indigenous peoples, a pre-conference working group on the recommendations and guiding principles of the report concerning indigenous peoples and their relationship to land, a workshop on the implementation of Agenda 21, etc. Finally ECOSOC has been asked to recommend that an international conference on indigenous issues be held now that the International Decade is coming to an end. This conference would include a reflection on the Decade's programmes and thoughts on any future measures that could be put in place in order to contribute effectively to improving the situation of indigenous peoples.

We finish with some documents concerning the Permanent Forum including, last but not least, the list of indigenous experts appointed to serve in it.

* * *

2. Working Group on Indigenous Peoples

2.1. Summary report

It is with great sadness that after 18 years, Mrs. Erica Irene Daes has decided to retire from the presidency of the WGIP. A moving tribute was paid to her by indigenous delegations from various parts of the world. The main theme of the session was “Indigenous peoples and their right to development, including their right to participate in development affecting them”. This theme will be taken up again in 2002, along with the theme entitled “The WGIP: Achievements in the United Nations system and a vision for the future”.

In addition to the five WGIP experts, representatives from 35 states, five UN bodies, 24 non-governmental organisations with ECOSOC status (including 14 indigenous NGOs) as well as 211 indigenous organisations, 36 non-indigenous organisations and 84 individual experts participated in this session, making a total of 1033 people. Thus the WGIP remains the only UN body in which every participant can
contribute, enabling us to gain an all-round picture of how the situation of indigenous peoples in the whole world has evolved.

In her opening statement, the Chairperson-Rapporteur said that the WGIP had initiated a new form of constructive dialogue between indigenous peoples and governments. However, much remains to be completed such as the adoption of the Draft Declaration. Furthermore, new aggressions against indigenous peoples appear such as foreign investments and environmental damage. She noted the importance of the full and effective implementation of the Convention on Biological Diversity and the Convention on the Elimination of All Forms of Racial Discrimination. For the Permanent Forum on Indigenous Issues, she stressed the importance of an independent, well-resourced, full-time secretariat which would include experienced indigenous persons.

Under agenda item 4, 117 oral statements were pronounced about: the concept of development; human rights and the right to development; participation in development and democracy; self-determination, self-government and the right to land; implementation of national legislation and international treaties; militarization, conflict and military bases; private sector development/impacts; globalization, sustainable development and indigenous enterprises; and, the role of international agencies and bodies.

For the first time since 1993, doCip has not been able to summarize all the speeches made at the WGIP, due to the large number of events we have had to cover and the many indigenous peoples' declarations we have published. These speeches are available at the doCip office. In their place, the reader will find three declarations made by the caucus of indigenous peoples that enjoyed a high degree of consensus.

2.2. Declaration of Ted Moses on behalf of all the indigenous delegations

In his oral statement, Ted Moses of the Grand Council of the Crees of Quebec, on behalf of all indigenous delegates, thanked the Chairperson-Rapporteur for her long years of constructive work and invaluable service and outstanding achievements. She had earned the appreciation of indigenous peoples from all over the world. He also thanked her for her numerous visits to indigenous communities which had allowed her to see their conditions first hand and to provide important information relating to the work of the UN system concerning the protection of indigenous rights. He said that indigenous peoples had found a champion in Ms. Daes.

2.3. List of documents available at the WGIP

- Provisional agenda E/CN.4/Sub.2/AC.4/2001/1 and Rev.1
- Annotations to the provisional agenda E/CN.4/Sub.2/AC.4/2001/1/Add.1
- Workshop on indigenous media: “Promoting the rights of indigenous peoples through the media” E/CN.4/Sub.2/AC.4/2001/3
- International Decade of the World’s Indigenous People; Voluntary Fund for the International Decade of the World’s Indigenous People: Note by the secretariat E/CN.4/Sub.2/AC.4/2001/5

2.4. Decisions and resolutions taken by the WGIP

(Not mentioned in the resolutions of the Sub-Commission)

- The WG decided to invite Mr. Guissé to prepare a working paper on “Indigenous peoples’ right to development and globalization” for its twentieth session in order to stimulate further discussion on this important issue.
- The WG invited Ms Daes to present a working paper that would reflect upon the achievements accomplished by indigenous peoples and the UN and look forward to the challenges of the coming years. It also encouraged the
OHCHR to consider how it could organize special events, in cooperation with indigenous peoples, Governments, NGOs and the United Nations system, to celebrate the WG 20th anniversary.

- The WG urged Mr Alfonso Martinez to submit to the WG at its 20th session the working paper on indigenous peoples’ relationship with natural resources, energy and mining companies requested in 1997.
- The WG urged the World conference against Racism to use the term “indigenous peoples” without qualification in order to recognize the collective character of indigenous nations and communities. It also called for a strong statement that would re-invigorate the efforts to finalize the draft declaration. It encouraged the Governments to commit themselves to adopting appropriate legislation that would recognize indigenous peoples’ rights over lands and resources and their self-governing institutions.
- The WG noted the establishment by the African Commission on Human and Peoples’ rights of a Working Group on Indigenous Peoples and encouraged the OHCHR to maintain and deepen its cooperation with the newly established body.


Achievements of indigenous peoples at the UN system and a vision for the future.
Review of developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples: indigenous peoples and their right to development, including participation in development affecting them.
Review of developments: general statements.
Standard-setting activities.
Other matters.

2.6. Review of developments: Indigenous Peoples and Development (Item 4)

Statement of the Indigenous Peoples Caucus

*We, the indigenous peoples, walk to the future in the footsteps of our ancestors. From the smallest to the largest living being, from the four directions, from the air, the land and the mountains, the creator placed us the indigenous peoples upon the Mother Earth. The footprints of our ancestors are permanently etched upon the land of our peoples. We, the indigenous peoples, maintain our inherent rights to self-determination. We have always had the right to decide our own forms of government, to use our own laws, to raise and educate our children, to our own cultural diversity without interference. We continue to maintain our rights as peoples despite centuries of deprivation, assimilation and genocide. We maintain our inalienable rights to our lands and territories, to our resources -above and below- and to our waters. We assert our ongoing responsibility to pass these on to future generations. We cannot be removed from our lands. We, the indigenous peoples, are connected by the circle of life to our lands and environments.*

*We, the indigenous peoples, walk to the future in the footsteps of our ancestors.*

Kari-Oca Declaration, Brazil, 1992.

Echoing the words of the World Conference of Indigenous Peoples on Territory, Environment and Development at Brazil in 1992,

*We, the indigenous participants to the 19th session of the UNWGIP, state that for indigenous peoples, self-determination and sustainable development are two sides of the same coin. Indeed, common Article 1 of the UN International Covenants on Civil and Political Rights, and on Social, Economic and Cultural Rights state:*

*Article 1*

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The State parties to this present Convention, including those having responsibility for the administration of non-self-governing and trust territories, shall provide for the realization of the right to self-determination, and shall respect that right in conformity with the provisions of the United Nations.

Article 1 does not create the right to self-determination. It confirms that this right exists, and that it is a right possessed by “peoples”. By virtue of that right, certain freedoms flow, and it is these freedoms that make up the content of self-determination.

The second paragraph of Article 1 concerns the use and benefit from natural wealth and resources, and has particular pertinence for indigenous peoples. We have the right to benefit from the resources of the land as an expression of our right to self-determination. We may not be denied a means of subsistence, moreover, we may not be denied our own means of subsistence. We have the right to use our land and waters to live by our own means as we always have, and by whatever means we choose. Self-determination protects our right to subsist in the ways we indigenous peoples see fit.

The third paragraph of Article 1 not only calls upon States to respect the right to self-determination, but calls upon States to promote the realization of the right to self-determination.

This framework can serve as a departure point in the UNWGIP’s deliberations under agenda item 4: Indigenous peoples and their right to development, including indigenous peoples’ participation in development affecting them.

**Indigenous lands and self-determination**

Indigenous peoples lands and territories are inextricably linked to self-determination, to our survival, to development in harmony with Mother Earth, and to indigenous peoples’ identity and dignity, including our collective lives.

The United Nations Expert Seminar on Practical Experiences Regarding Indigenous Land Rights and Claims meeting in Whitehorse, Canada, recognized the distinctive relationship indigenous peoples have with our lands, and with the air, waters, coastal sea, ice, flora, fauna and other resources. The importance of the links between self-determination and the right to land are vital for indigenous peoples’ development and cultural survival.

Development, to be meaningful for indigenous peoples, must be defined by indigenous peoples themselves in furtherance of self-development. It is based on the strengthening and renewal of the diversity of indigenous traditional knowledge, as applied to our problems today. Indigenous peoples favour a holistic approach for development, one which builds on our respective values, traditions and spirituality. Accordingly, such an approach includes some of the basic principles of indigenous peoples generally:

- respect for and preservation of land, natural resources and all elements of the natural environment;
- consensus in decision-making;
- mutual respect for peoples’ values and ideology including sovereignty over land and environment under the natural law.

The development framework of modernization has its roots in colonialism and has resulted in the impoverishment of indigenous peoples and the marginalization of our economies, governance systems, cultures and spirituality. Indigenous peoples have a long history of being victims of development projects throughout the world.

Development depends on natural resources, and a large portion of the natural resources of the world is contained in the sovereign territories of indigenous peoples, and are the targets of development. The
extraction of our natural resources results in a fundamental change in the natural environment, where we have culturally and physically adapted for thousands of years.

In Africa, the lands of hunters, gatherers and pastoralists were turned to wildlife and game parks to boost the tourist industry and to large-scale commercial farms which did not benefit indigenous peoples. On the contrary, it has led to depriving them access to natural resources such as pasture and water. This denial of access to natural resources subjects them to pauperization.

In South Africa, transnational pharmaceutical corporations are gathering indigenous plants for medicinal purposes, for example the *aloe ferox* which has been used by our ancestors as remedies. The *butchu* plant is a well-known cure for all ailments. In all these, indigenous peoples knowledge is taken without any benefit from its use and exploitation. Furthermore, the government is in the process of selling to developers vacant lands rich in historical value, including transformation into car parks.

Many large dams in this century have been built on the lands of indigenous peoples and is a matter of grave concern to indigenous peoples in Asia. Fragile and precious ecosystems have been destroyed and entire communities have lost their lands in the name of “public interest”, yet none of the expected benefits and little compensation ever reach these displaced peoples. Many are compelled to migrate to urban slums or to territories of other indigenous peoples in order to survive. The creation of new territorial boundaries within States is used to spread conflicts and mistrust among indigenous peoples, in furtherance of State interests.

Uranium mining and nuclear testing have blighted the lands, lives and health of many indigenous peoples in the Nevada Desert, the former Soviet Union and the Pacific. Similar serious impacts, including forced displacement, are caused by military installations on indigenous territories, such as low-level training flights over lands of the Innu people.

**Globalization and indigenous peoples**

Today, forced upon indigenous peoples and nations is globalization, which is the integration of trade, finance and information that is creating a single economy. The globalization mechanism for this to happen in North America is the North American Free Trade Agreement (NAFTA). NAFTA is a radical experiment in rapid deregulation of trade and investment among the governments of the United States, Mexico and Canada. Effective since 1995, NAFTA has resulted in lowered wages, worsening health and working conditions in Mexico, and the decline in environmental and labour standards across borders. Under a new Agreement, the Free Trade Area of the Americas (FTAA) free trade will be expanded into all the countries of the Western hemisphere except Cuba. The agreement will not only liberalize trade but will also give corporations unprecedented rights to pursue their trade interests.

These economic and trade agreements like NAFTA, FTAA, MERCOSUR in the southern cone of Latin America, and the Asia-Pacific Economic Cooperation (APEC), in many instances lead to the denial of indigenous peoples’ rights to ancestral territories and the violation of their rights to security of land tenure, including their spiritual perspectives on land and development traditional knowledge, culture and political and socio-economic systems.

The new paradigm of development are based increasingly on the advances of new technologies including information and communication technologies, as well as biotechnology, directly affecting the lives of indigenous peoples. This has implications for the intellectual property rights and traditional knowledge of indigenous peoples. In many cases, depriving them of their access to and enjoyment of their own resources and their right to self-determination and self-development. There exists specific declarations put forth by indigenous peoples themselves at numerous international and United Nations conferences during these past few decades to this effect.

This contemporary focus on new technologies is driving commercial interest in indigenous and traditional knowledge and biogenetic resources. The loss of the sacred in modern life challenges indigenous peoples to be fully conscious of the threats and opportunities posed by modern science and technology while continuously renewing our knowledge and spirituality and renovating our technologies to address contemporary social and ecological problems.
On free and prior informed consent of indigenous peoples
In the context of self-determination of indigenous peoples, self-development and our free and prior informed consent to development projects and plans affecting us are fundamental principles in promoting our rights and welfare in the development process.

Learning from our experiences, it is increasingly urgent that the concept and application of the principle of free, prior and informed consent of traditional and tribal governments and the directly affected indigenous peoples is better understood and elaborated to guide the conduct of governments, corporations and development agencies. They must be directly accountable to local governance structures for the impacts of development projects.

Free and prior informed consent is explicitly recognized in the UN Declaration on the Rights of Indigenous Peoples, the Inter-American Declaration on the Rights of Indigenous Peoples and in national legislation, including the Indigenous Peoples Rights Act of the Philippines. Prior informed consent is also the international standard for any projects involving displacement or resettlement of indigenous peoples by ILO Convention 169, Inter-American Bank policy, and also a number of national laws.

The Philippine Indigenous Peoples Rights Act defines the process of free and prior informed consent by the following criteria:

- All members of the community affected consent to the decision;
- Consent is determined in accordance with customary law and practices;
- Freedom from external manipulation, interference or coercion;
- Full disclosure of the intent and scope of the activity;
- Decision is made in a language understandable to the community;
- Decision is made in a process understandable to the community.

There are countless examples of blatant abuses of these fundamental processes in the development projects funded by multilateral development banks and other development agencies. An examination of past projects of the World Bank has shown that neglecting to secure the legal changes necessary to safeguard indigenous rights means that activities and processes later in the project cycle are distorted by implementing agencies. Learning the lessons from past projects affecting indigenous peoples is a high priority for all development agencies to reverse their harmful impacts on indigenous communities.

The history of corporate “development” in indigenous lands has mostly been of expropriation, destruction and abuse; thus building a legacy of mistrust towards corporations. Acknowledgement of this history and acceptance of responsibility for past actions is a first step towards the recognition of and respect for indigenous peoples’ rights by corporations and investors. Corporations are increasingly prepared to endorse voluntary codes of conduct which are too general to be monitored and lack sanctions. But these same companies have campaigned and worked tirelessly to weaken laws and liberalize regulations protecting indigenous rights and too often avoid their responsibility in actual projects. Regulations are needed to control the actions of companies, but these must be few in number, universal in application, verifiable, enforceable and backed by sanctions against violators in order to enjoy the confidence of affected indigenous peoples and communities. Endorsement of the UN Declaration on the Rights of Indigenous Peoples by corporations would be a positive step.

Best practice
Looking to positive developments, indigenous peoples see the adoption by the UN General Assembly of the ECOSOC resolution on the establishment of a Permanent Forum on Indigenous Issues within the United Nations as providing an opportunity for indigenous peoples to work at another level in pursuit of their development. It should be noted that the Permanent Forum shall serve as an advisory body to ECOSOC with a mandate to discuss indigenous issues within the mandate of ECOSOC which include economic and social development.

Also, the report of the World Commission on Dams (WCD), *Dams and Development: A New Framework for Decision-Making* published in November 2000, provides useful guidance for the implementation of water and energy development. Recognizing the disproportionate impacts of large dams on indigenous
peoples and local communities, the WCD recommends that public acceptance be promoted through negotiated agreements among all interested and affected parties including the free and prior informed consent of indigenous peoples to projects affecting them.

The Council of Ministers for International Development of the European Union has adopted a Resolution on Indigenous Peoples Within the Framework of the Development Cooperation of the Community and Member States acknowledging indigenous peoples’ rights to self-development and recognizes their diverse concepts of development. The resolution also acknowledges the right of indigenous peoples to object to development projects on their lands.

Recommendations

1. That the UN Commission on Human Rights, ECOSOC and the General Assembly adopt, as a matter of urgency, the UN Declaration on the Rights of Indigenous Peoples as developed by the UNWGIP and approved by the Sub-Commission on the Protection and Promotion of Human Rights, with a view to securing the basic rights to self-determination and sustainable development of indigenous peoples.

2. International treaties and agreements confirm indigenous peoples’ rights to development. States are urged to respect and honour those treaties and agreements according to their original spirit and intent.

3. That the UNWGIP and its parent body, the Commission on Human Rights, examine the impacts on indigenous peoples of the implementation of the policies, programmes and activities of the World Trade Organization (WTO) and the processes of economic globalization, such as the establishment of regional free trade agreements.

4. That the UNWGIP continue its standard-setting activities in relation to national and transnational corporations with a view to ensuring corporate accountability and securing indigenous peoples’ rights in the development process.

5. That the UNWGIP examine the experiences of indigenous peoples and communities with regards to the policies, programmes, projects and practices of various development agencies, including the European Commission, multilateral development banks, and other bodies for international cooperation.


7. Governments must ensure that there is active and meaningful participation of indigenous peoples in the decision-making processes affecting them. Governments must ensure that indigenous peoples are fully informed, are fully consulted and provide consent within the framework of deliberative democracy with regard to policies, programmes, plans and projects in indigenous peoples’ lands and territories.

8. Urge governments to enact legislation recognizing indigenous peoples’ lands and territories.

9. Urge governments to protect indigenous peoples’ rights in legislation in the face of globalization and corporate transgression of these rights.

10. That the UNWGIP initiate representative regional level discussions through workshops among governments, corporate bodies including financial institutions, and indigenous peoples to bring about understanding on processes for decision-making and development.

2.7. Standard-setting activities, including a review of indigenous peoples’ relationship with natural resource, energy and mining companies (Item 6)

Statement by Joji Cariño, Tebtebba Foundation

This week, under Agenda 4, the Indigenous Caucus has stated that “for indigenous peoples, self-determination and sustainable development are two sides of the same coin. This was the message of indigenous participants to the 1997 UN General Assembly Special Session (UNGASS) five years after Rio, and this same message will be made again next year during the World Summit for Sustainable Development (Rio +10) to be held in September 2002 in Johannesburg, South Africa.
This understanding is echoed in the UNDP Human Development Report 2000 which focuses on human rights as the fundamental framework within which human development must be pursued. In this regard, I wish to draw the attention of the UNWGIP to several initiatives in global policy-making with strong relevance to indigenous peoples rights and sustainable development focusing on water and energy development.

The World Commission on Dams
These past two years, I have made short statements updating the UNWGIP on the work of the World Commission on Dams on which I served as Commissioner. This year I'm happy to report that in November 2000, the World Commission on Dams (WCD) completed its mandate to carry out an independent global review of the development effectiveness of large dams and to propose criteria and guidelines for water and energy development. Its Final Report entitled Dams and Development, a New Framework for Decision-Making breaks new ground in understanding the role of indigenous peoples and other local communities affected by large dams, and by extension, other development projects affecting them. Building on the UN Conventions on Human Rights, the General Assembly Resolution on the Right to Development and the Rio Principles, the WCD proposes that water and energy development decisions should by guided a "Rights and Risks Approach", whereby all parties whose rights are affected and who carry risks in project development, should be involved in the negotiations and decision-making from the early stages of needs assessment, selection of options, impacts assessment, project development, implementation, monitoring and evaluation and completion of water and energy programmes. Parties whose rights are most affected, and who bear most risk (especially rights at risk) in development programmes and projects are primary stakeholders, have a seat on the table when final decisions are to be made.

Gaining public acceptance is identified as a strategic priority in sustainable water and energy development, and the WCD further recommends that projects affecting indigenous peoples be guided by their free and prior informed consent.

The members of the WCD were drawn from the various interested parties in the large dams debate: governments, industry, affected peoples including indigenous peoples, academics, water managers and NGOs. Its two-year work programme leading to a consensus report, sets a high standard for participatory and inclusive multi-stakeholder policy processes to address highly conflictual issues surrounding sustainable development. The global review of experiences of large dams starkly highlighted the disproportionate impacts that indigenous peoples suffer from development programmes, so long as their human rights, including the right to self-determination are not fully recognized, and so long as they continue to be marginalized in decision-making affecting their lives.

World Bank policy on indigenous peoples
It is therefore disheartening that the World Bank, a joint sponsor with the World Conservation Union (IUCN) to launch the establishment of the WCD and its independent review of large dams, is slow to endorse the WCD recommendations and to include them in Bank policy and practices. In particular, the WCD recommendations regarding indigenous peoples’ free and prior informed consent, and the need to make displaced communities better off, by implementing resettlement programmes in a development mode, are not reflected in the Bank’s current drafts of its revised of its safeguard policies on indigenous peoples and on resettlement.

Compared to its role in the 1980s in pioneering its Indigenous Peoples Policy, the World Bank’s revised Indigenous Peoples Policy 4.10 fails to meet existing international human rights standards on the rights of indigenous peoples, much less emerging best practice in development and indigenous peoples.

This is disappointing, because the World Bank’s operational policies play a norm-setting role in relation to indigenous peoples and development.

Indigenous peoples and global public policy
Today, indigenous peoples are challenged to strengthen our capacities for effective policy advocacy at local, national, regional and international levels in response to rapid globalization and centralized decision-making by other powerful global actors. This includes strengthening indigenous peoples’ full and equal participation in the various global policy processes on economic and financial governance, environment, and sustainable development.

Whereas some global policy processes meaningfully respect indigenous peoples’ rights, including the right to full and effective participation, there are some initiatives affecting indigenous peoples which cause grave concern.

Mines, minerals and sustainable development
The Mines, Minerals and Sustainable Development project being implemented by the International Institute on Environment and Development, under the auspices of the World Business Council for Sustainable Development (WBCSD), has failed to seriously engage indigenous peoples and communities affected by mining operations.

The very first Rio Principle states that "Human beings are the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature." To talk of mining and sustainable development, while marginalizing the people who bear the greatest risks and whose rights are most affected, makes the MMSD a seriously flawed undertaking - undermining grassroots efforts to address the threats posed by mining to indigenous peoples' self-determination and sustainable development.

Madame Chairperson, mining is today, the economic activity with the largest impacts on indigenous communities in many parts of the world. Environmental impacts include destruction of watersheds and forests, pollution of rivers, and loss of biodiversity. Social impacts include loss of land and break-up of communities, theft of traditional resources and community impoverishment, human rights violations, desecration of sacred sites, and serious health problems.

It is significant that this year's meeting of the UNWGIP Standard-setting activities, including a review of indigenous peoples' relationship with natural resource, energy and mining companies, and that the OHCHR has organized a side event on the same theme. These meetings within the framework of indigenous peoples, human rights and sustainable development, must fully inform the Oil, Gas and Mining sector review being undertaken by the World Bank group and industry's Global Mining Initiative. Indigenous organizations must ensure that our experiences with mining operations are adequately heard in all international forums on this theme, including in all the major meetings leading to the World Summit on Sustainable Development to be held in Johannesburg, next year.

Indigenous peoples and the World Summit on Sustainable Development (Rio +10)
Looking forward to the World Summit on Sustainable Development, indigenous peoples, as a major group identified in Agenda 21, are called upon to participate in the various preparatory activities leading to a successful Summit. A number of multi-stakeholder dialogue segments will be organized as part of the preparatory committee meetings and dialogue starter papers from major groups will be requested in the form of reviews of progress and future action necessary under the relevant major group chapters of Agenda 21.
(a) A two-day multi-stakeholder dialogue during the Second Preparatory Committee meeting (January 25-February 2, 2002 in New York) will provide an opportunity to representatives of major groups to share their views on the progress achieved;
(b) Another two-day multi-stakeholder will be organized during the Fourth Preparatory Committee meeting (27 May-7 June 2002 in Indonesia), and will focus on major groups’ views on future actions and priorities.
(c) A short multi-stakeholder event is planned for the Summit. This event will be designed to involve the highest level of representation from both major groups and Governments. The focus would be for
Governments and major groups to exchange and publicly announce the specific commitments they have made for the next phase of work in sustainable development.

As in the meetings of the Commission on Sustainable Development (CSD), major group organizations will have an opportunity to organize various informal side events and briefings to exchange views with Governments. The Rio +10 process provides a real opportunity for indigenous peoples to sum up our local-global experiences about self-determination and sustainable development.

We therefore recommend that the Office of the High Commissioner on Human Rights organize a Workshop on Indigenous Peoples and Sustainable Development in connection with the World Summit on Sustainable Development, and include this among the activities of the International Decade of the World’s Indigenous Peoples.

2.8. Declaration on indigenous peoples’ concerns about World Bank policies

*Considering* that the WGIP is a body which establishes standards aimed at promoting the recognition and implementation of indigenous peoples’ rights at the national and international levels;

*Considering* that in its 19th session the WGIP attempts to secure more recognition of indigenous peoples’ rights in development processes;

*Emphasizing* that the World Bank has always been considered by other multilateral development banks, international financial institutions and development agencies as a standard-setting institution in development policies and practice;

*Asserting* that the indigenous peoples value a clear and strong World Bank policy on indigenous peoples which safeguards their traditional and customary land rights and requires Bank staff and recipient governments to respect their human rights and right to self-determination;

*Pointing out* that its Indigenous Peoples Policy undermines the effectiveness and credibility of other essential safeguards, including Bank policies on involuntary resettlement, environmental impact and forests;

*Recognizing* that an effective safeguard policy for indigenous peoples is an essential mechanism for the fulfilment of the Bank’s mandate to reduce poverty in a sustainable way;

*Recalling* that indigenous peoples and civil society have been demanding for a long time that any review of the World Bank’s Indigenous Peoples Policy (Operational Directive 4.20) should be based on a thorough and participatory evaluation of its implementation in order to learn practical lessons on how the contents and fulfilment of this policy can be improved;

The undersigned representatives and members of indigenous organizations, participating in the 19th session of the WGIP are critical of the contents of the draft review of the World Bank’s Indigenous Peoples Policy of March 2001 (World Bank Operational Policy/Procedure 4.10) for the following reasons:

- It is not based on the existing policy and does not strengthen its positive language;
- It does not include many of the basic recommendations made by the indigenous peoples during the Bank’s previous consultations on Bank ‘approach document’, part of the review process;
- It uses a language which confuses consultation with effective participation;
- It does not include binding steps aimed at ensuring indigenous peoples’ security on their lands and resources;
- It does not recognize the right to full and prior informed consent;
- It does not forbid indigenous peoples’ involuntary resettlement;
- It is inconsistent with existing and pending human rights and development standards;
- It does not provide international standards on indigenous peoples and development.

We, the undersigned, are also concerned about the future approval of this draft policy, which is planned to be finalized before the full results of OED implementation evaluation are available.
Therefore, we, the participants in the 19th session of the WGIP, request the World Bank Group to modify its draft of March 2001 on the World Bank’s Indigenous Peoples Policy (OP/BP 4.10) so that:

(a) it includes clear and binding safeguard steps to protect indigenous peoples’ rights, especially their land rights and rights to natural resources;
(b) it contains compulsory steps which empower indigenous peoples and respect their right to prior informed consent;
(c) it extends its safeguards in order to totally include structural adjustment loans;
(d) it is consistent with existing or pending international human rights and sustainable development standards;
(e) it requires the effective participation of indigenous peoples and their representative organizations in the management, monitoring and evaluation of World Bank funded projects and programmes affecting them.

The undersigned also request the World Bank to:

(f) postpone the finalization of the policy until the full results of OED evaluation are available (Phase I and Phase II).

Unless such changes are made in the draft policy and in the calendar for the finalization of the policy, we do not believe that draft PO/PB 4.10 of March 2001 will be useful for advancing indigenous peoples’ rights in World Bank operations. We therefore require the Bank to edit the draft in such a way that it establishes new and better development standards for indigenous peoples.

The undersigned also require the World Bank to ensure that its other policies, including its Policy on Involuntary Resettlement (OP 4.12), totally respect indigenous peoples’ rights. To do so, we require the World Bank to delete the text of the draft of March 2001 from the Resettlement Policy, which discriminates against those who have not secured formal recognition of their legal rights to their lands and resources. We further request the World Bank Group to show its leadership in development to the international community, acting at the request of UN human rights bodies in order to prevent any development action which may result in the involuntary resettlement of indigenous peoples.

Signed by the following Latin-American organizations:

IETSAY, Costa Rica
Casa Nativa “Tampa Allqo”
ONIC, Colombia
F-210-ai, Colombia
Programa Kichin Konojel
Kichin Konojel
Mesa Permanente
FEINE, Ecuador
Comité de Solidaridad Triqui
AISABAL/Aymara
CADMA
Abya Yala Fund
Taller de Historia Oral Andina
Asociación Napguana
International Indian Treaty Council
Coordinadora Nacional de Mujeres Indígenas de México
CAPAJ
Tukum Uman
GRUMIN/Red de Comunicación Indígena, Brazil
3. Second International Workshop on Indigenous Children and Youth  
Geneva, 19-20 July 2001  

3.1. Statement on indigenous children and armed conflict

We, the indigenous peoples gathered together at the Second International Workshop on Indigenous Children and Youth in Geneva 2001,

Mindful that the complex and pernicious issue of children and armed conflict is today an international concern and urgent global agenda;
Also mindful that armed conflict of varying dimensions, over a considerable period of time extending to the present, have affected indigenous peoples’ lands and territories, leading to the large scale violations and abuses of human rights and fundamental freedoms, forced or involuntary displacement of indigenous individuals, communities and nations, the fragmentation and irreversible dispersal of these communities, contributing to their ethnocide and cultural genocide, the destruction and loss of their knowledge base and systems, often extreme damage to and dispossession of natural resources necessary for their physical and cultural survival;
Deeply concerned that the proliferation and accessibility of arms, particularly small arms, is a major contributory factor to the escalation of armed conflicts on indigenous territories as in all other situations;
Concerned that landmines and anti-personnel landmines are frequently and widely used on indigenous lands and territories;
Also concerned that even where on-going conflict does not directly involve indigenous lands, territories and communities, indigenous peoples’ lands and territories are often used for training of soldiers, production and testing of weapons and dumping grounds of the waste with considerable adverse effects on the natural and social environment in which indigenous children must survive and develop;
Noting with deep concern that in more recent history, a pervasive neo-colonial wave prompted by globalization, population pressures and the ever-widening search for more natural resources has penetrated all regions of the world, which has exacerbated tensions among indigenous peoples themselves and between indigenous and other peoples, often resulting in armed conflict;
Recognizing that indigenous children are therefore disproportionately represented among children impacted by armed conflict everywhere in the world;
Recalling and re-affirming the "First Call to Indigenous Children and Youth" recommended by the Committee on Indigenous Health in the eighteenth session of the United Nations Working Group on Indigenous Populations;
Recalling the resolution of the First International NGO Workshop on Indigenous Children and Youth encouraging the creation of additional regional meetings, conferences or workshops concerning indigenous children and youth;
Welcoming the Joint statement of the Indigenous Youth at the eighteenth session of the United Nations Working Group on Indigenous Populations, calling for full participation at all levels;
Affirming the relevance of Article 11 and other related articles 6, 7, 28, 36 of the United Nations draft Declaration on the Rights of Indigenous Peoples, concerning the involvement of indigenous children in periods of armed conflict and their right to special protection and security;
Welcoming the international commitments and also affirming the urgent need for the elimination of compulsory or forced recruitment of children for use in armed conflict as harmful to the health, safety and morals of children as enunciated in Convention 182 of the International Labour Organisation concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999;
Recalling the recommendation of the Graça Machel Review 1996-2000 for War-Affected Children that states should sign and ratify the International Criminal Court Statute, the Optional Protocols to the Convention on the Rights of the Child and ILO Convention No.182;
Also welcoming and re-affirming the determination to put an end to the use of child soldiers and the need to address all causes leading to armed conflict, including issues of identity and self-determination,
intolerance and discrimination in the regional declarations on the Use of Children as Soldiers, inter alia, the Berlin (1999), Montevideo (1999), Maputo (1999), Kathmandu (2000) and Amman Declarations (2001);

Appreciating the commitment made in the NGO Action Plan at the International Conference on War Affected Children in Winnipeg, Canada, September 2000, to create the necessary infrastructure to protect children and youth in countries and populations vulnerable to armed conflict;

Solemnly declare the following,

1. We call for the immediate adoption of the Declaration on the Rights of Indigenous Peoples in its present form, without amendment or deletion, by the member states of the United Nations. We further call for all non-state parties to armed conflict to respect and observe the spirit and intent of the Declaration on the Rights of Indigenous Peoples;

2. We promote, support and advocate for the full respect of the Charter of the United Nations, the Universal Declaration on Human Rights, the Convention on the Rights of the Child and all international standards of human rights and humanitarian law, particularly the Fourth Geneva Convention of 1949, by all parties to conflicts involving indigenous actors, whether State or non-State parties;

3. We urge all governments for the immediate ratification and adherence in letter and spirit to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

4. Urge all governments for the immediate ratification of and adherence in letter and spirit to Convention 182 of the International Labour Organisation [regarding Convention 169, see Panama wording];

5. Further call on non-state parties to conflict for the adherence to the spirit and provisions to Convention 182 of the International Labour Organisation [regarding Convention 169, see Panama wording];

6. Call on non-state parties to conflict for the adherence to the spirit and provisions of the Optional Protocol on the involvement of children in armed conflict;

7. Call on all governments, inter-governmental agencies, corporate entities and other parties to respect the traditional values and rights of indigenous peoples to peace and desist from such activities which compromise the survival, welfare and rights of indigenous children;

8. Call for monitoring by international humanitarian and human rights agencies in all areas where indigenous peoples, ancestral domains and resources are engaged in or under dispute in conditions clearly susceptible to or presently involving armed conflict;

9. Call for the total ban of the production, sale, stockpiling, transfer and use of landmines and anti-personnel mines and for the speedy rehabilitation and restoration of lands destroyed by their use;

10. Also call for immediate effective action for the non-proliferation of small arms with state and non-state actors;

11. Call on all governments, inter-governmental agencies, non-government organizations and other agencies to prioritize immediate, adequate and appropriate measures for the recovery and reintegration of indigenous children affected by armed conflict, with special attention to those actively involved in combat;

12. Call on all governments, inter-governmental agencies, non-government organizations and other agencies to likewise prioritize the development of policies and strategies to be implemented within a reasonable time frame, to insure the restoration of ancestral lands as an integral aspect of reparation towards and the physical, psychological and cultural healing of indigenous children and their communities displaced by armed conflict.

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4. Sub-Commission on the Promotion and Protection of Human Rights

4.1. Resolutions and decisions concerning indigenous peoples (highlights)
International Decade of the World's Indigenous People

Resolution 2001/12

The Sub-Commission:

(1) Recommends that the Coordinator for the Decade hold, preferably before the end of 2001, a special fund-raising meeting with the permanent missions in Geneva of interested States and the members of the Advisory Group for the Voluntary Fund for the Decade to encourage financial contributions to the Voluntary Fund for the Decade and the United Nations Voluntary Fund for Indigenous Populations, as well as the appointment of qualified staff, including indigenous persons, from within the regular budget of the United Nations, to assist with the work of the OHCHR relating to the indigenous programme; (2) Strongly recommends that, in accordance with GA resolution 50/157 of 21 December 1995, the draft UN declaration on the rights of indigenous people be adopted as early as possible and not later than the end of the International Decade in 2003 and, to this end, appeals to all participants in the inter-sessional working group of the CHR and to all others concerned to put into practice new, more dynamic ways and means of consultation and consensus-building, in order to accelerate the preparation of the draft declaration; (3) Notes the view expressed by many indigenous participants during its fifty-third session and during the twentieth session of the WGIP that the establishment of the Permanent Forum should not necessarily be construed as grounds for the abolition of the Working Group, which should continue to carry out the ample, flexible mandate conferred upon it by the ECOSOC in resolution 1982/34 of 7 May 1982; (4) Recommends that the HCHR organize a seminar on treaties, agreements and other constructive arrangements between States and indigenous peoples, to discuss possible follow-up to the study completed by the Special Rapporteur, Mr. Miguel Alfonso Martinez, and to explore ways and means of implementing the recommendations included in his final report (E/CN.4/Sub.2/1999/20); (5) Also recommends that the High Commissioner organize, not later than the end of 2002, in collaboration with the UNCTAD, ILO, WTO and other relevant organizations, a workshop on indigenous peoples, private sector natural resource, energy and mining companies and human rights in order to contribute to the ongoing work of the sessional working group on the working methods and activities of transnational corporations; (6) Further recommends that the High Commissioner take the necessary action in order to promote the establishment, within the Office of Legal Affairs of the Secretariat, of a database on national legislation on matters of relevance to indigenous peoples, as well as a compilation of treaties and agreements between States and indigenous peoples, and to establish, in coordination with the Department of Public Information, a global public awareness programme with respect to indigenous issues; (7) Invites the High Commissioner to authorize the convening of a conference on indigenous peoples issues with the theme "Rio+10"; (8) Invites the CHR to recommend that the ECOSOC authorize the convening of an international conference on indigenous issues during the last year of the International Decade of the World's Indigenous People (2003) with a view to evaluating the Decade and considering future national and international policies and programmes which may contribute to effective action by States in order to promote better relations between the indigenous and non-indigenous segments of their population.

Working Group on Indigenous Populations

Resolution 2001/10

The Sub-Commission:

(1) Recommends that the Working Group at its twentieth session adopt as the principal theme "Indigenous peoples and their right to development, including their right to participate in development affecting them", as decided by the Working Group, in order to continue its consideration of that important matter, and that the OHCHR invite the UNDP and other relevant UN organizations to provide information and, if possible, to participate in the meetings of the Working Group; (2) Requests the High Commissioner for Human Rights, in consultation with interested Governments, to continue efforts to organize meetings on indigenous issues in different parts of the world, in particular in Africa, Asia and Latin America, to provide greater opportunity for participation of peoples from these regions and to raise
public awareness about indigenous peoples; (3) *Requests* the High Commissioner to encourage studies with respect to the rights to food and adequate nutrition of indigenous peoples and indigenous peoples and poverty, stressing the linkage between their present general situation and their land rights, and to develop further cooperation with the FAO and the World Food Programme on indigenous issues; (4) *Suggests* that the High Commissioner for Human Rights organize a workshop for indigenous peoples in the context of the International Year of Ecotourism in 2002; (5) *Requests* the Chairperson-Rapporteur or other members of the Working Group to inform the Board of Trustees of the UN Voluntary Fund for Indigenous Populations that the Working Group at its twentieth session will highlight the issue *"The WGIP: achievements in the United Nations system and a vision for the future"*; (6) *Recommends* that the CHR invite the UNDP and the World Bank to present their new policy guidelines on indigenous peoples at the twentieth session of the Working Group so that indigenous peoples and communities can be better informed about initiatives in this area; (7) *Invites* Ms. Iulia Antoanella Motoc to prepare a working paper for its twentieth session containing proposals and suggestions for possible future standard-setting activities that might be undertaken, as well a second working paper on the consequences of biotechnology on indigenous peoples; (8) *Requests* Ms. Erica-Irene Daes to prepare a working paper on indigenous peoples' permanent sovereignty over natural resources, which is relevant to her study on indigenous peoples and their relationship to land (E/CN.4/Sub.2/2001/21); (9) *Requests* the CHR to request the ECOSOC to authorize the WGIP to meet for five working days prior to the fifty-fourth session of the Sub-Commission in 2002.

**World Conference against Racism**

Resolution 2001/11

The Sub-Commission: (1) *Encourages* the active and effective participation in the World Conference of all organs of society from all parts of the world and non-governmental organizations representing victims of racism, racial discrimination, xenophobia and related intolerance, including those representing indigenous peoples; (2) *Suggests* that the World Conference focus, *inter alia*, on situations of racism, racial discrimination, xenophobia, related intolerance and ethnic conflict and other patterns of discrimination, such as contemporary forms of slavery, that are based on, *inter alia*, race, colour, social class, minority status, descent, national or ethnic origin or gender, including topics such as: the treatment of indigenous peoples, policies to be implemented to eradicate the discrimination endured by indigenous peoples, and racism, racial discrimination and other forms of intolerance, including discrimination and intolerance against indigenous peoples, within criminal justice systems.

**Presentation of the report of the WGIP on its 19th session to the Permanent Forum on Indigenous Issues**

Decision 2001/112

The Sub-Commission decided to request the CHR to recommend that the ECOSOC invite the Chairperson-Rapporteur of the 19th session of the WGIP, Ms. Erica-Irene A. Daes, in recognition of the high esteem in which she is held by the world's indigenous community, to attend the first meeting of the Permanent Forum on Indigenous Issues in May 2002, and to present to it the report of the 19th session of the WGIP.

**A preparatory workshop on implementation of the recommendations relating to indigenous peoples contained in Agenda 21 of the UN Conference on Environment and Development**

Decision 2001/111

The Sub-Commission decided to recommend that the OHCHR organize a preparatory workshop on implementation of the recommendations relating to indigenous peoples contained in Agenda 21 of the UN Conference on Environment and Development.
Final working paper on indigenous peoples and their relationship to land
Decision 2001/109
The Sub-Commission, having considered the final working paper submitted by the Special Rapporteur, Ms. Erica-Irene A. Daes, on indigenous peoples and their relationship to land (E/CN.4/Sub.2/2001/21), decided to request the CHR to consider the establishment of a pre-sessional working group, to which the Special Rapporteur should be invited to participate, in 2002 to discuss in particular the fundamental guiding principles and the recommendations regarding indigenous peoples and their relationship to land proposed by the Special Rapporteur in paragraphs 144 to 164 of her final working paper.

4.2. Statement by/on indigenous peoples submitted under agenda item 5
“Prevention of discrimination and protection of indigenous peoples and minorities”
- Food First Information Network (Cofan people of Colombia)
- Franciscans International/Dominicans for Justice and Peace (India, Bangladesh, Mexico)
- Indian Movement “Tupaj Amaru” (Americas)
- International Indian Treaty Council (Mexico, Chile, Alaska)
- International League for the Rights and Liberation of Peoples (Alaska, Western Shoshone, Mexico)
- Liberation (Chagos Islands, Kurdish people, Dalits, Australian Aboriginals)
- MAURITIUS (right of reply)
- Pax Romana (Thailand)
- Public Services International (trade unions and indigenous peoples)
- Shimin Gaiko Centre ( Ainu of Japan)
- Society for Threatened Peoples (Dené Sulené of Northern Canada)
- Transnational Radical Party (Montagnards of Viet Nam)
- World Federation for Mental Health (Working Group on Indigenous Peoples)

Reports submitted to the Sub-Commission
- Prevention of discrimination and protection of indigenous peoples and minorities - Memorandum submitted by the International Labour Office E/CN.4/Sub.2/2001/24
- Indigenous peoples and their relationship to land
  Final working paper prepared by the Special Rapporteur E/CN.4/Sub.2/2001/21
- Report of the Working Group on Indigenous Populations on its nineteenth session
  E/CN.4/Sub.2/2001/17

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5. World Conference against Racism

Paragraphs concerning indigenous peoples

DECLARATION

Recognizing that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in conjunction with the International Decade of the World’s Indigenous People, presents a unique opportunity to consider the invaluable contributions of indigenous peoples to political, economic, social, cultural and spiritual development throughout the world to our societies, as well as the challenges faced by them, including racism and racial discrimination,

Sources, causes, forms and contemporary manifestations of racism, racial discrimination,
xenophobia and related intolerance

13. We acknowledge that slavery and the slave trade, including the transatlantic slave trade, were appalling tragedies in the history of humanity not only because of their abhorrent barbarism but also in terms of their magnitude, organized nature and especially their negation of the essence of the victims, and further acknowledge that slavery and the slave trade are a crime against humanity and should always have been so, especially the transatlantic slave trade and are among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples were victims of these acts and continue to be victims of their consequences;

14. We recognize that colonialism has led to racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, and people of Asian descent and indigenous peoples were victims of colonialism and continue to be victims of its consequences. We acknowledge the suffering caused by colonialism and affirm that, wherever and whenever it occurred, it must be condemned and its reoccurrence prevented. We further regret that the effects and persistence of these structures and practices have been among the factors contributing to lasting social and economic inequalities in many parts of the world today;

22. We express our concern that in some States political and legal structures or institutions, some of which were inherited and persist today, do not correspond to the multi-ethnic, pluricultural and plurilingual characteristics of the population and, in many cases, constitute an important factor of discrimination in the exclusion of indigenous peoples;

23. We fully recognize the rights of indigenous peoples consistent with the principles of sovereignty and territorial integrity of States, and therefore stress the need to adopt the appropriate constitutional, administrative, legislative and judicial measures, including those derived from applicable international instruments;

24. We declare that the use of the term “indigenous peoples” in the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is in the context of, and without prejudice to the outcome of, ongoing international negotiations on texts that specifically deal with this issue, and cannot be construed as having any implications as to rights under international law.

Victims of racism, racial discrimination, xenophobia and related intolerance

39. We recognize that the indigenous peoples have been victims of discrimination for centuries and affirm that they are free and equal in dignity and rights and should not suffer any discrimination, particularly on the basis of their indigenous origin and identity, and we stress the continuing need for action to overcome the persistent racism, racial discrimination, xenophobia and related intolerance that affect them;

40. We recognize the value and diversity of the cultures and the heritage of indigenous peoples, whose singular contribution to the development and cultural pluralism of society and full participation in all aspects of society, in particular on issues that are of concern to them, are fundamental for political and social stability, and for the development of the States in which they live;

41. We reiterate our conviction that the full realization by indigenous peoples of their human rights and fundamental freedoms is indispensable for eliminating racism, racial discrimination, xenophobia and related intolerance. We firmly reiterate our determination to promote their full and equal enjoyment of civil, political, economic, social and cultural rights, as well as the benefits of sustainable development, while fully respecting their distinctive characteristics and their own initiatives;

42. We emphasize that, in order for indigenous peoples freely to express their own identity and exercise their rights, they should be free from all forms of discrimination, which necessarily entails respect for their human rights and fundamental freedoms. Efforts are now being made to secure universal recognition for those rights in the negotiations on the draft declaration on the rights of indigenous peoples, including the following: to call themselves by their own names; to participate freely and on an equal footing in their country’s political, economic, social and cultural development; to maintain their own forms of organization, lifestyles, cultures and traditions; to maintain and use their own languages; to maintain their
own economic structures in the areas where they live; to take part in the development of their educational systems and programmes; to manage their lands and natural resources, including hunting and fishing rights; and to have access to justice on a basis of equality;

43. We also recognize the special relationship that indigenous peoples have with the land as the basis for their spiritual, physical and cultural existence and encourage States, wherever possible, to ensure that indigenous peoples are able to retain ownership of their lands and of those natural resources to which they are entitled under domestic law;

44. We welcome the decision to create the Permanent Forum on Indigenous Issues within the United Nations system, giving concrete expression to major objectives of the International Decade of the World’s Indigenous People and the Vienna Declaration and Programme of Action;

45. We welcome the appointment by the United Nations of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and express our commitment to cooperate with the Special Rapporteur;

73. We recognize that a child belonging to an ethnic, religious or linguistic minority or who is indigenous shall not be denied the right, individually or in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Provision of effective remedies, recourse, redress, and compensatory and other measures at the national, regional and international levels

103. We recognize the consequences of past and contemporary forms of racism, racial discrimination, xenophobia and related intolerance as serious challenges to global peace and security, human dignity and the realization of human rights and fundamental freedoms of many people in the world, in particular Africans, people of African descent, people of Asian descent and indigenous peoples.

PROGRAMME OF ACTION

Victims of racism, racial discrimination, xenophobia and related intolerance

Indigenous peoples

15. Urges States:
(a) To adopt or continue to apply, in concert with them, constitutional, administrative, legislative, judicial and all necessary measures to promote, protect and ensure the enjoyment by indigenous peoples of their rights, as well as to guarantee them the exercise of their human rights and fundamental freedoms on the basis of equality, non-discrimination and full and free participation in all areas of society, in particular in matters affecting or concerning their interests;
(b) To promote better knowledge of and respect for indigenous cultures and heritage; and welcomes measures already taken by States in these respects;

16. Urges States to work with indigenous peoples to stimulate their access to economic activities and increase their level of employment, where appropriate, through the establishment, acquisition or expansion by indigenous peoples of enterprises, and the implementation of measures such as training, the provision of technical assistance and credit facilities;

17. Urges States to work with indigenous peoples to establish and implement programmes that provide access to training and services that could benefit the development of their communities;

18. Requests States to adopt public policies and give impetus to programmes on behalf of and in concert with indigenous women and girls, with a view to promoting their civil, political, economic, social and cultural rights; to putting an end to their situation of disadvantage for reasons of gender and ethnicity; to dealing with urgent problems affecting them in regard to education, their physical and mental health, economic life and in the matter of violence against them, including domestic violence; and to eliminating
the situation of aggravated discrimination suffered by indigenous women and girls on multiple grounds of racism and gender discrimination;
19. Recommends that States examine, in conformity with relevant international human rights instruments, norms and standards, their Constitutions, laws, legal systems and policies in order to identify and eradicate racism, racial discrimination, xenophobia and related intolerance towards indigenous peoples and individuals, whether implicit, explicit or inherent;
20. Calls upon concerned States to honour and respect their treaties and agreements with indigenous peoples and to accord them due recognition and observance;
21. Calls upon States to give full and appropriate consideration to the recommendations produced by indigenous peoples in their own forums on the World Conference;
22. Requests States:
(a) To develop and, where they already exist, support institutional mechanisms to promote the accomplishment of the objectives and measures relating to indigenous peoples agreed in this Programme of Action;
(b) To promote, in concert with indigenous organizations, local authorities and non-governmental organizations, actions aimed at overcoming racism, racial discrimination, xenophobia and related intolerance against indigenous peoples and to make regular assessments of the progress achieved in this regard;
(c) To promote understanding among society at large of the importance of special measures to overcome disadvantages faced by indigenous peoples;
(d) To consult indigenous representatives in the process of decision-making concerning policies and measures that directly affect them;
23. Calls upon States to recognize the particular challenges faced by indigenous peoples and individuals living in urban environments and urges States to implement effective strategies to combat the racism, racial discrimination, xenophobia and related intolerance they encounter, paying particular attention to opportunities for their continued practice of their traditional, cultural, linguistic and spiritual ways of life.

Other victims
50. Urges States to incorporate a gender perspective in all programmes of action against racism, racial discrimination, xenophobia and related intolerance and to consider the burden of such discrimination which falls particularly on indigenous women, African women, Asian women, women of African descent, women of Asian descent, women migrants and women from other disadvantaged groups, ensuring their access to the resources of production on an equal footing with men, as a means of promoting their participation in the economic and productive development of their communities.

Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at the national, regional and international levels

Ratification of and effective implementation of relevant international and regional legal instruments on human rights and non-discrimination
78. Urges those States that have not yet done so to consider signing and ratifying or acceding to the following instruments:

Education and awareness-raising measures
117. Urges States, where appropriate working with other relevant bodies, to commit financial resources to anti-racism education and to media campaigns promoting the values of acceptance, tolerance, diversity and respect for the cultures of all indigenous peoples living within their national borders. In particular, States should promote an accurate understanding of the histories and cultures of indigenous peoples.
Strategies to achieve full and effective equality, including international cooperation and enhancement of the United Nations and other international mechanisms in combating racism, racial discrimination, xenophobia and related intolerance and follow-up

Indigenous peoples

203. Recommends that the United Nations Secretary-General conduct an evaluation of the results of the International Decade of the World’s Indigenous People (1995-2004) and make recommendations concerning how to mark the end of the Decade, including an appropriate follow-up;

204. Requests States to ensure adequate funding for the establishment of an operational framework and a firm basis for the future development of the Permanent Forum on Indigenous Issues within the United Nations system;

205. Urges States to cooperate with the work of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and requests the Secretary-General and the United Nations High Commissioner for Human Rights to ensure that the Special Rapporteur is provided with all the necessary human, technical and financial resources to fulfil his responsibilities;

206. Calls upon States to conclude negotiations on and approve as soon as possible the text of the draft declaration on the rights of indigenous peoples, under discussion by the working group of the Commission on Human Rights to elaborate a draft declaration, in accordance with Commission resolution 1995/32 of 3 March 1995;

207. Urges States, in the light of the relationship between racism, racial discrimination, xenophobia and related intolerance and poverty, marginality and social exclusion of peoples and individuals at both the national and international levels, to enhance their policies and measures to reduce income and wealth inequalities and to take appropriate steps, individually and through international cooperation, to promote and protect economic, social and cultural rights on a non-discriminatory basis;

208. Urges States and international financial and development institutions to mitigate any negative effects of globalization by examining, inter alia, how their policies and practices affect national populations in general and indigenous peoples in particular; by ensuring that their policies and practices contribute to the eradication of racism through the participation of national populations and, in particular, indigenous peoples in development projects; by further democratizing international financial institutions; and by consulting with indigenous peoples on any matter that may affect their physical, spiritual or cultural integrity;

209. Invites financial and development institutions and the operational programmes and specialized agencies of the United Nations, in accordance with their regular budgets and the procedures of their governing bodies:

(a) To assign particular priority to and allocate sufficient funding, within their areas of competence, to the improvement of the status of indigenous peoples, with special attention to the needs of these populations in developing countries, including the preparation of specific programmes with a view to achieving the objectives of the International Decade of the World’s Indigenous People;

(b) To carry out special projects, through appropriate channels and in collaboration with indigenous peoples, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between indigenous peoples and experts in these areas.

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The role of the media in combating discrimination against indigenous peoples

In response to the recommendations of the New York Workshop (December 2000) the Indigenous Team of the Right to Development Branch in the OHCHR decided to hold an Indigenous Media Dialogue during the World Conference against Racism. This Dialogue
focused on the role of the media in combating discrimination against indigenous peoples and examined in particular strategies to strengthen indigenous media and to improve the coverage of indigenous issues by mainstream media.

The recommendations of the New York Workshop were:
(1) the World Conference against Racism include in its programme of action a recommendation to organise in co-operation with indigenous peoples and the mainstream press a symposium on the role of the media in combating discrimination against indigenous peoples as a follow up to the WCAR;
(2) the Department of Public Information invite indigenous journalists and film-makers from the different regions to attend the WCAR and file stories for use world-wide.

Summary of the Recommendations and Strategies Emerging from the Durban WCAR

Indigenous Media Dialogue

The following possible actions emerged from the Dialogue:

The importance of (accredited) education and training emerged as one the chief strategies:

Possible action: the OHCHR could investigate/survey opportunities currently existing for the training, education and financial support of indigenous peoples wishing to pursue media careers.

The indigenous journalists spoke of the need to be ‘pro-active’ in approaching the mainstream media and in raising the profile of Indigenous issues.

Possible action: they suggested that individual journalists should approach and strengthen ties with mainstream media and actively seek opportunities to reach-out to the ‘unconverted’.

The personal safety of indigenous journalists was a chief concern of the indigenous journalists.

Possible action: the OHCHR could facilitate a meeting between representatives of indigenous media and the International Association of Journalists to assist in promoting the establishment of an international indigenous journalists association under the umbrella body.

The development in collaboration with indigenous journalists of an international code of ethics for people working with indigenous peoples and their issues was recommended as a useful strategy to ensure the better quality coverage of indigenous peoples and issues in a more sensitive and culturally appropriate fashion.

Possible action: using the legal expertise within the OHCHR together with similar documents that have been developed at national levels by some Nation States, a draft document could be written to stimulate the development of a code of ethics (by indigenous media workers) for media personal working with or on indigenous issues.

Issues about cultural rights such as the right to one’s own language, were linked to respecting diversity, protecting indigenous traditional knowledge and the sufficient provision of resources to indigenous peoples and their media to promote indigenous language use.

Possible action: The development of an effective code of ethics would do much to ensure proper respect is afforded to the rights of indigenous peoples. Also, the lobbying of Nation States through an Indigenous Media Network and the International Association of Journalists, could also assist the better resourcing of indigenous media and indigenous language use. Strategies such as ‘affirmative action’ may also be useful strategies to promote indigenous media and career pathways.

The Indigenous journalists recommended strengthening ties with mainstream media and exploration and inclusiveness of new media (and technologies) in both education and training and career development (pathways).
**Possible Action:** The establishment of an international network for indigenous journalists under the umbrella of the International Association of Journalists was proposed by indigenous media workers as a possible strategy to strengthen ties with the mainstream media.

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7. Permanent Forum on Indigenous Issues

7.1. Regional meeting for Asia

Major decisions

The Asian Regional Conference to elect the Asian Indigenous representative for the United Nations Permanent Forum on Indigenous Issues' was organised by the Asian Regional Conference Organising Committee in Dhulikhel, Nepal from 18-19 August 2001. The conference was hosted by the Nepal Tamang Ghedung (NTG) with the financial support of the International Work Group for Indigenous Affairs, Denmark (IWGIA) and the World Council of Churches, Switzerland (WCC). The Conference elected the chairman of Nepal Tamang Ghedung Mr. Parshuram Tamang as the Asian Representative to the United Nations Permanent Forum on Indigenous Issues for three years.

The conference was organised in connection with the implementation of the Commission on Human Rights' resolution 2000/87 of 27 April 2000 to establish the Permanent Forum on Indigenous Issues (UNPFII) as a subsidiary body of the Economic and Social Council (ECOSOC) which was adopted by ECOSOC in July 2000 and endorsed by the UN General Assembly in its millennium session in December 2000, the circular of 26th of February 2001 by the High Commissioner for Human Rights to invite the nominations from indigenous organisations before 1 October 2001, and according to the agreed principle in International Indigenous Caucus held in Geneva on Sunday, 26 November 2000.

The UN Permanent Forum on Indigenous Issues comprises 16 members: 8 members from Governments and 8 indigenous representatives from the world's indigenous peoples.

The 48 participants from the thirteen countries; Nepal, Bhutan, Thailand, India, Bangladesh, Burma, Vietnam, Japan, Philippines, Malaysia, Indonesia and Cambodia of the Asia Continent including one observer from Denmark participated in the conference. The participants of the conference adopted the following decisions, recommendations and resolutions:

Membership and Election Committee

- Membership of the United Nations Permanent Forum on Indigenous Issues is voluntary and will serve for the period of three years with the possibility of re-election and re-appointment for one further period.
- A 3-member Election Committee will be formed. People will be invited to submit nomination to the Election Committee prior to the conference.
- Nomination must be made in English and must contain a detail response to the above criteria. In addition, the curricula vitae (CV) or resume must be attached and personal references and letters of recommendations from the organisation must be included.

Selection criteria of the nominee

- The person is indigenous from Asia.
- The person must be a permanent resident in Asia.
- The person is knowledgeable or has strong cultural link with his/her peoples.
- The person has wide experience and knowledge or is familiar with the situations of indigenous peoples in the regions.
- The person should come from a representative indigenous peoples based organization and has a track record of working with his/her people.
- The person has a background in the United Nations System specifically on Indigenous Peoples Issues and on other Sub-regional, Regional & International processes.
- The person is not an employee or elected official of a State or National Government.
- Has time commitment and accepts the nomination.
- Has good health, mentally sound and physically capable of travelling.
- Has long history of dedication to the cause of indigenous peoples.
• Has experience of working in local, National, Regional and International levels of Indigenous Peoples’ movements and organizations.

**Scrutiny of the nominations**
The House considering the fact that the UNPFII for Indigenous Peoples will function on a permanent basis, suggested the creation of a mechanism to screen out candidates at two levels: (a) Screening Committee, and (b) Regional Level. The copies of CVs of the candidates will be forwarded to the ECOSOC for their reference and record while the secretariat will also retain a copy.

**Voting procedure of the election**
The House took the consensus decisions on one country one vote basis with the preferential voting system as follows:
First option: Candidate shall be selected by the consensus of the House.
Second option: If first option fails, the following process shall be adopted:
• One country – One vote to be decided through country caucus;
• Votes are given confidentially to keep Asian unity and also taking into consideration that some candidates do not want to vote openly;
• The candidate the country prefers most gets the highest rank (points) and then others get rank in descending order according to the country’s preference. The country caucus will decide the priority for the voting;
• Every country must vote all the candidates. If any country fails to rank all the candidates, the vote of that country will be considered invalid.

**Sample vote**
The participants developed the sample vote and agreed to use it for the voting purposes:

<table>
<thead>
<tr>
<th>S.N.</th>
<th>Name of Candidate</th>
<th>Rank: 6, 5, 4, 3, 2, 1.</th>
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<tbody>
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<td>6.</td>
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</tbody>
</table>

Signature of the Election Commissioner and date:
Note: The highest rank is 6. Therefore, the person you prefer most gets 6 points, then please rank 5, 4, 3, 2 & 1 according to your preference. If any country fails to rank all the candidates, the vote of that country will be considered invalid. There were six candidates. Therefore the highest rank is six (6).

**Election**
• **Election Committee**: The House nominated Ms. Lola Garcia Alix from IWGIA, Denmark as the Election Commissioner, Mr. Konaka Masaharu from Japan and Mr. Joseph Rickson from Thailand as the members of the Election Committee.
• **Election and the Election Result**: The election committee conducted the election with the help of election observers in a fair and transparent manner. The Election Commissioner Ms. Lola Garcia declared that Mr. Parshuram Tamang is elected as Asian Regional Indigenous Peoples’ Representative to the United Nations Permanent Forum on Indigenous Issues. The results of voting are as follows: Parshuram Tamang got 54 votes, Ms. Victoria Tauli corpuz 43 votes, Suhas Chakma 42
voters, Devasish Roy 40 votes, Ms. Jannie Lasimbang 38 votes and Kanakeswar Narzary 35 votes respectively.

**Recommendations**

- **Recommendation for the United Nations Permanent Forum**: The conference recommended Mr. Parshuram Tamang's name to the High Commissioner of Human Rights Commission and the President of ECOSOC and other relevant bodies for the appointment in the United Nations Permanent Forum on Indigenous Issues as the Asian Indigenous Expert. The recommendation letter was signed by the 48 participants of thirteen countries, including one observer from Denmark.

- **Formation of Regional Coordination Group**: The participants also agreed to form the Regional Coordination Group (RCG) with the objective to assist the elected member in the Permanent Forum, to analyse the future challenges and meet the needs of the UNPFII and to coordinate, evaluate and recommend the policy works for the United Nations Permanent Forum in the region. The RCG will consist of all the participants of the conference as well as will be open for all indigenous peoples and organisations of the region who were not present at the conference also. A core group of Mr. Parshuram Tamang, Mr. Devasish Roy, Ms. Jannie Lasimbang, Ms. Victoria Tauli Corpuz, Mr. Kanakeswar Narzary and Mr. Suhas Chakma was formed to coordinate RCG in the region. The conference appealed all the indigenous peoples’ organisations in Asia Region to join the RCG.

**Other Resolutions:**

In support and solidarity to the presentations made by the Indigenous Peoples representatives of Bhutan and the Kirat Peoples of Nepal, the House unanimously adopted the following resolutions:

- To extend support and solidarity to the problems faced in terms of safe and security of the unregistered Bhutanese people who have entered into Nepal for Political asylum following the political suppression in Bhutan by the absolute regime. The prevailing discrimination in the registration of Bhutanese in Nepal must be stopped forthwith and resume registration either in the camps or outside the camps to help facilitate the concerned community who represent the Sharchhoks of the Tshangla community to enable them travel beyond Nepal without any hindrances for the purpose of internationalisation of the Bhutanese human rights problem.

- Express strong support and solidarity for the recognition of various Rai-ised Kirats people and Praja-ised Chepang people by amending the existing national citizenship Act of Nepal which does not allow citizens to regain their citizenship cards in their own traditional ethnic names.

In witness thereof, signed by the participants at the closing of the session 19th August, 2001, Dhulikhel, Kathmandu, Nepal.

**7.2. Permanent Forum on Indigenous Issues**

**2002 Membership from indigenous organizations**

**Results of the ECOSOC nominations / elections**

**Indigenous experts**

- Mr. Antonio JACANAMIIJOY (Colombia)
- Mr. Ayitégau KOUEVI (Togo)
- Mr. Willie LITTLECHILD (Canada)
- Mr. Ole Henrik MAGGA (Norway)
- Ms. Zinaida STROGALSCHIKOVA (Russian Federation)
- Mr. Parshuram TAMANG (Nepal)
Ms. Mililani TRASK (USA)
Mr. Fortunato TURPO CHOQUEHUANCA (Peru)

State-nominated experts
Mr. Yuri A. BOITCHENKO (Russian Federation)
Ms. Njuma EKUNDANAYO (Democratic Republic of Congo)
Mr. Yuji IWASAWA (Japan)
Mr. Wayne LORD (Canada)
Ms. Otilia LUX de COTI (Guatemala)
Mr. Marcos MATIAS ALONSO (Mexico)
Ms. Ida NICOLAISEN (Denmark)

It should be noted that the nominee for eighth State-nominated seat, which belongs to the Asian Group, will be determined shortly.

7.3. First meeting of the Permanent Forum in New York: Your budget

In order to draw up a budget to be presented to possible funding agencies, here are some landmarks:

**Accommodation:**
- Single rooms: from US$ 60 to US$ 280 per room
- Double rooms or studios: from US$ 80 to US$ 220 per room/studio
- Suites for 3 to 4 persons: from US$ 104 (3 persons) to US$ 265 (4 persons) per suite
- Dormitories: from US$ 20 to US$ 30 per person

Food and transportation by bus and subway: US$ 45 per day and per person

Bus from the airport to New York City: US$ 26 round trip

These prices are indicative. They may vary according to the season. A 13.4% local tax may sometimes be added. For more information, please consult: http://www.ny.com/hostels and http://www.ny.com/hostels/budget.html.

**Voluntary Fund**

The Third Committee of the UN General Assembly has authorized the Voluntary Fund for Indigenous Peoples to fund the participation of indigenous delegations to the sessions of the Permanent Forum. Applications are enclosed in this Update issue. Last deadline: **15 February 2002**.
8. Other matters

8.1. Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples

Special Rapporteur Mr Rodolfo Stavenhagen will present his annual report at the next session of the Commission on Human Rights.

The report aims at providing a panorama of the main human rights issues besetting indigenous peoples at the present time and setting out a framework and agenda for the Special Rapporteur’s activities in the future. It consists of four parts:
1. An overview of the activities carried out in the United Nations system in relation to the human rights of indigenous peoples;
2. The principal issues and problems of indigenous peoples at the present time;
3. A summary of the main content of numerous communications on the situation of indigenous peoples addressed to the Special Rapporteur; in this respect, he will seek guidance from the Commission on how to process such communications, the number of which is expected to increase.
4. An outline of the Special Rapporteur’s future activities, including in situ visits.

Since his appointment, the Special Rapporteur attended the 2001 session of the Working Group on Indigenous Peoples, where he met with government delegates, indigenous peoples, human rights organizations and staff of the Office of the High Commissioner on Human Rights. He attended the World Conference against Racism and addressed a number of seminars on issues related to his mandate, organized, among others, by the World Bank, UNESCO, UNITAR and the Commission on Human Security.

It is not sure whether Mr Stavenhagen will participate in the Working Group on the Draft Declaration due to budget limitations.

8.2. 2002 Programme of meetings for indigenous peoples

Human rights and other meetings

14 January–1 February (in Geneva) Committee on the Rights of the Child, 29th session: Chile, Gabon, Malawi, Mozambique.


2 February (in Geneva) One day brainstorm on indigenous women.

4–8 February (in Montreal, Canada) Convention on Biological Diversity: Ad hoc Inter-sessional Working Group on Article 8(j).

18–22 February Botswana seminar on multiculturalism.
24 February–1 March (in Malaysia)
Sabah human rights training workshop.

4–22 March (in Geneva)
Committee on the Elimination of Racial Discrimination, 60th session: Botswana, Cape Verde, Costa Rica, Denmark, Papua New Guinea, Solomon Islands, Tunisia, Turkmenistan.

18 March–5 April (in New York)
Human Rights Committee, 74th session: Gambia, Georgia, New Zealand, Sweden, Viet Nam.

18 March–26 April (in Geneva)
Commission on Human Rights, 58th session; 15 April: Item 15.

5 April (in Geneva)
Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations.

8–12 April (in Geneva)

30 April–18 May (in Geneva)
Committee against Torture, 28th session: Denmark, Egypt, Norway, Russian Federation, Sweden, Uzbekistan, Venezuela.

April–May (in Geneva)
Committee on Economic, Social and Cultural Rights, 28th session: Benin, Trinidad and Tobago, UK (dependant territories).

13–24 May (in New York)
Permanent Forum on Indigenous Issues, 1st session.

13–24 May (in New York)
Indigenous Media Project.

27–28 May (in New York)
Seminar on self-determination and indigenous peoples.

20 May–7 June (in Geneva)
Committee on the Rights of the Child, 30th session: Guinea-Bissau, Niger, Tunisia.

3–21 June (in Geneva)
Committee on the Elimination of Discrimination against Women, 27th session.

17–21 June (in Geneva)
WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, 3rd session.

April–June
Special Rapporteur: country visit.

22–26 July (in Geneva)
Working Group on Indigenous Populations, 20th session: Main themes: “Indigenous peoples and their right to development, including their right to participate in development affecting them” and “Achievements of indigenous peoples at the United Nations system and a vision for the future”.

29 July–16 August (in Geneva)
Sub-Commission on the Promotion and Protection of Human Rights, 54th session.

5–23 August (in Geneva)
Committee on the Elimination of Racial Discrimination, 61st session.
2 September–11 September (in Johannesburg, South Africa)
Rio +10: The World Summit on Sustainable Development.

16 September–4 October (in Geneva)
Committee on the Rights of the Child, 31st session: Argentina, Burkina Faso, Sudan, Ukraine.

July–September
Workshop on multiculturalism in Africa (Cameroon).
Mexico training workshop.
Burundi human rights training workshop.
Special Rapporteur: country visit.

2–13 December (in Geneva)
Working Group on the Draft Declaration, 8th session.

9–17 December (in Geneva)
WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, 4th session.

October–December
General Assembly.
Regional seminar on indigenous peoples/minorities in Asia.
Guatemala human rights training workshop (or some other venue).
Mexico training workshop.
International seminar of indigenous women.
2nd workshop on private sector.

8.3. Main rules and practices followed by the Commission on Human Rights in the organization of its work and the conduct of business (E/CN.4/2001/CRP.1)
(Updated version of E/CN.4/1998/CRP.4)

Highlights:

RULES AND PRACTICES RELATING TO THE GENERAL DEBATE
Speaking time and other arrangements
• All observers: one statement of five minutes per item.
• Each NGO is entitled to not more than six statements per session.

Joint statements
• With regard to joint statements by NGOs, the following timing shall apply: 1 or 2 NGOs: 5 minutes; 3 to 5 NGOs: 7 minutes; 6 to 10 NGOs: 10 minutes; more than 10 NGOs: 12 minutes.
• In view of the limitation of six statements per NGO per session, participation by an NGO in a joint statement would count as one third of a normal statement.
• When an NGO which had participated in a joint statement opts, in addition, to speak individually under the same agenda item, this would count as one third of a normal statement within the limit of six to which each NGO is entitled, and such statement should not exceed 2 ½ minutes.
• All NGOs participating in joint statements should be duly accredited as participants at the session concerned.

Other rules that apply to NGO statements
All NGO representatives shall start their oral statements by saying “I speak on behalf of …” and give the name(s) of their respective NGOs. The speaker takes the floor as a representative of the NGO that
accredited him or her. That NGO takes full responsibility for the contents of the statement. All NGOs are encouraged to make available written copies of oral statements to conference room officers for précis-writers, interpreters and press officers. Whenever written copies of NGO statements clearly identify the speaker representing the NGO, the Chair will assume that that person will actually deliver the statement.

LIST OF SPEAKERS
NGOs which inscribe on the list of speakers and whose representatives are absent when their turn comes to take the floor will not be allowed to take the floor under the concerned agenda item.

WRITTEN STATEMENTS BY NGOs
All such statements submitted in sufficient time before the session shall be circulated in the three working languages. Those statements which were not submitted on time may initially be circulated in their original language(s) only; they will be translated into the other working languages as soon as technically feasible.

ACCREDITATION
There is nothing in ECOSOC resolution 1996/31 incompatible with one person representing two or more NGOs, as long as it is clear on behalf of which NGO or NGOs that person acts and speaks in each instance.

PARALLEL MEETINGS ORGANIZED BY NGOs
NGO representatives duly accredited to the session of the Commission who wish to reserve a conference room for the holding of meetings focused on items dealt with by the Commission should apply to the secretariat of the Commission. The request should give the subject of the meeting, the time, and the name of the person responsible for the organization and conduct of the meeting.

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1 According to the Commission on Human Rights Secretariat, written statements by NGOs will no longer be translated into the other working languages. NGOs will have to translate them and submit them to the Secretariat specifying the original language.

2 According to the Secretariat, the speaker must wear the badge identifying the NGO on behalf of which he is taking the floor.
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The reproduction and dissemination of information contained in Update is welcome provided sources are cited.

This issue is available in English, Spanish and French.

PLEASE NOTE
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- small NGOs: SF 30.-
- large NGOs and institutions: SF 40.-

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