The Commission on Human Rights has finally voted the resolution recommending the ECOSOC to establish a Permanent Forum on Indigenous Issues (PF). In spite of Denmark's considerable efforts and the various negotiations behind the scenes, consensus could not be reached. The discussion before the vote lasted over four hours due to Cuba's presentation of two amendments –supported by Nigeria– related to the nomination of the indigenous members of the Permanent Forum and the review of UN mechanisms concerning indigenous peoples. The result of the first amendment is that the President of ECOSOC should consult with the regional groups (formed by the States) as well as the Bureau before nominating the indigenous members. These consultations will take place after broad consultations with the indigenous organizations.

The second amendment specifies that the examination of UN mechanisms concerning indigenous peoples should not prejudge the disappearance of the Working Group on Indigenous Peoples (WGIP). The draft resolution did not stipulate that the regional groups should be consulted and that it limited the role of the Bureau to that of assisting the President without being an organ to be consulted. With regard to the WGIP, the draft resolution practically condemned it beforehand.

The location of the Forum has not yet been decided and the few indigenous representatives who expressed themselves on this issue were in favour of Geneva. One of them asked the Swiss government to specify the offer made in its statement for setting up the PF, wishing that it would provide a building for the Secretariat of the PF. If the resolution is presented as is to ECOSOC for approval, the Permanent Forum will be able to decide for itself. However, the resolution may be subject to modification in one way or another and ECOSOC may also decide on the location of the PF Secretariat and on the venue of the annual Conferences. The next meeting of ECOSOC will be held in New York from 5 July to 8 August 2000 and it is likely that once again the location will be pushed into the background because of the issues concerning the nomination and the WGIP.
In this issue, we summarize these debates as well as those related to other resolutions presented under item 15. On the other hand, due to lack of funds, we did not summarize the other items of the Commission as we used to in the previous years.

The other topics deal with the conclusions of the Seville workshop on indigenous peoples' traditional knowledge and the Nairobi Conference of Parties of the Convention on Biological Diversity, as well as with the follow-up to the WHO Consultation of November 1999 on the health of indigenous peoples. Finally, some information is given on the Conference against Racism, tentatively scheduled from 31 August to 7 September 2001, in South Africa. At the request of the Secretariat of the UN Voluntary Fund on Indigenous Peoples, we are attaching herewith, the application form for the year 2001.

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2. COMMISSION ON HUMAN RIGHTS, 56TH SESSION, 20 MARCH TO 28 APRIL 2000

2.1 RESOLUTIONS AND DECISIONS CONCERNING INDIGENOUS PEOPLES

Establishment of a Permanent Forum on Indigenous Issues

Resolution 2000/87

The Commission recommends the following resolution to the ECOSOC for adoption: The ECOSOC: 1. Decides to establish as a subsidiary organ of the Council a PF on indigenous issues consisting of 16 members, 8 members to be nominated by Governments and elected by the Council and, 8 members to be appointed by the President of the Council following formal consultation with the bureau and the regional groups through their coordinators, on the basis of broad consultations with indigenous organizations taking into account the diversity and geographical distribution of the IPs of the world as well as the principles of transparency, representativity and equal opportunity for all IPs; all members serving in their personal capacity as independent experts on indigenous issues for a period of three years with the possibility of re-election or reappointment for one further period; States, UN bodies and organs, intergovernmental organizations and NGOs in consultative status with the Council may participate as observers; organizations of IPs may equally participate as observers in accordance with the procedures which have been applied in the WGIP; 2. Decides that the PF on Indigenous Issues shall serve as an advisory body to the Council with a mandate to discuss indigenous issues within the mandate of the Council relating to economic and social development, culture, the environment, education, health and human rights; in so doing the Forum will: (a) Provide expert advice and recommendations on indigenous issues to the Council, as well as programmes, funds and agencies of the UN, through the Council: (b) Raise awareness and promote the integration and coordination of activities relating to indigenous issues within the UN system; (c) Prepare and disseminate information on indigenous issues; 3. Decides that the PF shall apply the rules of procedures established for subsidiary organs of the Council as applicable, unless otherwise decided by the Council; the principle of consensus shall govern the work of the Forum; 4. Also decides that the PF shall hold an annual session of 10 working days at the UN Office at Geneva or at UN Headquarters or at such other place as the PF may decide in accordance with existing financial rules and regulations of the UN; 5. Further decides that the PF shall submit an annual report to the Council on its activities, including any recommendations for approval; the report shall be distributed to the relevant UN organs, funds, programmes and agencies as a means, inter alia, of furthering the dialogue on indigenous issues within the UN system; 6. Decides that the financing of the PF shall be provided from within existing resources through the regular budget of the UN and its specialized agencies and through such voluntary contributions as may be donated; 7. Also decides that five years after its establishment, an evaluation of the functioning of the PF, including the method for selection of its members, shall be carried out by the Council in the light of the experience gained; 8. Further decides that once the PF has been established and has held its first annual session, the Council will review, without prejudging any outcome, all existing mechanisms, procedures and programmes within the United Nations concerning indigenous issues, including the Working Group on Indigenous Populations, with a view to rationalizing activities, avoiding duplication and overlap and promoting effectiveness.

Working Group of the CHR to elaborate a draft declaration in accordance with GA resolution 49/214 of 23 December 1994

Resolution 2000/57

The Commission: Invites the Chairman-Rapporteur of the WG and all interested parties to conduct broad informal inter-sessional consultations with a view to facilitating progress in drafting a declaration on the rights of IPs at the next session of the WG [new paragraph].
Working Group on Indigenous Populations and the International Decade of the World's IPs

Resolution 2000/56

The Commission:

I. Report of the WGIP:
1. Noted that at its 18th session the WG will focus on the theme of "Indigenous children and youth".

II. International Decade:
2. Takes note of the mid-term report of the HCHR (A/54/487); 3. Recommends that the situation of IPs be taken into account in forthcoming UN conferences of relevance, including the special session of the GA entitled "Women 2000: gender equality, development and peace for the twenty-first century", the special session of the GA entitled "World Summit for Social Development", the special session of the GA for the follow-up to the World Summit for Children, and the Third World Conference against Racism.

Postponement of consideration of draft resolution E/CN.4/2000/L.63

Decision 2000/105

The Commission decided, without a vote, to postpone consideration of draft resolution E/CN.4/2000/L.63, entitled "Human rights and indigenous affairs" [on the appointment of a Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous peoples], to the next session of the Commission.

Study on indigenous land rights

Decision 2000/106

The Commission requests the Special Rapporteur to submit her final working paper to the WGIP at its 18th session and to the Sub-Commission at its 52nd session.

Other resolutions
2000/15 Situation of human rights in the Democratic Republic of Congo
2000/21 Situation of human rights in Rwanda
2000/27 Situation of human rights in the Sudan
2000/23 Situation of human rights in Myanmar

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2.2 INDIGENOUS ISSUES (ITEM 15)

2.2.1 Permanent Forum (PF)

Peter Wille, Chairperson-Rapporteur of the WGPF, introduced his report (E/CN.4/2000/86).

MALAYSIA said that the mandate should not include references to articles 62 and 63 of the UN Charter. The PF should deal with issues such as human rights, environment, development, health and education. The selection of indigenous members, representativeness and selection mechanisms are issues that needed to be further discussed.

PANAMA, on behalf of the Group of Central American States, said that once the Forum was established it would be necessary to review the mandate and functions of the WGIP. ECUADOR wished there was more time to discuss the mandate of the PF. PERU doubted the appointment of experts by the indigenous parties themselves. It was essential that all indigenous communities be represented. ARGENTINA said that it would be preferable if States were able to put forward candidates or at least be consulted in the choice of representation.

ESTONIA said that the rights of IPs, including their linguistic and cultural rights, continued to be at risk in many parts of the world. A PF was essential for safeguarding the effective participation of IPs. NEW ZEALAND reiterated its support to the concept of a PF with a broad advisory mandate (also ARGENTINA) under the umbrella of ECOSOC. SWITZERLAND said that the establishment of a PF was necessary to discuss measures in the area of sustainable development, the protection of the environment, the fight against poverty and discrimination, and the promotion of indigenous rights. Proposed that the PF be located in Geneva. GUATEMALA, CANADA, MEXICO and VENEZUELA fully supported its establishment.

GCC said that the creation of a permanent body in the UN could begin to address issues that had never been properly addressed by the world community. IPs' traditional knowledge -almost never acknowledged- formed the basis of a large part of the pharmaceutical industry today. For IOIRD the inclusion of treaties, lands and resources in the mandate was of particular importance. IPs should reserve the right to continue seeking improvement on the PF. Concern was also expressed about discussions of a rule to enforce consensus since such procedure would simply grant power of veto to any of its members. For IITC/STP/IWA the method of selection of the members was also a source for concern. For SC the preference would be to see the indigenous members serving as peoples' representatives (also CISA). A separated secretariat should be created for the Forum as the proposed mandate went beyond human rights (also ICC).
TF/JOHAR/ IWGIA reiterated that the PF should be established at the level of ECOSOC and that its mandate should cover ESC and civil and political rights, environment, gender, among other issues. The UN geographical divisions were not relevant for IPs. SAHHRDC asked if the Swiss government was ready to provide a building to accommodate the PF together with its suggestion to choose Geneva as a centre.

AKUN said that they had reached consensus on the establishment of a PF as a subsidiary body of ECOSOC and called for the approval of the resolution. CISA said that the only name for such a forum was "Permanent Forum for Indigenous Peoples", because only the term "people" would prevent the Forum from acquiring an integrationist and discriminatory dimension and negating the existence of IPs as social entities with a distinct identity.

COLAB/WWF said that the indigenous members of the PF should be elected by their peoples and organizations. IPs' selection process should be respected. The official appointment of members should be done by the Chairman of ECOSOC. The mandate should enable IPs to participate in national and international decision-making processes. Supported SWITZERLAND's proposal that the PF should be located in Geneva. IMTA said that the constructive proposals of the IPs had not been taken into consideration. The PF should be an advisory, deliberative body, with a broad mandate to adopt decisions and make recommendations. State interference in the elections of indigenous representatives was strongly discouraged.

IPNCA/IHRAAM said that the creation of the Forum would enhance IPs' ability to eradicate the continuing discrimination against them. According to ICC, the Forum would give IPs new possibilities to be an integral part of the international community as equal partners with the governments, with the right to set the agenda on issues affecting them.

The resolution on the Permanent Forum gave rise to a long debate in the plenary. Despite DENMARK, GUATEMALA and CANADA's appeal to adopt it by consensus, CUBA -supported by NIGERIA- asked for a separate vote on paragraphs 1 and 8. CUBA's concerns were mainly related to the future of the WGIP. The delegation did not want to have the PF established as a substitute for the WGIP. The other concern was the selection of the eight indigenous members, as representativity would be reduced and the diversity of IPs would not be reflected.

INDONESIA, on behalf of the ASIAN GROUP, reiterated the need for a definition of IPs. Their support for the PF depended on the nature of the mandate: the more ambitious, the more difficult it would be to reach consensus. As for membership, the delegation said that the criteria of representativity and legitimacy should be fulfilled in accordance with UN procedures. The resolution did not reflect the lack of consensus on many issues.

After a last consultation, DENMARK presented an amended resolution, but CUBA -supported by NIGERIA - still asked for a vote. Finally, after a couple of votes on different amendments, the whole resolution was adopted by a roll-call vote of 43 votes to none and nine abstentions.

Some States wished to explain their vote. INDIA hoped that the ASIAN GROUP'S concerns would be duly addressed. The USA expressed concern about the financial viability of the PF and the duplication of work within the UN, stating that the WGIP should cease to exist once the PF was established. The selection process of the indigenous members was also an area of concern. They said that they would advocate for a one-week annual session and that ECOSOC should select a venue for a UN city.

CHILE said that the review of all the mechanisms concerning IPs should not be based on financial concerns. A transition period would be necessary. ECUADOR stated that the resolution did not imply the elimination of the WGIP. GUATEMALA said that IPs should find a very clear selection structure for their members.

For CUBA, the resolution left many doubts on the treatment of IPs within the UN. The draft was not ready and should have been postponed until ECOSOC.

2.2.2 Draft Declaration (DD)

Luis-Enrique Chávez, Chairperson-Rapporteur of the WGCD, introduced his report (E/CN.4/2000/84).

MALAYSIA said that it could be difficult to achieve progress on the DD if the document was aspirational - that was, if it set standards higher than reality would allow. NEW ZEALAND said that the full engagement of States and indigenous representatives was vital if progress was to be achieved and called on all participants to intensify their negotiating efforts.

DENMARK regretted that the drafting had been under way for too many years (also CANADA). The emerging consensus could be achieved by reviewing the existing draft with the aim of improving and strengthening the text and accommodating the reasonable concerns of interested parties while maintaining and respecting the spirit of the DD. CANADA would continue and intensify its consultative dialogue with Aboriginal leaders and officials in Canada.

UKRAINE said that the DD should include provisions which would strictly prohibit any actions designed to dismember the territorial integrity or political unity and stability of sovereign States.
ECUADOR said that there was a great complexity in bringing together various legal systems to create an international catalogue of rights. PERU believed that progress had been made so far. MEXICO and ARGENTINA supported the work of the WGCD.

IITC/STP/IWA supported the use of the term “indigenous peoples” with no qualification in the DD. The groundless opposition of a handful of States to this most fundamental principle of the Declaration was the primary impediment to more rapid progress in the adoption of the DD. IOIRD was concerned about the lack of substantial progress by the WG and its inability to pass articles by consensus.

ATSIIC/NIWG/FAIRA said that the right to self-determination was the fundamental underlying principle of the DD and was fundamental to the enjoyment of all other human rights by IPs (also IMTA).

IHRLG recommended that the WGCD complete its consideration of the document which should give sufficient protection to indigenous traditional lands.

SC said that the many violations of IPs' rights made the adoption of the DD an urgent matter. It was worrying that after five years of work, the WG had only managed to adopt two out of 45 articles. TF/JOHAR/IWGIA said that IPs' main objective in coming to the UN was to tell their stories of how their civil, political, economic, social and cultural rights had been and were still being violated. Those stories were the basis for the drafting of minimum standards which would ensure the protection and promotion of their rights.

COIAB/WWF urged the Commission to recommend to the ECOSOC and the GA to adopt the DD. It was also urged to encourage States to enact national legislation relating to the protection of IPs and to implement them effectively.

AKUN said that the DD was paralyzed due to governments' lack of political will (also IMTA). The DD did not contain aspirations, but minimum standards. IPs wanted to be considered as peoples so that their rights would not be limited.

IMTA said that the States did not want to listen to the IPs or assist them in obtaining their right to self-determination, property and land, and juridical, cultural and religious protection. Self-determination was not the monopoly or the exclusivity of States. There was a systematic failure by States to listen, as the indigenous lands often contained natural resources coveted by transnational corporations. Due to the impact of globalization, it was necessary to reassert the original right to collective property on lands and territories traditionally occupied.

IPNCA/IHRAAM said that there were governments which unilaterally created measures to deprive IPs of their land and territories and their important relationship to it. The right of IPs to self-determination should therefore include all levels of development to suit the desire and need of IPs. ICC said that if the goals to strengthen international cooperation for the solution of problems faced by IPs were to become a reality within the International Decade, realistic steps had to be made by the governments to show positive signals.

2.2.3 Decade/UN general

Victoria Tauli-Corpuz, Chairperson of the Board of Trustees of the UN Voluntary Fund for Indigenous Populations, said that the VF had no doubt contributed to the present situation where there was the possibility of a permanent forum on indigenous issues. Michael Dodson, Chairperson, Advisory Group, UN Voluntary Fund for the International Decade of the World's Indigenous People, said that a detailed account of the Fund's situation could be found in documents E/CN.4/Sub.2/AC.4/1999/4, A/54/487, and E/CN.4/2000/85.

The World Bank said that the Bank was the first multilateral financial institution to introduce a special policy for the treatment of indigenous or tribal peoples in development projects. Legal measures should be taken to protect IPs' rights to their land, cultural, religious and sacred values, and their customary possessions, occupations, and use and access to natural resources.

UNESCO had recognized the value of the diversified cultures and social forms of these "first nations", as well as their contribution to peace and the socio-economic, cultural and environmental progress of the world. The world consisted of individuals with 5,000 languages and a similar number of different cultures.

DENMARK, on behalf of the Nordic countries, said that it was pertinent to point out that concrete results did not have to wait to the very end of the Decade in 2004.

NEW ZEALAND said that the international community had to redouble its efforts in good faith.

GUATEMALA highlighted the need for a Special Rapporteur on the human rights situation of indigenous populations.

CANADA highlighted the call for States to support the two Voluntary Funds and the major role of the WGIP in reviewing developments, promoting awareness, and working on standard-setting.

IOIRD said that the WGIP must continue with its specific mandate. The WG should not be a trade-off with either the PF nor a Special Rapporteur on Indigenous Peoples issues. Five days of meetings was simply no longer sufficient to address the various concerns of IPs. An eight to ten-day annual meeting was called for (also IITC). According to GCC, the WGIP must continue its crucial work without interruptions, as standard-setting
had not been completed. Its future should not be considered before the PF was established (also IPNCA/IHRAAM). The PF might have the mandate to make recommendations on the future of the WGIP.

Another matter of concern for IORID was the lack of consideration of the Treaty Study which was approved last year. IITC said that the study on treaties should be given the widest possible publicity, and the recommendation that a seminar be organized to study possible follow-up to the study was a good one.

For COHAB/WWF, it was necessary to consider some concepts, such as indigenous peoples, territory, self-determination, which have not been defined by IPs, in order to define their collectivity and entitle them to equality of rights with the other members of the population. WSC/II said that some indigenous groups were threatened with exclusion from the WGIP under the pretext that IPs did not exist in Africa and Asia.

AKUN said that the international community was urged to show solidarity with the just struggle of the IPs in Colombia, Chile, Ecuador, Mexico, Rwanda, Nigeria, Malaysia, India and the United States. In these countries many indigenous communities were disappearing. Hence the need to appoint a Special Rapporteur for IPs. It was necessary to strengthen international cooperation. National commissions established to promote the rights of IPs were not operating. MRAP said that the International Decade should devote more attention to the violence which threatened the survival of the IPs.

IMTA said that the International Decade was a lost Decade, as IPs were still subject to dispossession of land and means of subsistence, discriminated against and suffering from extreme poverty. Once again, there was no political will from the States. The solution laid in carrying out sustainable development projects, in other words stimulate self-sufficiency.

SAHRDC said that the active participation of the indigenous representatives remained an example of how civil society could enrich the UN standard setting process.

IPNCA/IHRAAM highlighted the need to provide a Special Rapporteur for IPs who would create greater depth and understanding between IPs and governments. SC strongly supported the proposal of appointing a Special Rapporteur on indigenous issues.

FIMARC said that the appropriation of traditional wisdom by transnational companies sometimes involved the confiscation of living materials, particularly in Latin America, Africa and Asia in regions of environmental biodiversity. As often noted by indigenous leaders, no one could claim for themselves what already existed in nature. African indigenous groups had taken the initiative to declare opposition to the patenting of living organisms. This battle was difficult to fight due to the intellectual property rights and appropriation by agro-industrial firms or pharmaceuticals.

2.2.4 Mexico

MEXICO said that an initiative of constitutional reforms relating to indigenous cultures and rights was under consideration. Among other things, the initiative recognized the right of IPs to autonomy and self-determination, bilingual education, administration of justice based on indigenous normative systems and the participation of IPs in all governmental bodies. Enormous efforts had been undertaken in the past five years to eradicate extreme poverty in Chiapas where more than $6 billion dollars had been invested in health, education, food and land distribution. Another area of priority was the administration of justice and the fight against impunity.

IED/HLP highlighted the militarization of Chiapas. The Organization had been involved in promoting a peaceful resolution to the civil war in Chiapas and was committed to seeing the end of the grave human rights violations perpetrated by the Mexican security forces against the IPs. The struggle for autonomy and justice, led by the Zapatista Army of National Liberation, took place in hundreds of communities comprising a large section of eastern Chiapas. While concentrating their attention on those communities, the Zapatista peacefully supported indigenous autonomy throughout Mexico. In contrast, the response of the Mexican government had been military terror and political deception. The proposed technical assistance programme between the OHCHR and Mexico was encouraging.

FDPPH said that the expectations raised following the 1995 adoption of the law for dialogue and peaceful solution in Chiapas were rapidly becoming frustrated as the situation deteriorated and the government used violence in addressing the Chiapas problem. When ICHR Mary Robinson had suggested that the government reduce the military presence in Chiapas to alleviate tensions there, she was met with a negative answer. The paramilitary groups operated with impunity. As a result, IPs had seen their land encroached on, and their houses and natural resources destroyed. They were denied freedom of movement in their own territory, and were the victims of arbitrary detentions, torture and ill-treatment.

2.2.5 Central and South America

PANAMA, on behalf of the Group of Central American States, said that particular focus had been placed on education. Member States had already undertaken several legislative steps to provide for the protection of IPs'
rights. They reaffirmed their commitment to achieving effective integration of IPs within a framework of sustainable development.

GUATEMALA said that the Constitution of Guatemala established the obligation of the State to accord special protection to collective and communal lands and also recognized the right of IPs to preserve their land administration system. The accord on the identity and rights of the IPs (1995) recognized the Maya, Garifuna and Xinca peoples. An Ombudsman for indigenous women had recently been created under the accord.

VENEZUELA said that the IPs were represented in the National Constituent Assembly through their deputies elected by them. The new Constitution had incorporated a number of indigenous rights such as the right to ancestral land and traditional occupation, the right to natural resources, and recognition of indigenous medicine.

COLOMBIA said that the Colombian Constitution established that exploitation of natural resources in indigenous territories should not be carried out to the detriment of the cultural, social and economic integrity of indigenous communities. The Samore oil exploration project had been undertaken in the interest of the national economy, as it would make the country self-sufficient in crude oil. The government had ensured that the project did not negatively affect the cultural, social and economic integrity of the U’wa people. The government had expanded the U’wa reservation from 60,000 to 220,000 hectares. Speaking in right of reply, the government rejected statements made by several NGOs. The government had started a consultation process with IPs, in pursuance of the law and Constitution and several instruments. The representative referred delegates to some documents which explained in detail the measures taken by the government with regard to two indigenous communities in the country.

PERU said that recently the Congress had established a commission to evaluate the realization of the protection and promotion of the rights of IPs. In addition, a law was under study to consolidate the protection and promotion of ancestral knowledge of the IPs.

CHILE said that the policy of participation and recognition of the special characteristics of the IPs was a priority concern of the government. The Indigenous Peoples Act of Chile recognized eight groups for social and legal purposes. One of the main problems of Chile’s indigenous communities had been the loss of land.

ARGENTINA said that many legislative acts had been reformed to address the issue of the rights of IPs’ participation in the society. The main activities had been the granting of scholarships for university studies, regulating land titles, granting land, strengthening the institutional framework for the development of the community, and implementing housing and environmental improvement.

IHRLG highlighted the difficulties of the IPs of the Atlantic Coast of Nicaragua with regard to natural resources. Even though the Nicaraguan Constitution was one of the most progressive in the region, there was little progress for the IPs of Nicaragua. They wanted a certain degree of autonomy, and aspired to take their own decisions with regard to natural resources and community land. One major problem was the lack of a demarcation law which would give title to community lands. The government of Nicaragua used the current economic crisis to justify the construction by private investors of mega-projects on these lands and the exploitation of natural resources.

CETIM highlighted two situations involving the violations of the fundamental rights of IPs in Colombia. The first concerned the U’wa people whose ancestral land was threatened by an authorization for oil exploration accorded to the North American company OXY without their being consulted on the matter. Although the U’wa had recently won the case, their territorial integrity remained extremely precarious. The second situation concerned the Embera Katio people whose lives, culture and territorial integrity were jeopardized by the construction of a hydroelectric dam on their territory without their consent.

OPIAC/LAHRA said that in Colombia the IPs were used as human shields and were removed from their ancestral lands. They had also lost their traditional heritage because of the continued war. They were also deprived of community chiefs because of the crimes committed by the war-acting actors in eliminating them (also MRAP). The right to the freedom of movement had been limited. An appeal was addressed to all parties in the conflict not to involve the IPs in their war.

MRAP said that the extermination of indigenous communities in Colombia continued unabated (also OPIAC/LAHRA) as a result of actions by the guerrillas, paramilitary groups, soldiers, drug traffickers, erroneous economic policies and the absence of national economic and social policies. Their survival was also threatened by infrastructure projects and the exploitation of natural resources. Gradually IPs were being pushed into desolate areas. Added to this were widespread diseases, as well as lack of respect and no hope for improvement. Investigations into the killings of indigenous people had often been suspended or were not initiated at all. The Colombian legal and political machinery was insufficient to protect IPs. AKUN said that IPs were dying because of marginalization, poverty, sickness and adverse policies. They were the most vulnerable sector, the marginalized among the marginalized, the poorest of the poor. In Colombia IPs were affected by policies pursued by a few individuals in the interest of enterprises.

FDPDH highlighted the situation of the black and indigenous peoples of the Choco Department in Colombia, who had initiated a collective land title process, opposed by European interests and the authorities with the help
of the paramilitary. Thousands of people had been displaced. In Alto Bío-Bío, Chile, the Mapuche-Pehuenche communities' culture and subsistence economy were threatened with the flooding of their ancestral land due to the building of a dam.

FL said that the Mapuche people of Chile were being deprived of their human rights, particularly the Lafkenches of the province of Arauco. National logging companies with international financing had almost completely destroyed their communities' ecosystems. Also, commercial fishing enterprises were plundering traditional coastal fishing grounds. Chile was failing to protect relevant indigenous lands, and cases of torture had been noted against Mapuche, along with various forms of repression by the Chilean police and by agents of the powerful economic interests. Chile must enter into negotiations with all Mapuche, including the main Mapuche leaders, who had been excluded from negotiations so far. Construction of the Ralco hydro power station on indigenous lands must be halted. The Commission should send an investigatory team and urge the Chilean government to return the land in question to the Mapuche people.

AAJ denounced the discrimination going on in Peru against the Quechua, Aymara, Aguaruna, and Ashaninka peoples. These peoples' rights were recognized in the Constitution and they represented 40 per cent of the population. The poverty percentage in Peru for IPs was 69 per cent. It was urgent to juridically recognize the rights of the IPs and for the government of Peru to recognize ILO Convention 169. The situation in Ecuador was also a source for concern, particularly after the recent uprising. Some people depended on international food aid for survival. The IPs could not bear the burden of the financial crisis brought about by the dollarization and neoliberalist policies. Those who had tried to stand up and change the conditions in the January uprising were seriously repressed. AAJ had proposed to the government an amnesty law which would include the civilians and military persons in prison for participating in the uprising.

COLAB/WWF gave an account of violations of human rights of IPs in Brazil: murders with impunity -14 Tikuna in 1988, 16 Yanomami in 1993, and a Pataxó leader in 1997; destruction of a Pataxó monument by the police last April in the framework of the 500th anniversary of Brazil. The Brazilian Parliament was currently discussing the Indian Status, a new proposal protecting the interests of mining companies in indigenous territories, without the participation of IPs.

2.2.6 Asia and the Pacific

NEW ZEALAND said that many activities had been undertaken to bridge the social and economic gap between the Maoris and New Zealanders. A Cabinet Committee had been set up for this purpose alone. The government of New Zealand was committed to fulfilling its obligations as a treaty party. One of the main practical activities in New Zealand had been the settlement of claims and the building of an economic basis for claimant groups.

ATSIC/NIWG/FAIRA said that Australian governments had successfully reduced the opportunities of IPs to exercise even those limited rights which were protected by law. The amendments to the Native Title Act in 1998 had incurred strong criticism from the Committee on the Elimination of Racial Discrimination (CERD). In the face of this criticism, the government had called into question the integrity of the Committee and therefore the application of the Convention on the Elimination of All Forms of Racial Discrimination. In Australia, IPs faced lower life expectancy along with a much higher incidence of ill-health and higher levels of unemployment than the general population. There was continuing resistance in Australia to IPs as distinct people and the original owners of the land and resources.

SAHRDC was concerned about continuing human rights abuses against the Jumma in the Chittagong Hill Tracts of Bangladesh, among them murders with impunity by security forces. Said that little had been done to implement key provisions of the 1997 Peace Accord. Was also concerned about the reported threat of the Australian government to withdraw from the CERD. Said that the Supreme Court of Nepal had given a verdict in 1999 prohibiting the use of languages of minorities and IPs, contrary to the Constitution of Nepal.

ABCP said that the government of Bangladesh used the peace process as a cover for more human rights abuses. The Bills passed in government were contrary to the Peace Accord. There had been reports of continual human rights abuses against the indigenous Jumma people. The Special Rapporteur had urged Bangladesh to fulfil its obligations under international law to clarify the circumstances of each alleged violation, but it had failed to take any action.

ALIRAN said that IPs in Malaysia continued to be the victims of so-called development. That ranged from encroachment into native customary rights land to the displacement of nearly 10,000 IPs from 15 tribes, caused by the Bakun mega-dam project. Police frequently abused their powers in taking side with the developers, loggers and government agencies. In addition, indigenous activists from the state of Sarawak had had their passports revoked and had been banned from travelling abroad to advocate for their land rights.

IPB/CNF said that the military regime in Burma had systematically banned the rights of IPs such as freedom of worship. Religious minorities of Christians and Muslims were persecuted by the military regime of Burma which was pursuing a policy of mono-religion, language and race. The Chin Christians were compelled by the Burmese
Army to build Buddhist Pagodas without payment. The Chin Christians were also physically persecuted by the regime and subjected to arbitrary arrests.

NOVIB said that the indigenous communities in Indonesia were the groups that had been the most harmed by the development policies in the country during the last three decades. Even though the indigenous communities were the largest element in the structure of the Indonesian nation-state, in the formation of policies, the existence of the indigenous communities had not been accommodated. That unfair treatment could be clearly seen in the categorization and definition of indigenous communities as isolated or primitive communities.

WSC/II said that the Sindhis were under the threat of extinction from terrorism, cultural dilution, persecution by the establishment, increasing fundamentalism, lack of constitutional protection, deliberate transfer of population and illegal immigration and the imposition of martial laws by Pakistan. An impartial UN fact-finding mission was essential.

2.2.7 Africa

SOUTH AFRICA said that it was surprising to learn in the Treaty Study that there were no IPs in Africa and Asia. The civilization of South Africa was based on the original presence, cultures, languages and technology of the San (or so-called Bushmen) and the Khoi. It was only under colonization that the aboriginal African populations were brutally suppressed. The 1996 Constitution specifically included references to the indigenous Khoi, Nama and San languages. The Bill of Rights prescribed that persons belonging to cultural, religious or linguistic communities were not to be denied the right to enjoy their cultures or languages or to form, join and maintain cultural, religious and linguistic associations and other organs of civil society.

2.2.8 North America

WFMH appreciated that the Commission initiated the important visit of the Special Rapporteur on religious tolerance to Big Mountain, but was concerned that other immediate steps needed to be taken towards averting what had blatant negative health impacts on the Dineh traditional peoples. ITC/STP/IWA reported on the situation of the Dineh people in the US which was a source for concern. They were continually suffering due to the forced relocation policy set into law by the US government through a so-called ‘Navajo-Hopi land dispute’. The Special Rapporteur was asked to examine the full extent of human rights violations. Even the ceremonial rights to bury in a traditional way had been forbidden by the US government. IPNCA/IHRAAM reaffirmed the right of self-determination for the IPs of Alaska who will continue to seek redress.

2.2.9 List of abbreviations

AAJ : American Association of Jurists  
ABCP : Asian Buddhist Conference for Peace  
AKUN : Asociación Kunas Unidos por Napquana  
ALIRAN : Aliran Kesedaran Negara/National Consciousness Movement  
ATSC/NIWG/FAIRA : Aboriginal and Torres Strait Islander Commission/National Indigenous Working Group on Native Title/Foundation for Aboriginal and Islanders Research Action  
CETIM : Centre Europe-Tiers Monde  
CISA : Indian Council of South America  
CNP/IPB : Chin National Front/International Peace Bureau  
COIAB/WWF : Coordinaçao das Organizaçoes da Amazonia Brasileira/World Wide Fund for Nature International  
FDPDH : Federación de Asociaciones de Defensa y Protección de los Derechos Humanos  
FIMARC : International Federation of Rural Adult Catholic Movements  
FL : France Libertés  
GCC : Grand Council of the Crees  
ICCC : Inuit Circumpolar Conference  
IED/HLP : International Educational Development/Humanitarian Law Project  
IHRLG : International Human Rights Law Group  
IMTA : Indian Movement ‘Tupac Amaru’  
IOIRD : International Organization of Indigenous Resource Development  
OPIAC/LAHRA : Organización de Pueblos Indígenas de la Amazonia Colombiana/Latin American Human Rights Association  
MRAP : Movement against Racism and for Friendship among Peoples  
NOVIH : Netherlands Organization for International Development Cooperation  
SAHRDC : South Asia Human Rights Documentation Centre  
SC : Saami Council  
WFMH : World Federation for Mental Health  
WSC/II : Interfaith International

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3. CBDadopts Work Programme on Indigenous and Local Communities

The Fifth Meeting of the Conference of the Parties (COP5) to the Convention on Biological Diversity (CBD) adopted on 26 May 2000 an ambitious, wide, and long-term programme of work on issues related to indigenous and local communities. The CBD is the largest environmental convention, with 177 countries having ratified it. It is also the environmental convention most directly relevant to the interests of indigenous and traditional peoples, despite the many limitations that it has on issues concerning rights to lands, territories, and natural resources.

At its fourth meeting in 1998, the COP decided the establishment of a Working Group on Article 8(j) and Related Provisions, which met in Seville, Spain, in March 2000. The Working Group reported to COP5, and tabled a proposal for a decision and work programme that was much debated during the meeting. Apart from Party countries, the largest-ever grouping of indigenous peoples’ representatives attended the meeting, and held prior to it the V Indigenous Biodiversity Forum. Recommendations from the Forum and the continued participation of indigenous representatives were instrumental to the adoption of the final decision and work programme by the COP.

Negotiations and debates were expectedly difficult at the beginning of the process, but the final tone and smooth approval of negotiated texts surprised many. The Chairperson of the group in charge of agreeing and delivering texts to the plenary for approval declared astonishment as to the easiness and shortness of final debates, despite the complexity of the issue and the strong views of many governments and indigenous representatives. At the end of the final plenary, after the text was officially adopted, the Indigenous Biodiversity Forum presented a statement naming the 26th of May “a historic date” for indigenous peoples of the world, thus expressing their satisfaction for the final results.

Various countries played a key role in the process of negotiating the decision and the work programme. From Africa, the participation of Ethiopia, Namibia, Kenya, and Nigeria was notoriously important. From Latin America, Ecuador, Peru, Mexico, Bolivia, and Brazil were the most active and supportive countries; the latter's participation was surprisingly positive. Important support was also given by Venezuela and Argentina, countries that have not been usually aligned with the interests of indigenous peoples, and whose shift, together with that of Brazil, was very welcome by Latin American indigenous organizations and country representatives. Among European countries, Spain, Denmark, and Norway played a key role, expectedly, but perhaps the most astonishing participation was that of France, expressing full support to proposals coming from the Indigenous Forum and progressive countries. Also expectedly, the most difficult and obstructionist country was Canada.

The decision adopted by the COP puts strong emphasis on participation, the role of women, and the need for legal and other forms of protection of traditional knowledge, including through *sui generis* systems. It calls Party countries to support, financially and otherwise, the “full and effective participation” and involvement of indigenous and local communities in implementing the relevant provisions of the Convention. The decision also extends the mandate of the Working Group, to review progress in implementing the programme.

The adopted programme of work starts with five principles having very high significance in the context of the CBD and international instruments. These refer to full participation - highlighting that of women, a holistic approach consistent with indigenous views and values, the ecosystem approach (which in fact correlates very closely with the previous one), and prior informed consent. It has to be noted that, for the first time in international instruments, the concept of prior informed consent is introduced in a legal agreement in relation to indigenous and local communities, which is a fact of true historic significance.

The programme of work contains then 17 tasks, to be developed in two phases by Parties, the CBD Secretariat, and the Working Group. Priority tasks are those related to participation and capacity building, assessment of instruments for the protection of traditional knowledge, and preparation of guidelines on key issues.

Both the decision and the programme of work open new wide opportunities for indigenous and traditional peoples to have a meaningful role in the international process of the Convention concerning issues related to biodiversity conservation and use. At the national level, where great disparities exist, indigenous and traditional peoples’ organizations will have from now on an important instrument to push also for truly participatory processes and for implementation of the programme of work.

COP5 decisions relevant to indigenous and traditional peoples are not only contained in the aforementioned instruments. The decision on Access to Genetic Resources, for example, also highlights the importance of systems for the protection of traditional knowledge, and creates a Working Group where the participation of indigenous and local communities’ representatives is called for.

Coordination of indigenous peoples’ participation in future developments of the programme of work and related actions will be taken up by the Indigenous Biodiversity Forum. Similar mechanisms are expected to emerge to facilitate the participation of traditional, non-indigenous communities, whose involvement so far has been rather limited.

With the results of COP5, the CBD follows the path of the Ramsar Convention, which adopted an important set of guidelines on indigenous peoples and local communities in 1999. International environmental instruments
seem to be finally making progress in recognizing the crucial role of indigenous and traditional peoples in conserving the vitality of this planet.

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4. NEWS

4.1 WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE, SOUTH AFRICA 2001

Preparatory Committee

The first Prepcom was held in Geneva from 1 to 5 May 2000. Five indigenous organizations participated: the International Indian Treaty Council, the Indigenous Peoples and Nations Coalition, the American Indian Law Alliance, the Indian Law Resource Centre and the Indian Movement "Tupaj Amaru". The indigenous organizations pushed for a separate agenda item on indigenous peoples and an accreditation process allowing broad participation. Concerning the accreditation, the indigenous organizations which are not in consultative status with ECOSOC, but are accredited to the Working Group on the Draft Declaration (resolution 1995/32), and those who have participated in this Prepcom will be accredited.

As for other organizations, a special procedure is indicated. Please contact doCip for further information.

The final report is not yet available. All main conclusions will be presented in the next issue, which will also contain information related to the next meeting to be held at the end of January 2001 in Geneva. The meeting will be a five-day open-ended intersessional working group, which will elaborate the provisional agenda of the Conference, a draft declaration and a programme of action. The second Prepcom will be held at the end of May 2001.

Useful addresses:

- Mrs Sandra Aragó-Parriaux, Office of the High Commissioner for Human Rights, Palais des Nations, Office PW-RS 181, 1211 Geneva 10, Switzerland. Fax: +41 22 917 9050. E-mail: saragon.hchr@unog.ch - Internet: www.unhchr.ch
- Mrs Laurie Wiseberg, Office of the High Commissioner for Human Rights, Palais des Nations, 1211 Geneva 10, Switzerland. Tel. +41 22 917 9393. E-mail: lwiseberg.hchr@unog.ch

Following is a list of preparatory documents which can be obtained:

1. by consulting the Internet site of: www.unhchr.ch/html/racism/index.htm
2. by writing to the Documentation Service, Palais des Nations, Gate 40, 1211 Geneva 10, Switzerland.

Useful addresses:

E/CN.4/Sub.2/1999/6 Note by the Secretariat on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance
E/CN.4/1999/WG.1/BP.9 Background paper prepared by Mr. Agha Shahi, Mr. Luis Valencia Rodrigueuzand Mr. Ivan Garvalov, members of the Committee on the Elimination of Racial Discrimination (CERD)
E/CN.4/1999/WG.1/BP.8 Background paper prepared by Mrs. Shanti Sadiq Ali, member of the CERD
E/CN.4/1999/WG.1/BP.7 Background paper prepared by Mr. Theodor van Boven, member of the CERD
E/CN.4/1999/WG.1/BP.6 Background paper prepared by Mr. Michael Banton, member of the CERD
E/CN.4/1999/WG.1/BP.4 Recommendations by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance
E/CN.4/1999/WG.1/BP.10 Background paper prepared by Mr. Ion Diaconu, member of the CERD
E/CN.4/1999/WG.1/1 Provisional agenda of the Sessional open-ended working group to review and formulate proposals for the World Conference against Racism
E/CN.4/1999/16 Report of the sessional open-ended working group to review and formulate proposals for the World Conference against Racism
A/CONF.189/PC.1/9 Report of the Expert Seminar on Racism, Refugees and Multi-Ethnic States
A/CONF.189/PC.1/8 Preparatory meetings and activities at the International, Regional and National levels
A/CONF.189/PC.1/6 Note by the secretariat
A/CONF.189/PC.1/5 Consultation on the use of the Internet for the purpose of incitement to racial hatred, racial propaganda and xenophobia
A/CONF.189/PC.1/4 Ways of improving coordination between the Office of the High Commissioner for Human Rights and all specialized agencies and international, regional and subregional organizations
A/CONF.189/PC.1/3 Progress achieved in the fight against racism and reappraising obstacles to further progress - Report on the questionnaire
A/CONF.189/PC.1/20 Accredication of NGOs not in consultative status with the Economic and Social Council - Note by the secretariat
A/CONF.189/PC.1/12 Provisional agenda, draft rules of procedure, dates, duration, venue of and participation at the World Conference
A/CONF.189/PC.1/19 Contribution by the Special Rapporteur on the human rights of migrants
A/CONF.189/PC.1/17 Reviews and recommendations received from specialized agencies, other international organizations, concerned United Nations bodies and regional organizations
A/CONF.189/PC.1/15 Contribution of the Committee on the Rights of the Child
A/CONF.189/PC.1/14 Contribution of the Committee on Economic, Social and Cultural Rights
A/CONF.189/PC.1/13/Add.1 Contribution of the Sub-Committee on the Promotion and Protection of Human Rights
4.2 FOLLOW-UP TO THE WHO CONSULTATION ON INDIGENOUS PEOPLES’ HEALTH

The report of the Consultation was presented at the 53rd session of the General Assembly which took place from 15 to 22 May 2000. It includes a number of reactions from indigenous organizations and other entities to the draft version sent to the participants in the Consultation. The report does not have to be approved by the General Assembly. However, a resolution introduced by Canada and supported by many Member-States was adopted. It:

1. **Urges** Member States: (1) to make adequate provisions for indigenous health needs in their national health systems; (2) to recognize and protect the right of indigenous people to enjoyment of the highest attainable standard of health within overall national development policies; (3) to respect, preserve and maintain traditional healing practices and remedies, and to seek to ensure that indigenous people retain this traditional knowledge and its benefits;

2. **Requests** WHO's regional committees to consider the adoption of regional action plans on indigenous health that take into account the conclusions and recommendations of the "International Consultation on the Health of Indigenous Peoples”;

3. **Requests** the Director-General: (1) to ensure that all WHO activities relevant to indigenous people are undertaken in close partnership with them; (2) to collaborate with partners in health and development for the protection and promotion of the right of the world's indigenous people to the enjoyment of the highest attainable standard of health; (3) to complete, in close consultation with national governments and organizations of indigenous people, development of a global plan of action to improve the health of indigenous people, with particular emphasis on the needs of those in developing countries, as WHO's contribution to the Decade and beyond.

According to Dr. Paolo Hartmann from the Division on Health and Sustainable Development, the follow-up to the Consultation and the implementation of the numerous recommendations set forth in the report are to be discussed with a number of partners. To begin with, WHO is carrying out a listing of who does what in the area and has sent a questionnaire on this matter.

The report (available in English, Spanish, French, and Russian), the resolution (available in English, Spanish, French, Russian, Arabic, and Chinese), and the questionnaire may be requested at the following address: Ms. Anne-Elisabeth Ravetto, Division on Health and Sustainable Development, WHO, 20 rue Appia, 1211 Geneva 27 - E-mail: hartmann@who.int or aeravetto@hotmail.com - Fax: + 41 22 791 4153. Also available at http://www.who.org.
4.3 WORKING GROUP ON INDIGENOUS POPULATIONS, 18TH SESSION, 24 - 28 JULY 2000:
PROVISIONAL AGENDA

1. Election of officers.
2. Adoption of the agenda.
3. Organization of the work of the session.
4. Review of developments pertaining to the promotion and protection of human rights and fundamental
   freedoms of indigenous people: Principal theme: "Indigenous children and youth".
5. Review of recent developments pertaining to the promotion and protection of human rights and fundamental
   freedoms of indigenous people: General statements, including land issues, education and health.
6. Standard-setting activities including a review of indigenous peoples' relationship with natural resource,
   energy and mining companies.
7. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including the
   second preparatory meeting in May 2001.
8. International Decade of the World's Indigenous People, including information relating to the Voluntary Fund
   for the International Decade of the World's Indigenous People and the report of the Advisory Group.
9. Other matters: (a) Meeting and seminars;
    (b) Voluntary Fund for Indigenous Populations.
10. Adoption of the report of the Working Group on its eighteenth session.

WORKSHOP ON INDIGENOUS YOUTH: 19 - 21 JULY 2000

* * *

Acknowledgments

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