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1. EDITORIAL

The last session of the Commission on Human Rights was finalized with the approval of four resolutions and two decisions regarding indigenous peoples. Two of them were particularly controversial: on the one hand, the resolution in favour of the continuation of the Working Group on Indigenous Populations (WGIP) was accepted thanks to the massive support of the African, Central and South American and Asian countries; on the other, the decision to nominate Mrs. Erica-Irene Daes as Special Rapporteur to undertake a study on the Permanent Sovereignty of Indigenous Peoples over Natural Resources was resisted by several states but was finally adopted. It is important to point out that the resolution regarding the WGIP is an echo of the resolution proposed by the Sub-Commission and the lobbying of the indigenous organizations during the Commission.

The other resolutions regard the Working Group on the Draft Declaration (encouraging the states to participate in an informal session on the articles that will be discussed in the next session), the second report of the Special Rapporteur on the human rights and fundamental freedoms of indigenous peoples, and finally, the report of the WGIP and the International Decade. The second decision concerns the presentation, by the President-Rapporteur of the WGIP, of the report of its 20th session during the 2nd session of the Permanent Forum on Indigenous Issues.

Other than the exhaustive summary of agenda item 15 of the Commission, entitled “Indigenous Issues”, this number of the Update presents the working document of Mrs. Daes on the “Permanent Sovereignty of Indigenous Peoples over Natural Resources” as well as the conclusions and recommendations of the Workshop on Indigenous Peoples, Private Sector, Natural Resources, Energy and Mining Companies and Human Rights.

It also includes the important resolution of the Council of the European Union, which guides the Commission and member States, in a precise manner, towards an improvement in the participation of indigenous peoples in their programmes, accentuating the participation of indigenous women and children. For the first time, a document of EU at this level, takes into consideration indigenous peoples in a collective manner and not only those from developing countries.

The article on the third and fourth sessions of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, is a succinct summary emphasizing the difficulties of increasing indigenous participation as far as accreditations, available resources and the technicality of the debates are concerned.

Two other articles ensure the follow up of the activities of the ILO regarding Conventions 107 and 169 and its technical Co-operation projects, as well as the elaboration process of the Draft American Declaration on the Rights of Indigenous People drafted by the OAS, of which a new version – elaborated this year during meetings amongst the states – could be adopted in June during the next meeting of the General Assembly of the OAS.

Finally, the Update 51 disseminates the Declaration and Platform of Action on the occasion of the First Indigenous Women’s Summit of the Americas, which took place in Oaxaca, Mexico, at the end of 2002.

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2. COMMISSION ON HUMAN RIGHTS
59th Session, Geneva, 17th March to 26th April 2003, Agenda Item 15

The Commission approved four resolutions on indigenous issues, including one highlighting “the continuing need for the Working Group on Indigenous Peoples on account of its mandate, which is distinct from those of the Permanent Forum and the Special Rapporteur”.

The SR presented his second report after his visit to the Philippines and to Guatemala, the thematic focus of the report being the impact of major development projects on the human rights and fundamental freedoms of indigenous peoples and communities.

**Report on Agenda Item 15**

**Special Rapporteur**

**SWITZERLAND** highlights the important aspects of the Special Rapporteur’s (SR) report such as the necessity for a better coherence between development imperatives and the respect of IPs’ human rights on the one hand and the crucial role of the economic actors on the other.

**ECUADOR** salutes the report of the SR and agrees on the importance of putting human rights at the forefront of development projects. Ecuador reiterates its invitation to all SRs and hopes to count with their visit in a near future.

**GUATEMALA** values the SR’s report as it deals in a comprehensive manner with the historical-structural problematic of the indigenous majority population of Guatemala, and recognizes the efforts of the state in the process of complying with the Peace Agreements, and in particular to the one referring to Identity and Rights of Indigenous People. Guatemala is currently working on transforming its justice system so that it may better reflect and serve the multicultural nature of the population. Regarding land rights the government created the Presidential Unit of Conflict Resolution to resolve in a peaceful manner the agrarian and rural conflicts. A mechanism with the aim of recommending and proposing actions and activities for the prevention and remedy of human right violations of IPs was created by **MEXICO** and Guatemala. Mexico also has its Program of Micro-Regions that promotes the development of improved levels of health and nutrition in areas that have a majority of indigenous populations.

The **PHILIPPINES** disapproves of the way in which the SR carried out his investigation. It finds his insistence on reopening cases that were considered and decided upon by other procedures of the Commission incomprehensible, the reduction of his meeting time with government officials surprising, and consider his report to be “a litany of unsubstantiated allegations and ridiculous recommendations”.

**CPA** appreciate the official visit of the SR to the Philippines and confirm his findings that despite the implementation of the Indigenous Peoples Rights Act, serious violations of IPs’ rights persist at an alarming level. They urge the UNCHR to uphold the recommendations of the SR’s report, particularly those regarding land rights, investigation of human rights violations, withdrawal of the paramilitary forces from IPs’ territories, protection of human rights workers and activists, and the establishment of an office of the High Commissioner for Human Rights in the Philippines. CPA question the sources used by the Philippine government in their intervention regarding their disapproval of the SR’s report since the latter has voluminous records to back the information it presented.

**IOIRD** are concerned about the potential negative impacts of financial limitations on the SR’s official visits; this should not be a limitation due to the importance of the SRs work. (also **IWA/IPNC**)

**ANIPA/CPNAB** lament that the sections of the SR’s report (E/CN.4/2003/90 and Add. 1-3) that refer to Mexico are not written according to the terms defined by the paragraphs 1, 2, and 3 of Resolution 2001/57 which established the SR’s mandate.

**RAIPON** thank the SR for his report and invite him to visit Russia for his future reports.

**Permanent Forum**

**NEW ZEALAND** recognizes the importance of the Permanent Forum (PF) and shall be looking, in due course, for their country to be represented at the Forum.

The first session of the PF marked a decisive step towards the codification and effective implementation of the rights of IPs, furthermore **SWITZERLAND** would like to see the PF as tangible sign of the governments’ will to recognize that IPs’ rights are not a threat but a factor of stability.

**CANADA** considers that full support needs to be given the PF as it represents an important step in the promotion of IPs’ rights.

**SC** note with satisfaction the General Assembly resolution 57/191, establishing a secretariat unit to assist the PF in carrying out its mandate and urge states and others to contribute to the Voluntary Fund set up to this effect.
ATSIC see the PF as the means to ensure that the resources of the UN and international agencies are applied equally to IPs. The role of the PF must be to focus on the activities of the multiple agencies, and must have the specialist resources to understand and contribute to the work of these agencies (statement endorsed by NSWALC, TSRA, FAIRA, NAILSS, NSTSIO).

Draft Declaration

GRULAC represented by COSTA RICA consider it a fundamental necessity to finalize the Draft Declaration (DD) so that organisms defending and protecting the human rights of indigenous peoples can legitimise their actions through the establishment of an internationally recognized declaration.

In their multiple efforts to promote IPs’ rights, autonomy and diversity, PERU wishes to reiterate its firm support of the approval of the DD as it stands but is ready to approve it with amendments as long as the latter reinforce the mandate of the declaration (also ECUADOR). Peru considers that the discussions held in December indicate an improvement in the negotiations (also NEW ZEALAND). Greater flexibility will be needed for the rest of the negotiations (NEW ZEALAND also NORDIC countries).

CANADA declares that it is important that states respond to the concerns expressed on the situation of the DD, by working harder and showing more political will. They propose an informal inter-sectional meeting of states – to be held from 23-26 June in Geneva – to discuss clusters of articles that will be considered in the next Working Group. They ask the Chairman-Rapporteur to circulate the outcomes of the meeting for more transparency.

In the past eight years only two articles of the DD have been adopted, this is due to the continual denial of the existence of collective rights, especially the right to self-determination and land rights. This is a violation of international human rights law and an indication of the lack of political will on behalf of the governments. If the CHR is unable to adopt the text by the end of the Decade, it will demonstrate the Commission’s inability to address the rights of IPs (SAHRDC). AILA urge governments to recognize the unqualified right of self-determination of IPs as this would surely break the logjam in the Working Group and speed up the process of ratification.

IITC continue to protest against the Canadian resolution that allows the States to hold informal inter-sectional meetings without the presence or participation of IPs. This goes against the working method the Working Group and the spirit of the process of the DD (also NCIV). It would be grave if the DD was developed by states for IPs, thus promoting a value system that IPs have been struggling to overcome, furthermore this goes against paragraph 6 of the Sub-Commissions recommendations (NCIV). SC underline the importance of concluding the DD prior to the end of the Decade and note with satisfaction the progress made in the last session of the Ad hoc Working Group.

ATSIC deplore the fact that some states continue to argue towards determination or qualification of human rights of IPs by individual states therefore refusing to concede indigenous rights to an international standard (statement endorsed by NSWALC, TSRA, FAIRA, NAILSS, NSTSIO).

ICC refer to the joint statement of AILA/GCC/ICC and reiterate that state proposals to the DD must fully respect the UN Charter, be fully compatible with and reinforce the basic aspirations of the DD; any proposal that fails to meet the above criteria must be excluded by the Chairperson of the Working Group.

International Decade of the World’s Indigenous People

The Nordic countries (FINLAND, ICELAND, NORWAY, SWEDEN and DENMARK) represented by GREENLAND pointed out three accomplishments of the Decade: 1) establishment of the PF; 2) appointment of the SR (they congratulate Mr. Stavenhagen for the thoroughness of his second report); 3) an increase in awareness on the situation of IPs through various activities organised by the UN and IPs’ organizations. Despite these achievements an important task remains to be accomplished, the approval of the DD (also ARGENTINA).

CANADA will continue to contribute to the Voluntary Fund for the Decade and to the Voluntary Fund for IPs.

IOIRD support the need for an evaluation of the Decade including an appropriate follow up, they previously suggested a World Conference of and by IPs as did the WCAR3. A way to mark the end of the decade would be the announcement of a DD that is acceptable to IPs. They also support the announcement of a Second Decade if the latter has a clear plan of action and is not merely a way to postpone the ratification of the DD (also NCIV, ANIPA, CPNAB, IWA/IPNC). ICC inform that the 1999 UN Secretary General report on progress being made in implementing the Programme of Activities of the Decade did not critically analyse the problems of the UN system, nor did it accurately reflect the counter-productive undertakings of states.

Recommendations of the Sub-Commission on the Promotion and Protection of Human Rights

ATSIC support the recommendations of the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/2003/32; E/CN.4/Sub.2/2003/46), in the form of "Draft Decisions Recommended to the Commission on Human Rights for Adoption”, numbers 4, 5, 6, 7 & 8. (statement endorsed by NSWALC, TSRA, FAIRA, NAILSS, NSTSIO).
IITC support the resolution of the Sub-Commission of creating an international seminar on the Study of Treaties and other Constructive Agreements between IPs and States (also IWA/IPNC).

IOIRD also support this initiative, as it would create an independent international fora where violations and disagreements regarding treaties could be brought forth for discussion. Also, as treaties are supposed to be the law of the land, the UN has a very vital role to play on this matter (also NCIV, AILA). Furthermore, such fora would give IPs a chance to present solutions based on their own indigenous laws and values (NCIV).

Working Group on Indigenous Populations

CUBA recalls the decisive role of the Commission in the creation of the Working Group on Indigenous Populations (WGIP), the PF and the appointment of the SR. The WGIP has been particularly fruitful despite its lack of resources, Cuba is convinced that it has never been the will of the Commission to end the WGIP; IPs should not be directly or indirectly excluded from any real possibilities to make themselves heard in the international arena.

In light of the establishment of the PF, the continuing of the DD, and the decision to create a new position of SR on the human rights and fundamental freedoms of indigenous people, AUSTRALIA is confident that the WGIP is no longer needed and that the work originally undertaken by it can be continued elsewhere within the UN. NEW ZEALAND considers that the discussions at the WGIP have become stale in recent years.

IITC support the resolution of the Sub-Commission on the continuation of the WGIP. IOIRD are concerned that the WGIP could be terminated; it is their view that the UN should build on its success and strengths, which the WGIP embodies (also NCIV, AILA, ANIPA/CPSAB, IWA/IPNC).

ATSIC give their strong support to the Report of the WGIP, especially conclusions of paragraph 84, that the WGIP should strive to complement the new institutions of the PF and the SR. ATSIC also points out that the WGIP has been a catalyst for expert resources on the issue of IPs’ human rights (statement endorsed by NSWALC, TSRA, FAIRA, NAILSS, NTSIO).

Country Situations

Pacific and Asia

AUSTRALIA states that its commitment to improving the situation of IPs in Australia in terms of health, housing, economic and social situation, employment and education, has resulted in clear improvements as for example the decline of indigenous infant mortality by 75%.

The Treaty of Waitangi is a founding constitutional document for NEW ZEALAND. The government values and remains committed to strengthening the relationship with Maori established by the treaty, in particular the survival, development and prosperity of Maori. The government must at the same time balance the rights of all the citizens.

VIETNAM considers the accusations of the TRP as slanderous and present a document that in their eyes proves the unfounded nature of these accusations (this document is available at doCip).

TRP denounce the brutal repression and violence that the Degar people of Vietnam’s Central Highlands are suffering. Human Rights Watch and Amnesty International have been one of the few vocal groups on the human rights abuses taking place in Vietnam and in particular on the basic human rights violations that the Degar undergo. Specific cases of torture, arrests and killings are documented but as concluded by the UN Human Rights Committee in their final observation at its July session “the Committee is concerned at the lack of specific information concerning indigenous peoples, especially the Degar, and about measures taken to ensure that their rights under article 27 to enjoy their cultural traditions, including their religion and language, as well as their agricultural activities, are respected”. TRP consider of utmost importance to pay heed to the UN Human Rights Committee request to the government of Vietnam that “Non-governmental organizations and other human rights monitors should be granted access to the central highlands” (CCPR/CO/75/VNM).

CPA are alarmed by the recent pronouncement by the government of the Philippines indicating that their priority is economic recovery, which means the promotion of mining and energy production for foreign investment. Police and military violence towards IPs continues unabated. The Jumma IPs of the Chittagong Hill Tracts, Bangladesh, are neither enjoying the benefits of development programs nor the use of their land which is occupied by Bengali Muslim settlers and the military. II urge the government of Bangladesh and international development partners to recognize and respect the IPs’ rights to choose their own development priorities and benefit from them.

South America

Through agreements between the Chilean government and the indigenous community and its leaders, CHILE has developed policies of recognition with the aim of acknowledging the cultural diversity of the country, including IPs in decisions that affect them, protecting indigenous heritage and culture, and providing them autonomous development with their own identity.

The Argentinean National Constitutional Reform in 1994, incorporated significant improvements in the politics of ethnic and cultural diversity, as it consecrates the previous existence of the IPs in ARGENTINA.
ECUADOR’s commitment to respect IPs’ rights is reflected in its Constitution in which they are recognized as having individual and collective rights.

PARAGUAY’s 1992 National Constitution constitutes a fundamental step in the promotion of IPs’ rights as it recognizes their existence as “peoples”, as well as their right to self-determination, the preservation and development of their cultural identity in their respective environment and to the ownership of community land. Convention 169 has been incorporated into the constitution. In 2002 Paraguay carried out its Second National Census of Indigenous populations, which included the help and support of IPs, it confirms the existence of a politic of claims of land traditionally owned by IPs.

For the first time in VENEZUELA IPs spoke with their own voice in the National Constituent Assembly during the discussions that resulted in the current Constitution of the Bolivarian Republic of Venezuela, which recognizes under the title “Rights of Indigenous Peoples”, their existence, social organization, their politics and economy, their culture, languages and religions. Furthermore, IPs’ rights to collectively own the land that traditionally and ancestrally belonged to them, is also recognized. The National Assembly also ratified Convention 169.

IITC state that human rights of the population and the indigenous population in particular, continues to be violated in Guatemala. The justice system does not act with impartiality in order to give justice to the thousands of victims that have disappeared, been tortured, kidnapped or killed. The death of a Mayan human rights activist, Diego Xon Salazar on the 4th of April 2003, and of another human rights activist for IPs, Antonio Pop Caal, who was found dead in December 2002 after being kidnapped, are two recent concrete cases that reveal the situation in Guatemala. IITC hope that the SR will continue to investigate on the failure of the government to comply with the Peace Agreements and the Agreement on Identity and Rights of Indigenous Peoples, and support the demands for compensation for the Mayan people by indigenous organizations.

ANIPA/CPNAB are preoccupied by the continuous violations of human rights of IPs in Mexico manifested in acts of discrimination, land removal, forced sterilization programs and torture. On the 31st of May 2002 there was yet another massacre of IPs as a result of the land rights problematic. The government’s discriminatory politics impedes them from resolving the 22’000 land conflicts that directly affect Mexican indigenous communities. On the 14th of August 2002 new constitutional, legal and administrative reforms were adopted, which deny and limit the acquired rights that IPs fought so ardously to obtain.

North America

AFRE state that the Afrodescendent people, throughout the Slavery Diaspora, are to this date struggling for UN recognition of their inherent human rights. They have experienced the total destruction of their essence through the loss of their original identity, language and religion. They ask that their issue be placed on the agenda of the Sub-Commission and in the hands of the Working Group on Minorities.

RNTI presented the following statement: “We, the Buffalo River Dene Nation, under international law, in the signing of Treaty #10, declare that we are a Sovereign Nation within a Nation, and the “Catarat/Sylvestre vs. the Queen” case was not properly dealt with at the Supreme Court in Canada. Therefore we will take action, as the Buffalo River Dene Nation, and hereby give notice to the Canadian Government and multinational corporations within our territories that we intend to take our case before the World Court at The Hague, Netherlands, for Human Rights violations in regards to the loss of our Treaty Rights”. In effect the Supreme Court of Canada denied the hearing of this case because there were “too many implications for Canada”, even though this case has many consequences in regard to Treaty #10, land rights, resources etc., of the Dene Nation. Billions of dollars in resources are being extracted from their land without compensation, and without the free and prior consent of rightful owners of the land.

Africa

After five years of aggressions from Rwanda and Uganda, the DEMOCRATIC REPUBLIC OF CONGO counts 3’500’000 victims, of which half are children. The International Community is aware of the massacre that the Pygmies suffered in 2002 in the district of Ituri by the rebels of the Congolese Liberation Movement. Despite this alarming situation there are only 5,500 Blue Helmets responsible of observing the peace process. The Congolese government asked that the number of Blue Helmets be increased and that their mission become one of imposing peace according to Chapter VII of the UN Charter, at least in the district of Ituri. However, the member states are not willing to provide the necessary forces even though Sierra Leone, a country 30 times smaller, had obtained 20,000 Blue Helmets. In order to ensure the safety and human rights of IPs and the rest of the population in Congo, an International Tribunal needs to be created for the crimes committed in Drodro and Ituri and more UN troops need to intervene.

Other regions

Amongst the many voices of opposition to the Free Trade Area of the Americas (FTAA), IFRACM draw special attention to the impact it will have on IPs. During the meeting of foreign affairs ministers held in Quito last October for the preparation of the FTAA, the IPs’ representatives made a declaration developing their arguments
against the FTAA, which to them represents a threat to the right to diversity and plurality. The FTAA goes against the IPs' vision of the world since it promotes integration rather than diversity through the establishment of the free market.

SC condemn the recent proposed act by the Norwegian government that alleges that there is no difference between indigenous Saami and non-indigenous Norwegians with regard to their right to land, despite the fact that courts have started to acknowledge that Saami people are indeed the collective owners of their traditional land.

RAIPON deplore the fact that the Russian Federation does not respect the traditional territories of IPs. The situation has worsened due to the Land Code of the Russian Federation that was passed in October 2001, which excludes unpaid use of land plots. The priority is given to the interests of industrial development, as is the case in the North and Far East of Russia, the whole of Europe consumes gas extracted from the traditional lands of the Reindeer breeders (the Nenets). All the large sources of Russian oil are spread out across the traditional territories and autonomous districts of Khantimansis, Emalo-Nenets and Evenkis IPs and the Sakhalinskaya Province. RAIPON state that it continues to be difficult for IPs in Northern Russia to obtain information on their rights, mainly due to the language barrier which is why RAIPON has turned to the President of the Russian Federation with the request to present to the UN an initiative to conduct the 2004 World/Global Conference on the Rights of the Indigenous Peoples in Russian territory.
Other statements presented at the Commission concerning indigenous peoples

Right to self-determination (Item 5)
- International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities: the situation of Cabinda, a former Portuguese colony, yet to exercise and enjoy its right to self-determination.

Racial discrimination (Item 6)
- Indian Movement “Tupaj Amaru”: history of racism and current examples of racism.

Right to development (Item 7)
- International Indian Treaty Council: the situation of the Dineh (Navajo) with respect to the use of their land for strip-mining by the Peabody Western Coal Company.
- Minority rights group international: publication of a series of reports and papers on the rights of minorities and IPs and the right to development.

Human rights violation (Item 9)
- Transnational Radical Party: the situation of the Uyghur people and the threat of their extinction under the policy of colonisation, assimilation and intimidation by the Communist Chinese Government.
- African Society of International and Comparative Law: 1) the situation of the Nubians in Kenya and, 2) the armed conflict in Darfur (Sudan).
- International Indian Treaty Council: situation of the Western Shoshone and the Dann sisters, attacked by the US government and federal police due to land right issues.
- International Institute for Peace: deterioration of the human rights of the Sindh (Pakistan) as a result of the non-representative government brought in by the military in the October 2002 elections.

Economic, social and cultural rights (Item 10)
- International Indian Treaty Council (on behalf of Gwich’in nation): fight of the Gwich’in to save the sacred Arctic Refuge (the remaining 5% of Alaska’s only intact Arctic coastal ecosystem) from destructive oil exploitation.
- International Human Rights Organization for the Right to Feed Oneself: the right of peasants and indigenous communities to have land to produce their own food.
- International Organization of Indigenous Resource Development: recommend the inclusion of a reference to the Treaty Right to Health in the draft resolution on the right to health under agenda item 10.

Civil and political rights (Item 11)
- Indigenous World Association/Indigenous Peoples and Nations Coalition: the Yup’ik, Tenekke Thlingit, Kuiu Thlingit, Taanta Kwan Thlingit, Na Koa Ikaika O Ka LaHui Hawaii nations, the Kanaka Maoli Tribunal and the Aleut Elders, present a diplomatic protest of the illegal annexation of Alaska.

Rights of the child (Item 13)
- International Indian Treaty Council: dismal situation of American Indian children living in the USA and many other countries impacted by environmental contamination.

Specific Groups and Individuals (Item 14):
- Asia Women’s Rights Council: human rights violations of the untouchables known as Dalits (20% of total population in Nepal).

Promotion and protection of human rights & Effective function of human rights mechanisms (Item 17 & 18):
Resolutions concerning indigenous peoples (highlights)

Working Group on Indigenous Populations

Resolution 2003/55

The Commission:


Noting that the respective mandates of the Working Group on Indigenous Populations of the Sub-Commission, the Permanent Forum on Indigenous Issues and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people of the Commission are complementary and do not give rise to duplication,

Considering the continuing need for the Working Group on Indigenous Populations on account of its present mandate, which is distinct from those of the Permanent Forum and the Special Rapporteur,


2. Recommends that the ECOSOC take duly into account the contents of the present resolution when holding, at its substantive session of July 2003, the review of all existing mechanisms, procedures and programmes within the UN concerning indigenous issues mandated in paragraph 8 of Council resolution 2000/22 of 28 July 2000 and Council decision 2002/286 of 25 July 2002.

The Commission adopted Resolution 2003/55 by a roll-call vote of 34 in favour, to 15 against with 4 abstentions. The States' positions are as follows:

In favour: Algeria, Argentina, Bahrain, Brazil, Burkina Faso, Chile, China, Costa Rica, Cuba, Democratic Republic of Congo, Gabon, Guatemala, India, Kenya, Libyan Arab Jamahiriya, Mexico, Pakistan, Paraguay, Peru, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam, Zimbabwe.

Against: Australia, Austria, Belgium, Canada, Croatia, France, Germany, Ireland, Japan, Poland, Republic of Korea, Sweden, Ukraine, United Kingdom, United States of America.

Abstentions: Armenia, Cameroon, Malaysia, Senegal.

Human rights and indigenous issues

Resolution 2003/56

The Commission:


2. Encourages the SR to continue to examine ways and means of overcoming existing obstacles to the full and effective protection of the human rights and fundamental freedoms of IP, in conformity with his mandate as contained in Commission resolution 2001/57;

3. Requests the SR, in performing his work, to consider the recommendations of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on matters concerning his mandate;

4. Also requests the SR, in carrying out his mandate and within the framework of the Universal Declaration of Human Rights and all other international human rights instruments, to request, receive and exchange information on violations of the human rights of IP, wherever they may occur, from Governments, UN human rights treaty bodies, specialized agencies, special mechanisms of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights, as well as from intergovernmental organizations, other relevant organizations of the UN system and civil society, including indigenous organizations, and to respond effectively to such information;

5. Further requests the SR to continue working on the topics included in his first report, in particular, those that impact on the situation of the human rights and fundamental freedoms of IP, which may contribute to advancing the debate on fundamental issues of the "Draft United Nations declaration on the rights of IPs";

6. Invites the SR, in carrying out his task, to take into account all the recommendations of the PF and of the WGIP of the Sub-Commission relevant to his mandate;

7. Requests the Office of the UN High Commissioner for Human Rights to facilitate the attendance of the SR at the second annual session of the PF to be held at UN Headquarters in May 2003;

8. Reiterates the invitation to the SR to pay special attention to violations of the human rights and fundamental freedoms of indigenous children and women, and to take into account a gender perspective;
9. Requests all Governments to cooperate fully with the SR in the performance of the tasks and duties mandated, to furnish all information requested and to react promptly to his urgent appeals;

10. Welcomes the initial official visits of the SR and encourages Governments to respond positively to a request by the SR to visit their country;

11. Takes note of the intention of the Office of the High Commissioner for Human Rights to organize, making use of voluntary contributions, a seminar on the administration of justice to assist the SR in examining the main topic of his annual report for 2004, with the participation of governmental, indigenous, non-governmental and independent experts;

12. Encourages the UN, including its specialized agencies, regional intergovernmental organizations, Governments, independent experts, interested institutions, non-governmental organizations and, in particular, IP to cooperate to the fullest extent possible with the SR in the fulfilment of his mandate;

13. Encourages the World Summit on the Information Society to take indigenous issues duly into account in its declaration of principles and action plan and in all other relevant programmes to be adopted by the Summit, to be held in Geneva in 2003 and Tunis in 2005;

14. Urges those States that have not yet done so to consider, as a matter of priority, signing, ratifying or acceding to the 1989 Convention concerning indigenous and tribal peoples in independent countries (No. 169);

15. Urges all States, in this context, to fulfill the commitments relevant to the present resolution made in the Durban Declaration and Programme of Action;

16. Requests the SR to submit a report on his activities to the Commission at its 60th session;

17. Requests the Secretary-General and the UN High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the SR for the fulfilment of his mandate;

18. Decides to consider the follow-up to this question, as a matter of priority, at its 60th session, under the same agenda item.

Working group of the Commission on Human Rights to elaborate a draft declaration Resolution 2003/57

The Commission:

1. Takes note of the report of the Working Group (E/CN.4/2003/92 and Add.1) and welcomes the continuation and positive nature of the deliberations of the Working Group, particularly the measures taken to ensure effective input by organizations of IP;

2. Expresses its appreciation for the work of the ECOSOC in considering applications from organizations of IP to participate in the Working Group under the procedures set out in the annex to Commission resolution 1995/32;

3. Welcomes the decisions of the Council approving the participation of organizations of IP in the work of the Working Group and urges the Council to process all pending applications as soon as possible, taking strictly into account the procedures set out in the annex to Commission resolution 1995/32;

4. Recommends that the Working Group meet for 10 working days prior to the 60th session of the Commission, the cost of the meeting to be met from within existing resources;

5. Invites the Chairperson-Rapporteur of the Working Group to undertake inquiries with the Office of the UN High Commissioner for Human Rights to determine the possibility of convening additional meetings of the Working Group, within existing resources, with a view to facilitating progress in drafting a declaration on the rights of IP;

6. Invites organizations of IP which are not already registered to participate in the Working Group and which wish to do so to apply for authorization in accordance with the procedures set out in the annex to Commission resolution 1995/32;

7. Requests the Working Group to submit a progress report for consideration by the Commission at its 60th session under the agenda item entitled "Indigenous issues";

8. Recommends the following draft decision to the ECOSOC for adoption:

"The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/57 of 24 April 2003, authorizes the Working Group of the Commission established in accordance with Commission resolution 1995/32 of 3 March 1995 to meet for a period of 10 working days prior to the 60th session of the Commission, the costs of the meeting to be met from within existing resources."
Working Group on Indigenous Populations and the International Decade of the World's Indigenous People

Resolution 2003/58

The Commission:

I. REPORT OF THE WORKING GROUP ON INDIGENOUS OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS


2. Notes that the Working Group is engaged in a comprehensive review of developments and of the diverse situations and aspirations of the world's IP and that at its 21st session the Working Group will focus on the theme "Indigenous peoples and globalization", and invites Governments, intergovernmental organizations and indigenous and non-governmental organizations to provide information and data on this theme to the Working Group at its 21st session;

3. Invites the Working Group to take into account in its deliberations on developments pertaining to the promotion and protection of the human rights of IP the work, within the framework of their respective mandates, of the PF, all thematic special rapporteurs, special representatives, independent experts, working groups and expert seminars as it pertains to the situation of IP;

4. Recommends that the ECOSOC authorize the Working Group to meet for five working days prior to the 55th session of the Sub-Commission;

5. Invites the Working Group to continue its consideration of ways in which the expertise of IP can contribute to the work of the Working Group, and encourages initiatives by Governments, organizations of IP and non-governmental organizations to ensure the full participation of IP in the activities related to the tasks of the Working Group;

6. Requests the Secretary-General:
   (a) To provide adequate resources and assistance to the Working Group in the discharge of its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations of IP, in order to encourage the widest possible participation in its work;
   (b) To transmit the reports of the Working Group to Governments, organizations of IP and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions;

7. Recalls General Assembly resolution 56/140 of 19 December 2001, which expanded the mandate of the UN Voluntary Fund for Indigenous Populations to assist representatives of indigenous communities and organizations in attending the sessions of the PF, and appeals to all Governments, organizations and individuals in a position to do so to consider contributing to the Fund, if possible with a substantial increase in the level of contributions;

II. INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE

8. Takes note of the report of the UN High Commissioner for Human Rights on the implementation of the programme of activities for the International Decade of the World's Indigenous People (E/CN.4/2003/91);

9. Invites the WGIP to continue its review of activities undertaken during the Decade and encourages Governments and intergovernmental and non-governmental organizations to provide information on the implementation of the goals of the Decade, in accordance with paragraph 16 of the annex to General Assembly resolution 50/157 of 21 December 1995;

10. Welcomes the affirmative by the General Assembly that a major objective of the Decade is the adoption of a declaration on the rights of IP and calls for the early conclusion of the important negotiations on this matter;

11. Welcomes the holding of the historic first session of the PF in New York in May 2002 and looks forward to the convening of the second annual session from 12 to 23 May 2003, and encourages all parties concerned, including all mechanisms, procedures and programmes of the UN concerned with indigenous issues, to continue efforts to secure, from within existing resources, an adequately funded and well-functioning Forum that reflects its broad mandate, including through the provision of adequate secretariat support;

12. Requests the High Commissioner, in his capacity as Coordinator of the Decade, to submit an updated annual report reviewing activities within the UN system under the programme of activities for the Decade to the Commission on Human Rights at its 60th session under the agenda item entitled "Indigenous issues", in accordance with the request by the General Assembly to the Secretary-General;

13. Notes that, in his report, the High Commissioner, in his capacity as Coordinator of the Decade, reviews the implementation of the programme of activities of the Decade, takes note of the information contained therein about the activities of the UN system, including the specialized agencies, and other intergovernmental activities relating to IP and urges all parties concerned to intensify their efforts to achieve the goals of the Decade;

14. Emphasizes the important role of international cooperation in promoting the goals and activities of the Decade and the rights, well-being and sustainable development of IP;
15. **Appeals** to all Governments, organizations and individuals in a position to do so to support the Decade by contributing to the Voluntary Fund for the International Decade of the World's Indigenous People;

16. **Encourages** Governments, as appropriate, recognizing the importance of action at the national level for the implementation of the goals and activities of the Decade, to support the Decade, in consultation with IP, by:
   (a) Preparing relevant programmes, plans and reports in relation to the Decade and establishing national committees or other mechanisms involving IP to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with IP;
   (b) Seeking means of giving IP greater responsibility for their own affairs and an effective voice in decisions on matters which affect them;
   (c) Identifying resources for activities designed to implement the goals of the Decade;

17. **Appeals** to intergovernmental and non-governmental organizations to support the Decade by identifying resources for activities designed to implement the goals of the Decade, in cooperation with IP;

18. **Encourages** Governments to consider contributing, as appropriate, in support of the achievement of the goals of the Decade, to the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean;

19. **Requests** the High Commissioner to ensure that the IP's unit in the Office of the UN High Commissioner for Human Rights is adequately staffed and resourced to enable the activities of the Decade to be effectively implemented;

20. **Recommends** that the High Commissioner, when developing programmes within the framework of the International Decade of the World's Indigenous People and the UN Decade for Human Rights Education, give due regard to the continued development of human rights training for IP;

21. **Encourages** the High Commissioner to cooperate with the Department of Public Information in preparing and disseminating information on the International Decade of the World's Indigenous People, taking due care to portray accurately the information regarding IP;

22. **Recalls** the report of the SR of the Sub-Commission on the Promotion and Protection of Human Rights entitled “Study on treaties, agreements and other constructive arrangements between States and indigenous populations” (E/CN.4/Sub.2/1999/20) and takes note of the information supplied in that regard by Governments, non-governmental organizations and IP's organizations contained in the report of the High Commissioner;

23. **Invites** the UN financial and development institutions, operational programmes and specialized agencies, in accordance with the existing procedure of their governing bodies:
   (a) To give increased priority and resources to improving the conditions of IP, with particular emphasis on the needs of these people in developing countries, including through the preparation of specific programmes of action for the implementation of the goals of the Decade, within their areas of competence;
   (b) To launch special projects, through appropriate channels and in collaboration with IP, for strengthening their community-level initiatives, and to facilitate the exchange of information and expertise among IP and other relevant experts;
   (c) To designate focal points or other mechanisms for coordination with the High Commissioner of activities relating to the Decade and commends those organizations that have already done so;

24. **Recommends** that the situation of IP be taken into account in forthcoming UN conferences of relevance, including the forthcoming World Summit on the Information Society, and welcomes the attention given to indigenous issues in the outcomes of the Special Session of the General Assembly on Children and the World Summit on Sustainable Development in this regard;

25. **Recalls** the recommendation of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance that the Secretary-General conduct an evaluation of the results of the Decade and make recommendations concerning how to mark the end of this Decade, including an appropriate follow-up, and requests the Secretary-General to begin the implementation of this evaluation;

26. **Recalls** ECOSOC decision 2001/36 of 26 July 2001 requesting the Secretary-General to seek information from Governments, non-governmental organizations, IP's organizations, the PF and all existing mechanisms, procedures and programmes within the UN concerned with indigenous issues, including the WGIP, as a basis for holding the review mandated in paragraph 8 of Council resolution 2000/22 as soon as possible and not later than the substantive session of 2003 of the Council;

27. **Requests** the ECOSOC to take fully into account the views provided in response to this request by Governments, non-governmental organizations, IP's organizations, the PF and all existing mechanisms, procedures and programmes within the UN concerned with indigenous issues, including those expressed in the report of the WGIP and the report of the Sub-Commission;

28. **Decides** to consider the International Decade of the World's Indigenous People at its 60th session under the agenda item entitled "Indigenous issues".

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3. PERMANENT SOVEREIGNTY OF INDIGENOUS PEOPLES OVER NATURAL RESOURCES

After extensive debate during the Commission on Human Rights (March-April 2003) and by a recorded vote of 34 in favor and 8 against, with 10 abstentions, a measure endorsing the decision of its Sub-Commission to appoint Erica-Irene A. Daes, as Special Rapporteur to undertake a study on indigenous peoples’ permanent sovereignty over natural resources, was accepted. The following two reports cover this issue, including the interaction of indigenous peoples with the private sector.

Prevention of discrimination and protection of indigenous peoples: Indigenous peoples’ permanent sovereignty over natural resources

1. The Sub-Commission on the Promotion and Protection of Human Rights in paragraph 18 of its resolution 2001/10 requested Ms. Erica-Irene Daes to prepare a working paper on indigenous peoples’ permanent sovereignty over natural resources, which is relevant to her study on indigenous peoples and their relationship to land (E/CN.4/Sub.2/2001/21). The present working paper is submitted in accordance with the above-mentioned resolution.

2. In the decades after the Second World War the principle of international law of permanent sovereignty over natural resources became a central principle of decolonization and an essential aspect of self-determination. This principle that peoples and nations have permanent ownership of and control over their natural wealth and resources is a principle that should now be applied to the world’s indigenous peoples.

3. In our times, practically every State claims for itself sovereignty over natural resources while denying this right, in whole or in part, to indigenous peoples. It is my opinion, that we should now begin to consider this important problem, to examine systematically all its aspects and to discuss it with States, in order to uphold indigenous peoples’ right to permanent sovereignty over their natural resources.

4. In this respect, first of all, the following important principle should be briefly examined: peoples and nations must have the authority to control and enjoy the benefits of the development and conservation of their natural resources. This principle in modern law arose from the struggle of colonized peoples to achieve political and economic self-determination after the Second World War. Since the early 1950s the principle has been advocated as a means of securing for peoples living under colonial rule the economic benefits derived from the natural resources within their territories and to give newly independent States the legal authority to combat and redress the infringement of their economic sovereignty arising from oppressive and inequitable contracts and other arrangements.

5. The United Nations has been the birthplace of this principle and the main forum for its development and implementation. Relevant resolutions were first adopted by the General Assembly in the early 1950s, giving initial recognition to this concept. In 1958, the General Assembly established the Commission on Permanent Sovereignty over Natural Resources and instructed it to conduct a full survey of the status of permanent sovereignty over natural wealth and resources as a basic constituent of the right to self-determination. But it was General Assembly resolution 1803 (XVII) in 1962 that gave the principle momentum under international law in the decolonization process. In this historic resolution the Assembly declared, inter alia:

“The right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of their national development and of the well-being of the people of the State concerned.

“The exploration, development and disposition of such resources, as well as the import of the foreign capital required for these purposes, should be in conformity with the rules and conditions which the peoples and nations freely consider to be necessary or desirable with regard to the authorization, restriction or prohibition of such activities.”

In the above-mentioned resolution, the General Assembly further declared:

“Violation of the rights of peoples and nations to sovereignty over their natural wealth and resources is contrary to the spirit and principles of the Charter of the United Nations and hinders the development of international cooperation and the maintenance of peace.”

6. In all, the United Nations has adopted more than 80 resolutions relating to the principle of permanent sovereignty over natural resources. Moreover, the substance of the principle has been incorporated in the draft declaration on the rights of indigenous peoples. However, this principle has not yet been duly analysed and expressly considered, in particular in the context of the rights of indigenous peoples.

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7. It is apparent that this basic principle of permanent sovereignty over natural resources applies as well to indigenous peoples for the following reasons, among others:

(a) Indigenous peoples are colonized peoples in the economic, political and historical sense;
(b) Indigenous peoples suffer from unfair and unequal economic arrangements typically suffered by other colonized peoples;
(c) The principle of permanent sovereignty over natural resources is necessary to level the economic and political playing field and to provide protection against unfair and oppressive economic arrangements;
(d) Indigenous peoples have a right to development and actively to participate in the realization of this right; sovereignty over their natural resources is an essential prerequisite for this;
(e) The natural resources originally belonged to the indigenous peoples concerned and were not freely and fairly given up.

8. It will be important to consider and define the precise nature and scope of the principle of permanent sovereignty over natural resources in its application to indigenous peoples. What are the meaning and effect of the principle in regard to indigenous peoples?

9. The principle of permanent sovereignty over natural resources should be thoroughly studied in all its aspects as it applies to indigenous peoples and the States in which they are living. The views and comments of the indigenous peoples, Governments, specialized agencies, and other intergovernmental and non-governmental organizations concerned should be discussed and taken into consideration. The multilateral development banks and other competent financial institutions should be given the opportunity to express their views during the elaboration of the study of this principle.

10. In this respect, the following preliminary work plan is proposed for consideration by the Sub-Commission for a study entitled: “Indigenous peoples’ permanent sovereignty over natural resources”:

(i) Introduction. Outline of the central problem; a brief overview of the history of permanent sovereignty over natural resources as a principle of international law; references to the relevant articles of the draft United Nations declaration on the rights of indigenous peoples and to relevant sections of the working paper on indigenous peoples and their relationship to land (E/CN.4/Sub.2/2001/21);
(ii) Review the history and mechanisms of permanent sovereignty over natural resources in the United Nations system in order to assess the usefulness of these ideas and mechanisms in the context of indigenous peoples today; analysis of the state of international law concerning indigenous permanent sovereignty over natural resources and of the need for evolution of the law to encompass the situation of indigenous peoples within countries. Identification of situations where conflicts over natural resources and permanent sovereignty over natural resources have been resolved in a constructive way;
(iii) Conclusions and recommendations, including basic guiding principles;
(iv) Annex: Relevant legal standards and materials concerning indigenous peoples and sovereignty over natural resources:

Selected bibliography:
Cases, including the Decision of the Inter-American Court of Human Rights in the case of the Indigenous Mayagna Community of Awas Tingni versus the Government of Nicaragua (17 September 2001).

Workshop on Indigenous Peoples, Private Sector, Natural Resources, Energy and Mining Companies and Human Rights Geneva, 5-7 December 2001²

Conclusions, Recommendations, Ways Forward and follow-up to the workshop

The workshop on indigenous peoples, private sector natural resource, energy and mining companies and human rights was convened in Geneva from 5 to 7 December 2001 pursuant to resolution 2000/15 of the Sub-Commission on the Promotion and Protection of Human Rights. It was organized by the Office of the High Commissioner for Human Rights (OHCHR) in collaboration with the United Nations Conference on Trade and Development (UNCTAD), the International Labour Organization (ILO), the World Trade Organization (WTO) and other relevant organizations.

The workshop examined an overview of issues relating to indigenous peoples, private sector natural resource, energy and mining companies and human rights, including existing international legal frameworks. The workshop further explored three major themes in order to discuss relationships between indigenous peoples and the extractive industries from a human rights perspective. These themes included: consulting with indigenous communities prior, during, and following the development of private sector projects; benefit sharing by indigenous communities in private sector activities; and solving disputes.

² Report by the Chairperson-Rapporteur Mr. Wilton Littlechild: E/CN.4/Sub.2/AC.4/2002/3. The present text is the executive summary, the whole report is available on www.unhchr.ch
Conclusions
1. The workshop welcomed the organization by OHCHR of the workshop, which was funded by the Voluntary Fund for the International Decade of the World’s Indigenous People, and considered that it offered an opportunity to exchange views and experiences and to receive information about specific cases that enhanced understanding of the issues and concerns of industry and indigenous peoples. It expressed its appreciation to the High Commissioner for Human Rights for convening the workshop and for her comments and recommendations at the conclusion of the workshop. It also expressed appreciation to the private sector representatives for their participation.

2. The workshop affirmed the relevance to the discussions of existing and emerging international human rights norms and standards, including the Charter of the United Nations, human rights treaties, particularly the International Covenant on Civil and Political Rights, the International Covenant on Economic Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on Biological Diversity, ILO Indigenous and Tribal Peoples Convention, 1989 (Convention No. 169), the 1993 Vienna Declaration and Programme of Action, the proposed declarations on the rights of indigenous peoples, and other relevant standards and industry guidelines relevant to indigenous peoples and private sector natural resource activities.

3. The workshop recognized that the issue of extractive resource development and human rights involves a relationship between indigenous peoples, Governments and the private sector. The workshop also acknowledged that a precondition for the construction of equitable relationships between indigenous peoples, States and the private sector is the full recognition of indigenous peoples’ rights to their lands, territories and natural resources.

4. The workshop noted that indigenous peoples suffer negative impacts from the practices of extractive and energy developments on their lands and territories.

5. The workshop acknowledged the efforts being made by a number of companies to address these issues, improve dialogue, work within a human rights framework, develop appropriate benefit-sharing arrangements and find mutually acceptable mechanisms for dispute settlement.

6. The workshop recognized the link between indigenous peoples’ exercise of their right to self-determination and rights over their lands and resources and their capacity to enter into equitable relationships with the private sector. It was noted that indigenous peoples with recognized land and resource rights and peoples with treaties, agreements or other constructive arrangements with States, were better able to enter into fruitful relations with private sector natural resource companies on the basis of free, prior, informed consent than peoples without such recognized rights.

7. The workshop recalled the Vienna Declaration and Programme of Action (Part I, para. 20 and Part II, para. 30) in which States recognize the importance of the free and informed participation of indigenous peoples in matters affecting them as a means of contributing to their rights and well-being.

8. The workshop affirmed the importance of economic and sustainable development for the survival and future of indigenous peoples. It also considered, in particular, that the right to development means that indigenous peoples have the right to determine their own pace of change, consistent with their own vision of development, and that this right should be respected, including the right to say no.

Recommendations
1. The workshop recommended that States, United Nations system organizations, indigenous peoples and the private sector continue to review experiences in relation to private sector natural resource development on indigenous peoples’ lands, consider best practices, and explore the links between recognition and respect for indigenous peoples’ land rights and the successful experiences.

2. The workshop recommended that States, United Nations system organizations, indigenous peoples and the private sector elaborate a framework for consultation, benefit sharing and dispute resolution in private sector projects affecting indigenous peoples.

3. The workshop recommended that a study be undertaken on existing and emerging human rights standards, other relevant standards and industry guidelines relevant to indigenous peoples and private sector resource development on their lands, taking into account existing research and documentation.

4. The workshop recommended that consultation between indigenous peoples and the private sector should be guided by the principle of free, prior, informed consent of all parties concerned.

5. The workshop recommended that private sector development on indigenous peoples’ lands ensure mutually acceptable benefit sharing.

6. The workshop recommended that mutually acceptable independent mechanisms be established for resolving disputes between indigenous peoples and the private sector.

7. The workshop recommended that OHCHR:
   (a) Submit the report of the workshop to the Working Group on Indigenous Populations at its 20th session and the sessional working group of the Sub-Commission on Transnational Corporations, and make available the conclusions and recommendations for the first session of the Permanent Forum on Indigenous Issues, the World Summit on Sustainable Development, the United Nations system, including the ILO, UNCTAD, the
United Nations Development Programme, the World Bank and the WTO, and relevant umbrella industry organizations;
(b) Organize, in cooperation with indigenous peoples, the Working Group on Indigenous Populations (WGIP) and other relevant United Nations organs and organizations, the private sector and Governments, and possibly investment and social auditing representatives with experience of measuring and monitoring company practices, a second workshop to elaborate a draft framework for dialogue and implementation on consultation, benefit sharing and dispute resolution in private sector projects affecting indigenous peoples;
(c) Compile the workshop papers and other relevant material and make them available as a publication for circulation to industry, indigenous peoples and States;
(d) Request from industry and indigenous peoples existing agreements of consultative processes and benefit sharing between indigenous peoples and the private sector so that an analysis can be made and model best practices developed, and consider making model arrangements available on the OHCHR web site;
(e) Organize, at the request of industry, human rights training on indigenous peoples for interested industry employees and representatives.

8. The workshop recommended that private sector resource companies with activities on indigenous peoples' lands:
(a) Continue to hold dialogues with indigenous peoples and the United Nations system on these matters;
(b) Gather existing codes of conduct and guidelines on human rights and make them available to indigenous peoples and OHCHR;
(c) Participate in the WGIP and Permanent Forum as well as other relevant forums on indigenous issues.

9. The workshop recommended that the WGIP:
(a) Provide an opportunity to exchange views on indigenous peoples, private sector natural resource, energy and mining companies and human rights under the item of its agenda related to standard-setting activities;
(b) Contribute to a framework for consultation, benefit sharing and dispute resolution in private sector natural resource and energy projects affecting indigenous peoples guided by the principles of full and effective participation by indigenous peoples in decisions affecting their lives at all levels, and free, prior, informed consent to projects and developments on their lands.

10. The workshop recommended that indigenous peoples provide information on arrangements they have made with the private sector, in particular mechanisms they have established for consultative processes.

11. The workshop invited the World Bank to adopt a policy on indigenous peoples which requires borrowers and clients to respect indigenous peoples’ rights, in particular their land and resource rights, and to free, prior, informed consent with respect to investments, loans, guarantees and operations that may affect them.

12. The workshop recommended that the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people pay attention to the impacts of private sector activities on indigenous peoples’ lands in the exercise of his mandate.
Participants to the Workshop on IPs, Private Sector, Natural Resources, Energy and Mining Companies and Human Rights, Geneva, 5-7 December 2001

**Invited participants:** Tebtebba Foundation (Philippines), Nishnawbe Aski Nation (Canada), Forest Peoples Programme (UK), Kichwa People (Ecuador), Ok Tedi/Fly River Environmental and Ecology Association (Papua New Guinea), Cordillera Peoples Alliance (Philippines), Movimiento de la Juventud Kuna (Panama), Toledo Maya Cultural Council (Belize), International Indian Treaty Council.


**UN experts:** Mr. Miguel Alfonso Martínez, Sub-Commission on the Promotion and Protection of Human Rights.

**UN system organizations:** ILO, UNCTAD, UNESCO, UNDP, World Bank.

**Industry participants:** Freeport McMoRan, Rio Tinto, BHP Billiton.


**Governments:** Argentina, Brazil, Denmark, Ecuador, Morocco, Mexico, Poland, Sweden, Togo.

**Others:** MMSD, University of Dijon.

Further information on issues related to IPs’ Rights and extracting industries can be found on the website of the Tebtebba Foundation: [www.tebtebba.org](http://www.tebtebba.org)
4. INDIGENOUS PEOPLES AND THE EUROPEAN UNION POLICY

On the 18th of November 2002, during its meeting on General Affairs and External Relations, the Council of the European Union adopted the following conclusions on Indigenous Peoples: interestingly, these conclusions no longer mention exclusively IPs in developing countries.

**Council Conclusions on Indigenous Peoples**

**Document 13466/02**

The Council

1. Recalls its strong commitment to the Resolution of 30 November 1998 on Indigenous Peoples within the Framework of Development Co-operation of the Community and the Member States,

2. Reaffirms its conclusions of 25 June 2001 on Human Rights and Democratisation in Third Countries and takes note of the Communication of the Commission to the Council and the European Parliament of 8 May 2001 on the European Union’s role in promoting Human Rights and Democratisation in Third Countries, stating that the Commission should consider supporting UN mechanisms and prioritise its work with indigenous peoples,

3. Welcomes the initiative taken by the Commission in co-organising the conference “Speaking Out: Indigenous Views of Development and the Implementation of the EU policy on Indigenous Peoples” 18-20 of June 2002 and invites the Commission to ensure its follow-up,

4. Welcomes the report by the Commission on the Review of Progress in working with indigenous peoples of 11th June 2002,

5. Recognises that some progress has been made in improving the efficiency and effectiveness of EC work on indigenous issues. More specifically, progress has been made in integrating concern for indigenous peoples into policies, programmes and projects; in consulting indigenous peoples on policies and activities that affect them, and in providing support to indigenous peoples in key thematic areas,

6. Takes note of the areas underlined by the Commission report where further action is required and recognises that such action must be seen as a part of a long-term on-going process,

7. Invites the Commission and the Member States to continue implementing the above 1998 Resolution of the Council and to:

   • Ensure that efforts are made to facilitate the identification of focal points on indigenous peoples’ issues in all Commission services whose programmes affect indigenous communities directly or indirectly as well as in Member States’ national administrations. Where possible, a long-term and direct dialogue between the EC, indigenous peoples and international organisations working with them should be strengthened,

   • Ensure coordination and coherence in accordance with the Guidelines for strengthening operational co-ordination between the Community, represented by the Commission, and the Member States in the field of External Assistance. This coherence and coordination should also be ensured in multilateral fora. The establishment of a network for the exchange of relevant information between the different focal points in the Commission and the specialised units dealing with these issues in Member States as well as the exchange of information between representatives of the indigenous peoples could positively contribute to these purposes,

8. Further invites the Commission to continue implementing the EC policy towards indigenous peoples and to:

   • Ensure the training of its personnel on issues related to human rights and democratisation in general, and to indigenous peoples in particular as well as on ways to achieve more participatory processes. This is especially important with regard to the personnel in delegations with the view of deconcentration,

   • Ensure the full recognition of gender and age aspects of indigenous peoples’ livelihood opportunities and constraints. The concerns of children demand specific attention,

   • Include analysis of the political, social, economic and cultural situation of indigenous peoples within partner countries in Country Strategy Papers (CSP), based on the attention paid to indigenous peoples in national strategies and plans for development and poverty reduction. These analyses should also incorporate an assessment of the impact of EU development co-operation policies, programmes and projects on indigenous peoples,

   • Integrate concerns of indigenous peoples into the political dialogue with partner countries as an integral part or the human rights clauses of the different co-operation and association agreements and relevant regulations, taking into account that different situations on the ground require different approaches. Inter alia, partner countries could be encouraged to foster intercultural dialogue and cooperation,

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3 There is no common EU position on the use of the term indigenous peoples. Some Member States are of the view that indigenous peoples are not to be regarded as having the right of self-determination for the purposes of Article 1 of the ICCPR and the ICESCR, and that use of the term does not imply that indigenous people or peoples are entitled to exercise collective rights.
Mainstream indigenous peoples’ issues into the European Union’s policies, practices and work methods. Where relevant, indigenous peoples should be able to fully and effectively participate at all stages of the project cycle (programming, identification, planning, implementation, and evaluation)

Select a number of pilot countries with EC-funded development programmes in order to develop more concrete ways to include indigenous peoples as a part of civil society in all phases of the project cycle though partnership, co-operation and consultation. Specific procedures should facilitate the implementation of programmes in partnership with indigenous peoples. Effort should be made to promote capacity building of organisations representing indigenous peoples.

5. WORLD INTELLECTUAL PROPERTY ORGANIZATION

The third and fourth sessions of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore took place in Geneva, Switzerland, in June and December 2002. The participation of indigenous and local communities is still a subject of debate.

The Fourth Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of the World Intellectual Property Organization (WIPO) met in Geneva from 9 to 17 December 2002. The mandate of the Intergovernmental Committee is to discuss intellectual property issues that arise in the context of (i) access to genetic resources and benefit-sharing; (ii) protection of traditional knowledge, whether or not associated with those resources; and (iii) the protection of expressions of folklore.

For indigenous and traditional peoples’ organizations, discussions of the WIPO Committee are of particular importance, as fundamental issues related to regulations for commercial utilization of biodiversity-related traditional knowledge are at stake, particularly from the perspective of the possible ways and means for the legal protection of traditional knowledge and the rights of its holders. Further, debates and decisions on this matter within WIPO will be applicable to broader issues of traditional knowledge and folklore, and may become fundamental precedents for ulterior developments in the field of legal protection of indigenous peoples’ heritage.

The Third Session of the Committee, held in June 2002, left among many participants a certain feeling of dissatisfaction in relation to the participation of representatives from indigenous and local communities. In the corridors, closing remarks were made by several participants on the fact that, despite having had a more numerous and relevant participation in comparison to previous ones, the presence of indigenous and local community organizations was still limited, and that issues on the table required from them to move from general principles to more technical proposals. In this sense, the need for broader alliances with expert organizations and individuals was stressed, as well as, and perhaps more importantly, with government delegations who are also resisting the free-ride drive by multinational corporations and some developed country governments. The same view was shared by several government delegates, who said they were keen to work more closely with indigenous and local community representatives.

In the Fourth Session, the issue of participation of indigenous and local communities was again a subject of debate and prompted many interventions by governments and observer organizations. However, many indigenous and other participants expressed concern at the lack of concrete measures from the WIPO Committee to enhance participation, as the only substantive decision adopted was the preparation of a report by the Secretariat, with information on the practice of other United Nations and relevant intergovernmental organizations in facilitating the participation of non-governmental organizations, including the modalities of selection, accreditation and funding. On the basis of such information, the report should present a range of detailed possible options available to the Committee. The report is available from the end of March 2003.

The following main issues were on the agenda for the Fourth Session of the Committee:

- Participation of Local and Indigenous Communities in the Work of the Committee.
- Update on Work Concerning Traditional Knowledge Databases.
- Review of Existing Intellectual Property Protection of Traditional Knowledge.
- Elements of a sui generis System for the Protection of Traditional Knowledge.
- Traditional Knowledge – Operational Terms and Definitions.

Technical Proposals on Databases and Registries of Traditional Knowledge and Biological/Genetic Resources

One of the most important elements in the agenda for this meeting was the future work of the Committee. Contrary to initial expectations, it became clear throughout the process that the Committee will not be able to come up with sufficiently developed products at the end of its Fifth and last session, due to the complexity of the matter, to the many different and even conflicting views of governments and other stakeholders, and to the pace of other concurrent processes, such as those of the WTO/TRIPS and the CBD. Therefore, questions were asked about whether the Committee should continue its work or whether the products of its Fifth Session should be sent to a different body with negotiation capacity and remit, where new instruments, including a sui generis system, would be negotiated. The latter was particularly favoured by the Andean countries, which as in previous meetings took a very active part in the debate and were very insistent on matters such as participation of indigenous and local communities.
Important elements for the discussion were also provided by the Group of Action Of Like-Minded Mega-Diverse Countries – a gathering of 15 countries of the greatest biological diversity in the world, who met in November in Peru and issued a statement on Access to Genetic Resources, Traditional Knowledge and Intellectual Property Rights, where they questioned the intention by some countries of the Committee to establish a “single and homogenous patent system”, which would not be appropriate to the needs of developing countries and local communities.

The Committee decided to hold its Fifth Session at the WIPO headquarters in Geneva, from 7 to 15 July 2003. A key element of the agenda will be the continuation of the work of the Committee (by itself or through a different body), which will be decided by the WIPO General Assembly based on proposals that the Committee is meant to formulate at its Fifth Session. Other issues will be as follows:

- Legal protection of expressions of folklore
- Updated version of document on technical cooperation on the legal protection of expressions of folklore;
- Legislative guidance in the form of model provisions and of elements of a possible international sui generis system for the protection of folklore;
- Draft toolkit for documentation of TK;
- Technical cooperation and possible standards for TK databases and registries;
- Updated information on national experience with the protection of traditional knowledge;
- Elements of sui generis systems for the legal protection of traditional knowledge, on the basis of a composite study incorporating approaches to definition of TK, national experiences in TK protection and analysis of elements of a sui generis system for protection of TK;
- Updated and further developed database on contractual practices concerning IP and access to genetic resources and benefit-sharing;
- Participation of indigenous and local communities in the work of the Committee;
- Patent disclosure requirements relating to genetic resources and associated TK.

Documents for the meeting are available on WIPO’s website at http://www.wipo.int/news/en/index.html
6. INTERNATIONAL LABOUR ORGANIZATION

Policy on Indigenous and Tribal Peoples

ILO’s work with indigenous and tribal peoples aims, since the 1920s, to promote social justice and improve their living and working conditions. It falls into two categories: supervision of Conventions Nos. 107 and 169, and technical Co-operation.

Supervision of Conventions 107 and 169

The Committee of Experts on the Application of Conventions and Recommendations

Article 22 of the ILO Constitution requires member States to submit periodic reports to the Office on the measures taken to give effect to the provisions of ratified Conventions. The Committee of Experts on the Application of Conventions and Recommendations, a body of 20 independent experts, examines the application of ILO Conventions - including Conventions Nos. 107 and 169 - on a regular basis. Its comments take the form of observations or direct requests. At the Committee’s 91st Session (November 2002), the reports of Argentina, Bolivia, Colombia, Denmark, Ecuador, Honduras, Paraguay and Peru were examined under Convention No. 169, and the reports of Brazil and Panama under Convention No. 107. The observations of the Committee of Experts can be found on the ILOLEX database at www.ilo.org.

Representations

Representations under article 24 of the ILO Constitution may be made by employers’ and workers’ organizations that claim that a State has failed to observe a ratified Convention. A tripartite committee of the Governing Body is set up to examine the matter. Reports of committees set up to examine representations that have been concluded can be found on the ILOLEX database (www.ilo.org).

At its 282nd Session (November 2001) the ILO’s Governing Body declared receivable two Representations filed with the ILO in respect of the application by Mexico of Convention No. 169. A third was declared receivable at the March 2002 (283rd) Session. These are being examined by a committee of the Governing Body, and others have now been received.

Technical Co-operation

The following is a summary of the main ILO technical co-operation activities of relevance to indigenous and tribal peoples, undertaken during the last year. Other technical co-operation activities of relevance that are not included in this summary include activities undertaken by the In-Focus Programme to Promote the ILO Declaration on Fundamental Principles and Rights at Work, and the International Programme to Eliminate Child Labour (IPEC). Details of these can be found on the ILO’s website (www.ilo.org).

The Project to Promote ILO Policy on Indigenous and Tribal Peoples

The Project to Promote ILO Policy on Indigenous and Tribal Peoples, works at the policy level. It promotes application of the principles of Convention No. 169 and provides assistance in the development of policies and legislation that address the particular needs of indigenous peoples. The Project began in 1996, and is financed by DANIDA.

Asia

In CAMBODIA, a national seminar to inform government officials/agency about the different policies and programmes by the various international agencies was held in April 2002, in collaboration with the Inter Ministerial Committee on Highland Peoples Development (IMC). In INDIA, a seminar will be organized to further discuss relevant policies and programmes, as well as particular concerns on C 169. In addition, a separate session with Indigenous and Tribal Peoples to present their particular concerns has been suggested. In MALAYSIA, a national seminar on the rights of indigenous peoples was held during August 2002, with the participation of the Human Rights Commission of Malaysia. In the PHILIPPINES, a one-year research project has just been completed. This analysed the legal framework for the protection of indigenous peoples’ rights in the Philippines and its implementation. Recommendations will be followed-up in 2003.

Africa

In collaboration with the Office of the United Nations High Commissioner for Human Rights and UNESCO, the ILO participated in a human rights training for "Pygmies" from six different countries in CENTRAL AFRICA in November 2002. Further to the training, two activities in the region have been initiated. In KENYA, following a National Workshop in 2001 to coordinate the elaboration of a position paper for pastoralists and hunter-gatherers, a Working Group of pastoralists and hunter-gatherers, representative of all the main groups in Kenya,
was formed to co-ordinate efforts. Important elements of a common position paper have been incorporated into the new Draft Constitution.

**Latin America**

In **ARGENTINA**, the Project is supporting an initiative aimed at the promotion of Convention 169, in collaboration the University of Buenos Aires and ACCESOS.

**The ILO-INDISCO Programme**

The Interregional Programme to Support Self-Reliance of Indigenous and Tribal Peoples through Cooperatives and Self-Help Organizations (INDISCO) was launched in 1993 under a DANIDA/ILO Framework Agreement. The objective of the programme is to contribute to the improvement of socio-economic conditions of indigenous and tribal peoples through demonstrative pilot projects and dissemination of best practices for policy improvement. Various activities are funded by a variety of donors.

**Asia**

Following 5 pilot projects in **INDIA**, INDISCO now has an expanded project which aims to contribute to the socio-economic empowerment of tribal people through a cluster level approach to job creation, and strengthening of tribal organizations. As a follow-up to the joint INDISCO-IFP/CRI/SIS study on tribal peoples’ coping strategies and early warning systems in the face of natural disasters, a national workshop was held, in which the recommendations of the study were disseminated and discussed. In a similar workshop, the INDISCO study on tribal cooperatives was presented and discussed for follow-up. At the national level, INDISCO works with the Ministry of Tribal Affairs.

With funding from UNDP, an SPPD project aimed at full implementation of the Indigenous Peoples Rights Act (IPRA) in the **PHILIPPINES**, was carried out in partnership with the National Commission on Indigenous Peoples (NCIP). Case studies on best practices and on the resolution of issues concerning the rights of the indigenous peoples were also undertaken. The results are now being used by the NCIP in the formulation of its medium-term action programme. Based on a study on the socio-economic vulnerability of urban-based tribal peoples in Northern **THAILAND**, a pilot project on community-driven approaches to HIV/AIDS prevention is being discussed by donors. In **VIETNAM**, a pilot project among ethnic minority communities generated alternative non-farm small businesses.

In connection to the UN’s International Year of Mountains, a Regional Workshop on Indigenous Practices of Sustainable Land and Resource Management in Asian Highlands was held in Chiang Mai (December 2002), with stakeholders from the region.

**Africa**

**Baka** communities in **CAMEROON** have been supported to establish their own self-help organization, and a project, with funding from ILO’s Jobs for Africa programme, is being implemented with the Pygmies. A study on traditional livelihoods and new employment opportunities among the pygmies has been disseminated. In **TANZANIA**, a study on Challenges to Traditional Livelihoods and Newly Emerging Employment Patterns of Pastoralists in Tanzania has been finalised and disseminated for policy improvement and follow-up.

**Central American regional project**

The United Nations Fund for International Partnerships (UNFIP) Legal Empowerment of Indigenous Peoples in Central America project was an ILO project, funded by UNFIP, and executed by the ILO (launched in June 1999). It had a sub-regional focus with originally a geographical coverage including Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama. The Development Objective of the Project was to strengthen the capacity of indigenous peoples and their organizations to secure and defend their legitimate rights within the framework of national legal systems. Further information can be found at [www.oit.or.cr/unfip](http://www.oit.or.cr/unfip).
7. REPORT ON THE VALUE OF THE AMERICAN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES DRAFTED BY THE ORGANIZATION OF AMERICAN STATES

By Tomás Alarcón, Legal Committee for the Self-Development of Peoples of Andean Origin (CAPAJ)

From the 24th to the 30th of February of the present year 2003 at the Assembly Hall of the Headquarters of the Organization of American States (OAS) Washington D.C, took place the special session of the “Working Group to prepare the Draft American Declaration on the Rights of Indigenous People”. Previously, from the 22nd to the 28th of the same month, the delegates of indigenous populations who participated in the session, met to find a consensus position and increase the level of their participation in the aforementioned event.

The member states that form this Working Group of the OAS for the American Declaration (AD), had six meetings in the past year since their previous session in 2002, including technical meetings with experts in indigenous issues and a few non-governmental delegates.

The official session of the OAS was initiated by a special ceremony with the presence of the Secretary General of the OAS, Mr. César Gaviria and the first lady of Peru, Ms. Eliane Karp Toledo. Mr. Gaviria emphasized in his speech that the indigenous issue is a priority in the OAS’ agenda. Ms. Karp Toledo expressed the Peruvian government’s commitment to advance the process of the AD.

This session stands out because on the 4th of July 2002 the General Assembly of the OAS in its fourth plenary session approved the resolution of the General Assembly N° AG/RES.1851(XXXII-O/02) that reaffirms the importance of the participation of indigenous peoples in the elaboration process of the AD. In addition, the Resolution of the General Assembly in its second item, praises the progress reached in the previous session in 2002 thanks to the strengthening of open and transparent dialogue between the member States and the indigenous peoples’ representatives.

This progress was described by the president of the Working Group Mr. Ambassador Eduardo Ferrero Costa in his report published as document N° OAS/Ser.K/XVI/GT/DDADIN/doc.82/02 of the 22nd of May 2002, in the following terms: “In what refers to the substantive content of the Draft Declaration, it is important to note that during the Special Session there has been a significant political advance with respect to the treatment of the concept of self-determination. The said concept is no longer a term that constitutes an obstacle but rather it represents a relational concept oriented towards the establishment of a renewed and fluid relation between indigenous people and States. The majority of representatives of States and indigenous people agreed that self-determination of the indigenous peoples is conceived in a mind set of respect towards the political integrity and the territorial sovereignty of the States”.

In this juridical framework, the debates of the 2003 Session overcame the vacuum, which existed in the draft approved by the Inter-American Commission on Human Rights on the 26th of February 1997 in their session 1333 during the 95th Session. This approved version, which serves as the basis for the declaration, did not include the right to self-determination to which indigenous peoples are entitled. The agenda for this year’s session did not have specific items that dealt with the issue of self-determination, however during the first three meetings, which dealt with social, economic and property rights, the indigenous delegates established that a precondition for these rights is self-determination. The same happened from the fourth to the eighth session in which general provisions and human rights were discussed; yet again the preamble confirmed that the right to self-determination, to which indigenous peoples are entitled, needs to be included in the AD.

This achievement on behalf of the indigenous peoples is confirmed in the aforementioned report of the President of the Working Group which says: “In the Special Session it was notified that the whole Declaration is instilled with this concept, which has evolved into more up-to-date interpretations. Furthermore, the presentation of the expert Kingsbury was a positive contribution since it amplified the comprehension of the participants on the application of self-determination. In the same manner, informal consultations contributed to the greater feeling of safety in the States’ approach of the topic, and in their attempt to find a common ground with the indigenous position”.

The session of the year 2003, other than the session of the previous year, counted with the support of the “Specific Fund to Assist the Elaboration of the American Declaration on the Rights of Indigenous People”, created by means of the Resolution N° OEA/Ser. G CP/RES.817 (1319/02) of the Permanent Council passed on the 8th of May 2002 and which permitted the participation of 57 indigenous delegates. Out of their own initiative some states designated indigenous representatives in their official delegations, as was the case with Bolivia and Ecuador. The delegate of the Guatemalan government made an outstanding intervention by stating that indigenous peoples have the right, in the most comprehensive manner, to self-determination. Some delegates such as the one for the United States of America, only accept internal self-determination for indigenous peoples but the debate has been left pending while waiting for further national debates to take place.

According to the President of the Working Group the next General Assembly of the OAS will take place in the month of June of this year in Santiago de Chile. New resolutions regarding indigenous peoples will be presented for which the Working Group will continue to carry out meetings. The President is contemplating the possibility.
of initiating a period of firm negotiations on each of the articles in 2004, and he manifested his wish that the next Working Group of the DA be celebrated in a decentralized setting, possibly in Peru.

Independently, the caucus of indigenous delegates that participated in the Session presented in the closing ceremony a document of standpoints with regard to the process and the Declaration. They agreed to appoint a Commission of their lawyers to prepare the documents to present before the General Assembly of the OAS and to consolidate an alternative draft to the American Declaration, which would be the expression of the minimum requirements of rights for indigenous peoples. An academic event organized by the faculty of law of the American University served as a coda for the Session. At the end the Inter-American Bank for Development (IBD) presented its database named “Indigenous Rights and Legislation in Latin America: Advances and Challenges”, as a token of their commitment with the indigenous people of the continent.

New version of the Draft American Declaration on the Rights of Indigenous People by the OAS member states

Since the last Special Session of the Working Group to prepare the Draft American Declaration on the Rights of Indigenous People at the end of February, the member states met on the 24 of March for a formal session and in two other occasions for informal sessions. A new draft declaration resulted from these meetings, the goal being that a final draft be adopted in May by the Permanent Council and in June by the General Assembly. A copy of the new version of the Draft American Declaration is available at doCip. The American Indian Law Alliance has published an analysis of this new versions, it is available at aila@ailanyc.org
### 8. LIST OF ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AFRE:</td>
<td>All For Reparations and Emancipation</td>
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<tr>
<td>AILA:</td>
<td>American Indian Law Alliance</td>
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<tr>
<td>ANIPA:</td>
<td>Asamblea Nacional Indígena Plural por la Autonomía</td>
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<tr>
<td>ATSIC:</td>
<td>Aboriginal and Torres Strait Islander Commission</td>
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<tr>
<td>CPA:</td>
<td>Cordillera Peoples Alliance</td>
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<tr>
<td>CPNAB:</td>
<td>Consejo de Pueblos Nahuas del Alto Balsas</td>
</tr>
<tr>
<td>FAIRA:</td>
<td>Foundation for Aboriginal and Islander Research Action</td>
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<tr>
<td>FTAA:</td>
<td>Free trade area of Américas</td>
</tr>
<tr>
<td>GCC:</td>
<td>Great Council of Crees</td>
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<tr>
<td>ICC:</td>
<td>Inuit Circumpolar Conference</td>
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<tr>
<td>IFRACM:</td>
<td>International Federation of Rural Adult Catholic Movements</td>
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<td>II:</td>
<td>Interfaith International</td>
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<tr>
<td>IITC:</td>
<td>International Indian Treaty Council</td>
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<td>IOIRD:</td>
<td>International Organization of Indigenous Resource Development</td>
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<tr>
<td>NAILSS:</td>
<td>National Aboriginal and Islander Legal Services Secretariat</td>
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<td>NCIV:</td>
<td>Netherlands Centre for Indigenous Peoples</td>
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<tr>
<td>NSTSIO:</td>
<td>National Secretariat for Torres Strait Islander Organisation</td>
</tr>
<tr>
<td>NSWALC:</td>
<td>New South Wales Aboriginal Land Council</td>
</tr>
<tr>
<td>RAIPO:</td>
<td>Association of Indigenous Peoples of the North, Siberia and Far East of the Russian Federation</td>
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<tr>
<td>RNTI:</td>
<td>Red Nation of Turtle Island</td>
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<tr>
<td>SAHRDC:</td>
<td>South Asia Human Rights Documentation Centre</td>
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<tr>
<td>SC:</td>
<td>Saami Council</td>
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<tr>
<td>TRP:</td>
<td>Transnational Radical Party</td>
</tr>
<tr>
<td>TSRA:</td>
<td>Torres Strait Regional Authority</td>
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</table>
9. OTHER MATTERS

INFORM US OF YOUR CHANGE OF ADDRESS
Please inform us each time you change your e-mail/postal address, or phone/fax number so that we may keep our address book up to date. Send an email to docip@docip.org, subject: Change of Address. Many thanks.


We received the following information regarding the members of the interim Secretariat of the Permanent Forum on Indigenous Issues:
Staff of Interim Secretariat:
1. Acting Chief – Elsa Stamatopoulu
2. Acting Social Policy Officer – John Scott (Aboriginal – Australia)
3. Acting Social Policy Officer – Moana Sinclair (Maori- New Zealand)
4. General Staff Support – Olivia Jones

Reminder: The thematic issue for the General Discussion Day on the 19th of September 2003 of the UN Committee on the Rights of the Child (CRC), will be “Discrimination and Cultural Rights of Indigenous Children”. Brief reports (max. 4 pages) can be presented on your local, national, regional situations by June 2003 for submission to the Secretariat of the CRC (Phone/Fax: 41 22 917-9022 E-mail: crc@ohchr.org). The Centre for Organisation Research & Education will be honoured if copies of the reports are sent to them before the 21st session of the WGIP, in order to ensure that the CRC receives them well in advance (E-mail: core_ne@hotmail.com Web: www.coremanipur.org).
Applications for the High Commissioner for Human Rights 2004 Indigenous Fellowship Programme

The Office of the High Commissioner for Human Rights is accepting applications for the 2004 Indigenous Fellowship Programme. The aim of the programme is to provide young indigenous peoples (between the ages of 25 – 35 years) with an orientation to international human rights and the United Nations system, with a specific focus on issues relating to indigenous populations. Based at the Office of the High Commissioner for Human Rights in Geneva, Switzerland, five fellows will be selected to participate in the five-month programme, which will run from April to September of 2004. A stipend will be provided to cover costs for living and travel to and from Geneva. For more information on the program, please visit the website at http://www.unhchr.ch/indigenous/fellowship.htm. Please note that the deadline for the 2004 Fellowship Programme is 29 August 2003 and that applications must be sent by fax or post in order to be considered.

For any questions or comments, please contact:

Pernille Kramp
Telephone: (+41 22) 917 9434
Fax: (+41 22) 917 9010
Email: fellowship_prog.hchr@unog.ch

List of nominated Indigenous Fellows for 2003

English speaking fellows
Ms. Luukia Archer – Hawaiian from USA, Nominating organization: Na Koa Ikaika O Ka Lahui
Ms. Atina Gangmei – Naga from India, Nominating organization: Naga Women Union
Ms. Yanet Flores Challapa – Aymara from Chile, Nominating organization: Comunidad Indígena Aymara de Ancovinto
Mr. Bahaludin – Ereke from Indonesia, Nominating organization: Yayasan Bina Insani
Mr. Vital Bambanze – Batwa from Burundi, Nominating organization: “UNIPROBA”

Spanish speaking fellows
Mr. Carlos Choccoj Ixim – Maya from Guatemala, Nominating organization: Fundación Rigoberto Menchu Tum y Plataforma Indígena.
Ms. Doris Jacanamijoy – Inga from Colombia, Nominating organization: Asociación Tandachiridu Inganokuna.
Ms. Carmen Isabel Luna Flores – Aymara from Bolivia, Nominating organization: Organización de Mujeres Aymaras del Kollasuyo.
Mr. Alberto Vazquez Ayala Mbya – Guaraní from Paraguay, Nominating organization: Organización de Líderes Indígenas de Itapua.

French speaking fellows
The French fellows have not been selected yet. The OHCHR hopes to host a training programme for French speaking indigenous peoples with the cooperation of the University of Bourgogne in Dijon, France.
## Upcoming meetings for Indigenous Peoples

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Event Description</th>
<th>Host/Contact Information</th>
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<tbody>
<tr>
<td>25 - 28 June 2003 (Baraboo, WI, USA)</td>
<td>Stabilizing Indigenous Languages Conference</td>
<td>Hosted by the Ho-Chunk Nation. Coordinator: <a href="mailto:hocak4@mwt.net">hocak4@mwt.net</a> Phone: +715 284 9443 Fax: +1 715 284-2632</td>
<td>Website: <a href="http://www.hocak.info/SILCndx1.html">http://www.hocak.info/SILCndx1.html</a></td>
</tr>
<tr>
<td>17 - 18 July 2003 (in Geneva, Switzerland)</td>
<td>Fourth International Workshop on Indigenous Children and Youth</td>
<td>World Council of Churches Headquarters. Contact: Mr. Eugenio Poma Phone: +41 22 917 9272 Fax: +41 22 917 9011</td>
<td>E-mail: <a href="mailto:epa@wcc-coe.org">epa@wcc-coe.org</a></td>
</tr>
<tr>
<td>19 - 20 July 2003 (in Geneva, Switzerland)</td>
<td>Preparatory meeting for indigenous peoples</td>
<td>World Council of Churches Headquarters. Contact: Mr. Eugenio Poma Phone: +41 22 917 9272 Fax: +41 22 917 9011</td>
<td>E-mail: <a href="mailto:epa@wcc-coe.org">epa@wcc-coe.org</a></td>
</tr>
<tr>
<td>21 - 25 July 2003 (in Geneva, Switzerland)</td>
<td>21st Session of the Working Group on Indigenous Populations</td>
<td>Secretariat of the Working Group on Indigenous Populations Phone: +41 22 917 9272 Telefax: 41 22 917 9010</td>
<td>E-mail: <a href="mailto:ikempf@ohchr.org">ikempf@ohchr.org</a> Web: <a href="http://www.unhchr.ch">www.unhchr.ch</a></td>
</tr>
<tr>
<td>28th July - 15th August 2003 (in Geneva, Switzerland)</td>
<td>55th Session of the Sub-Commission on the Protection and Promotion of Human Rights</td>
<td>Secretariat of the Sub-Commission. Phone: +41 22 917 2837 Fax: +41 22 917 9011</td>
<td>E-mail: <a href="mailto:glebakine.hchr@unog.ch">glebakine.hchr@unog.ch</a> or <a href="mailto:vpoc.hchr@unog.ch">vpoc.hchr@unog.ch</a> Web: <a href="http://www.unhchr.ch/html/menu2/2/sc.htm">http://www.unhchr.ch/html/menu2/2/sc.htm</a></td>
</tr>
<tr>
<td>4 - 22 August 2003 (in Geneva, Switzerland)</td>
<td>United Nations Committee on the Elimination of Racial Discrimination (CERD)</td>
<td>CERD Secretariat. Phone: (41) 22 917 9309 Fax: (41) 22 917 9022 E-mail: <a href="mailto:nprouvez@ohchr.org">nprouvez@ohchr.org</a></td>
<td>Provisional agenda: <a href="http://www.unhchr.ch/html/menu2/6/cerd/cerds63.htm">http://www.unhchr.ch/html/menu2/6/cerd/cerds63.htm</a></td>
</tr>
<tr>
<td>8 - 17 September 2003 (in Durban, South Africa)</td>
<td>The Fifth World Congress on Protected Areas</td>
<td>The Fifth World Congress on Protected Areas Phone: +41 22 999 0159 Fax: +41 22 999 0025</td>
<td>E-Mail: <a href="mailto:pds@hq.iucn.org">pds@hq.iucn.org</a> Web: <a href="http://wcpa.iucn.org/">http://wcpa.iucn.org/</a></td>
</tr>
<tr>
<td>15 - 26 September 2003 (in Geneva, Switzerland)</td>
<td>Working Group on the Draft United Nations Declaration on the Rights of Indigenous Peoples</td>
<td>UN High Commissioner for Human Rights. Phone: 41 22 917 9000 Fax: 41 22 917 9010</td>
<td>E-Mail: <a href="mailto:webadmin.hchr@unog.ch">webadmin.hchr@unog.ch</a> or <a href="mailto:ikempf@ohchr.org">ikempf@ohchr.org</a></td>
</tr>
<tr>
<td>19th September (in Geneva, Switzerland)</td>
<td>Indigenous Children Discussion Day, “Discrimination and Cultural Rights of Indigenous Children”</td>
<td>Secretariat, Committee on the Right of the Child Phone/Fax: 41 22 917-9022 E-mail: <a href="mailto:crc@ohchr.org">crc@ohchr.org</a></td>
<td>For information on submission and registration see: <a href="http://www.unhchr.ch/html/menu2/6/crc/">http://www.unhchr.ch/html/menu2/6/crc/</a></td>
</tr>
<tr>
<td>19 - 31 October 2003 (in Havana, Cuba)</td>
<td>Sixth Session of the Conference of the Parties (COP 6) for the Convention to Combat Desertification</td>
<td>UN Convention to Combat Desertification. Phone: +449 228 815 2800 Fax: +449 228 815 2899</td>
<td>E-Mail: <a href="mailto:secretariat@unccd.de">secretariat@unccd.de</a> Web: <a href="http://www.unccd.de">www.unccd.de</a></td>
</tr>
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</table>

Two PrepCom as well as regional meetings already took place. Two other international meetings are still to come before the WSIS in December:

2. **15 – 26 September 2003**: Third Meeting of the Preparatory Committee for the WSIS (PropCom-3), ITU Geneva, Switzerland. More information on this meeting will be published as it becomes available at [http://www.itu.int/wsis/index.html](http://www.itu.int/wsis/index.html).

**Swiss and Air France International Airline are offering special fares to all participants.**

### How to develop an Indigenous Position to the WSIS?

One avenue is provided through an Incomindios project supported by the Swiss Government for offering a platform to develop a global position of Indigenous Peoples to the WSIS. Incomindios will carry out the project in close co-operation with the Indigenous Media Network ([www.indigenousmedia.org](http://www.indigenousmedia.org)), an Indigenous organisation founded during the Permanent Forum on Indigenous Issues 2002.

The input of Indigenous Peoples is required for laying the basis of a first draft for the Indigenous position. The survey sheet can be obtained from [kennethdeer@indigenousmedia.co](mailto:kennethdeer@indigenousmedia.co)
Declaration and Platform of Action on the occasion of the First Indigenous Women’s Summit of the Americas

Oaxaca, México, from November 30 to December 4, 2002

We, the participants of the First Indigenous Women’s Summit of the Americas, gathered in the city of Oaxaca, Mexico from the 30th of November to the 4th of December 2002, in an effort to share our experiences and formulate proposals on the topics of Human Rights and Indigenous Peoples Rights, Empowerment and political participation of indigenous women; spirituality, education and culture; development and globalization and gender from an Indigenous women's perspective present the following declaration:

Accepting, that Indigenous Peoples have an inherent right to sovereignty, self-determination and autonomy, which includes the right to freely determine our political status and pursue our economic, social and cultural development, and our individual and collective rights to land, territories, natural resources, biodiversity and intellectual property;

Demanding, that Indigenous women be full participants in the struggles and processes in constituting the development of our nations and cultures dependant upon equality between women and men in decision-making at all levels, including the experiences, values, principles and knowledge of our elders and the enthusiasm of our youth;

Considering, that Indigenous women continue to live under conditions of great discrimination, racism, extreme poverty, exclusion and lack of access to power, reflected in the inequalities in labor markets and access to fair wages between Indigenous women and men, between Indigenous women and non-Indigenous women, as well as in the fact that Indigenous communities in most cases have limited access to market economies, raw materials, resources and knowledge;

Recognizing, that the richness of our Peoples has its origins in the transmission of values through community education, in which women have played a central role as midwives, counsellors and spiritual guides, allowing the transmission of our traditional values and teachings, which are crucial to the development of health models in keeping with our cultures and traditions; at the same time we recognize the improvement in bilingual, intercultural education, with the contribution and effort of the Indigenous Peoples.

Affirming, that education for Indigenous women is critical to our collective development, understanding the need to promote intercultural education in our own languages and with our own cosmovision, through a process that is ongoing and responsive to changing needs, to provide tools to continue to face the challenges of life, recognizing that Mother Earth is our first teacher, she teaches us to live with her, take care of her and protect her;

Affirming, that in order to ensure the full and effective participation of Indigenous women, we must take control of the development of alternative solutions to our problems, including raising the consciousness of men, which in many cases represents the first barrier to full participation faced by Indigenous women;

Affirming, that Indigenous women currently face multiple forms of discrimination that stop us from developing our full capacity and potential, and therefore the full enjoyment of our individual and collective rights as Peoples;

Recognizing, that Indigenous Peoples working in various political, economic, social and cultural spheres often encounter problems incorporating a gender perspective into their ongoing workplans and policies, resulting in the undermining of the input of Indigenous women in Indigenous organizations.

Recognizing, that Indigenous women have gained a voice in international forums in the last few years where we have clearly stated our demands, however this has not resulted in an improvement in the situation we face in our realities, particularly the situation faced by Indigenous Women. Recognizing that gains in international instruments have not resulted in the improvement of the lives of Indigenous women in their communities, because the policies have been written from a Western perspective.

Affirming, an increase in violence, trafficking, and forced prostitution of Indigenous women and children in the Americas, in part caused by increasing militarization and armed conflict, and the implementation of laws against terrorism, resulting in internal and external displacement of peoples, increased levels of poverty and human rights violations, particularly violence against Indigenous women;

Affirming, that a gender perspective for Indigenous women refers to the power differential between women and men, a perspective that provides an equilibrium between women and men that ensures equality amongst Indigenous Peoples, an inclusive attitude, a pluricultural and diverse view, and the exercise of our individual and collective rights.

Adopted in the city of Oaxaca, December, 4th, 2002
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