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1. EDITORIAL

The 21st Session of the Working Group on Indigenous Populations (WGIP) was particularly dynamic. No less than 16 constructive proposals were made. The necessity to maintain the WGIP was emphasized on several occasions, as was the importance of human rights for indigenous peoples (IPs). The proposals include, amongst other issues, the inclusion of the concerns of IPs in Asia and Africa in the coming Seminar on treaties; the development of standards regarding free, prior and informed consent; the realisation of two studies, one on human rights and globalisation and another on the impact and responsibility of trans-national mining companies exploiting resources on IPs’ territories; and a proposal to enhance the collaboration between the WGIP and other bodies dealing with human rights. The Indigenous Caucus of the World Conference Against Racism (WCAR) demanded a continuous follow-up of the WCAR Declaration and Action Plan, and that the WGIP study ways in which to eradicate the concepts of extinction, and clauses of certainty and non-assertion. The WGIP expert Françoise Hampson called upon the International Telecommunication Union (ITU) to assign specific wavelengths to IPs allowing them to broadcast their programmes worldwide. Finally, it was recommended that the European Union include in its Constitution an article protecting the rights of IPs.

The main debate on globalisation demonstrated how it affects all aspects of IPs’ lives such as through: social uprooting; loss of identity; destruction of their economic self-subsistence and traditional livelihoods; appropriation of traditional knowledge; the militarisation of areas to protect companies from the severely repressed local opposition; and violation of the right to self-determination through the non-respect of the principle of free, prior and informed consent. The Cancun Declaration of IPs is an exhaustive source of information on the issue of globalisation and offers concrete proposals.

The Sub-Commission adopted specially important recommendations: it calls for a second International Decade of Indigenous Peoples, reinstating the goals that were not achieved in the first Decade and having the promotion and protection of IPs’ human rights as the central theme. The Sub-Commission also encourages coordination between the WGIP and other human rights bodies, recalling that the review of existing mechanisms, procedures and programmes within the UN system concerning indigenous peoples has to take into account the differences and complementarities of the mandates of the WGIP, the Special Rapporteur and the Permanent Forum and that the establishment of the latter should not provoke the abolition of the WGIP. Another recommendation invites each of the five WGIP experts to present a new working text.

Finally, we are publishing an article on the World Intellectual Property Organisation (WIPO)’s process of protecting traditional knowledge, in which the participation of IPs is still not ensured, as well as an article on the Fifth World Parks Congress organised by the IUCN – World Conservation Union. Thanks to several indigenous organisations and NGOs, 150 indigenous representatives were able to voice the concerns of their peoples in a forum of great significance for them, since 85% and 80% of the protected areas in Central and South America, respectively, are within territories of IPs.

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2. WORKING GROUP ON INDIGENOUS POPULATIONS  
21st session, Geneva, 21-25 July 2003

The theme of the 21st session of the WGIP was “Indigenous People and Globalisation. The Recommendations include an invitation to Mr. Guissé to prepare a supplementary paper on the general theme of Globalisation and to Ms. Motoc to prepare a legal commentary on the principle of free, prior and informed consent; and Mr. Yokota is to prepare a paper to guide future standard-setting activities on the principles and guidelines on the heritage of IPs. The theme for next year’s WGIP will be “Conflict resolution of indigenous issues”

Item 4. Review of developments pertaining to the promotion and protection of human rights and fundamental freedoms of IPs

Item 4 (a): General debate

Françoise Hampson states that the issue of justice raised by Mr. Guissé is not only about the access to existing judicial mechanisms. There is a need to redefine “law” so that indigenous customary law is included. The studies on this topic should include both substantive law and systems of dispute settlement, as well as cases where IPs’ rights will see themselves affected by the resolution of a dispute in which they are not a party, these disputes should be made available to the public knowledge and non-party IPs should be able to intervene. The World Trade Organisation (WTO), World Intellectual Property Organisation (WIPO) and other bodies need to evaluate how their activities impact the rights of IPs. Ms. Hampson reminds of the need for disaggregated data, notably on the issue of refugees and migration, since IPs who become refugees may lose their indigenous status in the host country. Finally, in view of the present discussions to reform the UN, mainly the Security Council, Ms. Hampson puts forward the idea of creating a Gathering of Nations and Peoples constituted of, but not confined to, IPs and hopes that the Permanent Forum on Indigenous Issues (PF) can represent the founding seed to this project.

The International Labour Organisation (ILO)’s Convention 169 has now been ratified by 17 countries. Article 22 of the Convention requires member states to give periodic reports, which are revised by a Committee that publishes its observations. A detailed account on the ILO’s technical cooperation activities regarding IPs and tribal people can be found in the ILO’s “Recent Developments” document.

Central and South America

FENOCIN state that, although IPs’ situation has improved, essential aspects of IPs’ survival such as collective rights, territories, and self-government, are not addressed by international instruments. FENOCIN present the following proposals: 1) states must recognize and accept the practice of indigenous rights; 2) governments must bestow collective property rights over territories traditionally occupied by IPs; 3) not only a multicultural but an intercultural society must be constructed (also CONAIE).

VIDS, representing 33 traditional villages and the five IPs of Suriname, denounce Suriname’s disregard of its IPs’ rights. Suriname grants logging and mining concessions and establishes nature reserves on IPs’ territories without prior informed consent or even consultation. The Committee on the Elimination of Racial Discrimination (CERD) issued a Decision on Suriname in March 2003 stating the serious violations of indigenous rights and the Special Rapporteur (SR) reiterates these concerns in his report. VIDS urge the WGIP to support their request for a visit of the SR.

FIA state that Venezuela is living its best moment as far as IPs are concerned, from a legislative perspective, numerous demands by IPs have been approved in areas such as education, labour, human rights and others. IPs now occupy positions in national politics, ILO Convention 169 has been ratified and bilingual education has been strengthened.

CONAIE call upon the UN and the WGIP to support: 1) the respect of IPs’ cultural identity on the grounds of their territories; 2) broaden socialization and capacity building of IPs’ rights; 3) democratise media communication for broadcasting in indigenous languages; 4) allow indigenous women’s participation without discrimination.

\[1\] E/CN.4/2003/90, paragraph 21.
SCIS denounce the fragile situation of IPs that live in voluntary isolation. There are only 14 communities currently living in such isolation in Peru, they want to avoid the tragic fate of the Yora peoples who lost half of their population to a flu epidemic transmitted by woodcutters. The concession of large areas for exploitation of gas and petrol is increasingly threatening the existence of communities living in those areas. The WGIP should assist in the protection of these special communities and help guarantee their right to remain in isolation.

COICA declare that the Amazon forest’s flora and fauna constitutes half of the world’s biodiversity and represents 15-20% of the world’s fresh water reserves. IPs represent one and a half million of the Amazon population, seven million before colonisation. The Amazon is currently suffering important pressures from Trans-national Corporations (TNCs) seeking to exploit the natural resources, violating IPs’ right to free, prior and informed consent, often with the complicity of governments.

North America

IITC reaffirm IPs’ inherent right to permanent sovereignty over their natural resources. They state their concern regarding World Bank (WB) policy OD 4.20, which still leaves unanswered questions as to the limited participation and recognition of territorial rights of IPs. IITC request that the December World Treaty Conference, before closing the treaty study, includes African and Asian IPs’ concerns since insufficient information has been gathered. IITC reaffirm the historical importance and current significance of the WGIP in creating guiding principles.

ASC/EF inform on the opposition of Apaches, as well as other national and international groups, to the construction of seven telescopes on their sacred mountain Dzil Nchaa Si’an (Mt. Graham). The University of Arizona, the Vatican, and the Arcetri Observatory (financed by the Italian government) are responsible for the construction. Political and legal proceedings in the USA and in Italy have been futile.

EF explain that IPs have their own identity due to the uniqueness of their roots and traditions. Therefore, they should not only be supported on a socio-economic level but also in the development and protection of their moral identity and cultural roots.

LPDC give an update on the situation of Lakota-Anishinabe Leonard Peltier, still arbitrarily detained at Leavenworth Federal Penitentiary, USA. LPDC denounce the “overcount” of white prisoners in the USA, reported by the Virginia-based National Center on Institutions and Alternatives. LPDC welcome the announcement to have a section on the situation of indigenous prisoners and the disparity in the administration of criminal justice towards IPs in the SR’s next report and support Mr. Guissé’s proposal to make “Administration of Justice” a permanent item of the WGIP’s agenda, it should be a central theme for 2004.

CIH deplore the USA government threat to de-fund Native American AIDS prevention studies, President Bush advertises AIDS programs in Africa while next to no research is done on health, mental health and HIV prevention needs of American Indian and Alaskan Natives.

IOIRD/Samson/Erminsekin/Louis Bull/Montana Tribes/Maskwachisak/Cree Nation state that it is crucial to appreciate the persistent undermining and denial of IPs’ human rights, including the right to self-determination, as a major root cause and contributing factor to the acute health and socio-economic problems for many IPs.

Africa

CMA and CAASM fear that IPs are the silent victims of this era of communication technology, their already vulnerable languages and cultures are being swallowed by dominating monocultures. The Amazigh peoples have experienced the degradation of their culture with the advent of the pan-Arabic politics of the first half of the 20th century and neo-liberal economic policies. They demand the establishment of an equitable and humane economic order.

CEAIL describe the gradual degradation of the rights of the Sankuru peoples in the Democratic Republic of Congo where they initially held good relations with their neighbours the Bantu population, but this relation has deteriorated into one of domination and discrimination of the Sankuru.

Asia and Pacific

TIPS denounce the forced annexation of Manipur to the Indian Union in 1949. The Indian government has imposed a variety of laws that are incompatible with international human rights’ standards.

AP inform that IPs’ names are not recognized and the use of the term ‘indigenous’ is not allowed in the constitution of Bangladesh. IPs in the Chittagong Hill Tracts (CHT) have already been expropriated from 70% of their land and territories belonging to Khasias peoples are occupied in order to transform them into eco-parks (also ZKS). Individuals engaging in resistance are killed.
ZKS inform that the work of the Land Commission, as per the accord signed between PCJSS and the government, is still pending. Jumma refugees cannot return to their villages and homelands, which are forcibly being occupied by settlers, backed by the army and the civil administration. ZKS appeal to the WGIP to urge the Bangladeshi government to recognize the Jumma peoples’ customary rights and privileges in accordance with ILO Convention 169 and Convention on Biological Diversity (CBD).

CPA present cases of human rights violations discussed in the 2002 report of the SR on the Philippines, as well as more recent events such as the indiscriminate gun-fire and illegal search of the houses of IPs by national armed forces and police. Legitimate IPs’ organizations are being branded as supporters of alleged terrorist organizations. CPA points out that the Anti-terrorism Bill contains provisions violating fundamental freedoms.

LHRC report that the genocide and ethnic cleansing by communist Laos and Vietnam started in 1975, and continues to this very date. LHRC consider it as an international conflict since Vietnam provides weapons and military supplies to the communist Laos government.

BPCA report on IPs’ displacement between January and June 2003. Displacement was provoked by Philippines military action aimed to suppress the Bangsamoro peoples’ right to self-determination. BPCA call upon the government to introduce amendments to its constitution to recognize this right and to provide mechanisms for its implementation.

SFSTC denounce the gross human rights violations committed by armed employees of the Dacon logging company working on the Siocon land. They ask the UN to review the increasing involvement of corporations in intimidation and human rights violations on indigenous lands, particularly through the use of armed paramilitary groups. They urge members of the WGIP to visit their lands and investigate the situation.

WSC denounce Pakistan’s diversion of waters to the Punjab for the irrigation of the desert of Punjab, ignoring the 1945 Water Treaty. Sindh people are systematically excluded from all economic activities, they are expropriated from their fertile lands, their language is not officially recognized, Sindh press is suppressed, they are excluded from politics, and their heritage and ancient sites are neglected.

BAM present the alarming situation of the Alifuru peoples in Maluku. Javanese settlers have been sent to Maluku by Indonesia as part of the transmigration program. The Javanese settlers deprive the Alifuru from their traditional subsistence practices. The Alifuru welcome the establishment of a United Nations Development Programme (UNDP) office in Ambon, evoke the situation of imprisoned and tortured Alifuru, and demand the demilitarisation of Maluku by Indonesian forces (also MO).

MO report on the violation of IPs’ rights by the Indonesian government and TNCs in connection with resource exploitation. Corporations are protected by the government and get privileges, while IPs do not benefit from projects carried out on their territories.

KET deplore the imposition of Portuguese as the official language in East Timor (independent since 20 May 2002), rather than Tetum or Indonesian, which are more familiar to students. IPs are isolated, their products are of lower quality and they suffer losses from intermediate trade. KET demand that the government reconsider the choice of official language and promote indigenous economic production for local and national market.

CSSC denounce the fact that Chagossians are still prohibited from returning to their homeland, the Chagos Islands, from which they were removed 30 years ago under the pretext of rising sea levels. Meanwhile, the USA uses the main island as a military base.

SGC denounce the USA military bases in their homeland Okinawa, constructed after World War II in violation of the Hague Convention on Land Warfare. Currently 38 bases in 25 municipalities occupy over 237’000’000 m² of the Ryukyu Islands. IPs can only access burial grounds to perform ritual ceremonies with permission of the USA military. The USA violates article 14 of ILO Convention 169 and article 13 of the Draft Declaration on the Rights of Indigenous Peoples (DD). AIPR denounce the repression of the Okinawa language by the Japanese government that existed until 1972. The language was strictly prohibited in the schools; as a result the language has nearly died out. AIPR demand the establishment of standards for IPs’ rights to their languages and wish to learn from other IPs’ experiences in this domain.

ARC denounce forced management of Ainu communal property by the Japanese government for over 100 years, in violation of article 27 of the International Covenant on Civil and Political Rights (ICCPR), article 13, 29, and 31 of the Constitution and article 4 of the Ainu Cultural Promotion Act. From 1999 to 2003, 24 people have taken the issue before the High Court, which under the influence of the SR’s report, announced that further deliberations were necessary. ARC demands the recognition of Ainu as IPs by the Japanese.

ARC/SGC denounce inappropriate storage method of Ainu ancestral remains at the Hokkaido University. They ask for a suitable memorial for their ancestors, including an apology from the University, and for the return of the remains, where possible, to their original resting place. Article 13 of the DD specifies IPs’ right to
repatchtion of human remains (also SGC). AAH contest the above declaration by pointing out that the University of Hokkaido has apologized and taken the appropriate measures regarding Ainu ancestral bones in their possession. These conflicting declarations illustrate the need for a criteria regarding the participation of organizations at the WGIP and similar events so that the message of IPs is not diluted through contradictory statements and legitimacy of the WGIP remains intact.

FAIRA inform that the Australian Government continues to be in breach of the CERD convention since they have neither suspended, amended or removed the racially discriminatory 1998 Native Title Act. Furthermore, the Australian government has declined to present the periodic reports to CERD due in October 2000 and 2002.

Europe and Russia
RAIPON describe the creation of affiliated consultative councils resulting from interactions between IPs, governmental bodies and regional administrations. Relations are backed by the national organizational committee of the International Decade with which RAIPON has joint sittings. As long as the federal law on “The Natural resources Exploitation of the Indigenous Peoples of the North, Siberia and Far-East of the Russian Federation” is not implemented, IPs are confronted with regional and local administrations seizing IPs’ lands and giving exploitation rights to non-indigenous companies. RAIPON calls on a moratorium on the distribution of IPs’ lands by the Russian government.

ICC/SC express their concern for the lack of progress in the Working Group on the DD (WGCD). The following outputs resulted from a workshop held in Copenhagen, Denmark in May 2003: 1) substantial progress will be measured in terms of adoption of articles; 2) there is room for improvement in the DD; 3) if consensus is not achieved at the WGCD, it might be necessary to adopt a Declaration on the basis of IPs’ and participating states’ substantial support; 4) non-discriminatory proposals consistent with international law should be examined.

MEXICO explains that the coexistence of the WGIP and the PF does not constitute a duplication of mandates but in fact they have a complementary relation. Mexico reiterates its interest in the functioning and institutionalisation of the PF and in having the PF’s recommendations given full consideration in the programming of the UN system. The review of the different mandates has to be conducted under a broad and serious perspective, taking into account the consequences the mandates’ limitation would entail.

The RUSSIAN FEDERATION informs that people from more than 170 nationalities constitute the Russian population. The Russian government has been working together with the Association of the Indigenous Peoples of the North, Siberia and the Far East in order to establish measures for the improvement of IPs’ health, education, economic development and the creation of laws for the defense of IPs’ rights.

Item 4 (b): Principal theme: “Indigenous Peoples and Globalisation”
Globalisation is a process that encourages TNCs to operate across borders without being hindered by countries’ territorial integrity (TF, ISTOK, Taralift). Globalisation is an opportunity for peoples to recognize each other and to increase solidarity (AMP). A “borderless” world can be advantageous, but it can also be dangerous for IPs, as it can engender contempt for them (CNV). Within the apparent equality implied by globalisation’s free economic and cultural markets, IPs’ values will have to be defended. Globalisation causes the social and cultural uprooting of IPs, and the loss of identity and autonomy (AW).

TF highlight ideological constructs underpinning globalisation: minimised role of the state; its substitution by market; resources utilisation based on international market prices. Features of globalisation are major global influences on national policy-making, such as by the WB, International Monetary Fund (IMF) and WTO; increasing inequities; creating unequal negotiating position between developing and developed countries. International trade has become an end in itself, resulting in the distortion of IPs’ self-sufficient and self-reliant economies, the loss of their traditional livelihoods, and appropriation of IPs’ traditional knowledge, amongst other effects (also CNDPA).

When IPs ask for the doors of the big foreign markets to be opened to them, they encounter barriers and conditions that are difficult to accept, such as discriminatory subsidisation (TF, CNV, AW, Kalash peoples). The result is a two-speed society that accentuates the North-South split (FENOCIN, OCAPROCE). Meanwhile traditional abilities and knowledge are devalued (PC).

Globalisation widens even further the income gap between non-IPs and IPs. Free competition, economy, market, capital and labour also mean survival of the fittest. Many IPs would probably agree with TIPS, TF, and others that globalisation is a boon for states and a curse for IPs. States exploit IPs’ lands in order to attract foreign investment, while withholding compensation from IPs (CPA, BPHRO, SRA, BRI, RNTI, TIPS, ISTOK, IMTA, IPEX, CAPAJ). When IPs oppose this exploitation financed by the global development, because of their
adverse effects on them, the region is militarised to protect the investments, leading to even worse conditions (CPA, BPHRO, IITC).

The pressure to produce more, and cheaper, privileges the necessities of the market over the real necessities of the people (FENOCIN, IMTA). Degradation of the land, toxicity, etc. destroy both natural resources and cultural heritage (CPA, BRI, IITC, MKK, TF).

The huge resources allocations to pay for the interests of foreign loans cause instability and leads to a worsening spiral of decreasing opportunities and social services, and increasing poverty and disorder (IPEX, ISTOK, IITC, IMTA, TF, COICA). And when globalisation is not a boon to states’ economies, the adverse effects are still passed on to IPs (CPA, IMTA). Globalisation also causes migration, and IPs experience further disintegration of their territories, by waves of migration that overburden their infrastructures and displace them (INPT, BPHRO, ZORO, ECUARUNARI, TF).

Nevertheless, it is not globalisation itself that targets IPs, but rather the fact that IPs are not granted their right to self-determination and are excluded from decision-making processes that shape their lives and future existence (CHRO, SC/ICC, IITC, CAPAJ, MKK, Indigenous Caucus). TF find that this is not new, rather, it is “what colonization did for more than 500 years” (also CHRO, TIPS, MKK, COICA, IIMY, IMTA, ANI, Indigenous Caucus). The Indigenous Caucus underlines that free, prior and informed consent must be the basic principle for approving or rejecting any activity that affects IPs’ lands, territories and resources (also ECUARUNARI, SC/ICC, CPA). States must commit themselves to redistributing the resources, as the well being of one social sector is interdependent with the well being of the others (also FENOCIN).

Another side of globalisation is the possibility of information passing freely between IPs and allowing them to network on a global scale, as for instance in the WGIP (TF, MKK, ISTOK, AMP). Also, IPs have long mastered systems that are considered now to be the basis of sustainable development, and that they could share (FENOCIN; but this is for now just wishful thinking, MKK). Cultural globalisation is a universality that could benefit all peoples. But IPs’ strong connection to ancestors and lands is the antithesis of globalisation. As a consequence, they do not even have decent access to basic services and participation in decision-making (OCAPROCE). In reality the great powers will have to help IPs economically and with the promotion of their rights and aspirations (CNV, MKK).

APIYWN, presenting the highlights of the 2002 International Indigenous Youth Conference (IIYC) in Cordillera, Philippines, which addressed globalisation, underlines that indigenous youth worldwide continue to struggle with the ever worsening impact of globalisation, whose instruments, such as inadequate education, are disaggregating IPs in the fastest and most efficient manner (also IIMY).

Ms. Hampson refers to the threats of communication technology on indigenous languages and the transmission of cultural values. A solution could be to enable IPs to broadcast their programmes on a few wavelengths assigned by the International Telecommunication Union (ITU) for IPs worldwide. Ms. Hampson further recalls the risk of oversimplifying the issues related to globalisation and the IPs, like movements of capital, investment, development, trading patterns, or privatisation. She also refers to states’ responsibilities for the adverse effects of globalisation on IPs, and to the role of corruption, in addition to TNCs’ responsibilities. A key issue is the nature of IPs’ land rights, which usually are historically prior to and therefore constitutive of the constitutional context, so states have already the responsibility to protect IPs’ land rights. A study could be undertaken on the domestic and international scope of existing human rights obligations of states to protect IPs from effects of globalisation on their human rights.

As Rapporteur of the PF’s second session, Mr. Littlechild recalls paragraphs 32 and 39 of the PF’s report (E/2003/43), which refers to globalisation, as well as recommendation 7 in paragraph 54, inviting governments and UN organisations to take adequate measures to meet the changing needs of IPs; and inviting the WTO to attend the PF third session, in order to exchange views on the need for IPs to participate in global economy to promote their development (supported by ICN).

Central and South America

For IPs globalisation marks a new era of colonization and the reapplication of terra nullius (CNAB, Akaîtcho Dene). The developed countries, who are the leaders and promoters of globalisation have used up their resources and seek through their multinational companies to exploit and destroy the still intact lands of IPs, who through their knowledge and culture have preserved their natural environment (also CODENPE, CIDM, CAC, CEDIA, ATSIC). Globalisation represents risks and opportunities, creates winners and losers (also KIP). In Costa Rica it has accentuated the already existing inequalities.
The Bolivian government passes laws in favour of IPs but does nothing for their development. CEA declare that IPs in Bolivia have the capacity to participate in the market, historically they were producers of wheat, corn and alpaca meat, and were part of the trading system. The policies of liberalisation implemented by the colonizers opened the borders to foreign exports and reduced the IPs’ communities to self-subsistence. CAC declare that IPs’ existence is threatened by the system of production brought about by globalisation. This system brings unemployment and marginalisation, and favours large multinational companies destroying small scale commerce and agriculture (also CEDIA). In Bolivia the following companies have taken hold of IPs’ resources: ENTEL, ENFE, VINTO and LAB. CRAL denounce the brutal momentum that globalisation has achieved, its leaders having lost all respect for frontiers, territories and sovereignty (also PIAR). Globalisation is the application of an economic philosophy by social groups who have taken control of the natural resources within a logic of consolidating their power and property. CRAL agree that the opposition to globalisation needs to be constructive and offer feasible alternatives without violating IPs’ life philosophy (also SFSTC, PIAR, KIP).

ANIPA and CNAB denounce the devastating effects the Plan Puebla-Panamá will have on the environment and ceremonial indigenous sites. This development project, which will extend from Puebla, Mexico to Panama, will affect 200 IPs, who are expected to “participate” in the project only as a cheap and docile source of labour. The construction of the San Juan Tetelecingo dam is also part of this project, even though the dam construction was cancelled in 1992 through the signing of an agreement by the President Carlos Salinas de Gortari. In February 2003 the Federal Electrical Company informed that this agreement was considered void. CIDM demand for the recognition of IPs’ contribution in terms of traditional knowledge to the scientific, academic, political and economic community.

CAA95 state that the phenomenon of globalisation can fundamentally be defined as a new stage in the international division of labour. In the name of “development” and “progress”, two concepts which are rarely questioned or analysed, the WB and IMF have been implanting projects with relatively little success. Though the general level of well-being has increased, inequity between the rich and the poor has become accentuated. CNV claim that IPs must continue strengthening their social and cultural struggle with the cultural benefits they produce collectively. Privileged peoples enjoy facilities that are denied to most IPs, such as books and communication media. This situation must change for IPs to fully participate in globalisation, with their own civilisations, instead of suffering the consequences of a technological globalisation imposed upon them (also AMP). AW highlight the situation of the Wayuu peoples in Colombia and how globalisation leads to the loss of political recognition already conquered, such as the application of customary law. The Wayuu could produce salt for the whole country without disrupting their cultural structures. But the government prefers to let TNCs import salt. International networks must be strengthened to allow IPs to implement such industrial and intercultural processes.

FENOCIN refer to the worsening situation of IPs and rural Ecuadorian peoples, as a result of globalisation and neo-liberal policies (also ECUARUNARI). Prioritising local and regional spaces would foster human-scale development; nature and mother earth should be respected, intercultural relations and human rights be promoted across all sectors of society as part of the values of community and of social justice. ECUARUNARI claim that globalisation is threatening IPs’ economic practices of solidarity and collective labour (and is doing so since 1492, COICA, ICSA). The Free Trade Area of the Americas (FTAA) would cause the extermination of Ecuador’s IPs and is contrary to the UN Declaration on Human Rights. They recommend that the UN support alternative models of development based on solidarity, equity and collective development (also SCIS). TSF state that the Shuar peoples’ territories in Ecuador have water, oil and biodiversity resources. The government has allowed TNCs to access their lands without their free, prior and informed consent, resulting in contamination, disruptive foreign presence, and worsening of living conditions (also CGZSC for Bolivia). Once a corporation has entered an IPs’ territory, it is difficult to expulse it, despite the illegality of its presence. The Shuar will keep fighting the problems brought by civilisation. COICA recall that colonial states imposed discriminatory taxes on IPs. Nowadays, the foreign debt and agreements like the FTAA legitimate foreign interventions and the appropriation of IPs’ natural resources (also CAPAJ). Globalisation leads to the loss of fundamental human values and of diversity, to genocide, destructive power, exclusion and marginalisation (also Chirapaq), as well as to economic crisis, contamination of agricultural systems and concentration of lands in a few hands, with the support of governments (also IMTA). COICA call for a social agenda for states in order to support human, social and right principles.

SCIS underline the many potential adverse effects of the FTAA for the region and for IPs, and urge world organisations to analyse the inequities caused by this process. It is necessary to include the social and regional
dimension, to keep agriculture out of this agreement, and to protect IPs’ right to benefit from their collective knowledge on biodiversity. Making the information accessible to IPs is strategic in this struggle. CAPAJ claim that Latin-American States continue to plunder IPs’ lands and natural resources without any compensation. But these states will be crushed by globalisation, as they are nothing more than hollow shells, so for the sake of their own continuity they should recognize the fundamental rights of IPs, who are strengthened by their culture, language and way of life.

In the Peruvian highlands, the Quechua peoples have no other means of subsistence than breeding alpacas. AMP call for a correct use of what nature offers, including the coca leaf that is misused for substance abuse. IPs must have their rights to health, food, basic services and housing implemented by governments, as well as their rights to control their natural resources. NGOs and the UN must implement training programme for IPs on their rights. AL highlight the lack of participation in national politics and the discrimination against indigenous women of the Andes in Peru. Politicians only worry about them during elections and some NGOs raise funds on behalf of indigenous women, but these never see any money.

Chirapaq underline the basic globalising trend in human history. At the international level, IPs’ rights should be protected by adequate instruments that must be legally binding for states, instead of them imposing political systems, social and economic structures that work against IPs. Chirapaq also call for international courts in order to protect the life and rights of IPs.

CGZSC refer to the Guaraní peoples’ struggle in Bolivia for recognition of their lands, territories and natural resources and for their rights as stated by international instruments. IPs are seen as an obstacle to development in Bolivia. Development projects labelled “for IPs” use them as tourist attractions. They are told that Bolivia needs international economic agreements in order to compete but they object to that. They urge the government to follow the example of their ancestral practices in order to encourage respect and dignity for everyone, including natural resources. ICSA claim that some NGOs impose their paternalistic views on IPs and also contribute to globalisation for their own benefit. ICSA also object to the imposition on IPs’ organisations of a corporate structure that is far from their decision-making structures and that encourages corruption.

North America

RNTI, on behalf of the Buffalo River Dene Nation, state that their territories, which contain oil, gas, water, timber and minerals, have been invaded by TNCs under the protection of Canada’s government, and without any benefit for the people. The government is trying to extinguish their rights as Treaty Indians by passing legislations without the IPs’ free, prior and informed consent, thus threatening their very survival. The Buffalo River Dene Nation call upon the UN and international bodies for help (see Update 51, p.5). They will struggle for a balance of interests in this situation in order to protect their future generations.

The Akaitcho Dene peoples commend Mr. Guissé on his report and suggest that the WGIP develop a standard related to the nature of fully informed consent and duty to consult IPs to access their lands and resources (also MPIDO).

IOIRD, together with the Ermineskin, Samson, Louis Bull and Montana Cree Nations, express their concerns about the adverse effects of globalisation on international agreements, such as their Treaties with the Crown. Such Treaties must be protected by the UN so that they are not overridden by multilateral agreements. IOIRD suggest that this aspect be included in the study proposed by Ms. Hampson.

IITC underline that trade liberalisation threatens, through most of the WTO agreements, IPs’ right to self-determination, their treaties and sovereignty as nations. IITC also recommend that the WB amend and adopt its policy on IPs to include the following necessary safeguards: acknowledgement of self-identification; full recognition of traditional law and rights to natural resources; upholding of the principles of free, prior and informed consent; complete restriction of forced relocation of IPs (and recognize IPs as sole rightful holders of their lands and resources, SC/ICC, IPEX, CPA).

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market-tested partnership between an IPs and the private and public sector, allowing the Innu to establish their own priorities.

Africa

Taralift recall that the Touareg society has known globalisation since the 19th century, the resulting arbitrary designation of national boundaries divided the Touareg, thus transforming them into minorities. Industrialisation of handicrafts and the development of commercial tourism deprive IPs of their means of livelihood. The folklorisation of sacred ceremonies and the diffusion of a negative and ridiculous image of the IPs through the communication mass media, also affect them. At the same time, IPs become mere acculturated consumers of the cultural products of the dominant society.

According to AT, IPs have valid reasons to be against globalisation, since for them it has meant exclusion. The third world countries, where the majority of IPs live, are prone to economic colonialism, and they justify their lack of respect for IPs and human rights through the values promoted by globalisation (also ASCT).

The Touareg population (2.5 million) in Nigeria have a distinctive identity and culture based on their strong relation to nature. The advent of globalisation risks to transform their values and identity (also AT), thus ASSA oppose the blind globalisation of macro-economic systems which ignore the specificities and needs of IPs and local communities (also CEA, Tin Hinan). Tin Hinan adds that the globalisation of customs and cultures threatens the Touareg family structure as it has traditionally existed and in particular the role of Touareg women. Exploitation of natural resources within Maasai peoples’ lands without prior informed consent, will always lead to conflicts. MPIDO declare that globalisation represents the narrow and selfish interests of those who do not have a human face or heart, and will therefore stop at nothing to achieve their economic goals (also ASCT).

AIWO-CAN state that for indigenous women of Central Africa, globalisation remains an abstract term, what they know is the daily hardship of being driven out of their land and the difficulties of survival. IPs want the basic human rights of access to resources, health and education to be “globalised”.

OCAPROCE suggest a strategy dedicated to the sustainable development of industry, commerce and human rights of IPs in Cameroon and Central Africa, as well as their political participation and representation. The right to development must be implemented for all. HEP refer to the traditional mutual agreements between Bantu and Bassa peoples in order to share their territories and access to their natural resources in the forest.

CUACI underline the diversity of IPs’ knowledge on biodiversity, which assists sustainable development (also PC). IPs must be able to benefit from their resources and globalisation must be regulated by civil society. CUACI also stress the similarities between the Senoufo peoples’ traditional values and the UN Charter. For the Parakuiyo peoples with globalisation new things are erupting in their lives without them being able to control them. Governance of land and natural resource, and representation in decision-making are fundamental issues, as customary ownership rights are no longer powerful enough to protect the pastoralists’ lands, resulting in the migration of the Parakuiyo to the cities where they are at a complete disadvantage (PC).

CIPO ask whether the UN is able to stop globalisation and all the ills it brings to IPs. Millions are made out of the patenting of the Khoekhoe and San peoples’ plants and knowledge, without any benefit to them, despite South Africa’s dynamic economy. IPs need capacity building by IPs (also HWO), as non-indigenous persons have a tendency to try and condition IPs. The South African government should stop the patenting of IPs’ knowledge. Globalisation can be a positive thing if IPs join their efforts worldwide to stop the onslaught on Mother Earth. The Khoe peoples in southern Africa also suffer linguistic marginalisation (KHCD). For the Khoe to be competitive in the face of globalisation, basic education in indigenous languages must be implemented. HWO claim that the Khoe women are amongst the most marginalized in Namibian society. The inequalities in Namibian society, and in particular towards IPs, have not been addressed since independence. Globalisation will certainly aggravate them.

Asia – Pacific

CHRO state that the Chin peoples aspire to a democratic federal state in Burma that would enable them to retain their right to self-determination, and that is endorsed by the UN and international community. But Burma’s ruling generals show complete unwillingness to implement such political reforms. Forty years of brutal military dictatorship have eroded the Chin’s identity and they are now victims of forced labour, among others in tea plantations installed by the junta on confiscated lands in Chinland. CHRO call upon the WGIP so that the Security Council place Burma in its principal agenda.

ZORO refer to the Zo peoples in Assam, Bengal and Burma whose territory, self-governance and culture was broken up by late 19th century colonizing British. The 1892 British promise to reunify the Zo territories was never fulfilled, but the Zo peoples still claim the right to reunification and self-determination, expressing their
hope that this can be done peacefully. ZORO believe that a consensus can be reached to benefit both IPs and companies wanting to exploit resources on their land, there are ways to practice sustainable development (also CEA).

TIPS refer to the forced merger of Manipur with India in 1949, though the countries are of different ethnic, language cultural traditions. Manipur is assaulted, assimilated, underplayed and exploited in the name of democracy and globalisation, but the motive behind globalisation is imperialism. TIPS calls for the SR and the WGIP to attend to these core problems in consultation with IPs. INPT refer to the general lack of recognition of IPs’ rights by governments and the increasing presence of extracting industries on their territories. They recall the invasion by non-indigenous settlers in the State of Tripura, since it became part of India in 1949, thus displacing the IPs to the forest (also BPHRO) and leading to insurgency. BPHRO refer to the Borok peoples in Tripura being evicted from their lands because of a dam project, without compensation or alternative. Conservationist policies prevent them now from carrying their traditional economic activities and even from freely moving in the forest. BPHRO call for the WGIP to look into this matter and establish mechanisms to protect IPs’ interests worldwide.

The Kalash peoples have managed to accommodate various ideologies in a holistic peaceful manner, but they are now on the verge of extinction, due to installation of settlers on their lands. Globalisation should also concentrate on improved quality of life for all, in particular the less privileged, which means deciding how to share the benefits, and protecting cultural and religious norms. IPs should consider globalisation as a challenge. The Kalash peoples also refer to their current misery and lack of basic services. They call for international support.

BRI (also SRA) state that IPs’ customary lands in Malaysia are targeted by land development pursuing the objectives of TNCs, and the government has acquired or extinguished IPs’ rights to their lands, without their free prior and informed consent, or compensation. Communities who resist the process are subjected to gross human rights violations. They urge Malaysia’s government to recognise and respect IPs’ customary land rights; stop acquiring and extinguishing those rights for the purpose of extracting industries; record and demarcate IPs’ lands; stop the arbitrary persecution of IPs; and let them decide on their own development. SRA also urge the Malaysian Government to stop marginalizing and discriminating against the Dayak’s rights.

IPEX (also CPA) state that the Philippines’ government and corporate elite mainly determine the path of development and call for NGOs and IPs’ organizations to take the lead in decision making, rather than being tied to partnerships that relegate them to the role of mitigating the adverse effects of development policies. IPEX calls for: a moratorium on foreign loans, a review of existing IMF’s Structural Adjustment Programmes; allocate budget to implement the Philippines IPs’ Rights Act. CPA refer to the government and mining companies that irresponsibly push for destructive mining operations and dams without considering long-term degradation and compensation for communities. CPA call for the WGIP to: study the impact of mining TNCs on IPs’ territories to ensure corporate accountability; and recommend a moratorium on large-scale mining and other destructive projects until mechanisms on compensation and rehabilitation are in place. APIYN refer to the indigenous youth’s situation in Cordillera, Philippines, where privatisation is encouraged in education, leading to the withdrawal of state subsidy to tertiary education, further resulting in schools being driven to increase their fees and students dropping out of school. The youth are left to do odd jobs and anti-social activities, and become vulnerable to military and para-military recruitment. State education in Cordillera lacks classrooms, teachers, books, furniture, health service and others. TF expose how trade liberalisation works against the Philippines’ agriculture. TF elaborated with other IPs’ organisations and NGOs a map on “Globalisation and effects on IPs” that need further contributions, and recommend that: the WTO process be more transparent, democratic and accountable; a new WTO Round table be held on investment, competition, government procurement and trade facilitation; the USA, EU, Japan and others end their agricultural subsidies; a legally binding code of conduct on TNCs be implemented; the patenting of life-forms be banned; the WB stop supporting extractive industries in IPs’ territories; development of alternatives by IPs be supported; and that the WGIP and PF come up with recommendations on globalisation.

What SFSTC know of globalisation is the greed of the Canadian mining company TVI Pacific, a greed that for the last 10 years drives them to invade indigenous lands, to abuse its inhabitants, destroy the land and steal the natural resources. Rather than protecting IPs from aggressive corporate aggression the Philippine government has changed laws, under the encouragement of the WB, to attract foreign investors, especially mining companies. SFSTC call for strict regulation and monitoring of the human rights practices by extractive corporations. They reiterate their invitation to the SR to visit the territory of the Subanon peoples and regret that the Philippine government found a way to prevent the previous visit.
Papuan women struggle with malnutrition, illiteracy, unemployment and poverty. Migration of settlers forces them to move to the city, where their situation worsens. Globalisation has cultural consequences with the loosening of traditional leadership, kinship and organisation, but IPs are still capable of succeeding in the market economy (CSAHR). 

Cocoa and other monocultures exploited by TNCs bring the Kulawi peoples to change their agricultural practice and their whole way of life. Women lose their traditional role in decision-making. People grow ashamed of their identity and the community sense is weakened. The government threatens them with the police or military and promotes inadequate regulations on IPs that only protect traditional ceremonies but not the right for IPs to control their natural resources.

In the isolated Pitcairn Islands, south Pacific, 40 indigenous persons struggle with the threats of the UK government to reduce their autonomy (PIC). A recent but heavy British police monitoring is disrupting the local community. The laws have been completely revised without consultation with the Island Council and New Zealand has made it possible for the British to take Pitcairners to court in New Zealand. Funding for development projects was withdrawn. PIC call for the UN to draw attention to their situation. ANI claim that globalisation must not be an excuse for diminishing or ignoring the rights of IPs, as well as those of minorities, within any state. ANI recommend that the WGIP formulate rules for the ways in which globalisation impinges on IPs.

CNDPA ask whether IPs have rights in the face of globalisation. Their challenge is to combine cultural identity and the obligations imposed upon them by international organisations through national elites. In New Caledonia, the space left for the Kanak peoples is swallowed up by the dominant society. CNDPA also claim that the international standards on Human Rights are not respected by the French government. They call for the respect of their rights, such as their collective right to control their natural resources, according to Article 1 of the UN International Covenants on Human Rights. Mining industries in New Caledonia are a growing threat to the Kanak as well as to their culture and their sacred sites.

AIPR/ASG claim that the Japanese government must take adequate measures to compensate the Okinawa IPs for the loss of social and cultural development as a result of colonisation since the 17th century, and of the heavy burden of USA military bases on the IPs’ territories. The current constant use of subsidies by the Japanese government does not strengthen the local economy.

PIPlinks ask the WGIP to study and make recommendations to improve the access to information on development issues of indigenous communities. Resources need to be made available by the UN and other organisations so that IPs can take advantage of the globalisation of communication to access credible independent information in order to reasonably practice their right to free, prior and informed consent, protect their interests and inform the world of their situation (also SFSTC). The initial evaluation of a development project is important, but the monitoring of its activities is also essential (also KIP).

ATSIC declare that the expanding trade investment, production and consumption is resulting in displacement, denial of rights to indigenous culture, tradition and customary laws (also ASIDII, MPIDO).

NEIPDP give specific examples of the ways in which liberalisation and the free market have taken possession of traditional IPs’ products that were necessary for their economic survival. They remind that, for IPs, the land does not belong to the people, but that the people belong to the land.

To face the serious problems of globalisation, PIAR have concentrated their efforts in empowering IPs through training, providing a critical analysis of the law, mapping traditional lands, studying traditional rights and making networks. Weak advocacy methods, logistical problems in rural areas and mistrust or conflict between IPs are some of the obstacles to this empowerment process.

PCJSS declare that as part of globalisation, development programmes undertaken by the UNDP in the CHT caused serious harm to the ecology, ethnicity and traditional ethos of the CHT. The signing of the CHT Accord has created a favourable atmosphere for initiating sustainable development, however funds are still lacking.

WAC declare that lessons learned by both the developed and developing countries can provide ways to minimize the negative impacts of globalisation. In the western world the early negative consequences of globalisation and modernisation were counteracted by social reforms, these need to be implemented worldwide.

KIP declare that the Kuki peoples having experienced localisation and fragmentation of identity due to globalisation forces, they urge the WGIP to study the effects of globalisation on IPs’ identity and ways in which appropriate education, development and awareness measures can be taken to counteract these effects.
Europe and Russia

SC/ICC urge the international community to respect IPs as equal partners in a globalising world, and thus to acknowledge their right to self-determination (also IPEX, CPA), to control their lands and natural resources and to decide to what extent they want to be part of globalisation. SC/ICC recommend to the WB, WTO, WIPO, CBD, Office of the High Commissioner for Human Rights (OHCHR) and the PF to fully respect IPs customary legal systems, to develop a legally binding instrument to protect IPs’ cultural heritage, to prevent the indigenous knowledge and genetic resources from undue patenting. UNESCO should strengthen its efforts to protect IPs’ languages and culture against the threats of globalisation. FC recommend the UN and European Commission to create a World Environment Office, with the participation of indigenous delegations, who will recall the principles of holistic thought.

KA refer to the destruction of the Krimtchak peoples’ facilities during World War II in Crimea and underline various of their initiatives to restore their buildings and language. But the Krimtchak are only 500 strong and will disappear if the international community does not provide support. MCTP recall the eviction of Tatar peoples under Stalin, their return to Crimea and struggle for their rights. The decree that guarantees them self-government and sets up the Council of Representatives of Crimean Tatar peoples was adopted in 2000 but never implemented. MCTP ask the Ukraine government to opt for peace, IPs’ rights and political participation. AIPNU refer to the situation of the Ultchi peoples in the Khabarovsk region, the degradation of their quality of life, since the foundation of their vital activities (reindeer herding, hunting, fishing) was broken by globalisation, causing their decrease in numbers. At the same time, the environment is deteriorating due to timber exploitation and river contamination. The peoples’ food is at stake. AIPNU further refer to the oil extraction Sakhaline-1 project by the Exxon Company, which threatens IPs’ territories with a major ecological catastrophe. They urge Russia to call a moratorium on attribution of IPs’ lands to non-IPs, and to review the agreement with the Exxon Company.

ISTOK carried a survey among their peoples and the outcomes were that globalisation came to them a long time ago, with the forcible use of foreign languages in boarding schools, their children forgetting their native tongue and being attracted to western way of life. Globalisation means destruction to all peoples. Yet it is a process resulting from decisions taken by people. It is necessary to redirect the process and make it democratic, heading towards human rights, the well being and social and political justice for all the peoples.

CANADA welcomes the dialogue on globalisation, a complex issue for which there is no consensus definition. Globalisation includes both threats and opportunities for IPs. Canada has undertaken initiatives both at a domestic and international level to assist IPs’ in gathering to discuss and share their perspectives, to develop capacity and strategies; as well as to increase their access to the information society.

RSC state that globalisation exerts a unifying force on peoples living on the margins of industrial culture. Those already globalised should approach IPs’ culture and territories with the same respect that IPs show towards the industrial culture.

CFSC/SQC place basic value on global human rights, including spiritual, economic and political self-determination of all peoples. Human rights are as much part of globalisation as mega development projects are. CFSC/SQC urge governments, NGOs and IPs to differentiate, appraise and support the globalising processes that are enabling IPs’ self-determination. They also refer to an example of best practice of the Cree community of Nemaska in James Bay, as Canadian IPs’ struggle to regain self-determination.

Copro state that globalisation is leading IPs into a deterioration of living conditions. There is a lack of information and therefore a lack of participation in decision-making, as well as lack of opportunities for IPs to improve their situation, and a strong militarisation of their lands. Ancestral culture and heritage are not duly respected and protected. Despite the great biodiversity, there are a number of unsatisfied basic needs.

FPP declare that the WB economic and political strategy is in collusion with economic globalisation, enabling trade liberalisation, the expansion of markets and the promotion of foreign direct investment. Together with TF they compiled a report entitled “Extracting Promises: Indigenous Peoples, Extractive Industries and the World Bank” as a contribution to the WB Extractive Industries Review (EIR), though it remains uncertain if independent contributions will be taken seriously. Despite major advances, the WB policies fall short of international human rights standards and the Bank continues to insist on its incapacity of addressing human rights due to its Articles of Agreements, furthermore, safeguard measures regarding IPs are often ignored or poorly implemented. The report concludes that the WB should refrain from dealing with extractive industries until they can ensure human rights international standards.
**Item 5: Standard-setting activities**

**South and Central America**

FIA declare that it is necessary that agents of law in areas of Venezuela with indigenous predominance should be knowledgeable of indigenous culture, law practices, and special rights of IPs. Educational law institutions should include in their curriculum the topics of multiculturalism, legal pluralism and indigenous rights (also CAPAJ). CAPAJ describe the positive impact of the standard setting activity of the WGIP, since it has allowed IPs to propose a constitutional reform in Peru, which picks up on the principles of the DD. The proposal has been incorporated into the debate on the constitutional reform and has been published on the Congress website. CAPAJ will be presenting to the Congress, the report of the SRs on treaties and on IPs’ sovereignty over natural resources, thus serving as a possible basis for legislation.

**North America**

TOTSNTC expose the USA government’s past and present policies which ignore international treaties, use military force to occupy sovereign lands, occupy traditional ancient lands and go against international attempts to combat pollution. The DD needs to be adopted in order to advance the alliance of nations and IPs against the behaviour of rogue States.

IITC criticize the misleading perceptions that IPs are refusing to compromise or negotiate on the DD, especially considering that the proposals, made mainly by states, clearly weaken the Declaration (also IMTA).

GCC react to the continuing lack of recognition of IPs as “peoples” in order to restrict or deny IPs’ right to self-determination. This action is damaging for the basic principles of human rights and democracy. GCC are disappointed in Canada’s new interpretation of self-determination whereby they insist that previous negotiations with the state are necessary before implementation of this right.

**Asia and Pacific**

ICITP present the following recommendations in order to reach IPs’ aspiration of a “partnership in development”: 1) IPs must be a party to all Memorandums of Understanding related to developmental activities involving states and international agencies; 2) access to and community control over land, forest and water are fundamental to IPs’ survival, they should have the possibility to “lease” their land; 3) in order to strengthen IPs’ economic management, they should be made shareholders in all economic endeavours on their territories; 4) displacement needs to be minimized and whenever unavoidable there must be “cultural rehabilitation”; 5) land that has been abandoned after mining activities could be given to IPs and made useful for cultivation and reforestation.

FAIRA regret the lack of progress achieved by the WGCD. They inform that the Working Papers submitted by its members, provide extremely useful information about possible standard-setting activities. FAIRA press the European States to accept their responsibility for the contemporary status of IPs of the world, they should be at the forefront of the international movement to elaborate standards for indigenous rights.

ATSIC enumerate the benefits of having a treaty between Australia and ATSIC, these include but are not limited to: standard setting, protection of sovereignty, cultural, language, land and identity rights, provision of a mechanism for health care and respect of traditional knowledge.

**Europe and Russia**

ASP declare that Shor peoples are victims of TNCs’ exploitation of their ancestral territories. In order to improve IPs’ situation they propose the observation of international principles, norms and Treaties of the Russian Federation during the adoption of federal laws dealing with IPs’ interests, and the development of a human resources policy integrating IPs (also AIPNV).

AIPNV declare that the main setbacks affecting the development of Orach peoples are that federal laws dealing with IPs’ interests often are not in line with international standards or are not implemented, and current limitations on exploitation of biological resources do not allow for the preservation of IPs’ traditional way of life.

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Item 6 (a): Cooperation with other UN bodies in the sphere of indigenous issues

Central and South America

COICA declare that the phenomenon of cooperation whereby millions of Euros are spent by governments, NGOs, churches, foundations, etc. on the indigenous cause is beneficial to consultants, experts and participating companies, it does not benefit IPs directly and often becomes a source of division amongst the indigenous communities. They call for the direct participation of IPs in projects that affect them, so that they cease to be used as objects and may receive compensation for the harm that has been inflicted upon their culture, environment and economy. They propose that a certain percentage of the state’s budget be directly distributed to IPs.

FOKISE urge for a more direct interaction between governments and indigenous communities, rather than passing through intermediary NGOs.

North America

AILA express their concern about the resolution regarding the American Declaration on the Rights of Indigenous Peoples that was recently adopted by the Organisation of American States General Assembly (see Update 52-53 pgs. 22-24 for detailed article on this topic).

WIFN declare that with respect to education of IPs, their people are shackled by government systems, curriculum and insufficient resources. Education is a tool used for assimilation. IPs should have the right, through self-determination, to determine and provide their own form of education. Self-determination also envelopes the practice of IPs’ language, spiritual ceremonies, traditional knowledge and law.

IOIRD present the Recommendations to the Committee on the Rights of Children drafted during the Fourth International Workshop on Indigenous Children and Youth (the Recommendations are available at doCip). The recommendations include an international study on the situation of indigenous youth (also ICN) with a section dedicated to indigenous youth and the justice system, and a proposal to dedicate the first year of the second decade to the Rights of Indigenous Youth and Children.

The Akaitcho Dene People remind the WGIP members that the non-legally binding DD was established due to a need to recognize the collective nature of IPs’ rights and the need for states to establish viable internal mechanisms that allow IPs to ensure their fair and equal treatment. International standard-setting is an activity that brings the rights of all peoples to a higher and equal level, however states are circumventing international law within the DD process. It is therefore necessary for the WGIP experts to act in some capacity to assist states in the inter-sessional working groups to understand their legal obligations.

ICN congratulate the SRs on their reports, and are supportive of the SR’s official visit to Canada in 2004. They support the recommendation to have an interactive dialogue between the SR, WGIP and PF (also FOKISE).

Africa

AAPDMAC wish to remind the international community of the horrifying acts of cannibalism perpetrated against the Pygmy peoples. The world should recognize the reality of these acts as a crime against humanity, and the perpetrators need to be condemned. The publication of the inquiry on the survivors of these acts carried out by UN mission in Congo would be a first step towards this recognition. At the moment the Pygmy population needs humanitarian aid to ensure the survival and safety of the survivors and displaced.

The Amazigh delegation composed of the organizations Temoust, Tunfa, Tin Hinan, Assa, Tchichitt, Tufat, Tilalt, CAASM, Tamaynut, Tigmi, Taralift and CMA declare that they are determined to continue their legitimate battle until their goals are achieved, notably the officialisation of the Amazigh language. They denounce the discriminatory practices of the North African governments, such as the prohibition of Amazigh names and ask these governments to accelerate the inclusion of the Amazigh identity into the constitution. They ask the UN to organize a World Summit on Culture in order to adopt appropriate measures for the protection of threatened languages and cultures (also CMA and CAASM).

Asia and Pacific

ZONSF underline the difficulties faced by the Zo people, their territory is not only divided by three international boundaries (Bangladesh, Burma and India) but also by the state boundaries within each country (also ZHRGN). Zo youth suffer from drug abuse and of a lack of higher education institutions within their region. The immigration of refugees into Zo territories due to recent conflict within the neighbouring states has made it more difficult for Zo children to obtain a place in school.
FAIRA suggest that since the SRs present their reports in March/April, it would be possible and valuable for the WGIP to consider the issues arising in the reports during their July session, as it has been recommended (also ICN). FAIRA supports Recommendation c) of Mr. Yokota’s report, the agenda for the next WGIP should include a sub-category for “Standard Setting” entitled “The Administration of Justice”. They also approve the proposal of considering forms of collaboration between the WGIP and other UN Human Rights bodies (also FOKISE), as it is already being done with CERD and the Human Rights Committee.

**Item 6 (b) : Follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR)**

The Indigenous Caucus present their joint statement on the final Programme of Action and Draft Declaration that resulted from the WCAR in September 2002. Other than the individual recommendations, there needs to be a continuous study and monitoring, of measures taken to defend IPs’ rights, particularly self-determination, and of the policies applied by states which violate these rights. Free and prior informed consent and the right to the land are essential for IPs, there should be a study and a report by the WGIP on ways to eradicate the concepts of extinguishment, certainty and non-assertion clauses. The Indigenous Caucus urges the WGIP to monitor the situation of indigenous women and continue their support of the studies on Treaties in 2004 by making it a separate agenda item. Finally, they regret that paragraph 24 of the WCAR, referring to the right of self-determination, uses a discriminatory language towards IPs.

**South and Central America**

FENOCIN denounce the governmental and elite politics in Ecuador that promotes indiscriminate assimilation, instead of a recognition of diversity. The indigenous youth particularly suffer from this situation, many of them migrate to overcrowded cities pushed by the neo-liberal economic system. The youth experience exclusion due to their indigenous origins and age. FENOCIN urges the government to establish adequate intercultural educational systems to promote tolerance (also CODENPE), and adopt the DD to mark the beginning of a new relation based on mutual respect between IPs and non-IPs. The Cumanagoto peoples lost their language 250 years ago due to colonization. CNV appeal to the WGIP to create a group of experts consisting of linguists, ethnologists, anthropologists and sociologists, in order to recuperate the Cumanagoto language and help other IPs in a similar situation. CNV believe that Venezuela is entering a new era of tolerance, thus it is the right moment to strive for the recovery of IPs’ maternal language and culture.

Chirapaq describe the specific racism endured by IPs in the Americas. It is a form of “neo-racism” based not on IPs’ colour but on their identity. This discrimination is accompanied by stigmatisation and denigrating stereotyping, present also in the globalisation politics. This racism finds its roots in colonialism and continues to have the objective of negating indigenous existence, to the point of extinction through strategies of assimilation. CODENPE believe that if the IPs of the world unite, they can obtain the recognition of their ancestral existence against the homogenising vision of states. ONIC ask the WGIP to revise the term “recommendation” since countries such as Colombia do not feel concerned or affected by recommendations formulated by bodies such as the WGIP and ILO and continue to implement legislations that lead to the segregation and discrimination of IPs.

**Asia and Pacific**

ZHGRN describe the situation of the Zo peoples who suffer oppression and racial discrimination, and are deprived of their own identity. For ZHGRN the only solution is the right to self-determination through peaceful means and under the supervision of the UN.

AIPR propose that a national report on the fulfilment of the Durban Declaration and Programme of Action in 2004, be included in the follow-up process of the Conference. The USA has bases in Okinawa using discriminatory laws. AIPR demand that the Japanese government make a sincere effort, beyond the symbolic, to include the discriminatory laws in a national report and demand their revision. The environmental destruction and human rights violations resulting from military bases is a problem for many other IPs that can be addressed on the basis of the Durban Declaration and Programme of Action.

AAH acknowledge the positive effects of the WCAR, however, for it to gain moral authority they strongly suggest more regular conferences, especially in a controlled size and regional form. AAH propose a regional forum with IPs from Japan and neighbouring countries, such from Sakhalin and the Kamchatka in Russia, for networking purposes and the enhancement of cooperation.
FAIRA declare that there are many reasons to criticize the outcomes from the WCAR, which failed to ensure sufficient participation of IPs in the preparation of the Declaration, and subsequently failed to acknowledge the primary issue – the identity of IPs as peoples. Regardless, the Program of Action has, in its entire form, more than enough provisions to commence a concerted effort by states to eliminate racial discrimination against IPs. FAIRA nominate the SR on IPs to include in his report, a specific response on the progress of the Durban Declaration as it relates to IPs. They acknowledge the need for further funds to achieve this and the need to collaborate with the SR on Racism. In order to generate IPs’ response to the Durban Declaration a conference could be held, and this theme could also be included in the agenda of the already proposed World Conference of IPs designed to mark the end of the Decade.

Europe and Russia

Woonwagenzending declare that despite the existence of the Human Rights Declaration, gypsies still have no civil rights, they are not being registered, have no access to education, lodging, labour or medical care.

FC declare that to fight against racism is to regain human dignity by reconstructing a dialogue on the basis of respect and tolerance, and to reveal the exploitation of humanity by the racist state and economic systems.

GCC declare that historically racism against IPs has been at the centre of colonial practices, addressing this legacy is a formidable challenge, as is addressing the ongoing racism practised by states. The Cree peoples came to the negotiation table expecting the recognition by the Canadian government of their on-going relationship with the other societies on their traditional lands and their status and rights as a peoples, as stated in the First Modern Treaty. Canada, on the other hand, made it clear that it expected to achieve “certainty” and “finality” that the Cree rights would never in the future interfere unexpectedly with resources extraction. States need to align their laws with existing international human rights standards.

Item 6 (c): Review of activities undertaken under the International Decade of the World’s

South and Central America

With respect to the evaluation of the Decade, SCIS describe the following issues: 1) the lack of information and dissemination regarding the activities of the Decade; 2) the lack of coordination and planning at a national level to promote the activities, which should fall under the responsibility of the state; 3) the lack of means to promote the Decade amongst the general population and public institutions; 4) and finally, the preoccupying situation of the DD, which is still not approved despite the high expectation and needs of IPs of the world.

The recognition of IPs as “peoples” and the right to self-determination, especially in education and health, is necessary so that IPs can defend their rights as peoples using instruments of international law. CAPAJ inform that IPs are often judged in a language and by a system they do not understand, this unfair treatment should be addressed in a study on ways to achieve an intercultural judicial system.

Africa

The impact of colonialism dramatically transformed the relation to the land of the IPs in Kenya, due to the expropriation of land and the imposition of alien laws. The Maasai continue to be victims of expropriation and land invasion. OL suggest that the Decade be renewed (also AIPNK, ZOIPU) and that land and natural resources become one of its central themes.

Asia and Pacific

ZOIPU insist that the WGIP is the only forum that truly and sincerely works to defend IPs’ rights and is the only place where they can express their views and problems freely. Yet the WGIP is now threatened. The PF should be allowed to function widely and freely and the work amongst UN organs should be more coordinated.

WAC recommend that the WB and the World Watch Institute carry out another study on the situation and number of IPs in the world since the last one was done 10 years ago.

Europe and Russia

AIPNK inform that the Decade has played a role in the sustainable development of the 24’000 IPs living in Northern Russia and has raised awareness on IPs’ situation amongst the public institutions as can be seen through improvement of State national policy.
**Item 6 (d): State of the Voluntary Funds**

**South and Central America**

To improve the outreach of the Voluntary Fund (VF), SCIS propose: 1) that publicity for the funds be optimised; 2) greater transparency in the selection process; 3) regional councillors for the selection process; 4) that candidates take advantage of their nomination to consult their communities on topics that concern them; 5) priority be given to organisations that are more representative of IPs’ communities; and 6) the creation of a directory of IPs’ organisations on the web.

**Asia and Pacific**

WAC urges the VF to impede the misuse of the funds by non-indigenous persons by clearly stating in the application that the funds are addressed to IPs only and by asking well-known IPs’ organisations or established institutions for assistance in evaluating the legitimacy of applications.

**Item 6 (e): The human rights situation of IPs in States and territories threatened with extinction for environmental reasons**

**South and Central America**

CONAIE call for the respect and implementation of the right of IPs to practice their customary law, especially considering the deficiencies of the Ecuadorian justice system which incorporate assimilation and integration policies.

**Asia and Pacific**

The Pacific Caucus describe the major threat of the rising waters that is affecting the Pacific islands. Though some scientists claim that climate change is a natural process, other credible sources such as the Australian Commonwealth Scientific and Industrial Research Organisation have published studies demonstrating the role of pollutants on global warming. Regardless of the cause of the climate change, immediate action must be taken to find appropriate solutions for the displacement of these Island States. Many crucial questions remain unanswered as to the future of these nations.

**FAIRA** emphasize the importance of adopting the DD for the disappearing Pacific nations and island populations. The right to self-determination will be crucial to ensure that the inevitable relocation of the Tuvalu community, does not lead to their disappearance. Self-determination means that they will be able to maintain their rights as peoples and rights to the land even after their relocation, and if the new lands they occupy are owned by IPs, their right to free, prior and informed consent, will be guaranteed.

**Europe and Russia**

UFA denounce the strategies of the large corporations taking advantage of the European common agricultural policy, which are prejudicial to small family farms. They demand that an article protecting IPs be introduced in the European Constitution.
### 3. LIST OF ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>AAH</td>
<td>Ainu Association of Hokkaido</td>
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<tr>
<td>AAPDMAC</td>
<td>Support Action for the Protection of Minority Rights in Central Africa</td>
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<td>AP</td>
<td>Amity for Peace</td>
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<td>AIDESEP</td>
<td>Interethnic Association for the Development of the Peruvian Rainforest</td>
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<td>ALA</td>
<td>American Indian Law Alliance</td>
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<td>AIPNK</td>
<td>Association of Indigenous Peoples of the North of Khabarovsk</td>
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<td>AIPNU</td>
<td>Association of Indigenous Peoples of the North Ulchi</td>
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<td>AIPNV</td>
<td>Association of Indigenous Peoples of the North Vanino</td>
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<td>AIPR</td>
<td>Association of Indigenous Peoples in the Ryukyus</td>
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<td>AIWO-CAN</td>
<td>African Indigenous Women Organisation Central Africa Network</td>
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<td>AL</td>
<td>Aymara Lupaqa</td>
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<td>AMP</td>
<td>Asociación de Mujeres Pachamama</td>
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<td>ANI</td>
<td>Association of Norfolk Islanders</td>
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<td>ANIPA</td>
<td>Asamblea Nacional Indígena Plural por la Autonomía</td>
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<td>APA</td>
<td>Amerindian People's Association of Guyana</td>
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<td>APIYN</td>
<td>Asian and Pacific Indigenous Youth Network</td>
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<td>ARC</td>
<td>Ainus Resource Centre</td>
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<td>ASC</td>
<td>Apache Survival Coalition</td>
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<td>ASCCT</td>
<td>Association socio-culturelle Tigmi</td>
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<td>ASG</td>
<td>Association Shimin Gaiko</td>
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<td>ASIDII</td>
<td>Asociación Ixacavaa</td>
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<td>ASIPIEC</td>
<td>Alianza Social Indígena del Pueblo Indígena Embera Chamí</td>
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<td>ASP</td>
<td>Association of the Shor People</td>
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<td>ASSA</td>
<td>Association Sahel Solidarité Action</td>
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<td>AT</td>
<td>Association Tunfa</td>
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<td>AT</td>
<td>Association Tunfa</td>
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<td>BAMA</td>
<td>Bangsa Alifuru Maluku</td>
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<td>BPCA</td>
<td>Bangsamoro People's Consultative Assembly</td>
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<td>BPHRO</td>
<td>Borok People's Human Rights Organization</td>
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<td>BRI</td>
<td>Borneo Resource Institute</td>
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<td>CA95</td>
<td>Corporación Arutam Amazónico 95</td>
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<td>CAASM</td>
<td>Confédération des Associations Amazighes du Sud Marocain</td>
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<tr>
<td>CAC</td>
<td>Consejo de Ayllus y Comunidades</td>
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<tr>
<td>CAPAJ</td>
<td>Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos</td>
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<tr>
<td>CEA</td>
<td>Centro de Estudios Aymara</td>
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<td>CEAIL</td>
<td>Centre de formation et d'appui aux initiatives locales</td>
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<tr>
<td>CEDIA</td>
<td>Centro Educativo y Desarrollo Integral Andino</td>
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<tr>
<td>CFSC/SQC</td>
<td>Canadian Friends Service Committee / Secours Quaker Canadien</td>
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<td>CGZSC</td>
<td>La Capitanía Guaraní Zona Santa Cruz</td>
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<tr>
<td>Chirapaq</td>
<td>Centro de Culturas Indígenas del Peru</td>
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<td>CHRO</td>
<td>Chin Human Rights Organization</td>
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<td>CIDOB</td>
<td>Confederación de Pueblos Indígenas de Bolivia</td>
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<td>CIDM</td>
<td>Comunidad Indígena &quot;Dos de mayo&quot;</td>
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<tr>
<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>CIH</td>
<td>Committee on Indigenous Health</td>
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<td>CIPO</td>
<td>Chinitoqua Indigenous Peoples Organization</td>
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<td>CMA</td>
<td>Congrès Mondial Amazigh</td>
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<td>CNAB</td>
<td>Consejo Nahuas del Alto Balsas</td>
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<td>CNDPA</td>
<td>Conseil National pour les Droits du Peuple Autochtone en Kanaky</td>
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<td>CNV</td>
<td>Cumanagoto Nation of Venezuela</td>
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<tr>
<td>CODENPE</td>
<td>Consejo de las Nacionalidades y Pueblos del Ecuador</td>
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<tr>
<td>COIAB</td>
<td>Coordinación de Organizaciones Indígenas de la Amazonía Brasileña</td>
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<td>COICA</td>
<td>Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica</td>
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<td>CONAIE</td>
<td>Confederation of Indigenous Nationalities of Ecuador</td>
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<td>CONFAINE</td>
<td>Confederación de Nacionalidades Indígenas de la Amazonía Ecuatoriana</td>
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<td>CONIVE</td>
<td>Consejo Nacional Indio de Venezuela</td>
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<td>Copro</td>
<td>Corporación Ambientalista Hojas de yerba</td>
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<td>CPA</td>
<td>Cordillera Peoples' Alliance</td>
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<tr>
<td>CRAL</td>
<td>Centre de Recherche sur l'Amérique Latine</td>
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<tr>
<td>CSAHR</td>
<td>The Centre Study and Advocation of Human Rights</td>
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<tr>
<td>CSSC</td>
<td>Comité Suisse de Soutien aux Chagossiens</td>
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<tr>
<td>CUACI</td>
<td>Club Union Africaine Côte d'Ivoire</td>
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<tr>
<td>ECUARUNARI</td>
<td>Confederación de Pueblos de la Nacionalidad Kichwa del Ecuador</td>
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<tr>
<td>EF</td>
<td>Ecospirituality Foundation</td>
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<td>FAIRA</td>
<td>Foundation for Aboriginal and Islander Research Action</td>
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<td>FC</td>
<td>Femmes Celtes</td>
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<td>FENOCIN</td>
<td>Confederación Nacional de Organizaciones Campesinas, Indígenas y Negras del Ecuador</td>
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<td>FIA</td>
<td>Fundación Intercultural ALITASIA</td>
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<td>FOAG</td>
<td>Fédération des Organisations Autochtones de Guyane</td>
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<td>FOKISE</td>
<td>Federación de Organizaciones Kichwas de Sucumbios</td>
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<td>FPP</td>
<td>Forest Peoples Programme</td>
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<tr>
<td>GCC</td>
<td>Grand Council of the Crees</td>
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<td>HC</td>
<td>Haudenosaunee Confederacy</td>
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<td>HEP</td>
<td>Health and Environment Program</td>
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<td>HWO</td>
<td>Huisen Women's Organisation</td>
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<td>ICC</td>
<td>Inuit Circumpolar Conference</td>
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<td>ICITP</td>
<td>Indian Confederation of Indigenous and Tribal Peoples</td>
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<td>ICN</td>
<td>Innu Council of Nitassinan</td>
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<td>ICSA</td>
<td>Indian Council of South America</td>
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<td>IITC</td>
<td>International Indian Treaty Council</td>
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<td>IYMM</td>
<td>International Indigenous Youth Movement</td>
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<td>IMTA</td>
<td>Indian Movement &quot;Tupaj Amaru&quot;</td>
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<td>INPT</td>
<td>Indigenous Nationalist Party of Twipra</td>
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<td>IOIRD</td>
<td>International Organization of Indigenous Resource Development</td>
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<td>IPACC</td>
<td>Indigenous Peoples of Africa Co-ordinating Committee</td>
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<td>IPEx</td>
<td>Inter-Peoples' Exchange</td>
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<td>ISTOK</td>
<td>Altay Regional Public Organization of Kumandin People</td>
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<td>KA</td>
<td>Krimchaks Association</td>
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<td>KET</td>
<td>Katilosa East Timor</td>
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<td>KHCD</td>
<td>Khoe Heritage and Cultural Development</td>
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<td>KIP</td>
<td>Kuki Indigenous People</td>
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<td>LHRC:</td>
<td>Lao Human Rights Council, Inc.</td>
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<td>LPDC:</td>
<td>Leonard Peltier Defense Committee</td>
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<td>MCTP:</td>
<td>Mejlis of Crimean Tartar People</td>
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<td>MKK:</td>
<td>Maya Kichin Konegel</td>
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<td>MO:</td>
<td>Murkele Organization</td>
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<td>MPIDO:</td>
<td>Mainyoito Pastoralists Integrated Development Organization</td>
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<td>NCCI:</td>
<td>National Council of Churches in India</td>
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<td>NEIPD:</td>
<td>North East India Indigenous Peoples’ Desk</td>
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<td>OIS:</td>
<td>Indigenous Organization of Suriname</td>
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<td>OCAPROCE:</td>
<td>Organisation Camerounaise de Promotion de la Coopération Économique Internationale en Faveur des Peuples Autochtones</td>
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<td>OL:</td>
<td>Olpadep Programme</td>
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<td>ONIC:</td>
<td>Organización Nacional Indígena de Colombia</td>
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<td>OPIAC:</td>
<td>Organización de los Pueblos Indígenas de la Amazonía Colombiana</td>
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<td>PC:</td>
<td>Parakuiyo Community</td>
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<td>PCJSS:</td>
<td>Parbatya Chattargram Jana Samhati Samiti</td>
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<td>PIAR:</td>
<td>Information Center for People Advocacy NTT</td>
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<td>PIC:</td>
<td>Pitcairn Island Community</td>
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<td>PIPlinks:</td>
<td>Philippine Indigenous Peoples Links</td>
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<td>RAIPON:</td>
<td>Russian Association of Indigenous Peoples of the North</td>
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<td>RCS:</td>
<td>Research Centre for Semiotics</td>
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<td>RNTI:</td>
<td>Red Nation of Turtle Island</td>
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<td>SC:</td>
<td>Saami Council</td>
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<td>SCIS:</td>
<td>Servicios en Comunicación Intercultural SERVINDI</td>
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<td>SFSTC:</td>
<td>Siocon Federation of Subanon Tribal Council</td>
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<td>SGC:</td>
<td>Shimin Gaikou Centre (Citizen's Centre for Diplomacy)</td>
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<td>SRA:</td>
<td>Sekabai Residents Association</td>
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<td>Tebtebba Foundation</td>
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<td>TIPS:</td>
<td>Threatened Indigenous Peoples Society</td>
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<td>TOTSNTC:</td>
<td>Tetuwan Oyate Teton Sioux Nation Treaty Council</td>
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<td>Tsentsak Survival Foundation</td>
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<td>UFA:</td>
<td>United Farmers Association</td>
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<td>Association of Indigenous Village Leaders in Suriname</td>
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<td>WAC:</td>
<td>World Adivasi Council</td>
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<td>WIFN:</td>
<td>Walpole Island First Nation</td>
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<td>WSC:</td>
<td>World Sindhi Congress</td>
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<td>Zabarang Kalyan Samity</td>
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<td>ZOIPU:</td>
<td>United Zo Indigenous Peoples</td>
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<td>ZONSF:</td>
<td>Zo National Students’ Federation</td>
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<td>ZORO:</td>
<td>Zo Reunification Organization</td>
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4. SUB-COMMISSION ON THE PROTECTION AND PROMOTION OF HUMAN RIGHTS
55th session, 28 July – 15 August 2003

The Sub-Commission puts forward the implications for IPs of the disappearance of states for environmental reasons. It commends the work of the WGIP and calls for a second decade of the world’s IPs. It also commends the preliminary report by Mrs. Erica-Irene Daes on IPs’ permanent sovereignty over natural resources.

Resolution 2003/24
Human rights implications, particularly for IPs, of the disappearance of States for environmental reasons

The Sub-Commission,
1. Urgently recommends to the Commission on Human Rights the following decision for adoption:
   “The Commission on Human Rights urgently calls upon the Secretary-General to prepare a report, with assistance from the Office of the United Nations High Commissioner on Human Rights, on the legal implications of the disappearance of States for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of IP, and to submit the report to the General Assembly, the Economic and Social Council, the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights, and recommends that the Council recommend to the Assembly, upon receipt of the report, that it set up a working group to consider the issue and that its report be circulated to the Council, the Commission and the Sub-Commission.”
2. Decides to continue consideration of this matter at its 56th session under the same agenda item.

Resolution 2003/29
Working Group on Indigenous Populations

The Sub-Commission,
1. Expresses its deep appreciation to all members of the Working Group on Indigenous Populations (WGIP) for the important and constructive work accomplished during its 21st session and for the new working methods introduced with the purpose of facilitating a more interactive dialogue during its annual sessions;
2. Requests the Secretary-General to transmit the report of the Working Group on its 21st session (E/CN.4/Sub.2/2003/22) to the UN High Commissioner for Human Rights, indigenous organizations, Governments and intergovernmental and non-governmental organizations concerned, as well as to treaty bodies and all thematic rapporteurs, special representatives, independent experts and working groups;
3. Invites the treaty bodies and all thematic special procedures to advise the Working Group on how they take into account, in their work and in accordance with their respective mandates, the promotion and protection of IPs’ rights;
4. Requests that the report of the Working Group on its 21st session be made available to the Commission on Human Rights at its 60th session;
5. Reiterates its recommendation that the Working Group, upon request, cooperate as a body of experts in any conceptual clarification or analysis that might assist the open-ended intersessional working group established by the Commission in its resolution 1995/32 of 3 March 1995 to complete as soon as possible the final version of the draft UN declaration on the rights of IPs;
6. Decides that the Working Group at its 22nd session shall adopt as the principal theme “Indigenous peoples and conflict resolution”, as agreed upon by the Working Group (E/CN.4/Sub.2/2003/22, para. 120), and that the Office of the High Commissioner for Human Rights (OHCHR) shall invite all relevant organizations and departments of the UN system to provide information and, if possible, to participate in the meetings of the Working Group;

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3 Highlights of the four resolutions and decision directly regarding IPs, and passed by the Sub-Commission at its 2003 session.
7. Requests the Working Group to review at its 22nd session the revised draft principles and guidelines on the heritage of IP, elaborated by Ms. Erica-Irene Daes (E/CN.4/1995/26, annex);
8. Invites the members of the Working Group to prepare the following working papers and commentaries for its 22nd session:
   (a) Mr. Yozo Yokota - a working paper to serve as a guideline for the review of the draft principles and guidelines on the heritage of IPs to be undertaken by the Working Group under its agenda item on standard-setting;
   (b) Mr. El-Hadji Guissé - a supplementary working paper on “Globalization and indigenous peoples”, including suggestions for future follow-up that could be considered by the Working Group and its parent bodies;
   (c) Ms. Iulia-Antoanella Motoc - a preliminary working paper on the principle of free, prior and informed consent of IPs in relation to development affecting their lands and natural resources that would serve as a framework for the drafting of a legal commentary by the Working Group on this concept;
   (d) Ms. Françoise Hampson - a working paper containing suggestions on possible follow up by the Working Group on the human rights situation of IPs in States and territories threatened with extinction for environmental reasons;
   (e) Mr. Miguel Alfonso Martínez - a working paper on “Indigenous peoples and conflict resolution” to provide a framework for the discussions to be held under the principle theme;
9. Decides, in the light of the discussions held under the principal theme “Globalization and indigenous peoples”, to invite the OHCHR to organize, as a matter of priority, in consultation with the Chairperson-Rapporteur of the Working Group, a second workshop on IPs, mining and other private sector companies and human rights with a view to preparing guidelines based on respect for the cultures and traditions of these communities and the principle of free, prior and informed consent;
10. Decides that the Working Group’s agenda for its 22nd session would be as follows: 1. Election of officers; 2. Adoption of the agenda; 3. Organization of the work of the session; 4. Review of developments: (a) General debate; (b) Principal theme: “Indigenous peoples and conflict resolution”; (c) Globalization and IPs; 5. Standard-setting: (a) legal commentary on the concept of free, prior and informed consent; (b) review of draft principles and guidelines on the protection of the heritage of IPs; 6. Other matters: (a) cooperation with other UN bodies in the sphere of indigenous issues; (b) follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; (c) review of activities undertaken under the International Decade of the World’s Indigenous People; (d) state of the voluntary funds; (e) the draft declaration on the rights of IPs; (f) States threatened with extinction for environmental reasons;
11. Agrees with the Working Group’s decision in principle to establish as principal themes for its 23rd (2005) and 24th (2006) sessions, respectively, the following matters: “Domestic and international protection of indigenous traditional knowledge” and “Indigenous children and youth”;
12. Invites the OHCHR, after consultations with the Chairperson-Rapporteur, to inform participants at the 22nd session of the Working Group about the organization of issues under the item “Review of developments: general debate” in advance of the session in order to facilitate a more interactive dialogue;
13. Requests the OHCHR to invite Governments, intergovernmental organizations and indigenous and non-governmental organizations to provide information and data, in particular on the principal theme, relevant to the Working Group’s agenda at its 22nd session;
14. Also requests the OHCHR, in consultation with interested Governments, to continue efforts to organize meetings on indigenous issues in different parts of the world so as to provide greater opportunity for participation by IPs and to raise public awareness about issues affecting them, in particular in the African, Asian, Oceanian and Latin American regions;
15. Requests the High Commissioner to encourage studies with respect to the rights to food and adequate nutrition of IPs and IPs and poverty, stressing the linkage between their present general situation and their land rights, and to develop further cooperation with the Food and Agriculture Organization of the UN and the World Food Programme on indigenous issues;
16. Reiterates its recommendation that the Commission on Human Rights, in view of the adoption of Economic and Social Council (ECOSOC) resolution 2002/28 of 25 July 2002 that permits indigenous organizations to participate in the work of the Permanent Forum on Indigenous Issues (PF) on the same basis as the WGIP, adopt a similar procedure for participation in the Working Group established in accordance with Commission resolution 1995/32, in order to ensure consistency in matters relating to the participation of IPs in the work of the UN affecting them;
17. Requests the Chairperson-Rapporteur to present the report of the Working Group on its preceding session to the annual meetings of the Board of Trustees of the UN Voluntary Fund for Indigenous Populations, without financial implications, and to inform the Board of the Working Group’s agenda for its next session, so that the Board can bear this in mind when it meets;

18. Appeals to all Governments, organizations, including non-governmental organizations and indigenous groups, and other potential donors in a position to do so to contribute generously to the UN Voluntary Fund for Indigenous Populations in order to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group and the open-ended intersessional working group on the draft UN declaration on the rights of IPs;

19. Requests the Secretary-General to prepare an annotated agenda for the 22nd session of the Working Group on the basis of paragraph 9 of the present resolution;

20. Reiterates its view that the ECOSOC, in reviewing at its substantive session for 2004 all UN mechanisms relating to indigenous peoples, should take into account the fact that the mandates of the Working Group, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the PF are distinct and complementary and requests the Commission, in the light of the ongoing cooperation of these three mechanisms, to endorse this view;

21. Requests the Commission on Human Rights to endorse the participation of the Chairperson-Rapporteur of the Working Group at the third session of the PF, as recommended by the Working Group (E/CN.4/2003/22, para. 113), to enable him to present the report of the Working Group on its 21st session, and recommends to the ECOSOC that it approve said participation;

22. Also requests the Commission on Human Rights to request the ECOSOC to authorize the WGIP to meet for five working days prior to the 56th session of the Sub-Commission in 2003;

23. Recommends to the Commission on Human Rights the following draft decision for adoption:

“Resolution 2003/30

International Decade of the World’s Indigenous People

The Sub-Commission,

1. Welcomes the observance of the International Day of the World’s Indigenous People on 24 July 2003;

2. Recommends that the celebration of the International Day of the World’s Indigenous People be held on the fourth day of the 22nd session of the WGIP in order to ensure as large a participation of IPs, governmental representatives, intergovernmental and non-governmental organizations as possible;

3. Welcomes the decision by the General Assembly in its resolution 52/108 of 12 December 1997 to appoint the UN High Commissioner for Human Rights as Coordinator for the International Decade of the World’s Indigenous People;

4. Recommends that the Coordinator for the Decade appeal to Governments and other donors to contribute generously to the Voluntary Fund for the International Decade of the World’s Indigenous People, in particular so that activities can be undertaken prior to the end of the Decade;

5. Also recommends that attention continue to be given to improving the extent of the participation of IPs in planning and implementing the activities of the Decade in order to implement fully the Decade’s theme, “Indigenous people: partnership in action”;

6. Strongly recommends that, in accordance with General Assembly resolution 50/157 of 21 December 1995, the draft UN declaration on the rights of IPs be adopted as early as possible and, to this end, appeals to all participants in the intersessional working group of the Commission on Human Rights and to all others concerned to put into practice new, more dynamic ways and means of consultation and consensus-building, in order to accelerate the preparation of the draft declaration;

7. Recalls the appeals to Governments and IPs by the UN High Commissioner for Human Rights, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, the Chairperson of the PF and the Chairperson-Rapporteur of the WGIP to make every effort to complete the work on the draft declaration;

8. Welcomes the first steps being taken to establish and promote cooperation between the Working Group, the Special Rapporteur and the Permanent Forum;
9. **Notes** the view expressed by the indigenous caucus and indigenous and non-indigenous observers during the 21st session of the WGIP that the establishment of the PF should not be construed as grounds for the abolition of the Working Group, which should continue to carry out the ample, flexible mandate conferred upon it by the ECOSOC in resolution 1982/34 of 7 May 1982;


11. **Recommends** that the High Commissioner for Human Rights, in consultation with interested Governments, organize meetings in all regions of the world, and in particular an activity in Africa, Asia, Oceania and Latin America prior to the completion of the International Decade, in order, inter alia, to raise public awareness about indigenous issues;

12. **Invites** the High Commissioner to organize an international seminar at the end of the International Decade to evaluate the impact of the Decade and recommend future action in relation to IPs;

13. **Recommends** to its parent bodies that a second international decade of the world’s IPs be proclaimed by the General Assembly which would focus on the promotion and protection of the rights, including the right to sustainable development, of IPs as well as implement the objectives of the first Decade that had not been fully realized.

**Decision 2003/113**

**Preliminary report on the study on IPs’ permanent sovereignty over natural resources**

At its 23rd meeting, on 14 August 2003, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote:

(a) **To express** its deep appreciation to the Special Rapporteur, Ms. Erica-Irene A. Daes, for her very comprehensive preliminary report on the study on IPs’ permanent sovereignty over natural resources (E/CN.4/Sub.2/2003/20) and welcomes the rich discussion that took place thereon;

(b) **To request** the Secretary-General to submit the report to Governments, IPs’ communities and organizations, specialized agencies, other intergovernmental and non-governmental organizations concerned for their comments, information, data, etc. that would be important for the Special Rapporteur in elaborating her final report.
5. WORLD TRADE ORGANIZATION

Indigenous representatives meeting on the 12 September 2003, during the fifth WTO Ministerial Conference in Cancún, Quintana Roo, Mexico, issued the following statement.

The International Cancún Declaration of Indigenous Peoples

We, the international representatives of Indigenous Peoples gathered here during the 5th WTO Ministerial Conference in Cancún, Mexico from 10-14 September 2003 wish to extend our thanks to the Indigenous Peoples of Mexico, particularly the Mayan Indigenous Peoples of Quintana Roo, for welcoming us. We share the concerns of our Indigenous brothers and sisters, as expressed in the Congreso Nacional Indigena Declaration of Cancún. We join our voices to this CNI Declaration and its conclusions and recommendations. We wish to especially recognize and honor the sacrifice of our Korean brother, Mr. Lee-Kyung-Hae, made here in Cancún. His act of self-immolation was a dignified cultural expression profoundly reflecting the daily reality of the effects of Globalization and liberalized trade on peasants and Indigenous Peoples throughout the world.

We have come to Cancún to address critical issues and negative impacts of the WTO Trade Negotiations on our families, communities and nations.

With the creation of the World Trade Organization (WTO) and with the continuing imposition of the structural adjustment policies of the World Bank and International Monetary Fund, our situation, as Indigenous Peoples, has turned from bad to worse. Corporations are given more rights and privileges at the expense of our rights. Our right to self-determination, which is to freely determine our political status and pursue our own economic, social and cultural development, and our rights to our territories and resources, to our indigenous knowledge, cultures and identities are grossly violated. Some of the prime examples of the adverse impacts of the WTO Agreements on us are the following:

- Loss of livelihoods of hundreds of thousands of indigenous peasants in Mexico who are producing corn because of the dumping of artificially cheap, highly subsidized corn from the USA and tens of thousands of indigenous vegetable producers in the Cordillera region of the Philippines because of dumping of vegetables. The contamination of traditional indigenous corn in Mexico by genetically-modified-corn is a very serious problem for Indigenous Peoples. All these are due to the liberalization of trade in agriculture and the deregulation of laws which protect domestic producers and crops required by the WTO Agreement on Agriculture (AOA). The structural adjustment policies of the World Bank and the International Monetary Fund are the foundations for liberalization, privatization and deregulation. High export subsidies and domestic support provided to rich agribusiness corporations and rich farmers in the United States and the European Union have also made this possible.

- The increasing impoverishment of indigenous and hilltribe farmers engaged in coffee production in Guatemala, Mexico, Colombia, Vietnam, etc. because of the drop in commodity prices of coffee.

- The increasing conflicts between transnational mining, gas and oil corporations and Indigenous Peoples in the Philippines, Indonesia, Papua New Guinea, India, Ecuador, Guyana, Venezuela, Colombia, Nigeria, Chad-Cameroon, USA, Russia, Venezuela, among others, and the militarization and environmental devastation in these communities due to the operations of these extractive industries. The facilitation of the entry of such corporations are made possible because of liberalization of investment laws pushed by the TRIMS (Trade-Related Investment Measures) Agreement and WB-IMF conditionalities, regional trade agreements like NAFTA and bilateral investment agreements.

- The militarization of Indigenous Peoples’ lands and territories, and the many cases of assassination and arbitrary arrests and detention of indigenous activists and leaders and people who are supporting them, as well as the criminalization of Indigenous Peoples’ resistance, all significantly increased.

- The upsurge in infrastructure development, particularly of mega hydroelectric dams, oil and gas pipelines, roads in Indigenous Peoples territories to provide support to operations of extractive industries, logging corporations, and export processing zones. The infrastructure development, for instance, under Plan Panama has destroyed ceremonial and sacred sites of Indigenous Peoples in the six States of Southern Mexico and in Guatemala.

- The patenting of medicinal plants and seeds nurtured and used by Indigenous Peoples, like the quinoa, ayahuasca, Mexican yellow bean, maca, sangre de drago, hoodia, yew plant, etc. Such biopiracy and patenting of life-forms is facilitated by the TRIPS Agreement.
Soaring prices of pharmaceutical products and inaccessibility of cheaper drugs for diseases like tuberculosis, malaria, AIDS which are diseases in Indigenous Peoples communities and decreasing public health services in these communities.

Privatization of basic public services such as water and energy in several countries which has spurred massive general strikes and protests such as those led by Indigenous Peoples in Bolivia. The General Agreement on Services (GATS) whose coverage is being expanded to include environmental services (sanitation, nature and landscape protection), financial services, tourism, among others, allowed for this.

The undermining of international instruments, constitutional provisions, and national laws and policies which protect our rights.

All these developments are alarming. This global situation has undermined self-sufficient economies of Indigenous Peoples leading to food insecurity, worsening poverty and loss of land, culture and identity. We, Indigenous Peoples’ representatives, present in Cancún during the event of the Fifth Ministerial Meeting of the WTO, are asking the governments to do the following:

1. **Recognize and protect our territorial and resource rights and our right to self-determination.** The human-rights framework should underpin trade, investment, development and anti-poverty policies and programmes. Investment liberalization rules like the TRIMS Agreement, conditionalities by the WB and IMF which push countries to liberalize their investment laws, regional trade agreements and bilateral investment agreements which give more protection and rights to corporations than to Indigenous Peoples should be changed. Many of these facilitate the displacement of Indigenous Peoples and the appropriation of our lands, waters, resources and knowledge. Indigenous Peoples who have been displaced from their lands because of militarization, infrastructure projects, extractive industries, export processing zones and other development schemes should be repatriated back to their lands or should be justly compensated. International human rights and environmental standards should be upheld by governments and should guide the way trade agreements are formulated and implemented. The free and prior informed consent of Indigenous Peoples should be obtained before any project is brought into their communities. Articles 8j and 10c of the Convention of Biological Diversity that protect traditional knowledge and indigenous systems and practices of land use and land tenure should be the framework for WTO Agreements. Governments should support the immediate adoption of the UN Draft Declaration on the Rights of Indigenous Peoples that will help ensure the recognition and protection of our rights.

2. **Stop patenting of life forms and other intellectual property rights over biological resources and indigenous knowledge.** Ensure that we, Indigenous Peoples, retain our rights to have control over our seeds, medicinal plants and indigenous knowledge. We call for an explicit statement for the banning of patents on life-forms in the TRIPS Agreement. We also demand that the patent rights, patent applications and claims of corporations, individuals or governments over indigenous medicinal plants, seeds, and knowledge and even over Indigenous Peoples’ human genetic materials should be withdrawn. Biopiracy should be stopped and the free and prior informed consent of Indigenous Peoples should be obtained before access to their resources is granted. The issue of protection of indigenous knowledge should not be dealt with by the WTO TRIPS Agreement because its basic assumptions contradict the concepts, values and ethics underpinning indigenous knowledge systems. This can be best protected under the United Nations and we therefore, urge the UN Permanent Forum on Indigenous Issues to convene a technical meeting to explore how the UN can address the issue of protection of indigenous knowledge.

3. **Ensure Indigenous Peoples’ basic right to health.** The right of countries to take measures to protect public health and promote access to medicines should take precedence over their obligations to protect intellectual property right of corporations. The patent protection asked by pharmaceutical and biotechnology corporations should be limited in order to protect public health and safety and ensure production and easy access to cheap essential medicines. Health is a basic human right and Indigenous Peoples should enjoy this right. Governments should be allowed to use the flexibilities allowed in the TRIPS Agreement which are reflected in the Doha TRIPS and Public HealthDeclaration. An amendment to TRIPS should be done to simplify and clarify the procedures for compulsory licensing and parallel importation and to remove the unnecessary obstacles to the import and export of medicines needed to provide affordable medicines to the poor.
4. **No new issues should be negotiated in this 5th Ministerial Conference.** We support the position of some developing countries to stop the launching of a new round or to expand the WTO by negotiating on new issues such as investments, competition, transparency in government procurement and trade facilitation. The WTO should not pursue any negotiation on investment and should change its existing investment rules which provide excessive rights to corporations and allow for their unregulated behavior. Those rules which prevent governments from pursuing rights-based development and environmentally-sustainable policies should be abandoned.

5. **Prevent the expansion of the GATS Agreement and amend the existing agreement to stop the privatization and liberalization of health, education, water, energy, and environmental services.** The liberalization and privatization of services in environmental services (e.g. parks and landscape services), the commercialization of indigenous cultures and the increasing monopoly control of the tourism industry in the hands of international and national travel and tour agencies should be stopped. We must be allowed to be the managers of protected areas, parks, forests and waters found in our territories. We should be able to continue practicing our own indigenous natural management practices in forests, water, biodiversity and ecosystem management.

6. **Stop the negotiations on agriculture which will push for further import liberalization of agricultural products.** Drastically end the export and domestic subsidies of the US and the EU for their agribusiness corporations and rich farmers. States must take decisive measures to promote and protect food sovereignty and food security, and stop the dumping and smuggling of artificially cheap and highly subsidized agricultural products from the US, EU, Canada, Australia and New Zealand. Ensure the right of indigenous farmers to sustain their indigenous agricultural systems and to plant and reproduce their traditional seeds. States must not include indigenous agriculture systems in the scope of international trade rules. The rights of Indigenous Peoples to their traditional livelihoods and to food should be recognized and protected, thus trade and investment rules which undermine these rights should be repealed or appropriately amended.

7. **End the militarization of Indigenous Peoples’ communities and stop the criminalization of protest and resistance actions of Indigenous Peoples against destructive industries, projects and programs.** There should be meaningful and effective investigation of the many cases of assassinations, arbitrary arrests and detentions, rapes committed against Indigenous Peoples and their supporters. Justice should be accorded to the victims and their families, and the perpetrators punished for their crimes.

8. **Support and strengthen the sustainable trading systems which have existed for centuries between the Indigenous Peoples of the Americas.** Trade routes between the various Indigenous Peoples within the Americas (USA, Canada, Mexico) have been existing for centuries and trading between them is still practiced. Militarization of borders and other destructive practices have greatly limited their scale and utility for Indigenous Peoples. Trade between Indigenous Peoples should be sustained and promoted.

The ministers at this Fifth Ministerial meeting of the WTO have the responsibility to represent not only commercial interests but all of the people of their States, including Indigenous Peoples. Existing human rights, environmental, social and cultural conventions and covenants developed within the United Nations system continue to be the States’ legal if not moral obligation. All international law including human rights law binds them.

Indigenous Peoples are the subjects of many of these covenants and conventions and their jurisprudence. Our rights cannot be ignored, nor can their observance be diminished or compromised by trade agreements and regimes. We as Indigenous Peoples have the right to participate as peoples and actors in our own development, consistent with our own vision and tradition. Our free and informed consent, free of fraud or manipulation, must be secured through our own traditional means of decision-making. State sponsored development cannot just be imposed upon us. Our rights as peoples to our lands and territories and natural resources must be recognized, respected and observed. Our survival as peoples depends upon it.
6. PERMANENT FORUM ON INDIGENOUS ISSUES

During its 2003 substantive session (June-July), the ECOSOC adopted without a vote the following decisions based on the report of the PF’s second session. The ECOSOC also adopted, with recorded votes, two decisions of the Commission on Human Rights (CHR) that we include here, and without a vote, the CHR Resolution 2003/57 about the Working Group on the Draft Declaration, already published in Update 51.

**ECOSOC Decision 2003/267**

**IPs’ permanent sovereignty over natural resources**

By a vote of 36 in favour, 12 against, with 6 abstentions, the ECOSOC adopted the CHR Decision 2003/110, which reads as follows:

At its 60th meeting, on 24 April 2003, the Commission on Human Rights, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2002/15 of 14 August 2002, decided, by a recorded vote of 34 votes to 8, with 10 abstentions, to endorse the Sub-Commission’s request to appoint Mrs. Erica-Irene Daes as Special Rapporteur to undertake a study on indigenous peoples’ permanent sovereignty over natural resources based on her working paper (E/CN.4/Sub.2/2002/23) and its request to the Special Rapporteur to submit a preliminary report to the Sub-Commission at its 55th session and her final report at its 56th session. The Commission also endorsed the request to the Secretary-General to provide the Special Rapporteur with all necessary assistance to enable her to carry out her study.

**ECOSOC Decision 2003/271**

**International Decade of the World’s Indigenous Peoples**

By a vote of 50 in favour, one against, with three abstentions, the ECOSOC adopted the CHR Decision 2003/117, which reads as follows:

At its 63rd meeting, on 25 April 2003, the Commission on Human Rights, taking note of resolution 2002/19 of 14 April 2002 of the Sub-Commission on the Promotion and Protection of Human Rights, decided, without a vote, to recommend to the ECOSOC that it request the UN High Commissioner for Human Rights to organize, before the end of the International Decade of the World's Indigenous People, a seminar on treaties, agreements and other constructive arrangements between States and IPs to explore possible ways and means to follow up on the recommendations included in the final report of the Special Rapporteur, Mr. Miguel Alfonso Martínez (E/CN.4/Sub.2/1999/20).

**ECOSOC Decision 2003/300**

**Workshop on the collection of data concerning IPs**

The ECOSOC:

(a) Authorizes the Department of Economic and Social Affairs of the UN Secretariat to convene, as an initial step, a three-day workshop on the collection of data concerning IPs, with the participation of three members of the PF; experts from UN agencies, funds and programmes, including both statistics experts and focal points on indigenous issues; the secretariat of the Forum; experts from IPs’ organizations with expertise related to the collection of data concerning IPs; two academic experts in the field; and interested States; (b) Authorizes the provision of all necessary conference facilities for the workshop; (c) Decides that the workshop will produce a report containing recommendations for consideration by the Forum at its third session, in 2004.

**ECOSOC Decision 2003/301**

**High-level segment of the substantive session of 2006 of the ECOSOC**

The ECOSOC, taking into account that in 2006 five years will have been completed since the first session of the PF and given the increasing importance of indigenous issues at the international level, decides to devote the high-level segment of its substantive session of 2006 to indigenous issues and to invite the Chairperson of the Forum to participate.
ECOSOC Decision 2003/302
Participation of members of the PF in meetings of subsidiary bodies of the ECOSOC
The ECOSOC, taking into account the importance for the PF to be represented, by its Chairperson or designated members, at various meetings of relevance to its mandate throughout the year, decides to confirm such representation as one of the methods of work of the Forum, and further requests that all subsidiary bodies of the Council welcome the Forum and its members by issuing open invitations to Forum members to attend all relevant meetings, conferences and seminars.

ECOSOC Decision 2003/303
Bureau of the PF
The ECOSOC, having taken note that the PF considered it useful to designate six members for its Bureau at its first and second sessions, confirms that emerging practice as a method of work of the Forum.

ECOSOC Decision 2003/304
Venue and dates for the third session of the PF
The ECOSOC decides that the third session of the PF will be held at UN Headquarters in New York from 10 to 21 May 2004.

ECOSOC Decision 2003/305
Provisional agenda and documentation for the third session of the PF
The ECOSOC approves the provisional agenda and documentation for the third session set out below.
1. Election of officers.
2. Adoption of the agenda and organization of work.
4. Mandated areas:
   (a) Economic and social development;
   (b) Environment;
   (c) Health;
   (d) Human rights;
   (e) Culture;
   (f) Education.
5. Future work of the Forum.
6. Draft agenda for the fourth session of the Forum.
7. Adoption of the report of the Forum on its third session.

ECOSOC Decision 2003/306
Proposal for a second international decade of the world’s IPs
The ECOSOC recommends to the General Assembly that it declare a second international decade of the world’s IPs after the conclusion of the current International Decade of the World’s Indigenous Peoples in 2004.

ECOSOC Decision 2003/307
Review of indigenous issues within the UN system
The ECOSOC decides to:
(a) Postpone consideration of the review mandated by its decision 2002/286 of 25 July 2002 of all existing mechanisms, procedures and programmes within the UN concerning indigenous issues with a view to rationalizing activities, avoiding duplication and overlap and promoting effectiveness, to its substantive session in 2004;
(b) Request the Secretary-General to seek information related to the review from those Governments, non-governmental organizations, IPs’ organizations and the relevant organs and bodies of the UN system, including the special mechanisms seized with indigenous issues, which have not yet submitted their views;
(c) Also request the Secretary-General, on the basis of the information received, to provide additional substantive analysis addressing the elements contained in paragraph 8 of its resolution 2000/22 of 28 July 2000.
7. WORLD INTELLECTUAL PROPERTY ORGANIZATION

During the 5th session of the WIPO Intergovernmental Committee, a clear split emerged between developed and developing countries regarding the nature of the outputs for the future work of the Committee and its capacity to pursue an international regime for the protection of genetic resources, traditional knowledge and folklore. The WIPO General Assembly decided that the Intergovernmental Committee should prolong its mandate as it currently stands for the next two years, continuing its role as a forum of discussion and study.

Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore finishes with unachieved mandate

The mandate of the Intergovernmental Committee

The Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), was established in 2000 by the World Intellectual Property Organization (WIPO) as a forum to discuss three primary themes that arise in the context of intellectual property issues: “(i) access to genetic resources and benefit-sharing; (ii) protection of traditional knowledge, whether or not associated with those resources; (iii) the protection of expression of folklore”. Five sessions have now been held between 2001 and 2003.

Key elements of the Fifth Session: the future mandate and a legally-binding regime

The Fifth Session was held in Geneva from the 7-15 July 2003. There were high expectations for this session as it was set out to be the final session of the Committee’s mandate. The items on the draft Agenda were as follows:

1. Folklore
   (a) Consolidated Analysis of the Legal Protection of Traditional Cultural Expressions.
   (b) Update on Technical Cooperation for the Legal Protection of Traditional Cultural Expressions

2. Traditional Knowledge
   (a) Draft Toolkit on Intellectual Property Management When Documenting Traditional Knowledge and Associated Genetic Resources.
   (b) Technical Cooperation and Standards for Databases and Registries of Traditional Knowledge and Associated Genetic Resources.
   (c) Practical Mechanisms for the Defensive Protection of Traditional Knowledge and Genetic Resources Within the Patent System.
   (d) Consolidated Survey of Intellectual Property Protection of Traditional Knowledge.
   (e) Consolidated Analysis of the Legal Protection of Traditional Knowledge.

3. Genetic Resources
   (a) Contractual Practices and Clauses relating to Intellectual Property, Access to Genetic Resources and Benefit-Sharing.
   (b) Patent Disclosure Requirements on Traditional Knowledge and Genetic Resource.

4. Future Work
   (a) Participation of Indigenous and Local Communities.
   (b) Overview of Outcomes and Activities of the Intergovernmental Committee.

One of the key elements of this session was the future of the IGC. However, the session ended without completing the work of the draft agenda and without recommendations for a mandate of the future work of the IGC. A clear split emerged between developed and developing countries regarding the nature of the outputs for the future work of the Committee and its capacity to pursue an international regime for the protection of genetic resources, traditional knowledge (TK) and folklore. The African group demanded the initiation of negotiations on a legally-binding regime in the next two years. Developing countries from Asia and Latin America did not go so far, and suggested an action-oriented agenda, not limited to further studies, aiming at "norm-setting" of some
kind, in particular to develop rules about bio-piracy and misappropriation of TK. The USA and Canada opposed
the negotiation of a legally-binding regime in the next two years, and the USA proposed the prolongation of the
mandate based exclusively on technical analysis, for the next 4 years.

Indigenous representatives presented a perspective based on the one hand, on the need for substantial and
meaningful participation of IPs and local communities before moving to standard-setting period, in order to
effectively ensure their prior informed consent; on the other hand, they warned that delaying this transition may lead to
significant misappropriation of traditional knowledge and folklore. For some countries like Canada and the USA,
negotiations for an international regime should start only after full and effective participation of IPs can be
achieved, including participation of indigenous women knowledge holders, and the need for further substantial
work on the following long list of crucial and delicate issues: the primacy of customary law for determining sui
generis access regimes; the definition of the principle of prior informed consent; the expansion of consideration
of non-intellectual property approaches and tools for the protection of indigenous knowledge; the inappropriate
application of the “public domain” to traditional knowledge and traditional culture expressions; and the
limitation periods for which proprietary rights can be held, and to whom they can be granted.

Participation of Indigenous Peoples and Local Communities

In terms of participation, four years after its establishment only a few indigenous organizations have been
accredited to the IGC as observers, such as the Inuit Circumpolar Conference, Saami Council and Tebtebba. But
at present, observers’ role is very limited as they cannot submit formal “proposals, amendments and motions”.
Moreover, the promise made at last year’s first session of the Permanent Forum on Indigenous Issues (PF) that
some budget would be allocated to funding the participation of IPs did not fully materialize. The Secretariat has
prepared a report on the various scenarios for support to indigenous participation, including the possibility of
setting up a travel grant mechanism for indigenous representatives. The Committee has encouraged close
cooperation with the PF, and at the fourth session requested options and modalities for facilitating the
participation of the PF in the future work of the Committee.

Decisions of the WIPO General Assembly regarding the future of the IGC

During its session held from the 22 September to 1 October 2003, the WIPO General Assembly adopted the
following conclusions:

- the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional
  Knowledge and Folklore (IGC) will continue its work for the next budgetary biennium on questions
  included in its previous mandate,
- its new work will focus, in particular, on a consideration of the international dimension of those
  questions, without prejudice to the work pursued in other fora, and
- no outcome of its work is excluded, including the possible development of an international instrument
  or instruments.

The General Assembly urged the IGC to accelerate its work and to present a progress report to the session of the
General Assembly in September 2004. The General Assembly further requested the International Bureau to
continue to assist the IGC by providing Member States with necessary expertise and documentation.

Thus, the IGC will prolong its mandate as it currently stands for the next two years, continuing its role as a
forum of discussion and study. While developing countries governments have actively proposed the protection of
TK, it is unclear if this will encompass sufficient dialogue between governments and traditional/indigenous
communities so as to ensure that their vision and customary law approaches are duly taken into account. There is

4 C.M. Correa, University of Buenos Aires, “IV Traditional Knowledge” in ICTSD-UNCTAD Dialogue, 2nd
5 P. D. Hardison, 5th Session of the Intergovernmental Committee on Intellectual Property and Genetic
Resources, Traditional Knowledge and Folklore
6 P. D. Hardison, 5th Session of the Intergovernmental Committee on Intellectual Property and Genetic
Resources, Traditional Knowledge and Folklore
7 See document WIPO/GRTKF/IC/4/12.
also a risk that WIPO’s concentration on intellectual property influence such development in a way that overlooks the multiple facets and implications of TK\(^9\). The indigenous representatives in the last session “strongly emphasised the limited relevance of intellectual property rights to the protection of TK, and consequently that any future work must 1) involve other intergovernmental organisations with more relevant mandates, and 2) take customary law rather than intellectual property law as a starting point”.

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8. OTHER MATTERS

A Global Commitment to People and Protected Areas: The Fifth IUCN World Parks Congress, Durban, South Africa, 8-17 September 2003

The Fifth IUCN World Parks Congress was held from 8 to 17 September 2003 in Durban, South Africa where participants agreed on new commitments and policy guidance for protected areas worldwide. Communities and equity was one of the central and transversal themes of the WPC, and the participation of representatives from indigenous communities and organizations was more numerous and visible than in the past.

Under the overarching theme of “Benefits Beyond Boundaries”, more than 2’700 participants came together in Durban from 8 to 17 September 2003 to attend the Fifth IUCN World Parks Congress (WPC). The WPC, an event gathering protected area experts and practitioners, is held every ten years to take stock of the state of protected areas (PAs), appraise progress and setbacks, and define the agenda for PAs for the next decade.

Out of the 2’700 participants attending the WPC, approximately 150 were from indigenous communities and organizations; other participants came from local communities, governments and public agencies, international organizations, private sector, academic and research institutions and non-governmental organizations (NGOs).

The five plenary sessions of the Congress addressed: benefits beyond boundaries; a briefing on the work-shops; global partners for PAs; a focus on Africa; and the Congress Outputs and their implementation. The seven workshops met in plenary sessions and smaller break-out groups to address: linkages in the landscape and seascape; building broader support for PAs; PAs governance; developing the capacity to manage PAs; evaluating management effectiveness; building a secure financial future; and building comprehensive PA systems. Three main cross-cutting themes on marine protected areas (MPAs), World Heritage, and Communities and equity were simultaneously addressed within the above workshops.

In the Opening Ceremony, Aroha Te Pareake Mead, IUCN Counsellor representing IPs, emphasized the importance of cultural diversity, equity and justice, and advocated the recognition of indigenous rights and views with regard to PA designation and management.

Indigenous Participation at the WPC

Thanks to the joint efforts of the Indigenous Peoples Ad Hoc Working Group for the World Parks Congress, the IUCN secretariat and the IUCN inter-commission Theme on Indigenous and Local Communities Equity and Protected Areas (TILCEPA), the participation of IPs and their concerns were a visible and noticeable part of the Congress. Communities and equity being one of the central and transversal themes of the WPC, the Ad Hoc Working Group organized a preparatory meeting for indigenous participants, which took place over two days and brought together over 100 IPs from all regions of the world.

There were eight plenary panel discussions involving indigenous representatives, on subjects like “Parks with or without People?”, “Indigenous Peoples, Protected Areas and Tourism”; and “Extractive Industries and Protected Areas”.

The Outputs of the WPC: IPs and their contributions

The outputs resulting from the WPC are the Durban Accord: A Global Commitment to People and Earth’s Protected Areas, the Durban Action Plan, 32 Recommendations and the Fifth World Parks Congress Message to the Convention on Biological Diversity (CBD). The elaboration of these documents was an open, participative process and included many inputs from the Congress participants. Though the Accord and Action Plan are not legally binding, neither for governments, NGOs or the member organizations of the IUCN, they project a vision of PAs as vectors for conservation and sustainable development as well as for new participatory management.

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10 The Ad Hoc group was comprised of: Tebtebba Foundation, the Asia Indigenous Peoples Pact, the secretariat and a number of regional coordinators of the International Alliance of Indigenous and Tribal Peoples of the Tropical Forests, Indigenous Peoples Biodiversity Network, RAIPON, Indigenous Peoples Environment Network and PINGO. It was supported by the UK-based NGO Forest Peoples Programme as the ‘Desk’ for the Ad Hoc Group, and by ALMACIGA and NCIV.

11 The outputs of the WPC are available at the IUCN website in English, Spanish and French at: http://www.iucn.org/themes/wcpa/wpc2003/
strategies, making them a reference point within the protected areas field. The Action Plan, being a more technical document, provides guidance for policy-makers with key targets and timetables for the protected area agenda.

The Durban Accord counts four main sections: Who We Are, The Rapidly Changing World, A New Paradigm for Protected Areas and Our Pledge. Under the titles Cause for Celebration and Cause for Concern it states:

- “We celebrate the conservation successes of local communities, IPs, governments, private individuals and volunteer organizations and their efforts to make protected areas places of natural, cultural and spiritual convergence.”

- “We voice concern that many places which have been conserved over the ages by local communities, mobile and IPs are not given recognition, protection and support.”

The Accord, a document of general nature where not many details on specific issues were expected, includes a recognition of the bonds between biological diversity and cultural diversity, of the importance of IPs participation and the need to acknowledge their often ignored and single-handed efforts to conserve biodiversity-rich areas, not only officially declared PAs.

The Action Plan is divided into ten outcomes with 14 key targets distributed throughout the outcomes and will be presented for approval at the IUCN World Conservation Congress (WCC) to be held in November 2004, in Bangkok. The introductory text points out the progress made since the last WPC in Caracas (1992), including the greater participation of IPs and local communities and the greater awareness of the value of traditional knowledge. An indigenous representative, Joji Cariño of the Tebtebba Foundation, was invited to join the drafting committee of the proposed Action Plan during the WPC. Indigenous representatives were able to propose their specific suggestions and amendments to the Plan, which in its final version contained important wording on the need for respecting IPs’ rights and interests.

The WPC Message to the CBD essentially aims to emphasize the role of PAs in achieving the objectives of the CBD, as well as the goal adopted by its parties to significantly reduce the loss of biodiversity by 2010. It urges the contracting parties to adopt a rigorous programme on PAs. With regard to IPs, most references are made in the section on Benefits, equity and participation, which reaffirms the importance of ensuring the rights of IPs to their lands and territories as an imperative to guarantee sustainable PAs, and recommends their consultation and participation in the establishment of the latter.

In Recommendation 5.24 Indigenous Peoples and Protected Areas, participants in the Governance stream proposed the establishment of a Truth and Reconciliation Commission on Indigenous Peoples and Protected Areas, to seek impartial assessment of violations and abuses of IPs’ rights associated with the creation of protected areas, as a sound basis for redressing past wrongs and building new alliances.

Other than the official outputs, the Indigenous Caucus to the WPC presented the “Indigenous Peoples Declaration to the Fifth WPC” that called on the WPC to pay “special attention to the severe problem of the forced expulsion and systematic exclusion of IPs from their lands and territories in the creation of protected areas in Africa, as well as in other parts of the world”.

All energies now need to be focused on the follow up to the WPC. The significant and successful work of the Indigenous Peoples Ad Hoc Working Group for the World Parks Congress in giving a voice to IPs and local communities at such a large-scale event is an encouraging and positive outcome, and it should aim to sustain its efforts at the Seventh Ordinary Meeting of the Conference of the Parties to the Convention on Biological Diversity to be held in Malaysia in February 2004, where governments will agree on a worldwide protected areas programme.

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12 The Declaration is available in English, Spanish and French on the Forest Peoples Programme at: http://www.forestpeoples.gn.apc.org/
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