



Centre de Documentation, de Recherche et d'Information des Peuples Autochtones
Indigenous Peoples' Center for Documentation, Research and Information
Centro de Documentación, Investigación e Información de los Pueblos Indígenas

UPDATE No 27

January/February 1999

Table of Contents

- [Editorial](#)
- [**Working Group on the Permanent Forum for Indigenous Peoples**](#)
 - [Historical background](#)
 - [Scope and mandate](#)
 - [Level](#)
 - [Composition, membership and participation](#)
 - [Relationship with WGIP](#)
 - [Financial implications and location](#)
- [**First Asian Indigenous Peoples Workshop on a Permanent Forum**](#)
 - [Indore Declaration](#)
- [**Workshop on the Draft Principles and Guidelines for the Protection of the Heritage of Indigenous Peoples**](#)
 - [Historical background](#)
 - [Conceptual considerations](#)
 - [Main difficulties in applying existing international legislation](#)
 - [Special measures of protection](#)
- [**United Nations Voluntary Funds**](#)
 - [VF for the International Decade of the World's Indigenous People](#)
 - [VF for Indigenous Populations](#)
- [**1999 Programme of the United Nations Human Rights Meetings - Indigenous Peoples**](#)

EDITORIAL

Although the survey undertaken among indigenous organizations and communities has not been completed, we believe it is necessary to take into account a few changes suggested by some of them, starting with this issue. Since it first appeared in 1992, doCip's newsletter was actually conceived as being flexible enough to be able to evolve with variable size and dates of issue depending on the international debates to prepare and report on. It is then logical that this update be gradual, with the objective of better adapting to the needs being expressed. Among these, (1) *Update* should appear more frequently; (2) each issue should deal with specific themes; (3) articles should provide syntheses including background information on forthcoming conferences.

This issue aims at preparing the next Working Group on the Permanent Forum, taking place from 15 to 19 February 1999. The next one will appear at the beginning of March and deal with the Working Group on the Draft Declaration which took place last December and the preparation of the Commission on Human Rights. Both issues will be thinner as for now the editing team does not have the means to engage additional collaborators.

In order to be able to meet the deadlines imposed by the increasing number of international conferences (and indigenous participants) and enable indigenous organizations to consult with their grass roots organizations/communities before they participate, we would like to send it by e-mail whenever possible. You will then find enclosed in this mailing a form to be returned, indicating whether you have an electronic address and/or access to the Internet, where our *Update* is available in English, Spanish and French (<http://www.docip.org>).

As our survey has not been completed yet, we appeal to organizations and communities which have not done so to reply to our questionnaire as soon as possible in order to enable us to take their suggestions into account.

When all results are analyzed, we will elaborate a new concept and undertake the necessary fundraising to meet such objective. It may be useful to point out that an important part of the work is currently badly paid or not paid at all, while it requires a very specific knowledge of indigenous issues and human rights and such skills are often not accessible to volunteers. Anyone who knows about financial sources is welcome as long as these do not question the independence of the editing team.



Working Group on the Permanent Forum for Indigenous Peoples

The open-ended inter-sessional ad hoc Working Group on the Permanent Forum for Indigenous Peoples, which will take place in Geneva from 15 to 19 February 1999, is organized by the UN High Commissioner for Human Rights in accordance with Commission on Human Rights (CHR) Resolution 1998/20.



Historical background

Agenda 21 of the 1992 Rio Earth Summit refers to a number of measures to be taken by the UN organizations, other international development and funding agencies and governments aimed at integrating Indigenous Peoples' (IPs) values, concepts and knowledge into policies and programmes on issues such as resource management ([A/CONF.151/26/Rev.1 \(Vol. I\)](#)). The idea of the establishment of a Permanent Forum (PF) for IPs in the UN system, as contained in the Vienna Declaration and Programme of Action ([A/CONF.157/23](#)), arose from the 1993 World Conference on Human Rights and was subsequently discussed in the 1993 Working Group on Indigenous Populations (WGIP). It has become a regular WGIP agenda item since 1994, following General Assembly (GA) resolution 48/163, in which the CHR was requested to give 'priority consideration' to the establishment of a PF for IPs, and CHR resolution 1994/26. In 1994, Ms Daes, Chairperson of the WGIP, raised a number of issues to be considered, such as the mandate, structure, participation, institutional status and financing of activities of the PF ([E/CN.4/Sub.2/AC.4/1994/13](#)).

In GA resolution 50/157, the establishment of the PF is considered a major objective of the International Decade of the World's IPs. Following CHR resolution 1995/30, the first UN Workshop for the Consideration of a Permanent Forum for IPs, hosted by the government of Denmark, was held in Copenhagen from 26 to 28 June 1995 ([Report of the Copenhagen workshop, E/CN.4/Sub.2/AC.4/1995/7](#). Also see [Working Documents by Ms Daes, expert and Chairperson of WGIP, and Rodolfo Stavenhagen, Colegio de México, E/CN.4/Sub.2/AC.4/1995/7/Add.2](#), as well as [Update 11/12](#)). The Secretary-General was asked to report on the existing UN mechanisms concerning IPs. The second workshop hosted by the government of Chile took place in Santiago de Chile from 30 June to 2 July 1997 ([Report of the Santiago workshop, E/CN.4/1998/11](#); [Denmark, Grand Council of the Crees, Saami Council, Temuco Declaration \(Add. 1\)](#); [Ms Daes \(Add. 2\)](#); [Denmark, Ukupseni Declaration \(Add. 3\)](#)). It concurred with the Secretary General's report emphasizing the fact that virtually no mechanisms in the UN give IPs decision-making opportunity ([Review of the existing mechanisms, procedures and programmes within the UN concerning indigenous people, A/51/493](#)). Both workshops were attended by IPs' organizations, states, relevant UN and non-UN institutions and individuals, whose views on a number of issues discussed are reflected below ([This paper only considers the outcome of these two workshops, as the positions expressed by IPs and governments in the WGIP sessions have been regularly reported in Update](#)).

Scope and mandate

At the Copenhagen Workshop, it was suggested that the PF should consider issues relating to IPs' ethnic, cultural and social survival. Some governments pointed out the necessity of a clear definition of 'indigenous people' - 'scope' meaning 'definition' -, while other participants, such as the **Saami Council** (SC), considered that it was not a prerequisite to the establishment of a

PF. The issue of 'peoples' vs 'people' was raised, as some participants stated that the term 'peoples' implies a right to self-determination and sovereignty over natural resources, a discussion which was taken up again at the Santiago Workshop. The overall goal of the PF should be the promotion of peace and prosperity. The PF should deal with all issues affecting IPs, including, guidance and advice, and dissemination of information. The mandate of the Trusteeship Council could be changed to include IPs' issues. That body could possibly serve as the PF.

The IPs presented a statement which includes the following points: the PF should (a) make decisions and intervene effectively on an urgent basis; (b) coordinate action for the resolution of conflicts; (c) monitor the implementation and the effectiveness of international and regional instruments and programmes, and of actions of UN bodies and member states; (d) be a high-level and public forum dealing with issues such as development, the environment, culture, education, economics, social issues, intellectual property and trade; (e) eliminate racism and discrimination; (f) promote understanding of all peoples.

The Santiago Workshop pointed out that the PF mandate would be linked to its level within the UN system. Again, it was emphasized for the PF to have a broad mandate covering all issues affecting IPs, yet not duplicate other UN efforts. Others expressed the need for a legal framework for the PF and its mandate. The Draft Declaration, once adopted, was cited as possibly providing a legal basis for the PF, whereas other participants cited indigenous rights already being included in various international instruments. The PF should be a follow-up to international programmes of action, decisions and resolutions, and projects both within and outside the UN.

Denmark, supported by **SC**, expressed the opinion that the PF should deal with all issues affecting IPs and therefore have a broad mandate encompassing the full range of activities within ECOSOC. The PF should ensure coordination of activities related to IPs within the UN system, provide guidance and advice to states and specialized agencies, disseminate information on IPs' conditions and needs, promote understanding among peoples to facilitate peaceful resolutions of conflicts and formulate recommendations. The mandate should be subject to a revision clause. For **SC**, the PF should be a political forum focusing on prevention of conflicts. Its mandate should enable it to make decisions and take action to protect IPs' rights and monitor the situation of IPs effectively. The PF should be authorized to call in ad hoc working groups.

According to the **Grand Council of the Crees (GCC)**, the PF should address all issues brought forward by the WGIP, UN seminars and international conferences on human rights, the environment, social and cultural rights, housing, women's and children's rights, and food security. It should provide formal mechanisms for the lodging of complaints, be able to bring urgent matters to the attention of relevant UN bodies and act as in an advisory capacity to the Secretary-General.

The **Declaration of the First International Indigenous Conference on a Permanent Forum in the UN System** (Temuco, Chile, 6-9 May 1997) emphasizes that the mandate should cover ESC, civil and political rights, and issues such as health, women, children, development, education, the environment, territories, human rights, conflict resolution and the coordination of IPs' activities with the UN. The **Declaration of the Second International Indigenous Conference on a Permanent Forum for Indigenous Peoples** (Ukupseni, Kuna Yala, Panama, 4-6 March 1998) points out that the mandate should also include compliance



with existing national and international norms, and issuing of proposals for harmonizing norms or laws with international law. The PF terms of reference should also include biodiversity, constitutional reform with emphasis on cultural diversity, development of national legislation, impact of disasters caused by human activity, reconstitution of IPs, training on the UN system, death penalty, indigenous science and technology, freedom of movement for IPs living in border regions.

According to **Ms Daes, Chairperson of the WGIP**, the PF could be a clearinghouse for IPs' issues and knowledge sharing, facilitate peace-building, and foster both national and international partnerships. The mandate and functions of the PF should include coordinating UN standard-setting activities and operational programmes, providing impact assessment and evaluation for UN projects, as well as mobilizing expertise and strengthening indigenous participation at the UN.

Level

At the Copenhagen workshop a high level within the UN system was suggested in order to enable the FP to consider issues broader than human rights. Many participants thought the PF should report to ECOSOC (**i.a Denmark, SC**). Other ideas included having it as a functional commission of, or an advisory to, ECOSOC. The PF could also be an advisory body to the GA, be linked to the Trusteeship Council, report to the CHR, or be a separate body under the Secretary-General. Another idea was creating an indigenous advisor post to the Secretary-General. Ms Daes made an urgent call for establishing the PF at the highest UN level.

Denmark proposed that the FP adopt its own rules of procedure and hold a one-week session twice a year. Decisions should be made by consensus. **SC** proposed to establish a general functional commission on indigenous issues. **GCC's** preferred option is to establish the PF at the UN Council level, in place of the Trusteeship Council. It could also be a functional commission of ECOSOC. Both Temuco and Ukupseni Declarations also called for the rapid establishment of the PF as a political organ at the highest level.

Composition, membership and participation

It was proposed at the Copenhagen Workshop that the PF include governmental and indigenous representation, between 10 and 20 members, with consideration of parity and geographical balance. The PF should be open to all indigenous observers. Others suggested that it be an intergovernmental body of member states only, where IPs could be observers.

At the Santiago Workshop, IPs emphasized the importance of their full participation, distinguishing two categories: members with the right to vote and observers. It is crucial that it be composed of an equal number of governmental and indigenous representatives (**SC**). One government stated that IPs could not have the same legal status as member states.

Another one pointed out the lack of precedent. Some delegations referred to the Development Fund for the IPs of Latin America and the Caribbean. As for participation, the PF could be as flexible as the WGIP. UN agencies and NGOs should participate in the work or only be observers. The notion of 'independent experts' was opposed as IPs are capable of representing themselves.

Denmark proposed 15 members appointed by ECOSOC, consisting of five indigenous representatives from each region, three representatives from the specialized agencies and two individual experts. The period of membership would be three years. For **GCC**, the PF should allow for direct representation of IPs and provide an 'interface' between communities, States and UN agencies. **SC** suggested a number ranging from 10 to 25 members, elected for three to four years. Independent experts could serve as special rapporteurs or as members of the PF's subsidiary bodies. It is important to distinguish between the participation of IPs and nations and indigenous NGOs.

Both Temuco and Ukupseni Declarations emphasize the need to have IPs on an equal footing with governments. UN agencies, NGOs and independent experts should also participate. IPs' right for full, effective and equal participation, as well as the need for broad observer participation are crucial.

According to **Ms Daes**, in order for IPs to fully and meaningfully participate in international decisions affecting them, the UN must become transparent and coordinated. There is a gap between UN policy and practice, but the PF could bridge this as a goal of UN restructuring. Greater coordination regarding IPs' issues would be beneficial to states in areas of development, reconciliation and partnership. The positive impact of IPs' participation in development programmes, their role in Central American peace processes, as well as their contributions to medicine are all examples.



Relationship with WGIP

At the Copenhagen Workshop it was suggested that the WGIP continue focusing on human rights, while the PF could deal with development issues. Other proposals were that the mandate of the WGIP be reviewed, depending on the outcome of the PF, or expanded to include ESC rights and development issues instead of creating a new body.

At the Santiago workshop **GCC** expressed the view that the WGIP mandate should not be affected by the PF. For **SC**, its terms of reference might be reviewed in the future, but the WGIP should not be replaced by the PF. The Ukupseni Declaration also points out the necessity of both a WGIP and a PF, with complementary mandates. The WGIP would continue as a technical body, with the PF as a political body. They should have a close relationship and their mandates must be compatible. The Sub-Commission and the CHR should continue to have the WGIP handle normative tasks and specific actions for the promotion and protection of IPs' rights.



Financial implications and location

It was suggested at the Copenhagen Workshop that the PF be funded by the regular UN budget (**i.a. Denmark**) and voluntary contributions from governments and IPs. Concern with the UN budget and avoidance of duplication of costs were raised at the Santiago Workshop. However, the regular budget with voluntary contributions should suffice. The importance of channelling funds to most impact and benefit-oriented activities was noted. Regarding location, ideas included New York, Geneva, or a non-UN locale.

First Asian Indigenous Peoples Workshop on a Permanent Forum for Indigenous Peoples in the United Nations

Indore Declaration

(September 1998)

We the representatives of indigenous peoples meeting in Indore, Madhya Pradesh, India, from 23 to 25 September 1998;

- Bearing in mind the United Nations resolutions and declarations pertaining to the rights of indigenous peoples, including those in relation to the establishment of a permanent forum for indigenous peoples within the UN system;
- Recalling the rights of all peoples, including indigenous peoples, to self-determination as enshrined in the UN Charter;
- Reiterating our demand for the early adoption of the Declaration on the Rights of Indigenous Peoples as adopted by the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities;
- Bearing in mind the Vienna Declaration and Programme of Action as adopted by the World Conference on Human Rights (A/CONF.157/23);
- Recalling that the goal of the International Decade of the World's Indigenous Peoples is to strengthen international cooperation in order to solve problems faced by indigenous peoples in such areas as human rights, health, environment, development, education and culture;
- Supporting the United Nations General Assembly Resolution 50/157 calling for the establishment of a permanent forum for indigenous peoples within the UN system as one of the important objectives of the International Decade of the World's Indigenous Peoples;
- Recalling the Secretary General's Report on the Review of Existing Mechanisms, Procedures and Programmes within the United Nations concerning indigenous peoples (A/51/493);

- Supporting the declarations coming from the first and second International Indigenous Peoples' Conferences on a Permanent Forum for Indigenous Peoples in the UN system held in Temuco, Chile (E/CN.4/1998/11/Add.1), and Kuna Yala, Panama (E/CN.4/1998/11/Add.3);
- Recalling the reports from the first and second workshops on a Permanent Forum for Indigenous Peoples within the UN system held in Copenhagen, Denmark (E/CN.4/Sub.2/AC.4/1995/7), and Santiago de Chile (E/CN.4/1998/11);
- Welcoming the decision of the Commission on Human Rights to establish an ad hoc inter-sessional working group on the permanent forum;
- Emphasizing the need for an indigenous co-chair for the ad hoc inter-sessional working group on the permanent forum.

We call for the speedy establishment of a permanent forum for indigenous peoples within the UN system in order to facilitate dialogue between member states of the UN, indigenous peoples and UN bodies on issues and concerns affecting indigenous peoples.

Level: The permanent forum should be at the highest level and no lower than a body reporting directly to the Economic and Social Council (ECOSOC) of the United Nations.

Mandate: The mandate of the permanent forum should be as broad as possible and contain all matters concerning indigenous peoples amongst which should be included civil, political, economic, social, cultural, developmental, environmental, health, education, language, land, resources, territorial, gender and children's rights. In particular it should deal with the following, among other:

- To coordinate and monitor all activities of concern to indigenous peoples within and outside the UN system;
- To provide advice and guidance to member states of the UN, specialized agencies of the UN and other relevant bodies;
- To facilitate the establishment of national institutions and mechanisms on the rights of indigenous peoples;
- To conduct research into, and collect, provide and disseminate information on, the conditions and needs of indigenous peoples and on the UN institutions, agencies and related forums which concern indigenous peoples;
- To promote understanding between peoples with the aim of facilitating the prevention, and the peaceful resolution, of conflicts;
- To formulate recommendations on any issues of concern to indigenous peoples;
- To ensure the fulfilment of existing national and international standards with regard to the rights of indigenous peoples;
- To develop international standards on the rights of indigenous peoples;
- To take decisions for intervening effectively on an urgent basis on behalf of indigenous peoples throughout the world.

Membership, composition and participation: The forum should be composed of an equal number of representatives of indigenous peoples and member states of the UN acting as full voting members on an equal basis. There should be at least two representatives of indigenous peoples from each of the main geographical regions around the world, to be nominated by indigenous peoples of the respective regions.



In addition, indigenous peoples and their organizations, member states of the UN, specialized agencies of the UN and non-governmental organizations, should be able to participate in the deliberations of the forum as observers without the right to vote. Indigenous peoples should have the same access to the forum as that in the case of the Working Group on Indigenous Populations.

Secretariat: A new secretariat should be established for the permanent forum. This secretariat should be adequately staffed by qualified indigenous persons for the preparation and servicing of the permanent forum meetings and the collection and dissemination of information. The secretariat should also assist indigenous peoples in their capacity building efforts.

Finance: The funds for the functioning of the forum, its subsidiary bodies, including a secretariat, should be borne by the UN from its regular budget. Additionally, member states of the UN should be encouraged to contribute with voluntary funds and technical assistance.

Workshop on the Draft Principles and Guidelines for the Protection of the Heritage of Indigenous Peoples

**8 - 10 March 1999, United Nations, Geneva
(E/CN.4/Sub.2/1994/31, annex)**

This workshop is organized by the UN High Commissioner for HR according to Commission on Human Rights 1998/103, with the participation of the Special Rapporteur, Mrs. Daes, and representatives of governments, UN bodies and organizations, specialized agencies, organizations of IPs and competent indigenous persons.

Historical background

From the very beginning of the Working Group on Indigenous Populations (WGIP) in 1982, Indigenous Peoples (IPs) urged the need to protect their spiritual and cultural life, arts, and scientific and medical knowledge. Although specific provisions of the Draft Declaration relate to protection against ethnocide and cultural genocide (art.7), cultural development, protection of intellectual property, religious freedom and control of education, the question of protection of heritage needs further consideration because of its importance and its urgency. Insofar as the existing international legal instruments do not or do only partially meet the needs for an appropriate protection, it is necessary to establish some form of *sui generis* special protection. The renewed interest in connection with biotechnology and medical science, with commercialization of indigenous arts and with tourism represents a new and increased threat to indigenous heritage, also in remote areas, and stresses the urgent need to adopt special measures of protection.

The 1993 Study on the protection of cultural and intellectual property of IPs (E/CN.4/Sub.2/1993/28) sets the conceptual framework, referred to below, and contains an assessment of contemporary issues involving indigenous heritage and an analysis of international legal instruments and mechanisms as regards their relevance for the protection of indigenous heritage. This study has been expanded with a view of elaborating draft principles and guidelines, which were submitted in the preliminary report in 1994 (E/CN.4/Sub.2/1994/31). Indigenous organizations, communities and nations, as well as governments, specialized agencies and intergovernmental and non-governmental organizations were invited to comment on these principles and guidelines. This procedure of consultation was repeated after the publication of the final report (E/CN.4/Sub.2/1995/26) and led to a supplementary report (E/CN.4/Sub.2/1996/22). The latter focused on relevant aspects of recent environmental treaties and on the implication of recent trade agreements. A technical meeting was held in 1997 (E/CN.4/Sub.2/197/15; see [Update 19/20](#)). In 1998, the World Intellectual Property Organization (WIPO) organized an informal meeting on the protection of intellectual property of IPs.



Conceptual considerations

The initially established distinction between cultural (Working Paper E/CN.4/Sub.2/1991/34) and intellectual (concise report of the Secretary-General E/CN.4/Sub.2/1992/30) property appeared to be artificial in the indigenous context for the ultimate source of knowledge and creativity is the same: the relationship to land, the kinship with other living creatures and with the spirit world. It was replaced, as early as 1993 (E/CN.4/Sub.2/1993/28), with the concept of "heritage", which was defined as being everything that belongs to the distinct identity of a people, including the creative production of human thoughts and craftsmanship, songs, stories, scientific knowledge and artworks, inheritances from the past and from nature, natural features of the landscape and naturally-occurring species of plants and animals with which a people has long been connected. It includes the ability to share some aspects of this heritage with other peoples in an appropriate way and at appropriate times. "Heritage" is not a compilation of separate elements, but an integrated whole, a complete system of knowledge with its own concepts of epistemology, philosophy, and scientific and logical validity, as it is reflected, among others, in their language (Preliminary report E/CN.4/Sub.2/ 1994/31). Heritage is not viewed in terms of property, but in terms of community and individual responsibility, as a bundle of relationships rather than as a bundle of economic rights as in Western society.

The very concept of "indigenous" embraces the idea of a distinct culture. The heritage represents all by which a people distinguishes itself from other peoples, in other terms its identity, which is the essential element for its survival as a distinct people, for its self-determination and for its development. On the other hand, heritage can only be protected by means of the exercise of a certain degree of self-determination, in particular relating to the right and duty of IPs to develop their own cultures and knowledge and to the corresponding control over the access to indigenous land and territories.



Main difficulties in applying existing international legislation

Many legal instruments (ex. copy-rights: Bern Convention for the Protection of Literary and Artistic Works (1886, amended 1971); patents: Paris Convention for the Protection of Industrial Property (1884); Geneva Treaty on the International Recording of Scientific Discoveries (1978) are based on some fundamental principles such as individual property rights over separate elements heritage, novelty, limited duration of protection, except for trademarks and certification of authenticity marks (art. 7(a) of Paris Convention). This individualistic, fragmented and commercially oriented approach is not appropriate in the indigenous context.

Heritage is a communal right, associated with family, clan or other kinship groups. Only a group as a whole can give the consent to share some elements of the heritage, according to their own laws and customs. The individual responsibility of members of the group as custodians or caretakers does not correspond to ownership or property rights.

The fragmentation of heritage into separate elements with distinct degrees of protection does not correspond to indigenous philosophy either which considers heritage as an integrated whole in which all aspects are interrelated.

Another specificity of the question lies in the fact that heritage includes all the relationships between the people, their land and other living beings and spirits which share the land. That means that no aspects of heritage can be separated from the territory of the people concerned without losing their meaning.

The concept of heritage refers furthermore to the continuity between past, present and future times. Therefore, the limited duration of protection is rather problematic. Moreover, some types of protection as copy rights, industrial patent or design apply only to "new" inventions, whereas traditional knowledge of IPs developed over centuries is still involved in a process of development.

Most relevant international instruments in this field are so far the UNESCO Declaration on the Principles of Cultural Cooperation 1966 and UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970; San José Declaration on Ethnocide (1981); Convention on Biological Diversity 1992 (art.8 (j)); ILO Convention 169; FAO's special legal regime for the protection of plant breeders' rights and its International Fund for Plant Genetic Resources.

Special measures of protection

The ten proposed draft principles and 49 corresponding guidelines are based on the analysis of specific requirements for the protection of the heritage of the IPs. The scope of the guidelines ranges from general definitions to particular fields of implementation as

transmission, recovery and restitution of heritage, national programmes and legislation, or research, business and industry.

The emphasis lies on the concept of sharing rather than alienation or commercialization of single aspects of heritage. The IPs' wish to share their heritage with other peoples - as underscored in Mataatua Declaration - is an expression of their dignity. Sharing requests respect of their own modes of transmission of knowledge and revocability. The latter is one of the principles that is most challenged, for it does not correspond to the idea of binding force of agreements. It nevertheless appears accurate if we consider that, according to indigenous mode of transmission, heritage is basically shared and not alienated or sold. The sharing of heritage requires as counterpart the sharing of the skills and benefits, both in financial, technological, medical and other terms.



IPs' ownership and custody of their heritage must be collective, permanent and inalienable.

Collective ownership and custody means recognition of corresponding collective rights, specially with regards to the control of access to their heritage.

As far as heritage is closely connected with nature and land, a sound protection implies reinforcement and, if needed, restoration of the control of the community over the access to their lands and territories. Protection must also extend to indigenous languages as vehicles and expression of their traditional knowledge. Control must be guaranteed at all stages of scientific research, development, commercialization or tourism projects affecting their people, territory and heritage. No project can take place without their informed and free consent. Projects requiring high technological skills to be evaluated as to their impact, such as the Human Genome project, shall be submitted to a moratorium, until the IPs concerned have the necessary skills and information to decide whether they are willing or not to participate in these projects. IPs' ability to control access to their heritage must be enhanced by capacity-building programmes.

Traditional knowledge in medicine, plants and ecology must be protected, although it does not meet the usual requirement of "novelty". Ity".

To conclude, let us point out a global issue that is at stake in the current discussion: the compatibility of the notion of "common heritage of mankind" and the corresponding collective rights with the notion of "national sovereignty".

United Nations Voluntary Funds

(Information available on the Internet site www.unhchr.ch)

UN Voluntary Fund for the International Decade of the World's Indigenous People

Guidelines

Objectives of the Voluntary Fund

- to support the Programme of Activities adopted by the General Assembly in its resolution 50/157
- to provide assistance to projects and programmes advancing the goal of the International Decade: international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education, culture and health.

Who can apply

- indigenous peoples, communities and organizations, non-governmental organizations and academic and other similar institutions; organizations should be non-profit-making national committees for the Decade
- the organization submitting the project for funding should have the capacity to raise needed additional money from other sources.

Main project areas

1. the Programme of Activities and objectives of the Decade as well as the recommendations of the Vienna Declaration and Programme of Action as they relate to indigenous people
2. indigenous organizational structures and procedures and their strengthening through education, training and institution and capacity-building, bearing in mind the need to respect their relevant traditions
3. education and training in human and indigenous rights
4. information about indigenous peoples and the International Decade
5. communications and exchanges between the United Nations system and indigenous peoples and between indigenous peoples
6. fund-raising initiatives in promoting the objectives of the Decade.

Criteria for selection

- projects should be of direct benefit to indigenous people in all parts of the world
- projects should be prepared by or in full support and consultation with indigenous people
- projects will be considered taking into account gender balance
- particular consideration will be given to projects from underdeveloped areas in different regions
- projects will be approved in relevant areas including in particular those relating to the promotion, protection and implementation of human and indigenous rights.

Deadline and consideration of projects

- projects should be sent to the secretariat of the Fund before 15 February each year
- complete applications must be filled out in English, French or Spanish
- applications for the Voluntary Fund will be considered at the annual session of the Advisory Group in April.



Contributions of the Voluntary Fund

- contributions of the Voluntary Fund will not exceed US\$50,000.

Application for the UN Voluntary Fund for the International Decade of the World's Indigenous People

1. Project title.
2. Describe the main objective(s) of the project. Please also indicate how the project relates to one of the six main project areas.
3. Provide a summary of the project, including information about how and where it will be implemented.
4. What is the executing organization? Please provide information about the organization, including information about membership, past activities and projects, and budget. Provide information about any partner organizations.
5. What are the expected benefits for indigenous people? Who will be the direct beneficiaries? What is the expected follow-up to the project?
6. What is the duration of the project? Please include information about each phase of the project.
7. What are the total costs of the project, including breakdown of proposed expenditures? What is the contribution requested from the Voluntary Fund? What are the other sources of funding? How will the accounting of the project be managed?
8. How will the project be evaluated? Are the results quantifiable?

DEADLINE FOR APPLICATIONS IS 15 FEBRUARY

Applications should be sent to:

Ms. Eulalia Ortado, Voluntary Fund for the International Decade of the World's Indigenous People
Office of the United Nations High Commissioner for Human Rights
Palais des Nations
CH-1211 Geneva 10 - Switzerland
Tel. +41 22 917 91 45 / 92 66 - Fax +41 22 917 90 11

UN Voluntary Fund for Indigenous Populations

Download application form in rtf format: [vfipapp.rtf](#)

Application to the Voluntary Fund for Indigenous Populations

To be mentioned in the reply: REFERENCE: G/SO 234 (18-4) ih/forme-wg/em

(photo)

APPLICATION FOR: (Check one. Separate applications must be completed for each.)

/... / Working Group on Indigenous Populations

/... / Working Group on the United Nations Draft Declaration on the Rights of Indigenous Peoples

YEAR:.....

1. Name of organization/community: _____

Address: _____

Telephone: _____

Fax: _____

Email: _____

2. Description of activities:

3. Indigenous population represented by organization including relevant information on geographic location and relevant demographic data:

4. Provide data about the budget of the organization:

5. Proposed travel itinerary (cities of transport, modes of transportation plane/train/bus, dates, costs):

6. Grant requested:

/.../ Full. Includes travel; air travel based on economy class; and daily subsistence allowance. Grants do not include health, accident or travel insurance.

/.../ Partial. Indicate which part/amount of expenses will be covered by yourself/your organization:

7. Representative(s) applying for a grant (Please attach a separate sheet and provide the same information for each applicant, maximum two applicants. Clearly indicate the order of priority of persons applying.):

Name:
(Family) _____

First: _____ Gender: _____

—

Responsibility in the organization:

Member of which indigenous population:

Address:

Telephone: _____ Fax: _____

Languages

Spoken: _____

Please note that the official languages (with simultaneous interpretation) at the Working Group are Arabic, Chinese, English, French, Russian and Spanish and that the representatives should at least understand and preferably speak one of these languages.

Experience in indigenous affairs:

Indication of the substantive contribution which the candidate (s) will make to the discussions of the Working Group (applicants to the Working Group on Indigenous Populations should note the [specific theme of that year](#)):

Indicate years of previous participation in the Working Group on Indigenous Populations/Working Group on the Draft Declaration. Indicate years _____. Include a copy of any oral statement made by the applicant.

8. Each application must include a letter of support from the organization or community for the suggested representative (s). Without such a letter, applications will not be complete.

RETURN COMPLETED APPLICATION FORM BY 15 FEBRUARY TO:

Ms. Eulalia Ortado, Voluntary Fund for Indigenous Populations
Office of the United Nations High Commissioner for Human Rights
Palais des Nations, A-513



CH-1211 Geneva 10 - Switzerland
tel. +41 22 917 91 45 / 92 66 - fax +41 22 917 90 11

© Copyright 1998
Office of the United Nations High Commissioner for Human Rights
Geneva, Switzerland

Acknowledgments

Contributors to this issue

Pierrette Birraux-Ziegler, Anne Frank, Sophie Grobet, Marianne Wilhelm.

Layout (printed edition)

Isabelle Grobet

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



[Homepage](#)



[Back...](#)



[About us](#)



[Agenda](#)



[Mail-Form](#)

Created for [doCip](#) by [Pascal Angst](#)

Last update: 01/27/99