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1. EDITORIAL

This Update is essentially dedicated to the 2004 session of the Working Group on Indigenous Populations (WGIP); the summaries are being published later than usual because we concentrated on the Working Group on the Draft Declaration due to its extraordinarily long duration. So in our last issue, it seemed more urgent at that time to summarize the interventions from the first two weeks of the session (in September) so that the indigenous delegates could refer to them before the third week was held at the end of November.

In the statements regarding the main theme of the WGIP’s session: indigenous peoples and conflict resolution, the main sources of conflict were clearly the lack of respect for indigenous’ rights with regard to territories and resources, as well as denial of their right to self-determination. Recent instances where the right to self-determination was recognized have, in fact, contributed to appeasing conflicts rather than exacerbating them. Furthermore, several successful examples of situations where traditional indigenous conflict resolution mechanisms are put into practice have demonstrated the potential of these mechanisms. On the other hand, the new anti-terrorist laws play a role in the worsening of violations against indigenous peoples’ (IPs) human rights in several countries.

In addition to the working paper by Mr. Miguel Alfonso Martinez on conflict resolution, four other papers were presented as supporting material for several of the agenda items, two of which were done in collaboration with indigenous organisations. Thus, Mr. El Hadjè Guissé produced a paper on “Globalisation and indigenous peoples” that makes suggestions for “norms on the responsibilities” of trans-national corporations in relation to human rights, and also addresses the policies of the World Bank. Ms. Iula Antoanella Motoc and Tebbteba Foundation presented a paper on the principle of free, prior and informed consent. Mr. Yozo Yokota and the Saami Council prepared a paper to serve as a guideline for the review of the draft principles and guidelines on IPs’ heritage. Ms. Françoise Hampson wrote one on the human rights situation in which environmental factors threaten to cause the disappearance of States and territories in which IPs are living.

Regarding the cultural heritage of IPs, it was suggested that only an instrument based on a human rights’ approach can truly guarantee this right, given its close connection with territorial and resource rights, as well as to culture and self-determination rights.

In closing, we publish the resolutions regarding IPs of the 2005 session of the Commission on Human Rights. One of them invites the WGIP to accord particular attention to its standard-setting activities throughout the second Decade and to continue to study ways and means in which the expertise of IPs can contribute to the work of the WGIP.

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2. WORKING GROUP ON INDIGENOUS POPULATIONS

22\textsuperscript{nd} session, Geneva, 19-23 July 2004

The theme of 22\textsuperscript{nd} session was “Indigenous Peoples and Conflict Resolution”. As follow-up, the item “Indigenous Peoples and conflict prevention and resolution” is included under agenda item 4 for 2005. Following last year’s recommendations, the session was rich in interactive debate and high quality research papers, prepared by WGIP’s members with the collaboration of indigenous organizations. These working papers are to be followed up through more research and consultation with UN bodies. The theme for the 23\textsuperscript{rd} session is: “IPs and the international and domestic protection of traditional knowledge”.

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

Item 4 (a): General debate

Ms. Hampson is preoccupied by the plight of the Pygmies in the Democratic Republic of Congo (DRC), the current events can be labelled as crime against the humanity or even genocide. Urgent intervention by the International Criminal Court and the protection by the UN force currently stationed in DRC are strongly recommended.

Ms. Hampson suggests that the members of the WGIP could act as a bridge between states and indigenous representatives in the context of the adoption of the Draft Declaration (DD). The WGIP is the only body that collects accurate information about indigenous populations necessary for the work of the Sub-Commission. Furthermore, examining the rights of IPs within States and standard-setting need to continue, this is precisely the unique agenda of the WGIP.

The World Health Organisation (WHO) inform on a future publication that will highlight the health situation of marginalized ethnic groups, including IPs, from a human rights’ perspective. WHO proposes to establish a Commission with the main goal of increasing vulnerable people’s chances to be healthy, by promoting a policy that focuses on the social determinants of health and the political aspects of public health improvement.

In a letter addressed to the World Bank (WB), 51 regionally diverse indigenous organisations and NGOs\textsuperscript{1} state their support for the conclusions and recommendations of the Final Extractive Industry Review (EIR) by Dr. Salim; the WB must refrain from financing extractive industry projects until proven application of these recommendations. They strongly support Dr. Salim’s statement in his letter to the WB director: "the revision of the safeguard policy on IPs is a fundamental test of the WB’s commitment to poverty alleviation through sustainable development". Furthermore, the WB should revise its position of not addressing civil and political rights using its Articles of Agreements as an excuse. The WB as well as its borrowers must be under the obligation to respect ratified international human rights treaties and international law.

JJCCJ present the project “Historical Memory” which gives a voice to the incarcerated indigenous women in Mexico. Many of them have been imprisoned for minor offences or reasons unknown to them, they suffer from psychological and physical deteriorations, and Amnesty International have denounced cases of sexual abuses. It is recommended that the ECOSOC invite the Commission on Human Rights (CHR) to carry out an investigation of the situation.

Central and South America

FMSAA call for solidarity with the Ashaninka and Quechua, so that the Peruvian government returns the lands and territories that they took during times of political instability. FMSAA ask the government to guarantee territories and forest resources to the IPs by modifying the laws (also FECONACA, CONDECOREP).

A Quechua youth, member of TPMAA, appeals to the states to promote activities for the affirmation of indigenous identity for youths, to allow and encourage their greater participation in programmes and decisions that affect them, to promote sustainable development, promote positive images of IPs in the media and to adopt the DD (also BGBK).

BRAZIL’s National Indigenous Bureau (FUNAI) public policy recognises and promotes IPs’ rights. The current administration has the goal of concluding the demarcation of all indigenous lands by the year 2006, 450 of the 600 IPs’ lands have already been demarcated. Estimates indicate that 12% of Brazilian territory will be indigenous land. ILO Convention 169 was ratified in 2002.

\textsuperscript{1} For a list of the signatory organisations, please contact doCip.
COLOMBIA summarises the measures taken by the government to improve the marginal and impoverished condition of indigenous communities.

North America

TsF describe Canada’s continuous promotion, since 1949, of the extinguishment of the cultural, legal and political life of the Innu. The DD would not only pressure Canada to halt this destructive policy, but also allow the Innu to collectively "live in freedom, peace and security as distinct peoples" (Article 6, DD).

LPDC continue to denounce the vindictive and political reasons leading to the unjust conviction of Leonard Peltier, as well as the “Reign of Terror” imposed on the Pine Ridge Reservation between 1973 and 1976 by the FBI, leading to the death of 64 Native Americans and harassment of three hundred others. The USA 10th Circuit Court of Appeals acknowledge that: “Much of the government’s behaviour at the Pine Ridge Reservation and its prosecution of Mr. Peltier is to be condemned. The government withheld evidence. These facts are not disputed.” In spite of this and appeals to Congress, Peltier has not been granted a retrial.

Peltier remains a symbol of fight for the respect of indigenous rights in the USA.

JGDC expose the doubtful circumstances of the 2003 arrest of John Graham, Canadian citizen and First Nation member, for the murder of First Nation activist Anne Mae Pictou-Aquash in 1986. In light of the questionable evidence gathered by the USA FBI for extradition and the links to the Peltier case, JGDC are concerned and fighting for Graham’s future.

Asia and Pacific

Since the terrorist acts of the 11th September, the criminalisation of political dissent and resistance and vigorous anti-terrorist laws have converted IPs throughout the world into an easy prey. TF/AIWN are eager to find ways, with the assistance of the UN, to implement the Special Rapporteur’s (SR) recommendations to the Philippines, such as setting up an regional office in the Philippines of the Office of the High Commissioner for Human Rights (OHCHR). More education also needs to be provided to IPs regarding treaty bodies and complaint mechanisms.

WAC present a list of areas requiring special attention and further consideration by international human rights organisations, in order to concretely improve the still deteriorating lives of IPs: monitoring of international aid, creation of systems of implementation, co-ordination between human rights bodies, and access to land.

PCJSS inform that even though general Bangladeshi and Chittagong Hill Tract (CHT) laws acknowledge the CHT people as indigenous, they are not formally recognised in the 1972 Constitution. CHT IPs have been expropriated from their land without free, prior and informed consent. Their land is flooded by dams, transformed into eco-parks or used for military purposes. Despite the 1997 CHT Peace Accord, IPs continue to suffer serious human rights violations performed by the Bangladeshi military forces, these includes burning of villages, killings of innocent civilians, illegal arrests and tortures (also SRGWS, BDHRW, Kapaeeng, PCP). PCJSS ask the UN to prohibit officers who are perpetrators of human rights violations in CHT and Bangladesh, to join the UN Peacekeeping forces.

AHF denounce the human rights violations suffered by the Akha people under the Thai government. AHF urge the UN to intervene as a mediator in order to stop the killing of the Akha people, as well as the repression experienced by activists who help them.

MO report that since 1999 the Indonesian government has sent military and Jihad soldiers into the Alifuru peoples’ territories in Maluku, waging a violent war in which women and children are not being spared. MO beg the international community to raise awareness on this issue and provide assistance to the Alifuru to regain their territories and dignity, and live according to their peaceful customary traditions (also BAA).

SGC welcome the increased international awareness regarding human rights violations and environmental contamination associated with the use of depleted uranium weaponry since the 1991 Gulf War. The Sub-Commission’s resolution E/CN.4/SUB.2/RES/1996/16 on this matter and the UNEP’s investigation of peacetime military activities, are steps in the right direction. SGC denounce the USA military bases in their homeland Ryukyu, known as Okinawa, violating the Hague Convention on Land Warfare. The Okinawan people have been refused the right to carry out an environmental impact assessment (EIA) on training grounds where depleted uranium is used. The USA military and Japanese EIAs claim that the toxicity levels are not dangerous. Immediate action against and monitoring of militarisation by the General Assembly is strongly recommended, military bases have a real environmental and social impact and create divisions within the community (also AIPR).

CRG denounce the fact that Chagossians are still prohibited from returning to their homeland, the Chagos Archipelago, despite the 2000 High Court of London ruling, amending the 1971 Immigration Ordinance, originally used to expropriate Chagossians. The UK government is now trying to by pass the ruling and continue to impede them to access their islands, under the pretext of rising sea levels, whilst the USA military remain on the Diego Garcia island and have even built important new facilities. CRG will now take their case before the EU Court on Human Rights and the International Court of Justice (also CSSC).

LHRC report that the genocide and ethnic cleansing by communist Laos and Vietnam started in 1975, continues to this date with the death of more than 300’000 Hmong people. LHRC request the High Commissioner on
Human Rights to report on this genocide to the Secretary General so that the necessary action can be taken to end it.

Mauritius condemns the unlawful annexation by the UK of the Chagos Archipelago and continues to actively reclaim sovereignty over it. Mauritius expresses its concern at the manner in which the Chagossians were displaced from the Archipelago and re-affirms that they are not IPs but citizens of mainland Mauritius.

**Africa**

IPACC recommend the OHCHR and WGIP to promote research on the constitutional and juridical basis of identifying IPs in Africa, notably studying the legacy of European colonisation on the contemporary situation and human rights of nomadic peoples. IPACC encourage the WGIP to cooperate with the African Commission on Human and Peoples Rights and NGOs, and that the WGIP appoint an expert member to compile a summary of the IPs’ human and civil rights in Africa during the Decade.

**Central and Eastern Europe and Russia**

A Khanty and Mansi (northern Russia) representative highlight the value of negotiation processes such as the one they are undergoing with the Russian government and oil industry representatives consequent to the confiscation of their territories for oil exploitation. After 12 years of negotiation the Khanty and Mansi peoples have maintained the legal rights to use part of their lands.

FRSCIP declare that in order to repair the enormous damage done to the Crimean Tatar culture and identity as a whole due to the deportations of 1944, the following measures are necessary: 1) create more effective state mechanisms for the restitution of Crimean Tatar cultural artefacts currently in museums outside Crimea; 2) provide effective state protection for objects belonging to their material and spiritual culture; 3) develop and implement measures for the restoration of the historical place names of the Crimea.

MCTP declare that the Ukraine has given IPs false hopes with unrealised or unimplemented legal provisions such as the Law on the Restoration of the Rights of the Former Deportees that was voted by the parliament in 2004 but still awaits the signature of the president.

In response to the Mauritius’ claim to the Chagos Archipelago the United Kingdom claim “that the British Indian Ocean Territory is British and has been since 1814 and does not recognise the sovereignty claim of the Mauritian government”. However, the UK has recognised Mauritius as the only state that has a right to assert a claim of sovereignty when the UK relinquishes its own sovereignty. That will happen when defence purposes subject to international law are no longer applicable.

**Middle East**

IAAD describe the process through which the Iranian government expropriated the Ahwazi Arab people of South-western Iran, forcibly taking over natural resources such as oil without sharing the benefits or providing any compensation.

**Item 4 (b): Principal theme: “IPs and Conflict Resolution”**


Mr. Yokota congratulates Mr. Martinez for the excellent working paper and agrees that the topic should include “conflict prevention”. Regarding the WB, it is important to base analysis and recommendations on its already existing provisions. Arbitration is another path to explore in resolving conflicts and is already used in cases of complicated international disputes.

The International Fund for Agricultural Development (IFAD) informs that 50% of its programmes concern securing tenure rights for IPs through a negotiated support system. Experience has taught that it is essential to: promote all inclusive multi-stakeholder approaches and dialogue; involve indigenous women as peace brokers (also SAIWF); rely on indigenous governance structures and systems for conflict resolution; and in post-conflict situations, regenerate local livelihood and reconstruct social capital.

UNITAR’s Training Programme to Enhance the Conflict Prevention and Peace-building Capacities of IPs has successfully provided trainees (40% women) with practical tools for conflict resolution that have been put into practice in their homelands. Regional trainings have also been held worldwide.

**Central and South America**

ICSA remind the WGIP that in the 80s the indigenous representatives lobbied for the creation of a high level organism within the UN that would have the capacity to carry out investigations on the reality of IPs’ situation in

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2 See response of the UK below.

3 The documents indicated in italics after a section’s title refer to the Working Papers presented by WGIP’s members under this agenda item.
the field and could effectively intervene and resolve problems with states. With this goal in mind, a discussion group was created where all decisions were to be taken by consensus and bring to life the "Permanent Forum on Indigenous Issues". After three annual discussions without consensus, the governments presented to the CHR a "Forum" without investigation or conflict-resolution capacity. For ICSA the creation of such an organism is essential, and it is hopeful that the next generation will reinitiate the process for its realisation.

CRI/C/TA/OZ/ZIP/AW declare that the 1.2 million IPs belonging to 92 different peoples, living on 25% of the Colombian territory, contribute to peace through their resistance to violence and their peaceful ancestral cultures. But IPs are caught in the cross-fire of conflicts between the state, drug dealers and illegal armed groups. The government’s policy of "democratic security" provides little to no security to IPs who see their territorial integrity and human rights violated on a daily basis.

CNV are fighting for freedom under the banner of dialogue and peaceful discussion. CNV denounce the genocidal IPs living on the border of Colombia, Venezuela and Brazil caused by armed groups and diseases brought by foreigners. They also denounce the appalling condition of certain jails in Venezuela and ask for an urgent penitentiary reform.

FIA state that the first step to resolving conflicts in Venezuela is to begin with the demarcation of indigenous territories. In some Latin America states IPs’ customary law is recognised, its scope and applicability are limited and cannot be contrary to universally recognised human rights law (also AW). However, IPs were not consulted and their point of view was not taken into consideration when drafting the Universal Declaration of Human Rights. FIA call for the fundamental right to difference, which is as important as that of equality.

IEI urge Chile to ratify Convention 169. The Mapuche, who have actively resisted the imposition of private development projects on their lands, have been violently repressed and their leaders unfairly incarcerated. Other indigenous communities have also seen their rights violated or simply not recognised, however the most persistent discrimination is seen through the social economic status of IPs in Chile where they continue to have the highest index of poverty. CSIA-Nitassinan add that there are three important points made by Mr. Martinez have been violated in Chile: 1) the Mapuche movement has been criminalized and alienated (point 60); 2) leaders involved in the social struggle for territories have been condemned for violating the internal security and anti-terrorism laws (point 70); 3) these unjustified accusations and prosecutions also contradict point 75 suggesting a general amnesty for defenders of indigenous human rights.

PMKK/AGREOTOURS call all IPs and indigenous organizations to grant indigenous women the respect they deserve as human beings and to provide them with equal opportunities. Discrimination and racism against IPs continue to this day, especially against indigenous women who are seen as the ones who perpetuate the indigenous culture.

CONMIE describe how they have planted the seeds of peace between two indigenous communities by bringing together their children to learn and perform the ancestral Inti Raimi dance. A real success story on how indigenous culture can bring about peace.

CIPKT have been confronted by two development projects on their land. Thanks to their mobilisation and to external support they were able to stop the first one, the construction of a tourist resort, though they have not obtained yet the land title promised by the government. Despite all their efforts and support from environmental organizations, they were unable to stop the construction of a gas pipeline through a geologically unstable part of their territories. Judges must be trained in IPs’ rights and states make justice accessible to IPs.

OOTM draw attention to the links between globalization and its negative consequences, the growing power of transnational companies, the ever expanding foreign debts and arms sales and trafficking. The aforementioned are more than often sources of conflicts that impact IPs directly or indirectly (also CORE, IITC). OOTM also remind the international community that the peace work is not over after a peace accord is signed, for a solid and lasting peace the international community or mediators have to remain involved and ensure proper implementation. The CHR should designate a Committee of Indigenous Expert Moderators with the mandate of investigating the compliance by states to treaties, accords and agreements after these have been achieved in a process of conflict resolution. The Committee would also be responsible for facilitating and promoting the agreements.

CPNAB denounce the devastating effects of the Plan Puebla-Panamá on the environment and ceremonial indigenous sites. This development project will affect 22 indigenous communities. The construction of the San Juan Tetelcingo dam, which is part of this project, was actually cancelled in 1992 through the signing with President Salinas of an agreement, which in 2003 the Fox administration declared void.

CNO demand that the UN recommend the Mexican government to initiate a dialogue and negotiation with the Otomi peoples’ leadership in order to resolve the 24-year conflict regarding the Otomi Ceremonial Centre. The Otomi people want to regain access to their sacred land and stop the profanation of their Ceremonial Centre enclosed within the National Park of Zempoala.

CGZSC declare that IPs’ life style, culture and environment, have been fiercely disrupted and destroyed by the exploitation of oil companies. The Tentayapi community in Bolivia has currently blocked all access to the oil company Maxus-Repsol, as it did not consult with the community during the EIA and is known for its disregard for the environment. The Tentayapi have taken justice into their own hands by applying Convention 169 (ratified
by Bolivia) and the constitutional rights of IPs, however they need the support of international community to succeed in this struggle.

**Costa Rica** state that it is fundamental that national juridical systems recognize a conception of the world and a reality that go beyond those of current political and institutional systems. In Costa Rica the legitimisation of indigenous culture exists through the 1977 *Indigenous Law*, which states that IPs can organise themselves according to "traditional communitarian structures". In recent years judicial instances have been created such as the Tribunals of Customary Law or the Indigenous Council of Traditional or Own Justice which functions in several regions. A pluricultural judicial system is possible, where concepts of indigenous identity and territoriality can have a central place and where there is an understanding for the cultural dimension of indigenous justice.

With its indigenous population of 62%, **Bolivia** has established a series of capacity-building programmes in order to facilitate the access of IPs to justice. For example community leaders are being trained in conflict resolution and management, experts formed in communitarian justice and information centres set up to provide the population with assistance for legal procedures. Bolivia maintains its strong support to the continuation of the WGIP.

**Chile**, in an effort to recognise IPs and bestow them their due rights, has: created a Special Commission for IPs, created the first National Congress of IPs, introduced an Indigenous Law and put into action a National Commission on Indigenous Development. President Lagos presented in 2004 the “New Politic of Agreement with IPs”.

**Argentina** describes its improvements in recognising indigenous rights, for example the Supreme Court interceded in favour of the IPs in the case of "Indigenous Community Wichi Hoktek T’Oi vs. Secretariat of Environment and Sustainable Development", and recognised the "possession and property of the community of the territories traditionally occupied" and ensured its "participation in the management of their natural resources and to the other interests that affect them". Argentina has also intensified its efforts in providing bilingual education to IPs.

**Colombia** informs that IPs have been given legal titles over 27% of the national territory and only 13% of the indigenous populations live on territory for which they have not been given a title. Colombia is ready to make available the detailed information regarding its protection plans for IPs who suffer from displacements and human rights violations by the narcotic trafficking armed groups hiding in their territories. These protection strategies include direct consultations between president Uribe and indigenous elders.

**Mexico** has responded to the recommendations of the SR’s report, the developments initiated are described in document E/CN.4/2004/G/22. The government has created working groups to revise the cases of conflicts in agricultural regions throughout the country and has consulted indigenous leaders, NGOs and civil society in order to establish and execute the resolution mechanisms for each case. A "red list" of conflicts requiring immediate attention has been established; out of 14 cases 9 have been resolved.

**North America**

**BRDN** state that so-called "ethnic" conflicts or "civil wars" often are actually international conflicts between indigenous nations and states resulting from colonization (also CNO). Contrary to common belief, the violence is mostly initiated by states and it is the nation-states that threaten the survival of indigenous nations, not the other way round. Rapporteur Stavenhagen writes: "the violence we see around us is not generated by the drive to self-determination but by its negation" (also RAIPON, SC, ICC). The recent granting of the right to self-determination to the people of East Timor or Western Sahara or in the Balkans, has helped resolve years of conflict and launch a peace process. The right to self-determination of IPs is an essential element for the pacific and respectful co-existence between all peoples of the world and to the collective enjoyment of IP territories and resources (also SAIWF, IAAD).

**IPNC** declare that it would be extremely helpful to all parties if guidelines were set up so as to help determine what is of domestic or international concern. These guidelines could also help organisations, block the abusive use by states of the principles of territorial integrity and of non-interference.

**IOIRD** appreciate the accuracy of Mr. Martinez’s paper in determining the causes of conflict, particularly the references to treaties and self-determination. However, Treaties could be part of the solution if article 36 of the DD was fully implemented. If this theme becomes a WGIP’s regular item, it should include oversight or monitoring of domestic negotiations. A serious follow-up of the UN Treaty Study Final Report and Expert Seminar on Treaties’ Recommendations is strongly urged, not only to ensure implementation but also enforcement of Treaties. IOIRD suggest having the next seminar on Treaty 6 Territory.

**QAAC** declare that from an IPs’ perspective, conflict resolution tends to be a transformation of a relationship where both points of view are respected and not a prescription to follow as in western legal system (also CIWRI). IPs’ methods of conflict resolution should be explored by the WGIP and made available for application where possible (also CORE, IITC).

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CIWRI declare that when discussing conflict resolution, one has to keep in mind that women and children have been affected most profoundly by the destruction of indigenous’ ways (also SAIWF). Internal disputes are resolved through the guidance of elder, cultural and spiritual values practiced through ceremonies and rituals.

MTI had signed the Treaty of Greenville in 1795 with the USA, however, in 1846 the tribe was split in two and in 1897 the USA abrogated the treaty, stripping the Miami tribe from recognition and title to their land. The USA must honour the legal right of the Miami to self-determination and must respect the terms of the treaty.

ADHFN have identified three main problems with the chapters on dispute resolution of the seven modern agreements made in Canada: 1) the chapters are written solely according to Canadian eurocentric law and values; 2) IPs experience has proven the inadequacy and high economic cost of these agreements; 3) the agreements are powerless since the Canadian government can refer a dispute at any moment to their own courts.

CANADA declares that in present times Aboriginal people enjoy individual and collective access to the judicial system and have been provided approximately $20 million over the past 20 years to finance this access. Non-judicial models of dispute resolution are also encouraged and applied throughout Canada.5

Africa

IPACC/Tamaynut/AAT inform on two positive developments in Africa: 1) the Working Group on Indigenous Populations created by the African Commission on Human and Peoples Rights acknowledged the existence of IPs in Africa; 2) Morocco has recognized the Amazigh identity and language, created a Royal Institute for Amazigh Culture and as of 2003 Amazigh language was integrated into the curriculum of 300 schools.

CGA recall that the African Charter of Human and Peoples Rights exists since 1984. The "Declaration of the Amazigh Delegation"6 declares: 1) the determination of the Amazigh to continue their peaceful and legitimate fight until countries concerned (Morocco, Algeria, Libya, Nigeria, Mali, Burkina Faso, Canary Islands, Tunisia) recognize the demands of the Cultural Amazigh Movement, including recognition of Amazigh as an official language; 2) it supports all peaceful actions undertaken to achieve the aforementioned goal as well as IPs’ combat to humanize globalisation; 3) denounces discriminatory assimilationist policies and repression of young militants.

AAT propose the following steps as conflict prevention measures in Morocco: clarify the concept of federalism and take action against misconceptions; encourage and teach the culture of peace of IPs and invite indigenous organizations and NGOs to be mediators.

Since the independence of Algeria, 40 years ago, the region of Kabylie, where 5 million Amazigh people live, has been in conflict with the central power. The Amazigh identity is denied and repressed by the Algerian government. A recommendable solution would be the adjudication of the right to self-determination and the decentralization of the power (AIU).

Taralift describe the political cultural marginalisation experienced by Touareg after the colonial powers imposed on them borders cutting through their territories. Touareg in Mali and Nigeria felt there was no other solution than to take up arms and fight for their rights. Though a peace agreement has been reached, little has been done to improve the socio-economic, political and cultural situation of the Touareg.

The best strategy is conflict prevention (Tin Hinan). Providing an educational system that adapts to the Touareg nomadic life style or applying positive discrimination for equal opportunity, are two examples of conflict prevention.

MBOSCUDA have set up seven para-legal offices throughout Camerooon to assist in solving the land conflicts between Mbororo pastoralists and neighbouring farms. Amicable settlement is encouraged. MBOSCUDA recommend that the government of Cameroon establish an institutional legislative policy framework to achieve a balance between pastoral and agricultural land; create grazing reserves; develop participatory conflict resolution; and publication of the Jani Commission on crimes committed against Mbororo pastoralists.

OCAPROCE describe that the Pygmies in Cameroon experience not only political and social marginalization but also a serious degradation of their environment through deforestation with consequent degradation and loss of their land, identity and traditional life style as semi-nomads (also OAPIDE). OCAPROCE believe that the government needs to take certain measures in order to facilitate their acceptance and integration into society while recognizing and safeguarding their unique identity.

CEFAIL describe the gradual degradation of the rights of the Sankuru Pygmies in the DRC where they initially held good relations with their neighbours the Bantu population, but this relation has deteriorated into one of domination, discrimination and dehumanisation of the Sankuru.

Pygmies in DRC have found peaceful methods to resolve internal or external (with non-IPs or state) conflicts. However, external armed conflicts have had devastating impacts on Pygmy communities, particularly on women, including cruel treatments such as sexual violence and cannibalism (CAMV-RDC).

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5 Canada’s document „Review of Developments“ is available at doCip.

6 Signed by CMA, ATS, CAASM, AIU, AAT, Tin Hinan, Tamaynut, Prodecap-Sadad.
PIDP-KIVU recommend the effective intervention of the international community to end the conflicts in the DRC, which so far has caused 3 million deaths; a greater support of African NGOs for indigenous women's participation in conflict resolution; and international support for the process of transition in the DRC.

UNIPROBA recommend the following measures for the rehumanisation and recognition of Batwa IPs in Burundi: 1) that the UN provide effective protection from violent conflicts; 2) prosecute those guilty of human right violations against Batwa; 3) granting of self-determination and land for Batwa; 4) promote the emergence of community intellectuals through education; 5) integrate Batwa into peace processes; 6) give IPs' organisations the necessary funds for their development (also PFN).

RBC declare that for a long lasting peace between Namibia and Rehoboth IPs: 1) IPs have to be recognised as collective bearers of rights and duties; 2) a framework for implementation and correlation between customary systems and the state legal system is necessary; 3) as is the implementation of a legal framework for language rights.

The main problem facing Ogiek IPs in Kenya is the eviction from their ancestral forestland by dominant ethnic groups. The Kenyan government does not recognise IPs. OCIP recommend the inclusion of IPs' rights in the drafting of the Kenyan Constitution.

WIMSA state that for many years the Khomani San communities were refused access or expropriated from their land due to the creation of natural parks and game reserves. Recent developments are: South African government recognition and restoration of aboriginal land rights and historically expropriated lands; the Namibian government's support of San presence in the Etosha National Park; and the court battle with the Botswana government in an attempt to combat its "coercive conservation" strategies, there are concerns about obtaining a fair and unbiased judgement (also IPACC).

The Oromo people in Ethiopia suffer from harsh discrimination, and freedom of speech and human rights violations practised by the Ethiopian government. Perpetrators of extra judicial killings should be judged, as well as the Ethiopian government for the atrocities and genocide in different parts of Oromia, and all the political prisoners should be unconditionally released. A warning is sent out to donors, particularly for resettlement programmes, since they can actually play a role in the death of large numbers of Oromo people.

BW welcome the reconciliation talks the Inter-governmental Authority Development (IGAD) sponsored in Somalia to try and bring an end to the 15 years of militia fighting in Southern Somalia, unleashing destruction and violence upon the defenceless Benadir people. However, this type of peace processes, also initiated in the past by international organisations, loses its credibility and effectiveness when the warlords become the dominant actors of the peace process. This gives the warlords undue political legitimacy and demoralises and silences the civilian peaceful populations. The legacy of 80 years of colonialism, resulting in the balkanisation of territories, has also weakened and alienated the Benadir people.

Asia and Pacific

FAIRA agree with the recommendations of the working paper and hope they will be pursued. However, FAIRA think that 'conflict resolution' should also be studied within the context of the administration of justice. States sharing territories with IPs should invite the SR and the WGIP should urge, in the most emphatic language, that states comply with human rights standards.

TWA/MLSA state that the introduction of the Foreshore and Seabed Bill passed by the New Zealand government, will give full rights of ownership over the foreshore and seabed to the Crown, thus breaching the terms of the Treaty of Waitangi. They request a meaningful participation by New Zealand in the DD negotiations; that they deal with Maori as equals and with respect, giving them due process and equality before the law and that experts be consulted for guidance in legally uncharted waters. IPs' rights are inherent to them by virtue of their descent from indigenous occupants and are subject to their continued existence; minority rights cannot always offer the best protection (also AIRT, IITC, Tuhoe Nation).

The Tuhoe Nation in Aoteaora/New Zealand has traditionally resolved internal disputes following two key principles: 1) knowing the ties and relationships that exist in community and taking responsibility for actions because they impact the community; 2) an understanding that collective rights and responsibilities supersede individual ones. The Maori have been disempowered by the colonisers' imposition of resolution practices whereby a disinterested third party (the courts) deals with the matter.

TSRA inform on the declining standard of living and seriously deteriorating health of the Western Province of Papua New Guinea inhabitants. TSRA appeal to the concerned agencies to intervene in this Province to improve the health care facilities and avoid the spreading of disease into the Torres Strait territory. The following elements could be further developed or included in the working paper: conflict management, conflict transformation, peaceful and transparent dialogue, third party brokering, military illegal economic activities (PCA).

MMF declare that the Moluccan people of Moluccan Islands, West Papua and Aceh, were granted independence in 1950, but three months later the Indonesian government annexed them using military force. This annexation has resulted in the violation of their civil and political rights, forced sterilisation, cultural deterioration and exploitation of their land without permission.
RCDP ask the High Commissioner for Human Rights to intercede before the Pakistani government on behalf of the Kalash community so as to stop the religious and political pressure they are experiencing and to allow them access to all the government-provided facilities.

CNDPK declare that for the successful implementation of the Treaty of Nouméa (2000) signed between Kanak people and the non-indigenous population in New Caledonia, a common understanding must exist of what reconciliation is: comprehending the reasons for alienation, such as racism or privilege; resolving the root causes of conflict; repairing injustice by facing the past; and restoring what was taken away economically, socially and morally, as is the responsibility of France as a coloniser. A handshake is always the beginning of reconciliation, but there is a much higher price to pay for a sincere and lasting reconciliation.

SETD state that the most serious problem facing IPs in India is the loss of land to non-indigenous populations and development projects. Out of the 18.5 million IPs affected by displacement between 1951-1990, 75% are Adivasi peoples. The magnitude of the displacements explains the increasing conflict and confrontation in India and the Jharkhand region in particular (also CORE/BIRSA). IPs have found no redress in the legal system and the government refuses to reach out with a peaceful arrangement. IPs have no choice but to systematically disband projects that affect their livelihood. WAC call upon states to supply IPs with the basic needs and amenities such as clean water, shelter, sanitation, immunisation, education, training and jobs.

IPs in the Jharkhand region are having difficulties in enforcing the rights over land since the State owns everything six feet below surface (CORE/BIRSA).

TIPS denounce the forced annexation of Manipur to the Indian Union in 1949, resulting in IPs suffering a gradual deterioration and even extermination of their history, tradition, culture and faith.

ICTIP congratulate the Indian government for signing a peace agreement and Territorial Council for self-governance with the Bodo IPs and other tribal people in the province of Assam, as well as recognising their languages in the Constitution. Unfortunately, the Indian government has also passed an order affecting nearly 100 million IPs and allowing local governments to evict "encroachers" from the resource-rich central Indian forestlands for environmental protection reasons.

LAHURNIP inform that even if the ILO Convention 169 or other treaties were ratified in Nepal, the land disputes would not be resolved since application is not retroactive. The accountability of IPs’ representatives must be evaluated otherwise representation becomes ineffective. As for militarization, the paper should highlight the need to stop weapon-supplying countries.

The Chamling IPs identity is being denied within the Hindu-dominated Nepal. Their ceremonies are forbidden, their language is suppressed and their resources have been removed under land reform policies. The Chamling have no representatives in rebel Maoist leadership, while many of them are used as combatants (KCLCDA).

KRF declare that since the Burmese independence of 1948, the Karenni people have been in conflict with the Burmese military who have invaded their territories and suppressed their culture, this is also true for the Chin communities (CHRO). The Panglong agreement of 1947, providing self-determination to the IPs, was never respected by the Burmese government. KRF call for international pressure to urge the Burmese government to comply with human rights (also AIPP, CHRO).

CHRO strongly support PP 77 of the Chairman’s paper: “the establishment of an international body to adjudicate or advise on disputes between IPs living within the border of modern State and non-indigenous institutions, including state institutions” (also AIPP, CORE, IITC).

SAIWVF recommend the creation of an International IPs’ Commission on Armed Conflict; education of women and children on UN mechanisms; condemnation of sexual violence; prevention of recruitment of children into armed forces.

BIPP, PCJSS, PCP, Kapaeeng agree to make this theme a regular item of the WGI P agenda (also IOIRD, Asian IPs’ Caucus). Considering the amount and intra-state nature of conflicts in Asia, it would be useful to have a large focus on Asia (also Asian IPs’ Caucus). The expertise of SRs Stavenhagen and Daes would also be extremely helpful in this domain.

The Asian IPs’ Caucus proposes that the recommended seminars on Conflict Resolution and on Treaties, Agreements and Other Constructive Arrangements, be held in Asia. Furthermore, they concur with Mr. Martinez’s findings on causes of conflict, particularly regarding the situation in Asia.

AFP describe how the non-implementation of the CHT Accord has created violent conflicts between two opposing camps. The process of withdrawal of armed forces is blocked; in fact more forces have been deployed. Jumma, Garo, Hajong, Santal IPs are being affected by relocation, violence and persecution. There are approximately 45 unrecognised and marginalized indigenous communities in Bangladesh.

SSAI/AMGP describe Subanon peoples’ experience with the Canadian mining company TVI Pacific, which has for the last 10 years, with benediction from the Philippine government, invaded indigenous sacred lands, abused and threatened its inhabitants, destroyed the environment and stolen the natural resources. SSAI/AMGP call for strict regulation and monitoring of the human rights practices by extractive corporations, with specific attention to IPs (also CRIC); for the creation of an IPs’ independent body for conflict resolution and for a more in-depth study of the role played by paramilitaries.
CPA present the recommendation resulting from the national workshop held in 2004 as follow-up to the SR’s visit to the Philippines: 1) parties involved in the ongoing peace negotiations are urged to adhere to the signed Comprehensive Agreement on Human Rights and International Humanitarian Law; 2) the government and companies must stop invasive and aggressive development projects; 3) the National Commission of IPs (NCIP) should seriously review inconsistencies of national laws regarding IPs rights. The Manila Declaration (signed by 90 indigenous representatives), resulting from the 2000 “International Conference on Conflict Resolution, Peace Building, Sustainable Development and Indigenous Peoples” recommended to create an IPs’ International Commission for Conflict Resolution and Mediation, which has been implemented. It is regrettable to observe that NCIP bypasses indigenous traditional leaders and creates fake tribal councils (TF/AIWN).

HPI encourage the WGIP to promote global studies of constructive structural elements of the coexistence of states and IPs. The root cause of conflicts for many IPs, remains the 500 years of European colonialism and its legacies such as the states’ refusal to recognise IPs’ rights (also AIPP, CHRO, PMKK, AGREOTOURS, CNO). However, there are ways to improve international law so that it protects peoples as well as states, and ways to reach autonomy arrangements and self-governance that can prevent humanitarianly and monetarily costly conflicts.

Central and Eastern Europe and Russia

Many new laws are being passed without consultation with IPs, which nullify or seriously affect previously gained rights (RAIPON). Massive reforms in the Russian government have resulted in the elimination of the only department responsible for indigenous issues, resulting in many conflicts erupting throughout Russia. RAIPON assist IPs in defending their rights through the national judicial system but stress the need for international norms and standards.

MCTP conclude from the continuing conflict between the Crimean Tatar and the Ukrainian government, that no conflict will be solved appropriately without the creation of a special plenipotentiary and powerful international tribunal where IPs could present their claims for justice, especially since internal jurisprudence rarely recognises IPs’ rights (also IITC).

265’000 Tatar have returned to Crimea, their native land, after they were deported in 1944. However, there is no legal mechanism to which they can appeal in order to obtain authorisation to construct and work on a land plot. Despite their appeals many Tatar remain landless and those who have tried to settle on land without authorisation are forcefully removed (FRSCIP).

AKT state that though there is currently no conflict between the Russian authorities and Khakas people (11% of the population in the Khakassia Republic), the lack of political representation, legislative recognition, poor education and unemployment could potentially lead to a clash and can be prevented.

LIENIP/FSDA declare that the IPs of the Altai Mountains, Russia (Altai-kizhi, Telengit, Kumandin, Tubalar, Chelkan, Teleut, Shor) are involved in conflicts mainly due to land ownership issues. Out of a local initiative, five Ethnic and Nature Parks are organised and managed by indigenous leaders combining conservation and development activities; sacred sites are equal in status to biodiversity. Buffer zones allow local people to do cattle farming and ecotourism also provides an economic income. However, the "Forest Code" and "Land Code", which are in the process of passing through federal Parliament and could lead to the privatisation of the land, threatens these parks. IPs also perceive the “western” type of tourism as a threat due to the uncontrolled development and environmental and cultural transformation it entails (also IITC, FIA, CNO).

On behalf of the inhabitants of the megalithic site of Carnac, France, who have fought against the government’s decision to close this sacred site for the construction of a tourism centre, EF state the project has been partially stopped but they are still denied access to the site.

SC/ICC think it is important to respect the principle of regional distribution when appointing members to the proposed Working Group on Conflict Resolution.

Middle East

The "Aram-Nahrin" indigenous people of Mesopotamia are still facing discrimination, ethnic cleansing, genocides and continuous persecutions (AANF).

Item 4 (c): Globalization and IPs

A supplementary working paper on “Globalization and IPs”, including suggestions for a future follow-up that could be considered by the Working Group and its parent bodies, by Mr. Guissé (E/CN.4/Sub.2/AC.4/2004/3).

Mr. Yokota congratulates Mr. Guissé for his paper and welcomes in particular the sections on the drafting of norms on the responsibilities of transnational corporations in relation to human rights and on the policy of the WB on projects affecting IPs.

Please contact doCip for a copy of the Manila Declaration (December 2000).
South and Central America

IMTK declare that the economic and geopolitical interests of occidental power have caused destruction and poverty through its logic of maximum monetary benefits. The WB and International Monetary Fund (IMF) were created to promote economic development and prosperity. However, the results of the structural adjustment programs they imposed on third world countries are depressing. Basic rights to food and housing remain a dream for many, and the ever growing external debt, a form of neo-colonial domination, has brought little or no development to the indebted nations who saw the money stolen by dictators and inverted into weapons used for repressing the people (also CRIC, PJP, BRDN, PCP, Kapaeeng, BDHRW).

CNV believe that globalisation does not necessarily have to be the source of social-cultural and economic tragedies. Globalisation could be positive if IPs are enabled to participate, not as victims or as colonised, but as equal partners benefiting from the resources their territories have to offer in a sustainable and fair manner (also PJP, STT, Prodecap-Sadad, Tin-Hinan, Taralift).

IITC, FIA and CNO declare that initiatives such as the North American Free Trade Accord (NAFTA), Plan Puebla-Panama and Asia Pacific Economic Cooperation (APEC) place themselves above and beyond national, state and municipal laws. The draft chapters on agriculture of the NAFTA promote disloyal competition leading to the destruction of IPs’ lifestyle (also CRIC, PJP). The intellectual property rights established in these accords have enabled corporations to appropriate themselves of the flora and fauna that are under the custody of IPs, converting natural resources into merchandise.

VENEZUELA wants to take part in the challenge of transforming globalisation, by placing nature, humans and ethics at the centre. To fight against poverty, the poor have to be empowered, and that inevitably means recognising IPs’ dignity. Participative democracy needs to fortify representative democracy. The new Constitutional framework in Venezuela now enables IPs to take part in decision-making activities.

North America

Canada, one of the richest countries in the world and a major player in the neo-liberal market economy, has accumulated its wealth through the relentless exploitation of IPs’ territories. The most tragic manifestation of the ongoing oppression of IPs is the rate of suicide amongst indigenous youth, which has reached epidemic levels (BRDN).

Africa

CAASM and CMA declare that marginalisation has already debilitated indigenous languages and cultures, making them an easy prey to globalisation’s modern communication tyranny (also STT, Prodecap-Sadad, Tin-Hinan, Taralift).

IPs’ natural resources have become a central piece of the globalised world, putting enormous pressure on IPs (STT/Prodecap-Sadad/Tin-Hinan/Taralift).

In order for IPs to reap the benefits of globalisation certain basic development questions need to be resolved such as providing housing, infrastructure for NGOs to reach the IPs, education, water and electricity access. On a positive note, the mayor of Ngambé, Cameroon, has conceded a terrain to the Pygmies for the construction of a health centre and school (the territory was traditionally owned by the Pygmies). Experts could be of great help in analysing the existing laws protecting IPs and their territories, OCAPROCE would be glad to coordinate a study.

Asia and Pacific

CPA declare that financial institutions, such as the WB and Asian Development Bank, do not practice a rights-based approach to development. They are in fact in partnership with governments and private corporations in an unprecedented expropriation and exploitation of IPs’ resources, disregarding their consent, rights and well-being. International standards and mechanisms of financial institutions need to comprise recognition of IPs’ collective rights, self-governance and free, prior and informed consent; principles of accountability and transparency (including clear terms of responsibility and penalties for adverse impacts); as well as effective monitoring and compliance mechanisms of international human rights (also GSR).

The Free Trade Zone authority’s (Philippines) expropriation of IPs from their land to provide cheap subsidised land for foreign investors (such as the USA military), is a manifestation of the competition between countries to attract investors (GSR).
Item 5 (a): Standard-setting activities: Legal commentary on the concept of free, prior and informed consent

A preliminary working paper on the principle of free, prior and informed consent of IPs in relation to development affecting their lands and natural resources that would serve as a framework for the drafting of a legal commentary by the Working Group on this concept, by Ms. Motoc and TF (E/CN.4/Sub.2/AC.4/2004/4).

Mr. Yokota thanks Ms. Motoc and TF for the thorough working paper presented. He points out an important section in the paper (paragraph 21) regarding legitimate representation of IPs that encourages to "specify which entity will express consent on behalf of the affected people(s)/community(s)" whether it be the traditional authority or the IPs as a whole (also ICC, SC, GSR, PIPlinks). Mr. Yokota also supports the recommendation that the WGIP harmonize efforts to interpret and promote free, prior and informed consent (FPIC) seeking guidance from other UN bodies (also ICC, SC, PIPlinks).

The World Bank declares that the multiple requests to include FPIC in its IPs’ policy have been taken into consideration in the Draft Bank Management Response that accompanies the EIR, and reads as follows: "The Bank Group will only support extractive industry projects that have the broad support of affected communities. This does not mean a veto power for individual or any group, but means that the Bank Group requires a process of free, prior, and informed consultation with affected communities that leads to broad acceptance by the affected community of the project…".

FPIC state that the right to FPIC is inextricably tied to IPs’ right to self-determination and associated right of permanent sovereignty over natural resources. It is also an inherent principle to relationships established in treaties between IPs and states and their predecessors. The UNDP, EU and Inter-American Development Bank have specific instruments to recognise this right. The WB is a noteworthy exception, since it refuses to incorporate FPIC into its IPs’ policy.

South and Central America

ATI declare that in spite of Peru’s ratification of ILO Convention 169, which prescribes states to apply the principle of FPIC, the Achuar IPs discovered through the media that the Peruvian government had signed a contract with an oil company affecting their territory. If any sort of resource-exploitation company attempts to enter the Achuar's territory without their FPIC, then the Achuar will apply their own customary law. The Wayuu people of Colombia inform that despite the ratification of ILO Convention 169 and its binding character, many mega-projects are established on indigenous territory without their FPIC. There is an urgent need for the Colombian state to implement the Indigenous Territorial Entities established in the National Constitution allowing administrative autonomy to indigenous communities.

North America

The IPs of Alaska never consented to their annexation to the USA, this expropriation of property and violation of international law continues to be disputed. In the context of decolonisation, States may attempt to erase the status of colonised peoples as subjects of international law by unilaterally imposing its own domestic law. The questions of who consented to the ceding of territories belonging to IPs, is vitally important (IPNC).

ADHFN recall the legal criteria for any government trying to access indigenous lands and resources proclaimed by the International Court of Justice as a result from the 1972 Western Sahara case. These criteria dismiss the notion of terra nullius, discovery and conquest and furthermore states must negotiate agreements in good faith with IPs with their FPIC. The treaties cannot be unilaterally changed (also IOIRD, IITC). International law recognises IPs’ right to give their consent to issues related to their lands and resources. The Courts in Canada have adopted these international legal principles. However, the Canadian government ignores it and continues to take land and resources away from IPs, forcing them into legal action.

IOIRD urge that a specific reference on the element of mutual consent in Treaty procedures be included in the elaboration of a legal commentary (also ITC) and that IPs’ definition of FPIC in their own languages be taken into consideration.

Africa

IPACC describe how the active ingredient of the Hoodia plant, traditionally used by the San healers in curbing thirst and appetite, was isolated by the African Council for Scientific and Industrial Research (CISR) who, without informing the San peoples, obtained in 1996 a worldwide patent on their "discovery", named P57. In 2001, the San peoples took legal action to challenge the theft of their traditional knowledge. They negotiated a benefit-sharing agreement and obtained 6% of royalty on all future sales emanating from the patent as well as an official excuse from CSIR.
Asia and Pacific

FAIRA declare that through the Vienna World Conference on Human Rights (1993), the World Conference on Racism (2000), the General Assembly principles for the Decade (1994), and the Committee on the Elimination of All Forms of Racial Discrimination (CERD), states have been encouraged to ensure full and free participation of IPs in all aspects of society; and to give them greater responsibility and decision-making power, particularly in matters affecting them. In Australia, Justice Woodward’s inquiry on Aboriginal land rights concluded, "to deny Aborigines the right to prevent mining on their land is to deny the reality of their land rights".

TF present the results of the national consultations on FPIC in the Philippines: 1) the NCIP has so far been ineffective in implementing this right; 2) there is still a gap between IPs’ concept of FPIC and that of the NCIP; 3) crucial to FPIC is the community’s right to veto threatening development projects (also OOTM); 4) more effective consultations with IPs should be set up by the government to further improve FPIC guidelines. A number of inputs and submissions to the WB's EIR were compiled and presented by TF and FPP in a book entitled "Extracting Promises". TF criticise the WB's Management Response on the EIR, particularly its misinterpretation and weakening of the concept of free, prior, informed consultation (also ICC, SC, PIPlinks).

In some cases the impact of projects can only be felt several years later, for example where large dams or mining operations affect communities up or downstream. In such cases it is problematic to apply the right to FPIC, thus the importance of thorough evaluations of the long and short term, as well as regional, indirect and direct impacts of a project. Affected communities should have access to information about a project from sources other than the project proponent. Consent should be achieved by consensus within the affected community. Limiting the time of the FPIC process such as in the Philippines where it is bound to two months, reduces it to a mere technical and mechanical procedure and not one of participation in decision making and self-determination (CPA).

PIPIlinks welcome the working paper on FPIC since there is a real necessity to clarify this principle within the UN system. Though it is a legal requirement in the Philippines, IPs are impeded from practicing it due to misreporting, bribery, coercion and force by corporations with vested interests. Funding for the FPIC process should come from the project proponents.

Central and Eastern Europe and Russia

ICC/SC support the definition of FPIC in the working paper (paragraph 13) stating that substantially, FPIC is about establishing respectful relationships based on free will. Procedurally, it means IPs should have the real possibility of deciding their development path (also CPA, IITC). Also clearly demonstrated in the paper is that FPIC is effectively a right, attempts to deviate from such standards constitutes a violation of international, and many times domestic law (also IOIRD).

RAIPON agree with the recommendations of the working paper. For the development of a legal commentary, information about the interpretation of this principle by governments, treaty bodies and UN instruments needs to be collected. RAIPON is ready to contribute by obtaining this information from the Russian authorities.

Item 5 (b): Standard setting: Review of the draft principles and guidelines on the protection of the heritage of IPs

Working paper to serve as a guideline for the review of the draft principles and guidelines on the protection of indigenous peoples to be undertaken by the Working Group, by Mr. Yokota and SC (E/CN.4/Sub.2/AC.4/2004/5).

Mr. Yokota summarises the recent developments regarding the protection of traditional heritage of IPs within UNCTAD, UNESCO, Trade Related Intellectual Properties Agreement (TRIPS), WIPO, ILO Convention 169, the Permanent Forum on Indigenous Issues (PF) and in recommendations from meetings such as the World Summit on Sustainable Development (2002) and the Seventh Conference of Parties to the Convention of Biological Diversity. Though many developments have been achieved, many indigenous representatives do not think that their cultural heritage is being adequately protected, thus an overwhelming majority of indigenous organizations and communities are asking for a comprehensive international legally binding instrument such as a convention on cultural rights (also SC, ICC, FAIRA, BOLIVIA, “Declaration of Amazigh delegation”).

WIPO (World Intellectual Property Organisation) enumerates the various policies and activities it has undertaken on issues regarding indigenous communities. The Committee on Intellectual Property and Traditional Knowledge, Genetic Resources and Folklore (IGC) has met six times between 2001 and 2004 and is now in its second phase, meaning the development of two complementary sets of shared objectives and core principles respectively concerning the protection of ‘traditional cultural expressions’ (TCEs) and the protection of ‘traditional knowledge’ (TK). To make the latter effective, supporting policy options and legal mechanisms are being simultaneously outlined. Regarding the active participation of IPs, ad hoc accreditation of the IGC has led
to the recognition of 100 new NGOs, close consultation with the PF and practical initiatives to enhance participation such as funding, are currently being developed.

KWIA describe the disappointment of IPs with the UN Forum on Forests held in May 2004. Only 30 states out of 191 presented national reports, the drafting of the resolution on social and cultural aspects of forests did not allow participation of any indigenous organisation, and the resulting draft of this undemocratic and unrepresentative process was a text with few and weak references to rights, and none to FPIC. IPs representatives thus recommend that discussions on protection of, access to and use of traditional knowledge be held in a human rights, rather than a biodiversity or intellectual property rights, forum.

Gherush92, ICTIP, FECONACA, FIAAH, IPACC, ICSA, IMTK, IPNC, ANF, CNO, OAPIDE, WACIPR, COBASE and supporting NGOs declare that in opposition to the modern uniformisation culture, IPs cultivate traditional knowledge, cultural and ecological diversity and sustainable development (also CRIC). COBASE’s project “Diversity as Resource” is based on the premise that the aforementioned are significant tools in conflict resolution and is inspired on three principles: Solidarity, Negotiation and Reparation. The WGIP is asked to evaluate the document "Draft Resolution of Rome: Guidelines for the Protection of Cultural Diversity", which can be used for the basis of a convention for the protection of cultural diversity.

South and Central America

CSP present their project of creating an Audio-visual Archive Centre of the Aymara in order to preserve their traditional knowledge, culture and language. The participation of specialists in areas such as history, anthropology, linguistics and sociology, will be indispensable.

North America

FIAAH call for the recognition of the Anasazi native Americans, the largest indigenous American Indian population still living in North America. They have seen their culture and identity erased by the colonisers through integration and assimilation policies, racism, theft of intellectual property and cultural artefacts, and through miss-education of their children on their ancestry. The CHR should support the efforts for the promotion and protection of the Anasazi’s human rights.

Asia and Pacific

TF/AIWN welcome the reflection in Mr. Yokota’s paper of the results of the workshop they organised in 2004 together with other NGOs on "Biodiversity, Traditional Knowledge and the Rights of IPs". Indigenous knowledge is part of and gains meaning only within the context of a distinct community identity, thus the individualistic-minded intellectual property rights promoted and implemented by WIPO cannot adequately protect IPs’ knowledge and heritage (also SC). Only an instrument with a rights-based approach could fulfil this role, especially since cultural heritage is closely linked to territorial and resource, cultural and self-determination rights (also ICC). The responsibility of crafting a body or convention to protect IPs’ cultural rights should be taken on by the WGIP and PF.

FAIRA assert that colonisation of peoples, assertion of racial superiority and the exploitation of IPs’ cultural heritage are strongly linked. In fact, the pre World War II doctrines of imperialism and international supremacy have survived in the management of IPs’ cultural heritage, particularly through the denial of the living and dynamic nature of today’s indigenous cultures. From this perspective, ‘culture’ limits IPs to curiosities. For example, the Australian government generously sponsors the Aboriginal Art collection yet refuses to assist Aboriginal people to attend the WGIP, does not send a representative and refuses to contribute to the Voluntary Fund.

Central and Eastern Europe and Russia

SC/ICC recommend an updating of Ms. Erica Daes’ principles and guidelines for the protection of IPs’ cultural heritage. Also to be addressed is the fact that today substantial parts of IPs’ cultural heritage are within the public domain and that indigenous customary legal systems are crucial in the protection of resources and knowledge.

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

The Indigenous Caucus presents the endorsed and adopted resolution of the fifth International Workshop on Indigenous Children and Youth (2004) which urges the Drafting Committee to encourage the UNICEF to facilitate a consultation among all the existing UN bodies related to indigenous issues (including the SRs) and other UN bodies, to assist in developing a General Comment on indigenous youth and children. The Secretary General’s Study on Violence against Children is supported and should include: the establishment of Indigenous Youth Fellowships; information gathering; activities at all levels to promote recognition of violence against children; incorporating multimedia in this process and participation of indigenous youth at the World Summit on the Information Society (November 2005). The WGIP is urged to create an Indigenous Sub-Group for follow-up of the above activities.
Asia and Pacific

BAF, PCJSS, Trinamul, Taungya, PCP, Kapaeeng thank the UNESCO for supporting the CHT peace process and awarding the Peace Award in 1999 to the Bangladeshi Prime Minister. They criticise, however, the UNDP "Risk Assessment Mission" report complied with the Bangladeshi government, as it is not based upon facts and the real situation of the region, and hope that the UN will take due measures to stop undemocratic governments from taking advantage of the UN system. They also request ILO to set up a clear and transparent complaint mechanism for violations to its Convention and to allow direct participation of IPs in its meetings.

TF propose that the PF members also participate in the Inter-Agency Support Group meetings, and that these meetings should be longer and focus on specific thematic issues, in particular FPIC and indigenous cultural heritage. Collecting technical legal information as well as good and bad practices would help the WGIP in its standard setting activities.

Africa

CAASM appeal to the UNESCO to include the protection of the endangered Tamazight culture and language in its agenda.

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

North America

IPNC denounce the institutional racism prevalent in the USA and its unwillingness to properly apply the Convention on the Elimination of All Forms of Racial Discrimination, which USA has signed and ratified. IPNC quote the SR to highlight the importance of education as a vehicle for racism or for deconstructing racism, “telling the truth about history…constitutes…a prerequisite for reconstructing race relations”.

Africa

OCAPROCE would like to see special attention given to the new forms of subtle racism experienced by migrants, minorities and IPs, particularly those moving to urban areas. Such discrimination leads to unemployment, drug addiction, criminality etc.

Asia and Pacific

FAIRA regret the limited discussion on this topic and recommend that UNESCO and UNICEF assist States to develop plans of actions to reduce racial stereotyping through the media and other institutions. Special emphasis should be given to anti-racism campaigns to promote respect for the histories and cultures of IPs and safe school environments for indigenous children. The WGIP should promote the Durban Declaration in the Sub-Commission so it may be considered in its anti-racism agenda.

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

doCip draw attention to the financial and political implications of having an additional session of the Working Group on the DD (WGCD) in 2004. The limited capacity of the Voluntary Funds mean that many IPs are unable to attend the session, thus affecting the credibility of the results. Such decisions put assisting NGOs such as doCip under moral pressure to provide an unexpected Technical Secretariat.

South and Central America

FIA consider the "Expert seminar on the administration of justice" to be one of the very successful activities of the Decade. FIA encourage the WGIP and other related bodies to carry out a study on IPs and the administration of justice, and recommend that it become a permanent agenda item as well as a main theme of the WGIP.

BOLIVIA lists the various amendments to its Constitution and laws between 1994 and 2004 in order to respond to the goals of the Decade. For example a new constitutional law refers to Bolivia as multietnic and pluricultural country, while recognising the social, cultural, economic rights and the application of IPs’ own justice system as an alternative to conflict resolution. New laws have also been implemented to benefit IPs in the area of territorial title rights, right to natural resources, shared benefit of hydrocarbon exploitation, and an increased participation in decision making.

MEXICO considers that the evaluation of the Decade is not entirely satisfactory. However, one positive outcome has been the creation of the PF and energies have to be concentrated on strengthening it so that it may effectively support the goals of a second Decade.
North America

ADHFN deplore Canada's inaction during the Decade, there were no workshop, no domestic committee, simply nothing (also MCTP in the case of Ukraine). A second Decade should start with an aggressive action plan incorporating IPs' suggestions.

Asia and Pacific

TF/AIWN declare that one of the achievements of the Decade is the increase in visibility and active participation of IPs in the international arena. The drafting process of the DD however, has been frustrating and disgraceful. But the DD adopted by the Sub-Commission was used as a lobbying tool to influence the law in the Philippines. The small amount of money in the Voluntary Fund for the Decade has gone a long way, and its impact cannot be underestimated. Improvements are also visible at the national policy and legislative level, namely in the Philippines, Bolivia, Colombia, Peru, Ecuador and Argentina. International financial institutions such as the WB and Asian Development Bank have also passed new policies. Developed countries have created IPs’ policies for their donor bodies, namely the EU, Denmark and the Netherlands. Due to all these improvements and because much more remains to be done, a new Decade is necessary (also IPACC, Tamaynut, MCTP).

FAIRA agree with the assessments in the review draft report of the Decade (E/2004/82), and highlight the significant progress within the UN and international community, but "there have been few or no measurable improvements in the living conditions of IPs in many countries". FAIRA assure that drastic deterioration of the relationship between IPs and the government certainly proves Australia’s failure to provide measurable improvements. FAIRA emphatically support a second Decade and hold real expectations that more resources will be made available by the states.

Central and Eastern Europe and Russia

LIENIP/FSDA dedicate to the Decade their victory before the Russian courts in regaining control over a small 2.5 hectare coastal area, they had been fighting for since the 90s, let it "inspire IPs to protect rights to their lands and traditional livelihoods”.

Item 6 (d): State of the Voluntary Funds

The Consultative Group to the Voluntary Fund for the International Decade refers to document E.CN.4/Sub.2/AC.4/2004/9 regarding the activities of the Fund and informs that out of 159 projects proposed, 35 were sponsored for a total of 243'500 US dollars. The Consultative Group strongly encourages a new Decade. Since 1996 only 176 projects were financed with a total amount of 2.6 million dollars, though this is not negligible, the number of demands is constantly increasing. Governments, institutions and private donors are encouraged to contribute.

The UN Voluntary Fund for Indigenous Populations declare that out of 266 admissible applications, 47 travel grants to the WGIP ($154,000), 13 travel grants to the WGCD ($56,000) and 60 travel grants to the PF were recommended. A second Decade is strongly recommended and the mandate of the Fund should be extended as an expression of partnership in decision-making.

The Indigenous Caucus expresses its appreciation for the two Voluntary Funds, which are crucial for financing participation, capacity building and projects through a fair distribution process. Its enthusiasm for the Funds and encouragement for their continuation does not preclude the hope for the establishment of a UN Fund for IPs.

Item 6 (e): Draft UN Declaration on the rights of IPs

doCip are putting together a CD-ROM with all the interventions and related documents of the WGCD. UPA appeal to all parties involved in the discussions for the adoption of the DD to accept the fact that it is only a draft and that changes will naturally occur as the Declaration passes through the UN adoption process. Though its adoption will not miraculously stop the human rights violations of IPs, it will be an enormous step in that direction. The "no change" stance is contrary to UN practices in standard setting and harmful to the DD process.

South and Central America

OOTM recommend that the heads of states be summoned to a summit in order to adopt the Declaration as soon as possible.

8 Over 60 of the 200 interventions collected by doCip during the WGIP included a strong support for the adoption of the DD regarding it as a key document for the recognition of IPs rights and for the elimination of the discriminations and conflicts that IPs continue to face around the world.
MEXICO lament the lack of political will to advance in the negotiations, maybe it is time to find a new format for the negotiations. Mexico reiterates its willingness to adopt the DD and assist in any possible manner to revive the process (also BOLIVIA). In order to respond to the Secretary General’s recommendation to increase co-ordination between different organs dealing with indigenous issues, the WGIP should update its agenda periodically.

North America

ADHFN declare that after 10 years of discussion the states’ unwillingness to recognise that IPs have the same rights as all other peoples including the right to self-determination, has become painfully obvious through the ill-conceived and senseless notions of law that are part of their amendments to the DD (also IITC, IMTK, IPNC). IPNC is deeply concerned that the states are using political tactics to obstruct the process of the DD (also ADHFN, IMTK, SC, ICC). IITC deplore the fact that IPs have been pressured, for the sake of "progress", to compromise or negotiate what is already considered a minimum standard, furthermore their refusal to compromise their rights has been unfairly labelled as obstinate or obstructionist. IITC’s most profound concern regards the time pressure placed on the WGCD and the apparent lack of political will by a handful of states.

Asia and Pacific

FAIRA express deep concern for the UK’s opposition to collective rights which seriously undermines the carefully and long argued core issues in the DD. A roundtable of experts should debate UK’s position (also FPP, ICN, OCIP, PIPLinks, IPNC). UK should feel some responsibility to restore the pre-colonial autonomy and dignity of IPs (also Indigenous Caucus).

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

Working paper on item 6 (f) (only available in English), by Ms. Hampson (E/CN.4/Sub.2/AC.4/2004/CRP)

This topic affects both islands States and island territories in the Pacific Ocean, Indian Ocean and the Caribbean. In some cases part of the land is at risk of being flooded, in others, the whole territory; thus the need for evacuation varies. Ms. Hampson suggests that a further report should include all the different case scenarios and territory types since the human rights issue is the same for all. Another problem is to determine if those affected are IPs, particularly in the case of independent nation states where the population is not distinguishable from a ruling population. This is an important issue since recognition as indigenous may enable the claim to live in community if forced to relocate within another State (also Mr. Yokota). This situation is unprecedented in international law and therefore poses legal difficulties, making it problematic to request obligations from non-affected States. At the moment there are no organisations dealing with this issue. Mr. Yokota thanks Ms. Hampson for the enlightening working paper, suggests that the topic could be broadened to "The Implications to the Human Rights of IPs of Environmental and/or Climatic Changes" and supports the recommendation for a further report.

Asia and Pacific

The Pacific Caucus asks the Voluntary Fund to give special attention Pacific Islanders representatives desiring to attend meetings and recommend a UN seminar on this topic to be held within the Pacific Basin (also AIPR, PCA). Other problems linked to global warming must be considered such as changing rain patterns, destructive storms, or disappearance of coral reef due to warming waters. The Caucus agrees with sending a questionnaire to States that are at risk. Ms. Hampson's paper is important and must be distributed it to governments of the Pacific as well as to pertinent UN bodies (PCA). AIPR suggest to make this the main theme of a WGIP, and recommend the compilation of quantifiable documentation on the problems associated with rising sea levels.

Abbreviations

AANF: Arameans of Aram-Naharaim Foundation
AAT: Association Amazigh Tawesna
ADHFN: Akaitcho Dene and Hupacasath First Nation
AFP: Amity for Peace
AGREOTOURS: Asociación de Agro-Ecoturismo Indígena
AHF: Akha Heritage Foundation
AIPP: Asia Indigenous Peoples Pact
AIPR: Association of Indigenous Peoples in the Ryukyus
AIRT: Aoteaora Indigenous Rights Trust
AIU: Association Iles Umazigh
AIWN: Asian Indigenous Women’s Network
AKT: Association of the Khakas Tribes
AMGP: Apu Mangland Glupa Pusaka
ATI: Achuarri Ijuntramu
ATS: Association Tamoust-survie
AW: Asociación par la Divulgación, Promoción y Defensa de los Derechos Humanos e Indígenas de los Territorios y Asentamientos Wayuu de la Guajira – Akuaipa Waimakat
BAA: Bangsa Adat Alifuru
BAF: Bangladesh Adivasi Forum
BDHRW: Bangladesh Democracy & Human Right Watch
BGBK: Bikalpa Gyan Bikas Kendra (Traditional Learning Centre for indigenous youth)
BIPF: Bangladesh Indigenous Peoples’ Forum
BIRSA: Bindra Institute for Research Study in Action
BRDN: Buffalo River Dene Nation
BW: Benadir-Watch
CAASM: Confédération des Associations Amazighes du Sud Marocain
CAMV-RDC: Centre d'Accompagnement des Autochtones Pygmées et Minoritaires Vulnérables
CEFAIL: Centre de formation et d’appui aux initiatives locales
CGA: Coordination du Groupe Afrique
CGZSC: Capitánía Guaraní Zona Santa Cruz
CHRO: Chin Human Rights Organisation
CIPKT: Comunidad Indígena del Pueblo Kolla Tinkunaku
CIta: Confederación Indígena Tayrona
CIWRI: Canadian Indigenous Women’s Research Institute
CMA: Congrès Mondial Amazigh
CN: Consejo de la Nación Otomi
CNV: Cumanagoto Nation of Venezuela
COBASE: Cooperativa Tecnico Scientifica di Base
CONDECOREP: Coordinadora Nacional de Desplazados y Comunidades en Reconstrucción del Perú
CONMIE: Consejo Nacional de Mujeres Indígenas del Ecuador
CORE: Centre for Organisation Research and Education
CPA: Cordillera Peoples’ Alliance
CPNAB: Consejo de Pueblos Nahuas del Alto Balsas
CRG: Chagos Refugees Group
CRIC: Consejo Regional Indígena del Cauca
CSIA-Nitassinan: Comité de Solidarité avec les Indiens des Amériques
CSP: Communidad Sitajara del Perú
CSSC: Comité Suisse de Soutien aux Chagossiens
doCip: Indigenous Peoples’ Centre for Documentation, Research and Information
EF: Ecospirituality Foundation
FAIRA: Foundation for Aboriginal and Islander Research Action
FECONACA: Federación de Comunidades Nativas Campa-Ashaninka
FIA: Fundacion Intercultural Alitasia
FIAAH: Foundation for Indigenous Americans of Anasazi Heritage
FMSAA: Federación de Mujeres Shawi del Alto Amazonas
FPP: Forest Peoples Programme
FRSCIP: Foundation for Research and Support to the Crimean Indigenous Peoples
FSDA: Foundation for Sustainable Development of Altai
Gherush92: Committee against anti-Semitism and racism
GSR: Gokum from Seven Rivers (Subanon Tribal Council)
HI: Hiroshima Peace Institute
IAAD: Indigenous Ahwazi-Arab Delegation
ICC: Inuit Circumpolar Conference
ICITP: Indian Confederation of Indigenous and Tribal Peoples
ICN: Innu Council of Nitassinan
ICSIA: Indian Council of South America
IEI: Instituto de Estudios Indígenas, Universidad de la Frontera Chile
IITC: International Indian Treaty Council
IMTK: Indigenous Movement "Tupaj Katari"
<table>
<thead>
<tr>
<th>Acronym</th>
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<tr>
<td>IOIRD</td>
<td>International Organisation of Indigenous Resource Development</td>
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<td>IPACC</td>
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<td>Indigenous Peoples and Nations Coalition</td>
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<td>JGDC</td>
<td>John Graham Defence Committee</td>
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<td>JJCCJ</td>
<td>John Jay College of Criminal Justice</td>
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<td>Kapaeng</td>
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<td>Organisation d’Appui aux Initiatives de Développement et Environnement</td>
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<td>Rehoboth Baster Community</td>
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<td>RCIDP</td>
<td>Rural Community Development Portal</td>
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<td>SAIWF</td>
<td>South Asia Indigenous Women Forum</td>
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<td>SC</td>
<td>Saami Council</td>
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<td>SETD</td>
<td>Society for Education, Training and Development</td>
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<td>Taller Permanente de Mujeres Andinas y Amazónicas</td>
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<td>Tshikapisk Foundation</td>
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<td>Te Whanau a Apanui</td>
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<td>United Peoples Assembly</td>
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<td>World Adivasi Council</td>
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<td>WIMSA</td>
<td>Working Group of Indigenous minorities in Southern Africa</td>
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3. COMMISSION ON HUMAN RIGHTS

61st session, Geneva, 14 March – 22 April 2005

At its 61st session (2005), the CHR adopted four Resolutions and two Decisions directly regarding IPs. Three of the Resolutions and both Decisions were adopted after recorded votes.

Resolutions (highlights)

Resolution 2005/49

Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights

The Commission on Human Rights,

I. REPORT OF THE WGIP OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

2. Recommends that the Economic and Social Council (ECOSOC) authorize the Working Group to meet for five working days prior to the 57th session of the Sub-Commission [2005];
3. Recommends that the ECOSOC authorize the Chairperson-Rapporteur of the 22nd session of the Working Group to submit the report on that session to the Permanent Forum on Indigenous Issues (PF) during the Forum’s fourth session in 2005, as requested in Sub-Commission resolution 2004/15 of 9 August 2004;
4. Invites the Working Group to give special attention to its standard-setting activities throughout the Second Decade of the World’s Indigenous People;
5. Welcomes the fact that the Working Group has continued to carry out a comprehensive review of developments and of the diverse situations and aspirations of the world’s indigenous people and that at its 23rd session [2005], the Working Group will focus on the theme “IPs and the international and domestic protection of traditional knowledge”, and invites Governments, intergovernmental organizations, indigenous organizations and non-governmental organizations to provide information and data on this theme to the Working Group at its 23rd session;
6. Invites the Working Group to continue its consideration of ways and means in which the expertise of indigenous people can contribute to the work of the Working Group, and encourages initiatives by Governments, organizations of indigenous people and non-governmental organizations to ensure the full participation of IPs in the activities related to the tasks of the Working Group;
7. Invites the Working Group and all thematic special rapporteurs, special representatives, independent experts, working groups and expert seminars, within the framework of their respective mandates, to continue considering possible ways and means to ensure that the particular situation of IPs is properly reflected in their periodic reports to their superior bodies, so as to contribute to the effective fulfillment of the respective mandates of the ECOSOC, the Commission, the Sub-Commission, the PF, the Working Group and the Special Rapporteur (SR);
8. 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 indigenous people, in order to encourage the widest possible participation in its work;
(b) To transmit the reports of the Working Group to Governments, organizations of indigenous people and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions;

II. SECOND INTERNATIONAL DECADE OF THE WORLD’S INDIGENOUS PEOPLE

9. Expresses its appreciation to the present and previous High Commissioners for Human Rights (HCHR) for coordinating the International Decade of the World’s Indigenous People and contributing to the promotion of international cooperation to improve the situations of indigenous people;
10. Also expresses its appreciation to the Advisory Group for the Voluntary Fund for the International Decade for its advice to the Coordinator on the disbursement of funds for projects and activities aimed at implementing the programme of action of the Decade;
11. Emphasizes the urgency of adopting the declaration on the rights of IPs as soon as possible;
12. Urges all States to continue working, in cooperation with the United Nations system, on the implementation of the conclusions and recommendations of the International Decade and to take the necessary measures to support the goals of the Second Decade;

13. Invites the Coordinator for the Second Decade to take the necessary steps to establish, as soon as possible, the basis for the full cooperation and consultation required to secure the effective participation of Governments, the PF and other relevant bodies and mechanisms of the UN system, inter alia, the WGIP and the SR on the situation of human rights and fundamental freedoms of indigenous people, the Office of the High Commissioner for Human Rights (OHCHR), other members of the Inter-Agency Support Group on Indigenous Issues (IASG) and indigenous and non-governmental organizations, in the planning, execution and monitoring of the programme of action of the Second Decade;

14. Invites the WGIP to submit in due course to the Coordinator for the Second Decade, through the OHCHR, a list of activities to be considered for possible inclusion as part of the human rights component of the comprehensive programme of action for the Second Decade that the Secretary-General has been requested to submit to the General Assembly at its 60th session [2005];

15. Requests the UNHCHR to submit to the Commission at its 62nd session [2006], under the agenda item entitled “Indigenous issues”, a report on the activities undertaken by her Office during the calendar year 2005 relating to IPs, as well as proposals both within and outside the framework of the Second Decade for enhancing the promotion and protection of the individual and collective rights of indigenous people, including their human rights and freedoms;

16. Decides to consider this matter at its 62nd session, under the same agenda item.

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

“The ECOSOC, taking note of CHR resolution 2005/49 of 19 April 2005, endorses the Commission’s recommendation to the Council to authorize the WGIP of the Sub-Commission on the Promotion and Protection of Human Rights to meet for five working days prior to the 57th session of the Sub-Commission. The Council also authorizes the Chairperson-Rapporteur of the 22nd session of the Working Group to submit the report on that session to the PF at its fourth session in 2005.”

Resolution 2005/49 was adopted by a recorded vote of 39 votes to 13, with 1 abstention, as follows:

In favour: Argentina, Armenia, Bhutan, Brazil, Burkina Faso, Canada, China, Congo, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gabon, Guatemala, Guinea, Honduras, India, Indonesia, Kenya, Malaysia, Mauritania, Mexico, Nepal, Nigeria, Pakistan, Paraguay, Peru, Qatar, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Togo and Zimbabwe.

Against: Australia, France, Germany, Hungary, Ireland, Italy, Japan, Netherlands, Republic of Korea, Romania, Ukraine, United Kingdom and United States.

Abstention: Finland.

Resolution 2005/50

Working group of the CHR to elaborate a draft declaration (DD)

The Commission on Human Rights,

1. Takes note of the report of the working group (E/CN.4/2005/89 and Add.1 and 2) and welcomes the continuation and positive nature of the deliberations of the working group, in particular the measures taken to ensure effective input by organizations of indigenous people;

2. Expresses its appreciation for the work of ECOSOC in considering applications from organizations of indigenous people 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 indigenous people 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. Urges all parties involved in the process of negotiation to do their utmost to carry out successfully the mandate of the working group and to present for adoption as soon as possible a final draft UN declaration on the rights of indigenous people;

5. Recommends that the working group meet for ten working days prior to the 62nd session of the Commission, the cost of the meeting to be met from within existing resources;

6. Invites the Chairperson-Rapporteur of the working group to undertake inquiries with the UN OHCHR 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 indigenous people;

7. Also invites the Chairperson-Rapporteur of the working group and all interested parties to conduct broad informal intersessional consultations with a view to facilitating progress in concluding a declaration on the rights of indigenous people at the next session of the working group;
8. Takes note of the proposal raised during the resumed meeting of the 10th session of the working group, to hold a workshop with the participation of representatives of States, indigenous experts, internationally recognized academics, independent experts and civil society organizations, to be hosted and co-sponsored by the Government of Mexico, on issues related to the DD with the purpose of promoting the rapprochement of positions of all partners involved, and invites the SR on the situation of human rights and fundamental freedoms of indigenous people to participate in this workshop;

9. Encourages organizations of indigenous people that are not already registered to participate in the working group and that wish to do so to apply for authorization in accordance with the procedures set out in the annex to Commission resolution 1995/32;

10. Requests the working group to submit a report for consideration by the Commission at its 62nd session under the same agenda item;

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

“The ECOSOC, taking note of CHR resolution 2005/50 of 20 April 2005, authorizes the working group established in accordance with Commission resolution 1995/32 of 3 March 1995 to meet for a period of ten working days prior to the 62nd session of the Commission, the costs of the meeting to be met from within existing resources.”

Resolution 2005/50 was adopted by a recorded vote of 52 votes to none, with 1 abstention, as follows:

In favour: Argentina, Armenia, Australia, Bhutan, Brazil, Burkina Faso, Canada, China, Congo, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Finland, France, Gabon, Germany, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Kenya, Malaysia, Mauritania, Mexico, Nepal, Netherlands, Nigeria, Pakistan, Paraguay, Peru, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Ukraine, United Kingdom and Zimbabwe.

Abstentions: United States.

The 11th session of the Working Group on the Draft Declaration will take place in Geneva, Switzerland:

From November 14 to 25, 2005 and from December 12 to 16, 2005

(dates to be confirmed)

Information: http://www.ohchr.org/english/issues/indigenous/groups/groups-02.htm

Contact: Office of the High Commissioner for Human Rights
Phone: + 41 22 917 9000 – Fax: + 41 22 917 9010

Resolution 2005/51
Human rights and indigenous issues

The Commission on Human Rights,

1. Welcomes the report of the SR on the situation of human rights and fundamental freedoms of indigenous people (E/CN.4/2005/88 and Add.1–4), as well as the official visits he has made during the last year, and encourages Governments to respond positively to requests by the SR to visit their country;

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 indigenous people, in conformity with his mandate, and 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;

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, as well as the recommendations, observations and conclusions of the Committee on the Elimination of Racial Discrimination;

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 continue requesting, receiving and exchanging information on violations of the human rights of indigenous people, 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 reports, in particular, those that impact on the situation of the human rights and fundamental freedoms of indigenous people, which may contribute to advancing the debate on fundamental issues of the “draft UN declaration on the rights of IPs”;

6. Takes note of the intention of the SR to devote his next report to the topics of constitutional reform, legislation and implementation of laws regarding the protection of rights of indigenous people and the effectiveness of their application;

7. Also takes note of the proposal raised during the resumed meeting of the 10th session of the working group on a draft UN declaration on the rights of IPs, to hold a workshop with the participation of representatives of States, indigenous experts, internationally recognized academics, independent experts and civil society organizations, to be hosted and co-sponsored by the Government of Mexico, on issues related to the DD, with the purpose of promoting the rapprochement of positions of all partners involved, and invites the SR to participate in this workshop;

8. Notes with appreciation the outcome of the Expert Seminar on IPs and Education (E/CN.4/2005/88/Add.4) organized by the UN OHCHR and the UNESCO with the participation of governmental, indigenous, non-governmental and independent experts, encourages the SR to continue developing his thematic programme and invites all States to take into account his recommendations in the formulation of public policies on the subject;

9. Requests the SR to begin preparing a study regarding best practices carried out to implement the recommendations contained in his general and country reports and to submit a progress report to the Commission at its 62nd session and the final study at its 63rd session;

10. Also requests the SR to liaise with the Special Adviser of the Secretary-General on the Prevention of Genocide with regard to the protection of indigenous people from genocide and, together with other special procedures established by this Commission and relevant UN bodies, to facilitate consultation and exchange of information, in order to enable all involved actors to adopt necessary preventive measures in a timely manner;

11. Invites the SR to continue to carry out his task in coordination with the PF and the WGIP and to take into account their recommendations relevant to his mandate;

12. Requests the UN OHCHR to facilitate the attendance of the SR at the fourth annual session of the PF to be held at UN Headquarters in May 2005;

13. 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;

14. Takes note with appreciation of the intention of the OHCHR and the Inter-parliamentary Union to organize, making use of existing financial resources and voluntary contributions, a seminar on constitutional reforms, legislation and implementation of laws regarding the rights of indigenous people and the effectiveness of their application, with the participation of indigenous and governmental and non-governmental experts, to assist the SR in examining the main topic of his annual report to the Commission in 2006;

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

16. 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 in its second phase, to be held in Tunis in 2005;

17. Urges those States that have not yet done so to consider, as a matter of priority, ratifying or acceding to the Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989 (No. 169) of the International Labour Organization;

18. Requests the SR to submit a report on his activities to the General Assembly at its 60th session and to the Commission at its 62nd session;

19. Requests the Secretary-General and the UNHCHR to provide all the necessary human, technical and financial assistance to the SR for the effective fulfillment of his mandate;

20. Decides to continue consideration of this question at its sixty-second session, under the same agenda item.

Resolution 2005/52
Protection of IPs in time of conflict

The Commission on Human Rights,

1. Requests the Secretary-General:

(a) To ensure that the Special Adviser for the Prevention of Genocide appointed under the Action Plan to Prevent Genocide takes into consideration the need to protect IPs and their territories;

(b) To ensure that, in situations where there are forces present under a UN mandate, they protect vulnerable IPs, their territories and objects indispensable to their survival;

(c) To ensure that the mandates of UN authorized operations include a requirement to protect indigenous populations and their territories;

2. Requests the SR on the situation of human rights and fundamental freedoms of indigenous people:
To liaise with the Special Adviser with regard to the protection of IPs from genocide;

(b) To develop an emergency response mechanism as part of his mandate.

Resolution 2005/52 was adopted by a recorded vote of 35 votes to 13, with 4 abstentions, as follows:

In favour: Argentina, Armenia, Bhutan, Brazil, Burkina Faso, China, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gabon, Guatemala, Guinea, Honduras, Indonesia, Kenya, Malaysia, Mauritania, Mexico, Nepal, Nigeria, Pakistan, Paraguay, Peru, Qatar, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland and Zimbabwe.

Against: Australia, Canada, Finland, France, Germany, Hungary, Ireland, Italy, Netherlands, Romania, Ukraine, United Kingdom and United States.

Abstentions: Congo, India, Japan and Republic of Korea

Decisions

Decision 2005/110

Final report on the study “IPs’ permanent sovereignty over natural resources”

At its 58th meeting, on 20 April 2005, the CHR, taking note of resolution 2004/9 of 9 August 2004, of the Sub-Commission on the Promotion and Protection of Human Rights, decided, by a recorded vote of 38 votes to 2, with 12 abstentions:

(a) To express its deep appreciation to the SR, Mrs. Erica-Irene A. Daes, for her excellent and very comprehensive final report on the study entitled “IPs’ permanent sovereignty over natural resources” (E/CN.4/Sub.2/2004/30 and Add.1);

(b) To recommend to the ECOSOC that it authorize the UN OHCHR to convene an expert seminar during the year 2005, to which representatives of IPs and Governments as well as the SR will be invited, in order to give further attention to and to discuss in detail the many political, legal, economic, social and cultural aspects and matters relating to in the above mentioned study, as well as to the other relevant study of the SR entitled “IPs and their relationship to land” (E/CN.4/Sub.2/2001/21);

(c) Also to recommend to the ECOSOC, mindful of the importance of the studies, which may, inter alia, be used as a basis for reconciliation between Governments and IPs, that they be issued as UN publications as part of the Human Rights Study Series.

The final report of Mrs. Erica-Irene Daes on “IPs’ Permanent Sovereignty over natural resources” is available in English, Spanish, French and Russian (Annexes are available only in English) at doCip or on the web at: http://www.ohchr.org/english/bodies/subcom/56th/documents.htm

(March-April 2003)

The expert seminar on Mrs. Daes’ studies will take place between the 11th session and resumed 11th session of the WGCD (see above, Resolution 2005/50). Venue and dates will be published in our next Update.

Recorded vote on Decision 2005/110:

In favour: Argentina, Bhutan, Brazil, Burkina Faso, Canada, China, Congo, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gabon, Guatemala, Guinea, Honduras, India, Indonesia, Kenya, Malaysia, Mauritania, Mexico, Nepal, Nigeria, Pakistan, Paraguay, Peru, Qatar, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland and Zimbabwe.

Against: Australia and United States.

Abstentions: Armenia, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Netherlands, Republic of Korea, Ukraine and United Kingdom.
Decision 2005/112
The legal implications of disappearance of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of IPs

At its 59th meeting, on 20 April 2005, the CHR, taking note of Sub-Commission on Promotion and Protection of Human Rights resolution 2004/10 of 9 August 2004, decided, by a recorded vote of 51 votes to 2, to welcome the working paper (E/CN.4/Sub.2/AC.4/2004/CRP.1) on the human rights situation of IPs in States and other territories threatened with extinction for environmental reasons, and endorsed the request of the Sub-Commission to Ms. Françoise Hampson to update and expand her work and submit an expanded working paper to the 57th session of the Sub-Commission. The Commission also endorsed the request to the Secretary-General to provide Ms. Hampson with all necessary assistance to enable her to update and expand her working paper, inter alia, by facilitating her contacts with States, including transmitting a questionnaire elaborated by Ms. Hampson to solicit information required in connection with her study.

Recorded vote on Decision 2005/112:
In favour: Argentina, Armenia, Bhutan, Brazil, Burkina Faso, Canada, China, Congo, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Finland, France, Gabon, Germany, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Kenya, Malaysia, Mauritania, Mexico, Nepal, Netherlands, Nigeria, Pakistan, Paraguay, Peru, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Ukraine, United Kingdom and Zimbabwe.
Against: Australia and United States.
4. UPCOMING MEETINGS AND DEADLINES FOR INDIGENOUS PEOPLES FROM JULY 2005

6-10 June 2005 (Geneva, Switzerland)
Eighth session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore
World Intellectual Property Organisation (WIPO)
34, chemin des Colombettes, 1211 Geneva 20, Switzerland
Phone: +41 22 338 9111 Fax: +41 22 733 54 28
For information and outcomes: http://www.wipo.int/meetings/en/topic.jsp?group_id=110

13-15 June 2005 (Sunne, Varmland County, Sweden)
Seminar on Forestry and our Cultural Heritage
Contact: Ms. Kornatowska, b.kornatowska@lu-warsaw.pl
For information and outcomes: http://www.mcpfe.org/Members/Marta/sem/view?searchterm=None

28 June-23 July 2005 (New York, USA)
Substantive session of the Economic and Social Council of the United Nations (ECOSOC)
(Humanitarian Affairs 13-18 July)
Division for ECOSOC Support and Coordination, Department of Economic and Social Affairs
1 UN Plaza, Room DC1-1428, New York, NY 10017
E-mail: esa@un.org Web: http://www.un.org/docs/ecosoc/meetings/2005/subst_bg.html

5-22 July 2005 (New York, USA)
33rd Session of the Convention on the Eradication of all Forms of Discrimination Against Women (CEDAW)
Countries scheduled for consideration: Benin, Democratic People’s Republic of Korea, Gambia, Lebanon, Burkina Faso, Guyana, Ireland, Israel.
United Nations Division for the Advancement of Women
Department of Economic and Social Affairs
2 UN Plaza, DC2-12th Floor, New York, NY 10017, USA
Fax: +1 212 963 3463 E-mail: see link “E-mail DAW” on bottom left hand corner of website
Web: http://www.un.org/womenwatch/daw/cedaw/33sess.htm

11-29 July 2005 (Geneva, Switzerland)
84th session of the Human Rights Committee
Countries scheduled for consideration: Slovenia, Syrian Arab Republic, Tajikistan, Thailand, Yemen
Office of the High Commissioner for Human Rights
United Nations, CH-1211 Geneva 10, Switzerland
Phone: +41 22 917 90 00 Fax: +41 22 917 90 11
Web: http://www.ohchr.org/english/bodies/hrc/sessions.htm

14-15 July 2005 (Geneva, Switzerland)
Sixth International Workshop on Indigenous Children and Youth
World Council of Churches Headquarters and Child Rights International Research Institute
Contact: Dr. Cynthia Price Cohen
Phone: +1 212 873 7250 E-mail: childrights@worldnet.att.net
Web: http://www.ohchr.org/english/issues/indigenous/groups/groups-01.htm

16-17 July 2005 (Geneva, Switzerland)
Preparatory meeting to the WGIP for indigenous peoples
World Council of Churches (WCC) Headquarters, Indigenous Peoples Programme
PO Box 2100, 150 route de Ferney
CH-1211 Geneva 2, Switzerland
Phone. +41 22 791 60 44 E-mail: lsm@wcc-coe.org
Web: http://www.ohchr.org/english/issues/indigenous/groups/groups-01.htm
18-22 July 2005 (Geneva, Switzerland)
23rd session of the Working Group on Indigenous Populations:
“Indigenous peoples and the international and domestic protection of traditional knowledge”
Secretariat of the Working Group on Indigenous Populations
Office of the High Commissioner for Human Rights
United Nations, CH-1211 Geneva 10, Switzerland
Phone: +41 22 917 9323 Phone/Fax: +41 22 917 9008
E-mail: WGindigenous@ohchr.org Web: http://www.ohchr.org/english/issues/indigenous/groups/groups-01.htm

18-25 July 2005 (Bamako, Mali)
Training on Poverty Reduction, Reproductive Health and Health Sector Reform:
Achieving the MDGs in Francophone Africa
World Bank in collaboration with local organisations
Phone: +223 222 3043/8086 Fax: +223 222 7831
E-mail: Btraore@cerpod.insah.org (Mr. Traore, CERPOD) or gsorgho@worldbank.org (Mr. Sorgho)
Web: www.worldbank.org (Look under “Events” and click on “Conferences”)

25-26 July 2005 (Geneva, Switzerland)
Special Rapporteur Workshop on implementation of legislation
Contact: Mr. Pablo Espiniella
Office of the High Commissioner for Human Rights
United Nations, CH-1211 Geneva 10, Switzerland
Phone: +41 22 917 9413 Fax: +41 22 917 9008
E-mail: indigenous@ohchr.org Web: http://www.ohchr.org/english/issues/indigenous/rapporteur/

25-29 July 2005 (Cartigny, Switzerland)
2005 UNITAR International Training Programme to Enhance the Conflict Prevention and Peacebuilding Capacities of Indigenous Peoples’ Representatives
United Nations Institute for Training and Research (UNITAR)
United Nations, CH - 1211 Geneva 10, Switzerland
Phone: +41 22 917 1234 Fax: +41 22 917 8047
E-mail: info@unitar.org Web: http://www.unitar.org/peacemaking

25 July - 12 August 2005 (Geneva, Switzerland)
57th session of the Sub-Commission on the Promotion and Protection of Human Rights
Secretariat of the Sub-Commission
Office of the High Commissioner for Human Rights
United Nations, CH-1211 Geneva 10, Switzerland
Phone: +41 22 917 97 25 Fax: +41 22 917 90 11
E-mail: ngochr@ohchr.org Web: http://www.unhchr.ch/html/menu2/2/sc.htm

28 July - 8 August (South Africa)
Visit of the Special Rapporteur to South Africa
Office of the UN High Commissioner for Human Rights (OHCHR)
United Nations, 1211 Geneva 10, Switzerland
Contact: Pablo Espiniella, Human Rights Officer
Phone: +41 22 917 94 13 Fax: +41 22 917 90 08
E-mail: indigenous@ohchr.org Web: http://www.ohchr.org/english/issues/indigenous/calendar.htm

9 August 2005 (Celebrated throughout the world)
International Day of the World’s Indigenous Peoples

1-19 August 2005 (Geneva, Switzerland)
67th session of the UN Committee on the Elimination of Racial Discrimination (CERD)
Countries scheduled for consideration: Barbados, Bosnia and Herzegovina, Georgia, Iceland, Lithuania, Malawi, Mozambique, Nigeria, Saint Lucia, Seychelles, Tanzania, Turkmenistan, Venezuela, Zambia
CERD Secretariat
Office of the High Commissioner for Human Rights
United Nations, CH-1211 Geneva 10, Switzerland
Phone: +41 22 917 9254 Fax: +41 22 917 9309
E-mail: nprouvez.hchr@unog.ch or mbdault.hchr@unog.ch
Web: http://www.ohchr.org/english/bodies/cerd/cerds67.htm
8 August - 23 September 2005 (Geneva, Switzerland)
Third Session of Conference on Disarmament (CD)
CD Secretariat & Conference Support Branch (Geneva)
United Nations, 1211 Geneva 10, Switzerland
E-mail: ddaweb@un.org Web: http://disarmament.un.org:8080/cd/

12-30 September 2005 (Geneva, Switzerland)
40th session of the Committee on the Rights of the Child (CRC)
Countries scheduled for consideration: Algeria, Australia, China (including Hong-Kong and Macau), Denmark, Finland, Russian Federation, Saudi Arabia, Trinidad and Tobago, Uganda
Office of the High Commissioner for Human Rights
United Nations, 8-14 avenue de la Paix,
CH-1211 Geneva 10, Switzerland
E-mail: crc@ohchr.org Phone/Fax: +41 22 917 9022
Web: http://www.ohchr.org/english/bodies/crc/crcs40.htm

14 September-December 2005 (New York, USA)
60th session of the UN General Assembly
UN Headquarters, 1 UN Plaza, New York, NY 10017
Phone: +1 212 963 8811 Fax: +1 212 963 1267
E-mail: aydin@un.org Web: http://www.un.org/ga/59/plenarymeeting.html

19-30 September 2005 (Geneva, Switzerland)
Prepcom 3 of the Tunis Phase of the World Summit on Information Society (WSIS)
International Telecommunication Union, WSIS Secretariat
Place des Nations, 1211 Geneva 20, Switzerland
Phone: +41 22 730 6365 Fax: +41 22 730 6393
E-mail for civil society entities: wsis.csd@ites.itu.int
E-mail for general inquiries: wsis@itu.int
Web: http://www.itu.int/wsis/preparatory2/pc3/index.html

25th September 2005 (Washington D.C., USA)
World Bank and International Monetary Fund Annual Meeting
Bank/Fund Conferences Office
Phone: +1 202 473 7272 Fax: +1 202 623 4100
E-mail: bfcoffice@worldbank.org Web: http://www.imf.org/external/am/2005/

26-30 September 2005 (Mexico, dates and venue to be confirmed)
Seminar on the Draft Declaration
Office of the High Commissioner for Human Rights
United Nations, CH-1211 Geneva 10, Switzerland
Phone: +41 22 917 9000 Fax: +41 22 917 9010
E-mail: mtabard@ohchr.org Web: http://www.ohchr.org/english/issues/indigenous/groups/groups-02.htm

12-18 October 2005 (Bangalore, India)
Tunza International Youth Conference
United Nations Environment Programme (UNEP)
P.O. Box 30552, Nairobi, Kenya
Phone: +254 20 623937/625066, Fax: +254 20 623927/624350
For information & outcomes (application deadline was May 15th):
http://www.unep.org/Tunza/youthconference2005/

17 – 28 October 2005 (Nairobi, Kenya)
Seventh session of the Conference of the Parties (COP 7) for the Convention to Combat Desertification
UN Convention to Combat Desertification (UNCCD)
P.O. Box 260129, Haus Carstanjen, D-53153 Bonn, Germany
Phone: +49 228 815 2800 Fax: +49 228 815 2898/99
E-Mail: secretariat@unccd.int Web: http://www.unccd.int/cop/cop7/menu.php
17 October - 4 November 2005 (Geneva, Switzerland)

85th session of the Human Rights Committee
Countries scheduled for consideration: Canada, Italy, Paraguay
Office of High Commissioner for Human Rights
United Nations, 1211 Geneva 10, Switzerland
Phone: +41 22 917 90 00 Fax: +41 22 917 90 11
Web: http://www.ohchr.org/english/bodies/hrc/submissions.htm

7 - 25 November 2005 (Geneva, Switzerland)

35th session of the Committee on Economic, Social and Cultural Rights (CESCR)
Countries scheduled for consideration: Slovenia, Austria, Uzbekistan, Monaco, Libyan Arab Jamahiriya
E-mail: InfoDesk@ohchr.org (write “Request for Information” in the Subject line)
Web: http://www.ohchr.org/english/bodies/cescr/cescr35.htm

7 - 15 November 2005 (Kampala, Uganda)

Ninth meeting of the Conference of the Contracting Parties,
Ramsar Convention on Wetlands
Rue Mauvernay 28, 1996 Gland, Switzerland
Phone: +41 22 999 0170 Fax: +41 22 999 0169
E-mail: ssg@ramsar.org Web: http://www.ramsar.org/cop9_prepvisit_march2004_media.htm

14-25 November 2005 (Geneva, Switzerland) Dates to be confirmed

11th session of the Working Group on the Draft Declaration on the Rights of Indigenous Peoples (WGCD)
Office of the UN High Commissioner for Human Rights
United Nations, 1211 Geneva 10, Switzerland
Phone: +41 22 917 9000 Fax: +41 22 917 9010
Interested participants E-mail: mtabard@ohchr.org
Web: http://www.ohchr.org/english/issues/indigenous/groups/groups-02.htm

16-18 November 2005 (Tunis, Tunisia)

Tunis Phase of the World Summit on Information Society (WSIS)
International Telecommunication Union, WSIS Secretariat
Place des Nations, 1211 Geneva 20, Switzerland
Phone: +41 22 730 6365 Fax: +41 22 730-6393
E-mail for civil society entities: wsis.csd@ties.itu.int
E-mail for general inquiries: wsis@itu.int
Web: http://www.itu.int/wsis/basic/about.html

27 November - 1 December 2005 (Hamilton, New Zealand)

World Indigenous Peoples Conference on Education
Organised by Aroha Te Kanawa
Te Wananga o Aotearoa, PO Box 19439,
Hamilton, New Zealand
Phone: +64 7 838 7649 Fax: +64 7 838 7606
E-mail: info@wipce2005.com Web: http://www.wipce2005.co.nz/welcome.htm

28 November - 2 December 2005 (Montreal, Canada)

11th Meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA-11)
Secretariat of the Convention on Biological Diversity (CBD)
413 St-Jacques Street, 8th floor, Office 800
Montreal, Quebec, Canada, H2Y 1N9
Phone: +514 288 2220 Fax: +514 288 6588

28 November - 9 December 2005 (Montreal, Canada)

11th session of the Conference of Parties (COP 11) for the UN Framework Convention on Climate Change
& First session of the Conference of Parties of the Kyoto Protocol (COP/MOP1)
UN Framework Convention on Climate Change Secretariat (UNFCCC)
P.O. Box 260124, D-53153 Bonn, Germany
Phone: +49 228 815 1000 Fax: +49 228 815 1999
E-Mail: secretariat@unfccc.int Web: http://unfccc.int/meetings/cop_11/items/3394.php
5-9 December 2005 (Montreal, Canada)
Second meeting of the Ad Hoc Open-ended Working Group on Protected Areas
Theme: “Protected Areas / In-Situ Conservation”
Secretariat of the Convention on Biological Diversity (CBD)
413 St-Jacques Street, 8th floor, Office 800
Montreal, Quebec, Canada, H2Y 1N9
Phone: +514 288 2220 Fax: +514 288 6588
E-Mail: secretariat@biodiv.org Web: http://www.biodiv.org/doc/meeting.aspx?mtg=PAWG-02

16 January - 3 February 2006 (New York, USA)
34th Session of the Convention on the Eradication of all Forms of Discrimination Against Women (CEDAW)
Countries scheduled for consideration: Cambodia, Eritrea, The Former Republic of Macedonia, Togo, Australia, Mali, Thailand, Venezuela.
United Nations Division for the Advancement of Women
Department of Economic and Social Affairs
2 UN Plaza, DC2-12th Floor, New York, NY 10017, USA
Fax: +1 212 963 3463 E-mail: (see link “E-mail DAW on left hand corner of website)
Web: http://www.un.org/womenwatch/daw/cedaw/34sess.htm

23-27 January 2006 (Granada, Spain) Tentative date and venue
Fourth meeting of the Ad Hoc Open-ended Working Group on Article 8(j)
Secretariat of the Convention on Biological Diversity (CBD)
413 St-Jacques Street, 8th floor, Office 800
Montreal, Quebec, Canada, H2Y 1N9
Phone: +514 288 2220 Fax: +514 288 6588
E-Mail: secretariat@biodiv.org Web: www.biodiv.org

14-18 March 2006 (Accra, Ghana)
Global Summit on HIV/AIDS, Traditional Medicine & Indigenous Knowledge (replacing 11-13 April 2005 AIDS Conference in Senegal)
AFRICA FIRST, LLC
517 Asbury Street, Suite 11
Saint Paul, Minnesota 55104, USA
Phone: +1 651 646 4721 Fax: +1 651 644 3235
E-mail: info@africa-first.com Web: http://www.africa-first.com/4thictm.asp
5. OTHERS

Office of the High Commissioner for Human Rights’ Indigenous Fellowship Programme

The Office of the High Commissioner for Human Rights is accepting applications for the 2006 Indigenous Fellowship Programme. The programme exists in English, Spanish, French and – since 2005 – as a pilot programme in Russian. The aim of the programme is to provide young indigenous men and women (preferably, but not exclusively between the ages of 25 – 35 years) with general knowledge about the overall United Nations system, and with knowledge about the international human rights instruments and mechanisms, in particular those with relevance to IPs. Furthermore, each Fellow should also at the end of the Programme be capable of giving training within their communities and organizations in the fields of international human rights in general, and on IPs’ rights in particular, and be able to disseminate the information and knowledge gained during the Fellowship Programme. Five fellows will be selected to participate in each of the four programmes: the five-month English programme, based at the Office of the High Commissioner for Human Rights in Geneva, Switzerland; the four-weeks Russian programme, also based at the OHCHR in Geneva; the ten-weeks Spanish programme, based at the Deusto University in Bilbao, Spain; and the ten-weeks French programme, based at the Dijon University, France. A stipend will be provided to cover costs for living, insurance and travel to and from Geneva. For more information on the program and the conditions for the application, please visit the website [http://www.ohchr.org/english/issues/indigenous/fellowship.htm](http://www.ohchr.org/english/issues/indigenous/fellowship.htm). Additional questions pertaining to this programme should be addressed to the Indigenous Project Team (see address below). Please note that the **deadline for the 2006 Fellowship Programme is 29 August 2005** and that applications must be sent only by fax or post to the address below in order to be considered.

Fellows of the 2005 Programme

**English speaking fellows**
2 May – 26 September 2005 (based in Geneva, Switzerland)

- Ms. Catherine Davis, Maori (New Zealand)
- Mr. Morse Caoagas, Ibanag/Kalinga (Philippines)
- Mr. Tommy April Busakhwe, Khomani (South Africa)
- Ms. Trina L. Landlord, Yupik Eskimo (Alaska)
- Ms. Maria Anabela Carlon, Yaqui (Mexico)

**Russian speaking fellows**
26 June - 23 July 2005

- Mr. Anatoly Sleptsov, Even (Yakutia)
- Ms. Palina Shulbayeva, Selkup (Tomsk)
- Ms. Anastasia Chkhman, Itelmen (Kamchatka)
- Mr. Tair Bodroshev, Tubalar (Altay)

**Spanish speaking fellows**
10 July-18 August 2005 (based in Deusto University, Bilbao, Spain)

- Ms. Maribel Yapu Quipse, Quechua (Bolivia)
- Ms. Eugenia del Carmen Calquen Morales, Mapuche (Chile)
- Mr. Omar Teodosio Angel Perez, Zapoteco (Mexico)
- Mr. Asdrubal Torres Torres, Tayrona (Colombia)
- Mr. Sandro Emanuel Cruz Santos, Tuxa (Brazil)

**French speaking fellows**
17 October -11 November 2005 (based in Dijon University, France)

- Mr. Emmanuel Nengo, Batwa (Burundi)
- Mr. L’Houcin Alihsyni, Amazigh (Morocco)
- Mrs. Aicha Cheikh Salah, Tuareg (Niger)
- Mrs. Ghaichatou Amoul Kinni, Tuareg (Niger)
- Mr Hassan Marmouri, Tuareg (Algeria)
Contact:
Indigenous Fellowship Programme
Indigenous Project Team
Office of the High Commissioner for Human Rights
UNOG-OHCHR
CH-1211 Geneva 10 / Switzerland
Telefax: +41 22 917 9008
E-mail: fellowship@ohchr.org
Web: http://www.ohchr.org/english/issues/indigenous/fellowship.htm

United Nations Voluntary Fund for Indigenous Populations

The forms for representatives of IPs to apply to the Voluntary Fund for travel grants to the 2006 sessions of the:

- Permanent Forum on Indigenous Issues
- Working Group on Indigenous Populations
- Working Group on the Draft Declaration

are available on the OHCHR’s Website:


This application has to be signed, dated and accompanied by a letter of nomination and sent by 1 OCTOBER 2005 to

Secretariat of the Voluntary Fund for Indigenous Populations
Office of the United Nations High Commissioner for Human Rights
CH-1211 Geneva 10 - Switzerland
Tel. (+41 22) 917 91 64/91 42 - fax (+41 22) 917 90 66
E-mail: indigenousfunds@ohchr.org
For applications and more information: http://www.ohchr.org/english/about/funds/indigenous/

"Indigenous Peoples and human rights" - Video Film Festival

The organisation of a mini-Festival is being envisaged, with short videos of max. 15 minutes on the theme of IPs and human rights. If you wish to participate in the festival, please send a copy of your video indicating the name of the author, the community concerned, date when the film was shot and the duration of the film. It is planned to establish a jury of indigenous representatives and there will be a small prize for the best film.

For questions and sending videos, contact:
Samia Slimane
Secretary a.i of the Working Group on Indigenous Populations
Office of the High Commissioner for Human Rights
United Nations
CH-1211 Geneva 10
Switzerland
Email: sslimane@ohchr.org
Indigenous Peoples Beach Party

The indigenous peoples participating in the Working Group on Indigenous Populations are organizing the now traditional indigenous party to take place on Thursday 21 July 2005 at the United Nations Beach, Rue de Lausanne 216, 1211 Geneva. Kindly contact Mr. Kenneth Deer at easterndoor@axess.com if you wish to financially contribute to ensure a broad participation. Please also feel free to contact the Secretariat of the Working Group on Indigenous Populations at sslimane@ohchr.org if you need further information.

MANDAT INTERNATIONAL informs:

At the end of the UN Working Group on Indigenous Peoples, Mandat International organizes every year since 1998 a Cultural Day for Indigenous Peoples. Following the growing success of these last few years, Mandat International and Traditions for Tomorrow have decided this year to organize jointly an extensive Cultural Day for Indigenous Peoples, with the support of the United Nations High Commissioner for Human Rights, the patronage of the Swiss Commission of UNESCO and the support of the Geneva Federation of Cooperation.

We invite you to meet and discover Indigenous peoples from the whole world. Many activities will make you travel and discover their cultural treasures: typical dances, songs, music, tales, traditional cooking, paintings exhibitions, crafts, presentations of traditional clothes and horses trained with the Cheyenne method as well as many other surprises that will take place during the day.

A special program has been planned for the children. In addition to games, they will learn how to prepare corn wafers inside a tipi, listen to tales and also do archery. Entrance is free and plans of access are available on our web site: www.mandint.org

If you have comments and suggestions about this Update, please do not hesitate to share them with us:
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Thanks!

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Please note
Update is and will remain free for all indigenous organizations.
Rates for non-indigenous organizations or individuals help us defray part of our costs, and cover three to four issues per year:
- individuals: SF 25.-
- small NGOs: SF 30.-
- large NGOs and institutions: SF 40.-

We recommended that you pay these amounts by Post-Cash or International Money Order from your local post office.
Our giro account is: CCP 12-11429-8
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