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1. EDITORIAL

The establishment of the Permanent Forum on Indigenous Issues on 29 July 2000 represents a great step forward for the world’s indigenous peoples: they have succeeded, within the framework of the United Nations, in placing the promotion of and respect for their rights at a level seldom reached by organizations not directly reporting to States. It is also a legitimate advance towards the recognition of their holistic approach of their rights as expressed by the right to self-determination. This right includes the various issues specifically dealt with by the organizations of the UN system, which in most cases report directly to the ECOSOC.

Two reports on the work undertaken by the indigenous delegates in New York have been distributed by e-mail. As soon as we received the first one, we asked the author to summarize it for the Update/Informativo (see p. 2). The report points out that much yet remains to be done for the Permanent Forum to really meet indigenous peoples’ objectives. This is not an easy job since, in principle, the implementation of the PF (budget, location, secretariat staff, delimitation of the world’s regions, method of selection of Member States and indigenous members) is dealt with by the Third and Fifth Committees of the General Assembly (GA), to which indigenous peoples have no access. Nevertheless, an effective lobbying on their part could result in the Third Committee addressing the issue by mid-October and the Fifth Committee by the end of November-beginning of December.

As for the location of the secretariat and the annual meeting of the PF –which is of particular interest to doCip- we want to clearly express our position here.

(1) doCip wants indigenous peoples’ position to be respected. This position should be the outcome of a general and well-informed consensus. doCip is willing to contribute to this.
(2) doCip regrets the absence of an independent study on the advantages and drawbacks of Geneva, New York or any other place with regards to the political impact, synergies with UN specialized agencies, access and visa facilities, as well as technical services and accommodation facilities, etc.

(3) Whatever location is selected, doCip will keep the same policy it has always had—that of an NGO at the service of indigenous peoples; it will maintain its current activities as much as possible (such as those related to the documentation centre and the Update/Informativo) and will develop others according to its means.

This issue also includes the Sub-Commission resolutions of direct concern to the indigenous peoples, as well as a summary of the WGIP. In view of the number of statements to summarize and the available means and space, we have made a selection. The statements made under two agenda items have all been summarized, while for other items they have only been listed. The statements are available on request.

The indigenous delegates willing to summarize certain reports or meetings they have attended are welcome. We will be glad to publish their papers as long as they are of general interest (international or regional) and the authors inquire beforehand about the available space.

* * *

2. PERMANENT FORUM FOR INDIGENOUS PEOPLES

2.1 Report on the Substantive Session 2000, Economic and Social Council, considering the UN Commission on Human Rights resolution on the Permanent Forum for Indigenous Issues

by Alberto Saldamando, International Indian Treaty Council (IITC)

It is appropriate to inform other indigenous organizations and representatives of what transpired at the ECOSOC meeting considering the establishment of the Permanent Forum. Although the Commission on Human Rights resolution was approved without change, much work remains to be done. The caucus in attendance decided to undertake important initiatives in order to further the establishment of the Permanent Forum for Indigenous Issues within the United Nations system.

The caucus was composed of approximately 19 Indigenous representatives from the five regions (as defined by ECOSOC), North America and the Pacific, the European Union, Latin America, Africa and Asia. Also in attendance were New York Indigenous representatives of the Haudenosaunee Confederacy and the IITC. (A complete listing is found at the end of the joint Statement.)

The Caucus agreed to write a statement, drafted by Victoria Tauli-Corpuz, and subsequently read to the ECOSOC plenary by recently elected Grand Chief Dr. Matthew Coon-Come of the Assembly of First Nations, Canada.

We also agreed that as a priority, the positions of the United States and Cuba were essential to the acceptance of the Permanent Forum. Various contacts were also made with other important delegations, including the G-77 (the Nigeria delegation), South Africa, CARICOM, and Canada, all whom also informed that the CHR resolution as written, would be supported.

In the end, the United States accepted without comment the Programme Budget implications as presented by the Secretary General, and Cuba only abstained, with comments that their delegation had serious doubts about the resolution, mentioning:

1) the method of selection of the Indigenous members of the Permanent Forum, which allowed a space for states to "veto" Indigenous members selected by Indigenous organizations;
2) the requirement that decisions be taken by consensus, allowing states to essentially "veto" positions taken by the Indigenous members; and,
3) the termination of the Working Group on Indigenous Populations.

After the vote, an amicable conversation with the Cuban delegate took place, to the effect that we also had these and other problems ourselves with the resolution, but that Indigenous representatives felt that to postpone the vote on the Permanent Forum now would probably not result in any substantial improvements and might just have killed the prospect of a Permanent Forum. We agreed that we would have future conversations on these issues.

We also understood from various delegations that the test for the Permanent Forum would be before the 5th Committee, which concerns itself with questions of budget, where the United States is expected to raise the issue of the Working Group on Indigenous Populations as a financial trade off for the Permanent Forum. It was significant that the US did not comment on the report of the Secretary General on the financial implications.
Future Plans:
It is clear that there remains a great deal of work in order to ensure a Permanent Forum as Indigenous Peoples envision it, with true indigenous participation, and the continuation of the WGIP.

1) The next session of the 5th Committee coincides with the next session of the General Assembly, in late November or early December. There should be Indigenous Peoples representatives there to work on the budget for the Permanent Forum. In the meantime, work should be started on the United States position for that meeting, possibly with contacts to be made with the ECOSOC US delegation. We should be aware that consultative status does not allow us to work at that level, and the UN in New York is very formal about the rules.

2) The Caucus agreed that the Inuit Circumpolar Conference, the Saami Council and IWGIA should make approaches to friendly governments about suggesting to the ECOSOC President that a system akin to "friends of the Chair," composed of five Indigenous representatives, and five states, follow the process of setting up the Permanent Forum within ECOSOC.

It was felt by the caucus that a procedure of this sort was necessary if Indigenous Peoples were to be involved in the process of the implementation of the Permanent Forum, as questions of the location and personnel of the Secretariat, the method of selection of the members, both state and Indigenous, and other such questions would probably be dealt with by ECOSOC.

The guidelines adopted by the Caucus for the Friends of the Chair were two:
1) that these people would be involved in questions relating to the process of the implementation of the Permanent Forum; and,
2) that they would communicate and consult as widely as possible during the process with Indigenous Peoples and their organizations within their regions.

The Indigenous Caucus, by region, selected Willy Littlechild of IOIRD, Lars Anders Baer of the Saami Council, Lucy Mullenkei of the African Indigenous Women’s Organization, Suhas Chakma of the Asian Indigenous and Tribal Peoples Network, and Marcial Arias of Asociación Napguana, as the Indigenous Friends of the Chair, in order to be ready to immediately begin work if the proposal is accepted. Each was asked that they could themselves appoint alternates or others to help if they felt the need, but that they would be the primary contacts.

IWGIA will be responsible to keep the Friends of the Chair informed as to the progress of the proposal, and Tonya Frischner of the American Indian Law Alliance volunteered to provide whatever logistical assistance is requested by them, with Carol Kalafatic of the IITC assisting her in Spanish language support where requested by Tanya.

We must follow the 5th Committee deliberations on the budget. And we should also follow the process of the Friends of the Chair, if the idea is carried forward by friendly states and accepted by ECOSOC.

A great deal needs be done with regard to educating our people on this issue, and to form a process for decisions on the 8 Indigenous regions and their representation, which may prove to be very contentious. We should do all that is possible to preserve the unity that has served us so well with the States.

It is extremely important that all future international Indigenous gatherings, such as the Intersessional on the Proposed Declaration, the Commission on Human Rights, the Working Group and the Regional meetings on the World Conference on Racism, devote some time to these discussions, and allow our people to discuss, decide and follow through on selecting their representatives.

All Indigenous delegations to these gatherings should be prepared to initiate and participate in regional discussions on the Permanent Forum, the makeup of Indigenous regions and regional selection process. The Permanent Forum is now a reality, for better or for worse. We should all try to be very flexible with regard to the regional selection process and the regions.
2.2 Joint statement from indigenous peoples’ representatives present at the ECOSOC substantive session 2000

Agenda Item: Report of the Commission on Human Rights

Seven years have passed since the 1993 World Conference on Human Rights in Vienna recommended the establishment of a Permanent Forum for Indigenous Peoples. Within this period the General Assembly twice recommended its creation and several dialogues took place between governments and Indigenous Peoples on the establishment of the permanent forum. On the 28th of April 2000 the Commission on Human Rights in its 56th Session adopted Resolution E/CN.4/RES/2000/87 on the Establishment of a Permanent Forum on Indigenous Issues.

The creation of a Permanent Forum was further supported by more than 130 Governments present at the recently concluded 24th Special Session of the General Assembly entitled “World Summit for Social Development and Beyond: Achieving Social Development for all In a Globalizing World”.

21ter. Encourage the ongoing work on a draft declaration on the rights of indigenous people, with the aim of achieving completion prior to the conclusion of the International Decade on the World’s Indigenous People in 2004 and support the establishment of a United Nations permanent forum to discuss indigenous issues within the mandate of the Economic and Social Council relating to economic and social development, culture, the environment, education, health and human rights. (Paragraph 21ter of Final Outcome Document).

Although the Commission Resolution does not fully capture the aspirations of Indigenous Peoples, as it is a compromised document reached between States themselves, we do feel that it does approach the promise of a direct voice for indigenous peoples within the United Nations system. We believe that the adoption of the Resolution reflects the willingness of States to build a new partnership with Indigenous Peoples.

The establishment of a Permanent Forum is a historical and urgent step which can help bring forth peace, justice, and sustainable development amongst all peoples of the world. We, Indigenous Peoples at this ECOSOC Session strongly urge the Members of the ECOSOC to adopt the Commission on Human Rights Resolution E/CN.4/RES/2000/87.

SIGNED: 27 July 2000, UN Headquarters, New York

Lars Anders Baer, John Henriksen: Saami Council
Alberto Saldamando, Carol Kalafatic: International Indian Treaty Council
Tonya Gonella Frichner, Mercedes Pierre: American Indian Law Alliance
Marcial Arias: Asociacion Napguana
Tarcila Rivera Zea: Chirapaq (Centro de Culturas Indigenas del Peru)
Esther Camac: Asociacion Ixaacavaa de Desarrollo e Informacion Indigena
Lucy Mulenkei: African Indigenous Women’s Organization
Naomi Kipuri: Arid Lands Institute
Oren R. Lyons, Darwin Hill: Haudenosaunee Confederacy
Hjalmar Dahl: Inuit Circumpolar Conference
Rodion Sulyandziga: RAIPON (Russian Association of Indigenous Peoples of the North)
Ratnaker Bhengra: JOHAR
Suhas Chakma: Asian Indigenous and Tribal Peoples’ Network
Victoria Tauli-Corpus: TEBTEBBA/ Asian Indigenous Women’s Network
Aucan Huilcaman: Consejo de Todas las Tierras
Cecil Le Fleur: IPACC (Indigenous Peoples’ of Africa Coordinating Committee)

Supported by: Jens Dahl, International Workgroup for Indigenous Affairs (IWGIA)

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3. WORKING GROUP ON INDIGENOUS POPULATIONS
18th session, 24 – 28 July 2000

3.1 Review of developments: “Indigenous children and youth” (Item 4)

UNICEF is calling for special attention to be paid to indigenous children’s right to appropriate education and health care. The principle of non-discrimination contained in the Convention on the Rights of the Child (CRC) has far-reaching implications. Education should be inclusive in terms of access and advancement, and bilingual and intercultural for indigenous children. The conditions of children in detention fail to meet CRC standards. In many countries, indigenous children are at great risk of abuse and exploitation and have less access to health systems. UNICEF supports programmes designed to promote disparity and poverty reduction, reaching ethnic minorities and indigenous groups, and encourages the participation of children and young people.

A number of recent ILO activities have focused on indigenous and tribal children, including the Convention on the Worst Forms of Child Labour (No. 182) adopted in 1999.

The World Bank stresses the importance of (1) incorporating indigenous youth and children into the design and implementation of human development programmes, especially in the area of education (bilingual and intercultural), health and social protection, to enhance indigenous cultural heritage, reduce poverty and minimize social exclusion; (2) access to justice; (3) achieving the goal of a world free of poverty; (4) the Permanent Forum for matters of economic and social policy.

ITTC, on behalf of the Indigenous Caucus, present a statement of support of the First International Workshop on Indigenous Children and Youth (19-21 July 2000) calling for the continuation of this workshop prior to the annual meeting of the WGIP and for the establishment of a Workshop Coordinating Committee, as well as for the adoption of the Draft Declaration on the Rights of IPs in its current text and the establishment of a Permanent Forum for IPs. In a joint statement, the Indigenous Youth support the Indigenous Caucus’ statement, in particular the recommendation calling for full participation of indigenous youth at all levels. CIH recommend that the issue of indigenous children and youth be given the highest priority it deserves in every sphere of their activities and concerns. They are concerned with the large number of conflicts in the world today and their wide impact on children and youth.

North America

IOIRD/MCT6/WIN/AFN support the resolutions passed by both the First Workshop and the Indigenous Caucus. Express concern about the future needs of the youth (65% of their members).

MNA say that it is the collective responsibility of governments and indigenous communities to recognize the fundamental principles that impact on their children’s health. Factors including environmental degradation and pollution must be addressed. Health care systems must be accessible, and educational programmes for indigenous health professions must be implemented as a priority.

CIWRI point out that the Aboriginal population in Canada is much younger than the non-Aboriginal population. The Canadian government should provide for programmes that aid their elders, re-establish their traditional languages and ways of life, and encourage self-empowerment and equal opportunity for their youth and children.

SLFN say that federal Indian acts and provincial child and family services legislation have often destroyed their families and homes. Children were forcibly taken from their homes and placed in boarding schools where they were forbidden to speak their language. Still today they remain in the grip of such laws and minimum services by the government. Youth are faced with poverty, substance abuse, unemployment and violence.

IA say that indigenous children and youth are greatly discriminated in the Canadian education system. Indigenous schools are under-funded by the federal government forcing children into provincial schools that do not teach them their language and culture.

MGC refer to the Mi’Kmaq National District of Epekwitk, whose youth cannot take part in Federal Government Youth training programmes (a national programme).

TO say that Dakota people must not only learn the natural laws of the Dakota but also international human rights law in order to preserve their way of life. Urge the WGIP to support the participation of young IPs in the WG and in the future Permanent Forum.

ICN say that the Mushuau Innu suffer from the highest suicide rate in the world. Development projects on Innu land continue although the question of land ownership is not settled.

IITC address the devastating impacts of toxic contamination by industrial waste, pesticides and mercury on the health of their children, youth and future generations. The proliferation of Persistent Organic Pollutants

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2 Sources: written statements
marginalization, murder, torture, and persecution. International promises are not followed by action.

Impacts on Maya children. They are in favour of development as actors in order to avoid social crimes such as development also claims the right to identity or participation in a country’s politics, it loses its legitimacy before those who claim to cooperate with IPs.

Sufficient support by the international community. If an indigenous organization working for genuine participation at all levels of governmental bodies.

IMTA say that poverty, debt and exploitation of child labour is the outcome of structural adjustment programmes imposed by the IMF. Rich countries’ egoism and inconsistent policies to eradicate poverty strongly impact on the most vulnerable sector, the indigenous children and youth, who die of diseases caused by contamination of air and water, severe malnutrition.

COTU say that children are in the centre of Maya social organization. Indigenous initiatives do not receive sufficient support by the international community. If an indigenous organization working for genuine development also claims the right to identity or participation in a country’s politics, it loses its legitimacy before those who claim to cooperate with IPs. OTM say that the situation in Guatemala has had many social impacts on Maya children. They are in favour of development as actors in order to avoid social crimes such as marginalization, murder, torture, and persecution. International promises are not followed by action.

CCCA say that IPs of the Atlantic Coast of Nicaragua are isolated, abandoned and marginalized by the State. The infant mortality rate is high and children have no access to health and education.

OPIAC say that education must be designed in the context of the struggle against racial discrimination, exploitation, extreme poverty, and lack of participation in political structures. The situation of violence in Colombia has serious impacts on the children and youth of their communities (also IHH). IHH say that children are the most exposed to the exploitation of their territories. The IPs are threatened with extinction. Indigenous communities must be strengthened, and their cultural and territorial autonomy respected. CIT say that loss of territories means loss of customs, loss of life and the training of children is at risk, which threatens the continuity of indigenous identities. It is urgent to avoid land dispossession, political and religious proselytism, and the involvement of IPs in internal conflicts of countries. EC say that their indigenous children and youth need schools, jobs, health centres, housing, and a stadium.

CAPAJ request that UNESCO carry out programmes to enable IPs’ prior and informed participation in the processes of design of new policies for sustainable development. ICP say that in the Andes the communities are responsible for the training of children. They are against the evangelization of children. CEA-CISA refer to peasants’ children who have no access to school in remote Bolivian highlands (also CONAMAQ-B, THOA). In Colombia, Peru, Bolivia, children work in mines. CISA say that Indians are losing their identity. In South America the forcible integration of IPs by Christian religious groups is supported by the State.

CONAMAQ-B say that in Bolivia, indigenous youth are deprived of their rights: forced labour, compulsory military service, compulsory baptism certificate for high school and university. THOA say that education is inaccessible for indigenous children and youth in Bolivia (also OMAK) because of poverty, marginalization and discrimination. The infant mortality rate is high (also MRTKL) and there is no access to health. The future of their children depends on the recognition of their rights. MRTKL say that youth are forced to migrate illegally to Argentina, where they are exploited (also MRTKL). MRTKL refer to the situation in Bolivia: poverty, poor housing, basic services, education and health. The situation is even worse in rural areas (90% of the population, mainly indigenous). 50% indigenous women are illiterate. Youth are faced with unemployment and delinquency. Poverty is due to internal colonialism, and now globalization.

MIC say that Mapuche children and youth, in the area of education, are faced with lack of resources, no equal opportunity, especially in rural areas. Students who protest against their situation in cities are persecuted. Mapuche communities, including children, are faced with police brutality. There are about 100 Mapuche political prisoners. Mapuche communities, whose rights are systematically violated, are in conflict with logging companies. CNP point out the discrimination against indigenous children and youth by Chilean
society, which denies indigenous cultural values, even in the current educational system. Indigenous students are in jail for being involved in land claims.

ITC say that modernity, religions, churches, schools, hunger and war enter their communities in Brazil. Indigenous youth are losing their language, culture and identity. Modernity must listen to the indigenous voice. GTME refer to the indigenous commemoration of the 500 years of Brazil in Bahia. Youth want land titles, health, access to education, and an indigenous university. They want to write their own history.

Russia
MCTP say that all IPs are faced with the challenge to preserve their ethnic and spiritual identity and intensify their self-development. They must prevent the assimilation of the next generations by including traditional education into the official educational system. Their point of view about history must also be included. ACKK say that the Crimean Karaites’ society of former USSR was destroyed. They have no schools to educate their children according to their own traditions.

APK say that children and youth are faced with alcohol and drugs (also RAIPON), diseases increase, suicides, infant mortality, and have no access to medical care (also INIP, UYIP). They are faced with socio-economic problems and environmental degradation. 50% of drinkable water resources of Russia come from Altay glaciers. YOGA say that youth are in a desperate situation due to a difficult access to education and of lack of future perspectives (also ADSR, INIP, RAIPON). They need support from the government. ADSR say that there is no education in the Dolgan language in the school system. Youth who practise traditional activities and students are enlisted in the armed forces. Many need a psychological rehabilitation afterwards. INIP say that up to 70% of indigenous youth are unemployed. Traditional activities have decreased (also RAIPON). The State should protect families as a traditional institution responsible for the children’s education. UYIP represent 25 IPs of the Russian Federation and aim at developing their own solutions to their problems.

RAIPON say that State youth policy does not take indigenous youth into account. The association is implementing youth policies.

Africa
IPACC, representing 86 African IPs organizations, report on their common problems, and particularly on the ongoing extinction of the languages and cultures of the nomadic, semi-nomadic and hunter-gatherer peoples, marginalized since colonial times. Beside the fact that poor socio-economic and health conditions are deeply handicapping indigenous children and youth, the national education systems, when available and affordable for the IPs, convey the dominant culture, thereby depreciating or ignoring them, discriminate against indigenous children and youth, the predictable result being school failure, disorientation and no respect for anything including themselves and their own people. But, as the future of the IPs, they need proper education to later defend their rights as IPs. Relative newcomers in the WGIP, African IPs need all assistance in their struggle for rights to proper identity, as a first step to obtain better living and health conditions, and eventually participation in the design and implementation of relevant educational systems for their children.

Land, health and education issues are deeply interwoven in terms of IPs survival (WIMSA). Having lost their lands, IPs lost their means of subsistence, their health, and eventually their identity. The land issue is particularly acute for both nomadic and hunter-gatherer peoples, discriminated by the dominant sedentary societies and institutions. More specifically, MBOSCUDA for the pastoral Mbororo, Cameroon, report on the agro-pastoralist conflicts they suffer; MPC, Tanzania, Dupoto e Maa (Maasailand in Kajiado District) and Laikipia Maasai, Kenya, report on continuing losses of their lands qualified as “no man’s lands” by colonial and post-colonial States and taken away without any form of compensation for large scale agricultural development and now game reserves. Recently, evicted IPs have been driven into areas with livestock diseases where many cattle died (MPC); threatened with eviction from their highland forest lands and relocation in a hostile environment, the Ogiek people, Kenya, are resisting in more than ten pending court cases and have asked for official recognition as IPs together with other hunter-gatherer peoples such as the Sengwer, Mosopiek and Watta peoples; most lands of the Hadzabe people, Tanzania, have been taken by agricultural and pastoralist peoples: Kenya and Tanzania are urged to amend their land policies and to take action to provide IPs with education and health care; deforestation deprived the Batwa from their lands in Central Africa and the Great Lakes area as reported by UNIPROBA, who denounce along with CAURWA the devastating effect of civil wars and armed conflicts on Batwa children and youth enrolled by force into armed groups. They call on the international community to act for the development and education of Batwa IPs; the Bambuti-Batwa, DR Congo, also complain about civil war effects on their youth, and about pressures by the landowners; WIMSA report on lands lost to the benefit of cattle ranching and tourism; forced into exile in Mauritius by the colonial British authorities in 1971, the ex-inhabitants of the Chagos Islands lost their resources (CSSC).

The general context of poverty IPs suffer due to loss of lands and resources has induced malnutrition and health troubles. Without any last access to medicinal plants or modern health care, too expensive when
available, this results in high mortality rates, especially for infants, mothers (for the Amazigh IP, Tamaynut in Morocco and Tigmi in Algeria, Dupoto e Maa, MPC, UNIPROBA, CAURWA, WIMSA, GNCSA, Bambuti IP, TOMWO, Kenya), and girls owing to excision practices (Laikipia Maasai).

In our present world, education is a top priority since IPs need it, not only as a key to escape poverty but to assert their rights as IPs with valuable cultures (Hadzabe IPs, Bambuti IPs, Dupoto e Maa, GNCSA). Beside the general complaints about the cost of schooling, various failures and inadequacies of educational systems, responsible for the high level of illiteracy among IPs, are emphasized:

- Lack of school facilities in remote and/or poor areas (Tamaynut, Tigmi) and for nomadic peoples (MBOSCUDA, Laikipia Maasai, Dupoto e Maa, Hadzabe IPs, Sengwer IPs, Ogiek IPs, TIN HINAN for the Touareg in Sahel-Sahara countries), implying dramatic separations of children from their families and cutting them off from cultural guidance. In addition, IPs children are discriminated and abused by teachers and other children.

- Teaching in an often completely foreign language and textbook contents, which discredit, stigmatize or even ignore IPs cultures, environment and history (Tamaynut, Tigmi, RBC for the Namibian Afrikaans-speakers). Coerced into adopting the dominant culture, whether they succeed or not at school, children having learnt that their community and knowledge are inferior and useless are disoriented and acculturated (UNIPROBA, WIMSA, Hadzabe IPs, Sengwer IPs, Ogiek IPs, GNCSA). Hadzabe IPs ask for nomadic schools and real support to pursue education further.

- Scant access to secondary studies and training centres (Dupoto e Maa, Namibian IPs), always implying for IPs children to be sent far away. For instance, most of the San children are obliged to live in miserable "hostels", exposed to discrimination, health problems, sexual exploitation and HIV infection (WIMSA). Therefore, they leave school without completing their education, as reported by the San People of the Nyae Nyae Conservancy. Namibia, having succeeded in operating Ju’hoansi language primary schools, but unable to afford any high schools.

Then, the lack of local facilities complicate the return of young graduates to their home region and their participation to its development (TIN HINAN). It was also noted that indigenous girls are put at disadvantage regarding access to education, in particular when a separation from their family is required (TIN HINAN, Laikipia Maasai, Tamaynut, Tigmi).

Insufficient local resources push IP youth towards urban areas where they encounter misery and exploitation. Their poor level of education and qualification drags them into the spiral of unemployment-delinquency (Tamaynut, Tigmi, UNIPROBA, CAURWA) -alcohol and drug addiction-prostitution-AIDS (MBOSCUDA, Laikipia Maasai, Dupoto e Maa, NFIPFN, TOMWO, GNCSA, CSSC). Concerns are expressed about a potentially fast spreading of the HIV over IPs homelands, due to cultural factors (MPC). Tigmi express concern about the rise of the youth suicide rate.

MBOSCUDA ask for support to monitor their nomadic-sedentary transition, to afford children schooling and modern herd-raising training for the youth.

Bambuti IPs ask DR Congo and UN agencies to include their youth in their health and educational programmes and to help with their integration and recognition by the dominant ethnic groups.

RBC, NFIPFN and Namibian IPs urge Namibia to apply all provisions on children rights prescribed in its Constitution, such as equal status and use of all spoken languages, educational diversity, obligation to attend school until the age of 16, free access to primary school and provisions regarding child labour, which are all far from being fulfilled.

Tamaynut and Tigmi Kabylie report on the prohibition to give their children native names and on the exclusive use of Arabic and foreign languages by mass-media and cultural programmes. Morocco is asked to recognize the Tamazight language, to comply with the Convention on the Rights of the Child and to ratify ILO Convention169.

Asia-Pacific

In a joint statement Asian IPs welcome the focus on children and youth and recommend that the WG: adopt the "First Call to Indigenous Children and Youth"; promote it in the forthcoming World Conference against Racism (WCAR); promote access to an education in one’s mother tongue everywhere, which is adapted to every culture without denigrating it; address health issues and first preventable diseases, as well as HIV/AIDS and other spreading STD; encourage the international community to intervene to end the long-term internal conflicts in South, South-East and Middle Asia, which deeply affect IPs whether they are directly involved or not, and address immediately their impacts on indigenous children and youth; and promote effective implementation of existing treaties, agreements and conventions.

KLH and NKIKLH express great concern for the problems facing Indigenous Hawaiian children in the areas of health, education, poverty, drug abuse and loss of identity. They have the highest rates of suicide, homelessness, drop outs from high school, unemployment, and incarceration (also PONO). KLH say that indigenous children under the jurisdiction of the State of Hawaii’s Child Protective Services System are being
adopted by non-Hawaiian families. Call upon the US to include Indigenous Hawaiian children and youth in all federal legislative measures relating to Native American and Alaska Native children (the Indian Children Welfare Act requires that native children who are removed from their homes be placed within indigenous families –NKIKLH). Hawaiian Language Immersion school programmes lack teachers and resources. Very few Hawaiian indigenous children can go to university. Only the return of ancestral lands and the restoration of their Nation may solve these tragic problems. **PONO** say that they are marginalized for historical reasons.

**KIHSU** say that land issues are related to the health and well-being of their people, specifically their children. They need their land for the cultivation of their traditional food. Education is important to improve the health and standard of living. Instruction in Hawaiian language has been very positive (also KLH).

**ATSICJC** say that Aboriginal people, whose majority are young, are disadvantaged when compared with the rest of the Australian population. Inequalities must be reduced now to prevent further disparity (unemployment, housing stress, no access to higher education, imprisonment). Australia must implement the recommendations of the Royal Commission into Aboriginal Deaths in Custody and of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families.

While Australia is one of the world's richest countries and has just celebrated its centenary as a democracy, denial of basic rights for indigenous children and youth is still going on. The infant, child and maternal mortality rate is much higher among IPs than among the white population, and so is the suicide rate among indigenous youth (**AIDA, SUAPA**). **FAIRA** ask for the abolishment of the mandatory sentencing system, suspected to be unconstitutional (**NAILSS**), which denies fair trial rights in Western Australia and the Northern Territory. Recognition of and reparation for the past sufferings such as removal of indigenous children from their families (**AIDA**), would be a first gesture say **NAILSS**, submitting a proposal for tracing and reuniting indigenous families. **SUAPA** point out the ineffectiveness of an international Treaty Convention, if it fails to be incorporated into the domestic law, and expressed serious doubts on IPs chances to obtain real outcomes from such meetings and institutions, given the days lost by the UNWGIP to agree on a chair. They urge all IPs to discuss how to achieve their common aims instead of helping the UN to write reports and recommendations.

**ANI** report on the creation of a Youth Advisory Council by the State, providing children with a mechanism to participate in the design of their future but expressed concerns about an inquiry initiated by Australia, aimed at changing the local immigration legislation and raising a threat of annexation by occupation without regard to the local culture and environment.

**MLS** comment on a report requested by the New Zealand government on social and economic gaps between Maori and non-Maori, underlining the excessive rate of unemployment among their youth, responsible for delinquency and the highest suicide rate in OECD countries. Instead of recognizing these outcomes of colonization and addressing its Treaty obligations, the government has responded by withdrawing funds for economic and social issues and has criticized the Waitangi tribunal which receives Maori claims.

A sad report on indigenous children mortality, child labour, illiteracy, in particular for girls, in India is presented by **St. John’s Mission**, Bijni, the numbers being worse in Assam State. **CORE**, for the IPs of Manipur and the North East region, India, submitted an alternative report to that of the State regarding the implementation of the Convention on the Rights of the Child. Situations of armed conflict for the last 50 years with undeclared states of emergency in some areas have coloured the whole range of support available to children: scant attention is paid to IPs due to assimilatory policies, resulting in an absence of basic health care, child labour and sexual exploitation. The specialized agency (UNICEF, UNAIDS) programmes, held by consultants not aware of the situation, are not effective, while indigenous organizations with appropriate skills are denied support to conduct or implement programmes. In Assam State, the Bodo-Mongolian IPs, numbering 4 million and suffering from discrimination, irrelevant educational system, poverty, sheltering in refugee camps, poor health with the highest infant mortality rate in India are calling since 1987 for the creation of their own state of Bodoland, as allowed by the Indian Constitution (**UBNLF, IMYF, RECS**). Conflicts between Bodo militants and governmental forces, ethnic conflicts, communal riots and their subsequent atrocities which affect first children and youth, are the first problems to be addressed (**TWS**). A number of organizations are fighting for the Adivasi to be included in the list of Schedule Tribes and get constitutional rights. They are lagging behind in all aspects, such as health status and illiteracy - 95% of the 6 million Adivasi in Assam State, where they are known as Tea Tribes, having immigrated 200 years ago to work in tea plantations. In "tea gardens", children work for low wages and their education is left to the goodwill of the management. Schools in their mother tongue, free medical facilities, employment for youth and full implementation of the articles adopted by the UNWG regarding children’s rights are requested (**ASECA**) **AAAKM** report on forced displacements Adivasi IPs endure due to so-called development or sanitary projects and also about discrimination in obtaining public jobs despite existing quota provisions, which has generated frustration among educated tribal youth.

At the expiration of a three year cease-fire, failure to establish a real political process of dialogue is patent, report **NPMHR**, calling for greater political will and sincerity from all parties and appealing for people's
participation to a durable peace negotiation, as a first priority towards repairing 50 years conflict damages and the destruction to a large extent of the Naga society.

In spite of the 1997 Chittagong Hill Tracts-CHT agreement between Bangladesh and PCJSS, most of the Jumma refugees back home have not been rehabilitated and thousands of families were not given their land back, which was taken by the army or Bengali settlers, while the situation of the internally displaced Jumma remains unchanged (PCJSS, CHT Hill Student's Council); a thousand cases against youth are still pending in court; a so-called "pacification programme" led by the military has encouraged Jumma youth into alcoholic/drug addiction, leading them to criminality, or has used them to oppose violently the CHT agreement; inadequacy of schools when they exist, teaching in Bengali, discrediting of indigenous culture and history, discrimination for university recruitment and employment were denounced. In addition, BIPO denounce the lack of health centres and their decay together with the implementation of a family programme binding health visitors to practice ligature and vasectomy at rates double than elsewhere. Urgent and proper implementation of all provisions of the CHT Agreement is asked.

CHRO denote the exploitation of IPs by the Burmese military regime. All colleges and universities are closed since 1996 except for the very selective military ones. Mon and Chin IP-owned schools and schools held by social or religious organizations have been forced to close down while official schools practice unaffordable tuition fees and Burmese propaganda.

A legacy of colonialism, the Zo IP are dispersed among India, Burma and Bangladesh and are now known under a variety of names. ZRO want to develop a common national identity to counterbalance assimilation policies and discrimination, which lead numerous youth to drug abuses and trafficking, and asked UN and NGOs to help with the local governments.

CPA, Philippines, report on the poverty, deplorable sanitary and health situation, children mortality, child labour -underpaid- and prostitution increases among IPs. They denounce the lack of educational facilities, high cost of schooling, IPs descriptions in textbooks, which are responsible for the high illiteracy level (also WCC) and push indigenous youth into anti-social activities. Only 10% of the state budget is allocated to social services, including education and health. To avoid discrimination and underemployment, indigenous students dissimulate their origin while university and college courses are designed for foreign demands and not local needs (CPA, WCC). The cultural renewal programme of the CPA Youth Center has gained strength last year, but more actions by the international community are needed.

Victims of ethnic, religious, cultural and linguistic persecution and genocide, half of the 4 million Assyrian people have been forced into exile and are now dispersed among 35 countries, while those remaining in Iraq are deprived of all human rights (AUA). They suggest that the WG propose special recognition of the indigenous refugees outside their lands, that the Draft Declaration provide for the respect of the rights on their ancestral territories for indigenous refugees and descendants, and that, meanwhile, the host States assist in the maintenance of indigenous refugees’ cultures.

AUSTRALIA will continue to work with state and territory governments to minimise the exposure of juveniles to the criminal justice system. To address the causes underpinning the over-representation of indigenous youth in detention is a priority. Refer to indigenous specific programmes addressing the social and economic disadvantages of IPs.

In view of the negative indicators (no higher education, higher rates of imprisonment and unemployment, lower life expectancy), NEW ZEALAND say that much is to be done for Maori children and plans to develop an agenda for children’s policy and research to identify key issues. Wants to develop capacity-building within Maori communities.

CANADA has been developing a National Children’s Agenda with the participation of the five national Aboriginal organizations. Aboriginal children face greater risk than non-Aboriginal children and need special attention (cf. Gathering strength: Canada’s Aboriginal Action Plan). The Aboriginal population is growing at twice the rate of the Canadian population as a whole. Their training and participation in the workforce will be the key to the future economy.

CHILE says that three aspects must be addressed at the international level: (1) design ad hoc policies and programmes specific to cultural identity which requires families and communities’ participation; (2) strengthen cultural identity and educational development to avoid social marginalization. Bilingual intercultural education is one of the tools to overcome discrimination and poverty; (3) strengthen participation of indigenous children and youth. The government has implemented programmes for indigenous kindergartens, intercultural education, indigenous grants, purchase of land for indigenous youth.

SPAIN refers to multicultural education or education from surrounding global society to perpetuate one’s own culture “in order to perfect oneself and go back home”.

SWITZERLAND says that integration should not mean assimilation. Indigenous children should know their people’s traditions and their rights as children and as IPs. It is a challenge to preserve indigenous rights in the
area of labour and guarantee a professional training corresponding to indigenous traditions and economic realities. The future Permanent Forum should address these issues, also that of children in armed conflicts.

3.2 Standard-setting activities including a review of indigenous peoples’ relationship with natural resource, energy and mining companies (Item 6)

**Americas**

As members of the Indigenous International Forum on Biodiversity, CTT/LCFM stress the need for indigenous consent, as States are recognized as only partners in the Convention on Biological Diversity. Protection, conservation and sustainable enjoyment of biodiversity is possible through the recognition of IPs’ basic rights such as self-determination, return of and control over territories and resources, and recognition of their political institutional systems. Call for a moratorium on bioprospection and on access to and use of traditional knowledge until their cultural heritage is totally protected by domestic and international laws.

**IMTA** say that sovereignty over natural resources is the cornerstone of the right to self-determination. Refer to General Assembly resolutions 1314, 1803 and 3201. The need for a Code of Conduct is urgent because of the absolute law of free competition and TNCs’ hegemony and omnipresence in indigenous territories. TNCs exploit with impunity all wealth and natural resources considered as strategic for the development of the Western world, using a series of mechanisms such as the WB and the IMF; and illegal means to maximise their profits.

**IOIRD** consider the initiative for a Code of Ethics for corporate involvement on indigenous territories to be important and necessary. The experiences of the Maskwachiys Cree in oil and gas exploitation in the Treaty 6 Territory has led to seeking consultative status at ECOSOC. Law cases are currently before the courts. The main issue facing IPs is natural resource ownership.

**IA**, from British Columbia, say that the exploitation of natural resources by colonizers pushed Indians onto reserves too small to sustain them and into a cycle of economic dependency relying on social services. Call for co-management of their territories with the government and companies, and condemn the non-recognition of Aboriginal Title and economic racism. Use and profits must be shared equally between IPs and settlers as well as the obligations to protect the land.

**IPNC** say it is unacceptable to attempt to incorporate the whole of the indigenous society as commercial subjects of the colonizer with the aim of exploiting the natural resources. In Alaska, this attitude has had devastating effects on the ability of IPs to preserve their natural resources. Recognized international standards, including resolution 1803 regarding Permanent Sovereignty Over Natural Resources, should assist in protecting IPs. Indigenous traditions, laws, and customs must be recognized.

**IITC** say that since WTO was created in 1995 there has been an increase in imposed development on indigenous lands. IPs’ right to development is violated through irreversible damage to ancestral lands, waters and natural resources, attempted forced displacement of communities (e.g. the U’wa people in Colombia and the Dineh in the US). WTO policies undermine the survival of traditional subsistence farming communities (e.g. in Mexico and Bolivia).

**STP** say that coal mining is the cause of the so-called “Navajo-Hopi Land Dispute” in the Black Mesa region. Since 1969, people have suffered serious health, environmental, social and economic impacts. There is an urgent need for governments to comply with their own environmental protection laws and to protect the constitutional rights of their indigenous citizens. Besides ILO Convention 169, there is a need to develop standards to regulate access to and use of natural resources on indigenous lands.

According to **ILRC**, the denial of Western Shoshone’s land rights amounts to signing a death warrant for their nation. Their land is used for the dumping of nuclear waste, military tests and training, and gold extraction. The US wants them to sell their land and is attempting to pass new legislation. The Supreme Court has refused to examine how their land title was transferred to the US. The Shoshone are trespassers on their own land.

**CAPAJ** say that in the South Andes government projects and copper mines operated by mining companies use water resources without any restriction (also **NS**). As a result, Aymara and Quechua communities’ agricultural production has decreased, leading to their impoverishment.

**CCP** say that the Miskitu of the Atlantic coast of Nicaragua have gained the legal recognition of their full right over land and resources. However, the government of Nicaragua violates their human rights in favour of North American companies.

**NS** refer to the violations of IPs’ rights by companies that exploit their resources, with serious social impacts and maximum profit with minimum investment. The powerful interests of logging companies has led to violence against the Mapuche in Chile with the help of the paramilitary serving TNCs. The Chilean

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3 Sources: written statements
authorities are accountable for this situation. In Brazil, the MST (landless peasants’ movement) is accused of terrorism and peasants are killed with impunity.

**Asia-Pacific**

**CASS** say that in the last forty years over 7 million IPs have been displaced and dispossessed of their traditional lands and forests because of development projects. Coal mining in particular has had great social and environmental impacts. There is no national policy for rehabilitation and resettlement, and compensation depends on companies’ own norms only. 90% Adivasis depend on agriculture for their livelihood and 85% live below the official poverty line.

**ICTIP** say that demands from tribal cultural areas for separate states –motivated by internal colonialism leading to exploitation and dispossession of natural and cultural resources– were rejected by the Indian government.

**WSC** say that in Sindh land natural resources, including water, oil, gas, coal, diamonds, gold and uranium, are exploited for military reasons. Sindhis, who suffer from poverty, hunger and diseases, are evicted or forced to sell their land to the military. There is no constitutional protection or consideration of international obligations.

**PCJSS** say that the natural resources of the Chittagong Hill Tribes contribute to a great extent to the national economy of Bangladesh, but indigenous Jumma have no control over their natural resources. Deforestation and extraction of natural resources are a threat to biodiversity. Jumma lifestyle and culture are closely related to forests and hills. They have their own land management system for the preservation of resources, but their customary land use system is not recognized. They are threatened with a gas exploitation project, which will cause the eviction of thousands of Jummas.

**AUA** refer to articles 25 and 30 of the Draft Declaration. Assyrian people must be consulted before companies enter into agreements with the Iraqi government regarding exploitation of natural resources and appropriate compensation must be paid. States in which companies originate must respect IPs’ rights regardless of the domestic laws of the countries in which the companies are undertaking their activities.

**CPA** say that Igorots communities in the Cordillera are concerned about the approval of nine mining concessions covering 15,000 hectares and other applications to more than 700,000 hectares, without their prior and informed consent. The San Roque dam project, affecting 20,000 Ibalois, is under construction, despite three bills pending in Congress calling for investigation of environmental and socio-cultural impacts. Three other megadams in the Cordillera are planned in the near future. In spite of IPs Rights Act in 1997, land rights are not recognized and free and informed consent is ignored. Its implementation has been suspended because of mining interests (PIPL).

**PIPL** say that, in the Philippines, mining companies, often backed by the government’s own National Commission of IPs, pushed forward mining projects despite local opposition, such as on the island of Mindoro, where a nickel mine is to be developed. Increasingly, the military and armed security groups are used to intimidate the population. Voluntary Codes of Conduct, aimed mainly at improving the image of mining companies, are counterproductive, not binding and contain no sanction for breaches.

**GAC** say that the Mirrar people, whose traditional country lies within and around Kakadu National Park, have been opposing uranium mining on their land for the last 25 years. However, a uranium mine was established in 1979 and another one, known as the Jabikula project, is planned. Its construction was suspended in September 1999 after an international campaign. Environmental Impact Assessments fail to address the fundamental concerns and processes of Traditional Aboriginal Owners.

**ANI** say that in 1980 Australia claimed Norfolk Islanders’ traditional fishing grounds for its own. As a result, Norfolk Islanders now fish in their waters illegally. 1991 Norfolk Fisheries Management Act promised to legalize their non-commercial fishing activities. To date there is no legal entitlement. Norfolk Islanders rely heavily on their natural resources.

**MLS/NLT** say that the recent Treaty Policy by the New Zealand government stating that Maori do not have a historical relationship with certain natural resources such as minerals was decided without consultation with Maori. This policy is a breach of the Treaty of Waitangi.

**Russia**

**RAIPON** say that it is crucial to elaborate and implement international standards for the cooperation between the IPs and those who exploit natural resources. They are currently working on a draft law on territories and the traditional use of natural resources by the IPs of the North, Siberia and the Far East. A dialogue on equal basis with the mining companies will be possible only when IPs’ communities will obtain legal citizenship and will be entitled to their lands.
3.3 List of abbreviations

AAAKM: Arravali Adivasi Adarsha Kheti Mandal
ACKK: Association of the Crimean Karaites “Krymkarailar”
ADSR: Association of the Dolgan of the Sakha Republic
AIDA: Australian Indigenous Doctors Association
AKP: Association of Kumandin People
ANI: Association of Norfolk Islanders
APK: Altay People’s Kurltay
ASECA: Adibasi Socio-Education & Cultural Association
ATSICJC: Aboriginal and Torres Strait Islander Social Justice Commissioner
AUA: Assyrian Universal Alliance
BIPO: Bawm Indigenous Peoples’ Organization
CAPAJ: Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos
CASS: Chotanagpur Adivasi Sewa Samiti
CCCA: Comisión Comunal Costa Atlántica
CCP: Comisión Comunal Prinzapolka
CEA-CISA: Comité extérieur d’appui au Conseil Indien d’Amérique du Sud
CHHO: Chin Human Rights Organisation
CIH: Committee on Indigenous Health
CISA: Indian Council of South America
CI: Confederación Indígena Taírona
CIWRI: Canadian Indigenous Women’s Resource Institute
CNP: Comisión Nacional Provisaria
CONAMAQ-B: Consejo Nacional de Ayllus y Markas de Quillasuyo-Bolivia
CORE: Centre for Organisation, Research and Education
COTU: Consejo de Organizaciones Tukum Umam
CPA: Cordillera Peoples Alliance
CSSC: Chagossiens Swiss Support Committee
CTT: Consejo de Todas las Tierras / LCFM: Las Cuatro Flechas de México
EC: Etnia Cumanagoto
FAIRA: Foundation for Aboriginal and Torres Strait Islander Research Action
GAC: Gundjehmi Aboriginal Corporation
GNCSA: Griqua National Conference of South Africa
GTME: Grupo de Trabalho Missionário Evangélico
HH: Hojas de Hierba
IA: Interior Alliance
ICITP: Indian Confederation of Indigenous and Tribal Peoples
ICN: Innu Council of Nitassinan
ICP: Indigenous Communities of Peru
ITIC: International Indian Treaty Council
ILRC: Indian Law Resource Center
IMTA: Indian Movement “Tupaj Amaru”
IMYF: Indo-Mongolian Youth Front
INIP: Institute of Northern IPs
IPACC: Indigenous Peoples of the Africa Coordinating Committee
IPNC: Indigenous Peoples and Nations Coalition
ITC: Inter-Tribal Committee
KIHSU: Kuikalahiki Indigenous Hawaiian Student Union
KLH: Ka Lahui Hawai’i
LSOR: Lakota Sicangu Oyate of Rosebud
MBOSCUDA: Mbororo Social and Cultural Development Association
MCTP: Mejlis of Crimean Tatar People
MGC: MEEK Grand Council
MIC: Mapuche Inter-Regional Council
MJK: Movimiento de la Juventud Kuna
MLS: Maori Legal Service/NLT: Ngatira Lands Trust
MNA: Metis Nation of Alberta
MPC: Maa Parakuyio Community
MRTKL: Movimiento Revolucionario Tupak Katari de Liberación
NAILSS: National Aboriginal and Torres Strait Islander Legal Services Secretariat
NFIPPN: Nama First Indigenous Peoples Forum of Namibia
NKILKH: Na Koa Ikaika o Ka Lahui Hawai’i
NPMHR: Naga Peoples Movement for Human Rights
NS: Nord-Sud XXI
OMAK: Organización de Mujeres Aymaras del Kollasuyo
OPIAC: Organización de Pueblos Indígenas de la Amazonia Colombiana
OTM: Organización Tohil Morales
PCJSS: Parbatya Chattagram Jana Samhati Samiti
PIPL: Philippine Indigenous Peoples Link
PMIKK: Programa de la Mujer Indígena “Kichin Konojel”
PONO: Protect Our Native Ohana
RAIPON: Russian Association of Indigenous Peoples of the North
RBC: Rehoboth Baster Community
RECS: Roje Eshanshali Cooperative Society
SLFN: Saddle Lake First Nation
STP: Society for Threatened Peoples
SUAPA: Sovereign Union of Aboriginal People of Australia
THOA: Taller de Historia Oral Andina
TO: Tetuwan Oyate
TWS: Tribal Welfare Society
UBNFL: United Bodo Nationalists Liberation Front
UNIPROBA: Unissons-nous pour la Promotion des Batwa
UYIP: Union of Youth of IPs of the North, Siberia and Far East of the Russian Federation (Association of the Dolgan of the Sakha Republic)
WCC: World Council of Churches
WIMSA: Working Group of Indigenous Minorities in Southern Africa
WSC: World Sindhi Congress
YOGA: Youth Organization of the Gorny Altay
ZRO: Zo Re-unification Organisation

3.4 WGIP 18th session: statements available at doCip

Review of recent developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous people: General statements, including land issues, education and health (Item 5):

ILO; UNDP; BRAZIL; COLOMBIA; MEXICO; NEW ZEALAND; SPAIN; IPs of the Americas, Asia, Africa, Australia, Europe and the Pacific; Aboriginal Community Health Council; American Indian Law Alliance; Apache Survival Coalition; Asociación Nacional Indígena Plural por la Autonomía; Assembly of First Nations/IOIRD; Association of the Dolgan of the Sakha Republic; Aboriginal and Torres Strait Islander Commission; Ainu Association of Rera; Association of Norfolk Islanders; Association of the Crimean Karaites “Krymkarail”; Association of the Indigenous Peoples in the Ryukyus; Assyrian Universal Alliance; Borok People of Tripura; Cherokee Nation; Chin Human Rights Organization; Chotanagpur Adivasi Sewa Samiti; Coalition for Justice in Iraq; Comisión Comunal de la Costa Atlántica de Nicaragua; Comisión Nacional Provisoria; Comité Intertribal; Committee on Indigenous Health; Consejo de Todas las Tierras; Cordillera Peoples Alliance; Davgi -Samy Youth Council; Etnia Cumanagoto; Fundaçaõ Araporã; Grand Council of the Crees; Grupo de Trabalho Missionário Evangélico; Hill Women’s Federation Chittagong Hill Tracts; Hmong International/Human Rights Watch; Indian Council of South America; Indian Law Resource Center; Indian Movement ”Tupaj Amaru”; Indigenous Peoples and Nations Coalition; Innu Council of Nitassinan; Institute for Human Rights Study and Advocacy in West Papua; Instituto de Estudios de las Tradiciones Sagradas de Abia Yala; Interior Alliance; International Alliance (IAITPTF) South Asia Region; Jumma Peoples Link; Ka Lahui Hawai; Kuki Indigenous People; Lao Human Rights Council, Inc.; Leonard Peltier Defense Committee; Maa Development Association; Mabui; Maori Legal Service/Ngatira Lands Trust; Mikmaq Grand Council; Mohawk Nation at Kahnawake; Na Koa Ikaia o Ka Lahui Hawaii; Nama First Indigenous People of Namibia; National Khoisan Council; Nepal Indigenous Peoples Development and Information Service Centre; Ogiek Rural Integral Projects; Oneida Nation; Parbatya Chattagram Jana Samhati Samiti; Philippine Indigenous Peoples Links; Saami Council; Sengwer Indigenous Development Project; Sovereign Union of Aboriginal People of Australia; Tetuwan Oyate; Torres Strait Regional Authority; Treaty Six First Nation; Union of Youth of IPs of North Russia; Universitas Pattimura Poka Ambon Maluku; Washitaw Nation; World Sindhi Congress.

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including the second preparatory meeting in May 2001 (Item 7):

BRAZIL; FINLAND; GUATEMALA; Aboriginal and Torres Strait Islander Commission; Committee in Solidarity with Native Peoples of the Americas; Congreso de Organizaciones Tukum Uman; Consejo Nacional de Organizaciones Mayas de Guatemala; Haudenosaunee Tuscara Nation; Indian Movement ”Tupaj Amaru”; Indigenous Peoples and Nations Coalition; Interior Alliance; International Organization of Indigenous
4. Sub-Commission on the Promotion and Protection of Human Rights
52nd session, 31 July-25 August 2000

4.1 Resolutions and decisions concerning indigenous peoples


The Sub-Commission: (1) Recommends that the OHCHR organize, in cooperation with indigenous organizations, UNICEF, the Committee on the Rights of the Child, Governments and relevant NGOs, a further workshop on indigenous children and youth; (2) Also recommends that the Working Group at its 19th session adopt as the principal theme "Indigenous peoples and their right to development"; (3) Further recommends that Ms. Erica-Irene Daes prepare a second working paper on IPs and racism and racial discrimination for consideration at the second session of the Preparatory Committee for the World Conference against Racism to be held in May 2001; (4) Requests Mr. Miguel Alfonso-Martínez to submit to the Working Group at its 19th session the working paper on possible principles and guidelines for private sector energy and mining concerns that may affect indigenous (cf. res. 1998/23; (5) Calls upon the organizers of the World Conference to ensure that a mechanism exists for the full and active participation of representatives of indigenous peoples in all preparatory meetings as well as the World Conference itself; (6) Recommends that the organizers of the World Conference invite indigenous representatives to address its plenary session; (7) Also recommends that the OHCHR organize a parallel activity on indigenous issues during the World Conference and that funds be set aside for this purpose as well as for the participation of indigenous peoples at the Conference; (8) Further recommends that a chapter in both the declaration and the programme of action of the World Conference be dedicated to indigenous peoples and that the World Conference recognize that indigenous peoples, when referred to collectively, are "peoples"; (9) Requests the CHR to consider the usefulness of appointing a special rapporteur on indigenous issues; (10) Recommends that the CHR endorse the Sub-Commission's request that the ECOSOC authorize the WGIP to meet for five working days prior to the 53rd session of the Sub-Commission in 2001. (11) Recommends that the CHR decide to recommend that the ECOSOC authorize the former Chairperson-Rapporteur of the Working Group, Ms. Erica-Irene Daes, to continue to participate in all meetings in preparation for the World Conference against Racism and in the World Conference itself, and to authorize the Chairperson-Rapporteur of the 18th session of the Working Group, Mr. Miguel Alfonso Martínez, to participate in the World Conference and in the preparatory meeting for the Latin American region, to be held in Santiago in December 2000.

International Decade of the World's Indigenous People –Res. 2000/15

The Sub-Commission: (1) Recommends that the Coordinator for the Decade hold, preferably before the end of 2000, a special fund-raising meeting with the permanent missions in Geneva of interested Governments and the members of the Advisory Group for the Voluntary Fund for the Decade to encourage financial contributions to the Voluntary Fund for the Decade and the United Nations Voluntary Fund for Indigenous

4 The full text is contained in document E/CN.4/Sub.2/2000/L.11 and add. 1
Populations, as well as the appointment of qualified staff, including indigenous persons, from within the regular budget of the United Nations; (2) Strongly recommends that the draft UN declaration on the rights of indigenous peoples be adopted not later than the end of the International Decade in 2003 and, to this end, appeals to all participants in the inter-sessional working group of the CHR to put into practice new, more dynamic ways and means of consultation and consensus-building; (3) Notes the view expressed by many indigenous participants during its 52nd session and during the 18th session of the WGIP that the establishment of the Permanent Forum should not necessarily be construed as grounds for the abolition of the WGIP; (4) Recommends that the HCHR organize a seminar on treaties, agreements and other legal instruments between States and indigenous peoples, to discuss possible follow-up to the study completed by the Special Rapporteur, Mr. Miguel Alfonso Martínez, and to explore ways and means of implementing the recommendations included in his final report (E/CN.4/Sub.2/1999/20); (5) Also recommends that the High Commissioner organize, not later than the end of 2002, in collaboration with the UNCTAD, ILO and WTO, a workshop on IPs, private sector natural resource, energy and mining companies and human rights in order to contribute to the ongoing work of the sessional working group on the working methods and activities of transnational corporations; (6) Further recommends that the HCHR take the necessary action in order to promote the establishment, within the Office of Legal Affairs of the Secretariat, of a database on national legislation on matters of relevance to IPs, as well as a compilation of treaties and agreements between States and IPs; (7) Invites the CHR to recommend that the ECOSOC authorize the convening of an international conference on indigenous issues during the last year of the International Decade of the World's IPs (2003) with a view to evaluating the Decade and considering future national and international policies and programmes.

World Conference against Racism –Res. 2000/3
The Sub-Commission: (1) Suggests that the World Conference focus, inter alia, on policies to be implemented to promote and protect the rights of indigenous peoples, and on racism, racial discrimination and other forms of intolerance, including discrimination and intolerance against indigenous peoples, within criminal justice systems;

Intellectual property rights and human rights –Res. 2000/7
The Sub-Commission: (1) Declares that since the implementation of the TRIPS Agreement does not adequately reflect the fundamental nature and indivisibility of all human rights, including the right of everyone to enjoy the benefits of scientific progress and its applications, the right to health, the right to food, and the right to self-determination, there are apparent conflicts between the intellectual property rights regime embodied in the TRIPS Agreement, on the one hand, and international human rights law, on the other; (2) Requests the WTO, in general, and the Council on TRIPS during its ongoing review of the TRIPS Agreement, in particular, to take fully into account the existing State obligations under international human rights instruments; (3) Requests the Special Rapporteurs on globalization and its impact on the full enjoyment of human rights to include consideration of the human rights impact of the implementation of the TRIPS Agreement in their next report; (4) Requests the UNHCHR to undertake an analysis of the human rights impacts of the TRIPS Agreement; (5) Recommends to the WIPO, WHO, UNDP, UNCTAD and UNEP that they continue and deepen their analysis of the impacts of the TRIPS Agreement, including a consideration of its human rights implications; (6) Commends the Conference of Parties to the Convention on Biological Diversity for its decision to assess the relationship between biodiversity concerns and intellectual property rights, in general, and between the CDB and TRIPS, in particular, and urges it also to consider human rights principles and instruments in undertaking this assessment.

The Sub-Commission welcomed the organization and the report (E/CN.4/Sub.2/2000/26) of the seminar on the draft principles and guidelines for the protection of the heritage of indigenous people and decided to transmit the revised draft principles and guidelines to the CHR for its action.

Update to the final working paper on indigenous peoples and their relationship to land –Dec. 2000/108
The Sub-Commission decided to request the Special Rapporteur to update her final working paper on indigenous peoples and their relationship to land and to submit her updated final working paper to the Sub-Commission at its 53rd session.
4.2 Sub-Commission reports and statements (Item 7)

- Ms. Daes presented the report on her visit Mexico: E/CN.4/Sub.2/2000/CRP.1. Indigenous communities still suffered in many cases from extreme poverty and marginalization and there were problems regarding the right to life and the administration of justice.
- Working paper on the relationship and distinction between the rights of persons belonging to minorities and those of indigenous peoples, Asbjorn Eide and Erica-Irene Daes: E/CN.4/Sub.2/2000/10. The section written by Mr. Eide notes that "Persons belonging to minorities often have several identities and participate actively in the common domain. Indigenous rights, on the other hand, tend to consolidate and strengthen the separateness of these peoples from other groups of society." The section written by Ms Daes states that "In my opinion, the principal legal distinction between the rights of minorities and indigenous peoples in contemporary international law is with respect to internal self-determination: the right of a group to govern itself within a recognized geographical area, without State interference (albeit in some cooperative relationship with State authorities, as in any federal system of national government)."

Statements made under agenda item 7 “Human rights of indigenous peoples”

- Franciscans International, Dominicans for Peace and Justice (IPs of the Sierra Tarahumara and the Selva Lacandona regions of Mexico, of the Philippines, transnational corporations)
- Indian Council for South America (Permanent Forum, IPs of South America and Mexico)
- Indian Movement Tupaj Amaru (International Decade, WGIP and Permanent Forum)
- Indigenous World Association (Kahnawake Mohawk Nation of Canada, Permanent Forum)
- Interfaith International (Sindhi of Pakistan)
- International Educational Development (Aboriginal people of Australia, Mexico)
- International Human Rights Association of American Minorities (Kuiiu Kwaan Thlingit Nation and other IPs of Alaska, land title, African Americans, IPs of Kashmir)
- International Indian Treaty Council (Mexico, Permanent Forum, land rights)
- International League for the Rights and Liberation of Peoples (Western Shoshone of the USA, deprivation of land rights, Special Rapporteur on IPs, Permanent Forum and WGIP)
- Inuit Circumpolar Conference (Permanent Forum)
- Latin American Association for Human Rights (Mexico, Guatemala, Peru, Ecuador, Colombia, violence and discrimination)
- Liberation (Native Americans, Aboriginal and Torres Island peoples in Australia, IPs of Chiapas, Mexico, Jumma people of the Chittagong Hill Tracts of Bangladesh, IPs of Manipur, Nagaland, and Assam in India, Sindhi and Baluchistan of Pakistan, Special Rapporteur for South and Latin America)
- Netherlands Organization for International Development Cooperation (IPs of Indonesia)
- North South XXI (Catunta Casto of Argentina)
- World Federation for Mental Health (WGIP, World Indigenous Nations Games)
- World Federation of Methodist and Uniting Church Women (indigenous women, Permanent Forum)
- BANGLADESH
- GUATEMALA
- MEXICO
- UKRAINE

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5 available at doCip on request
5. NEWS

5.1 The Working Group of the Commission on the Draft Declaration on the Rights of Indigenous Peoples, 6th session, will take place from 20 November to 1 December 2000. A preparatory meeting will be held on 18-19 November at the World Council of Churches.

The “International Conference on Conflict Resolution, Peace-Building, Sustainable Development and Indigenous Peoples” to be held in Manila, Philippines has been postponed until after the Working Group on the Draft Declaration, from 6 – 8 December 2000.

Conference Committee:
Tebtebba Foundation, Inc.  Tel. No: (63) 74 4439459
P.O. Box 1993  Fax No: (63) 74 4447703
2600 Baguio City, Philippines  E-mail: Erreur ! Source du renvoi introuvable.

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5.2 World Conference Against Racism (WCAR)

Preparatory process
The report of the first session of the PrepCom, which took place in Geneva from 1-5 May 2000, is now available as A/CONF.189/PC.1/21 (in English, French, Spanish, Arabic, Russian and Chinese). It is available on the website of the High Commissioner for Human Rights <http://www.unhchr.ch/html/racism/index.htm>

Decisions of the First Session of the PrepCom
In the Rules of Procedures adopted at the First Session of the PrepCom, it was decided that the Conference would establish one Main Committee and one Drafting Committee, and these Committees may set up their own subcommittees or working groups. NGOs will be permitted to participate in the work of both of these Committees (and any subcommittees or working groups they establish) on questions within the scope of their activities.

This means that NGOs will be able to make oral statements as well as to submit written statements to the Conference.

The First Session of the PrepCom adopted the following World Conference Slogan: “United to combat racism: Equality, Justice, Dignity”. It also adopted the following 5 broad themes of the Provisional Agenda:

1. Sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance;
2. Victims of racism, racial discrimination, xenophobia and related intolerance;
3. Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance, at the national, regional and international levels;
4. Provision of effective remedies, recourse, redress, [compensatory] and other measures at the national, regional and international levels;
5. Strategies to achieve full and effective equality, including international cooperation and enhancement of the United Nations and other international mechanisms in combating racism, racial discrimination, xenophobia and related intolerance, and follow-up.

The second session of the PrepCom will take place in Geneva from 30 May – 8 June 2001. In addition, there will be an Open-Ended Inter-Sessional Working Group Meeting in Geneva, 15-19 January 2001.

There will also be an Informal Meeting, 19-20 October 2000, to plan for the Inter-Sessional Working Group and to begin discussion on the sub-themes of the five major conference themes.

Regional preparatory meetings
Regional Preparatory Meeting for Europe (in Strasbourg, France), organized by the Council of Europe, 11-13 October 2000. See the website of the European Commission against Racism and Intolerance (ECRI), <http://www.ecri.coe.int/en/07/01/e07010001.htm>.

Regional Preparatory Meeting for Africa (in Dakar, Senegal), 1-4 November 2000. Contact: Mr. Alioune Tine at Rencontre africaine pour la défense des droits de l’homme (RADDHO) <raddho@telecomlus.sn>.

Regional Preparatory Meeting for Latin America and the Caribbean (in Santiago, Chile), 4-6 December 2000. Canada and the USA will be full participants in this meeting. Contact: Ms. Cristina Zeledon at the Instituto Inter-Americano de Derechos Humanos (IIDH) <instituto@iidh.ed.cr>. 
Regional Preparatory Meeting for Asia (in Teheran, Iran). 19-21 February 2001. Contact: Ms. Nimalka Fernando at the International Movement Against All Forms of Discrimination and Racism (IMADR) <imadr@slt.lk>.

Other regional NGO meetings
The Secretariat of the OHCHR is also planning to support four regional NGO:

For Africa, in Botswana: contact Ms. Chantal Kisoon at the Centre for Human Rights, University of Pretoria <ckisoon@hakuna.up.ac.za>

For Asia, in Amman, Jordan: contact Arab Organization for Human Rights (AOHR), Mr. Nizam Assaf, <achrs@joinnet.com.jo> or <aohr_jo@yahoo.com>

For the Americas, in Quito, Ecuador: contact Ms. Irene Leon at Agencia Latinoamericano de Informacion (ALAI) at <mujeres@alai.ecu.anex.net.ec> or contact Mr. Mark Hecht at Human Rights Internet (HRI) at <hechtma@hri.ca>

For Eastern and Central Europe, in Warsaw: contact, Mr. Marek Nowicki, Helsinki Foundation for Human Rights, at <jacquel@hfhrpol.waw.pl>

Guide to Participating in World Conference
The International Human Rights Law Group has produced an excellent Guide to Participating in the UN World Conference Against Racism, which is available in English, Spanish, Portuguese and French, in hard copy. It will shortly also be available on the web. For copies, contact Ms. Alison N. Stewart, Special Projects Coordinator, IHRLG, 1200 18th St., N.W., Suite 602, Washington, DC 20009, USA. Tel. (1-202) 822-4600; Fax. (1-202) 822-4606. Email: HumanRights@HRLawGroup.org.

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5.3

The United Nations Conference on Trade and Development (UNCTAD) will hold an Expert Meeting on Systems and National Experiences for the Protection of Traditional Knowledge, Innovations and Practices, focusing on trade and development-related issues.

UNCTAD’s work in the area of traditional knowledge is mandated by the Plan of Action adopted by UNCTAD X, which was held in Bangkok from 12 to 19 February 2000. In accordance with paragraph 147 of the Plan of Action (TD/386), “UNCTAD should also, in full cooperation with other relevant organizations, in particular and where appropriate WIPO and WHO, promote analysis and consensus building with a view to identifying issues that could yield potential benefits to developing countries.” It specifies that this work should inter alia focus on, “taking into account the objectives and provisions of the Convention on Biological Diversity and the TRIPS Agreement, studying ways to protect traditional knowledge, innovations and practices of local and indigenous communities and enhance cooperation on research and development on technologies associated with the sustainable use of resources”.

The UNCTAD Secretariat is preparing this Expert Meeting in close cooperation with the secretariats of the Convention on Biological Diversity (CBD) and the World Intellectual Property Organization (WIPO) and other relevant parties. In doing so, it will seek to add the maximum possible value to the work carried out by these institutions, in particular by identifying relevant issues related to trade and development. Member States will be requested to nominate experts, who will participate in their personal capacities. Experts are expected to have expertise in the subject under discussion, and may be selected from the academic world, public and private sectors, and NGOs, in particular those representing local and indigenous communities.

For further information please contact:
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Division on International Trade in Goods and Services and Commodities (DITC)
UNCTAD
Tel: +41 22 907 5679; Fax: +41 22 907 0044
E-mail: rene.vossenaar@unctad.org; Web site: www.unctad.org/trade_env/index.html

*      *      *
WIPO General Assembly establishes a new Intergovernmental Committee on Intellectual Property related to genetic resources, traditional knowledge and folklore

Following WIPO investigations and missions for collecting data on traditional knowledge, the GA decided to establish a new Committee.

Aims: (1) discuss the work already carried out; (2) develop a programme.
Participation: State Members, intergovernmental organizations, and regional and international NGOs accredited by WIPO.

Accreditation: NGOs should write to WIPO Director General and request information about the accreditation process. They will be sent the relevant application form.

www.wipo.int/traditionalknowledge/report/contents.htm: WIPO site contains a press release on the GA and the proposal made to GA, which resulted in the establishment of the Committee.


The version currently available is in English only. Parts of the draft will also be available in Arabic, Chinese, French, Russian and Spanish.

* * *

Acknowledgments

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