

International NGO Conference on Indigenous Peoples and the Land

Geneva, Switzerland, 15-18 September 1981

**organised by the Sub-Committee on Racism,
Racial Discrimination, Apartheid and Decolonisation of the
Special NGO Committee on Human Rights (Geneva)**

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FOREWORD

The International NGO Conference on Indigenous Peoples and the Land was organized by the Sub-Committee on Racism, Racial Discrimination, **Apartheid** and Decolonisation of the Special NGO Committee on Human Rights at Geneva, on 15 to 18 September 1981. This Conference was the eighth in the series of conferences organized by the Sub-Committee.

The Sub-Committee was established by the Geneva Special NGO Committee on Human Rights in 1973 following the decision by the United Nations to declare 1973 to 1983 the Decade for Action to Combat Racism and Racial Discrimination.

More than 300 delegates, observers and guests took part in the Conference which attracted wide attention all over the world.

The Sub-Committee had organized in 1977 a first international NGO conference on discrimination against indigenous peoples which had played an extremely vital role in drawing public attention to the struggles of the indigenous peoples in the Americas.

The second conference held in 1981 has been hailed by representatives of indigenous peoples' organizations as giving new confidence and support to their struggle.

There were many more indigenous peoples' organizations represented in 1981 than at the first conference. More groups and nations of indigenous peoples from different parts of the world sent their delegates to the Conference. There is no doubt that from the point of view of the participation of indigenous peoples, the 1981 conference was the biggest and most significant ever held.

The participation of NGOs as a whole represented a far greater spectrum than at the first conference. This indicated the increasing international awareness of the relevance of the struggle of the indigenous peoples and constituted an implicit endorsement of the issues selected and the aims and objectives of the Conference. The success of the Conference was particularly due to the very thorough preparations prior to the conference on the part of the indigenous peoples' organizations. Over 50 introductory papers prepared for the Conference by indigenous peoples' organizations and by non-governmental organizations were rich in factual information on the struggles of indigenous peoples for land in different parts of the world.

The Conference was conducted in plenary sessions and four commissions which dealt with the following issues:

- Land rights of the indigenous peoples, international agreements and treaties, land reform and system of tenure.

- Indigenous philosophy and land.

- Transnational corporations and their effect on the resources and land of indigenous peoples.

- The impact of the nuclear arms build-up on the land and life of indigenous peoples.

The discussions in the Commissions and the reports adopted by the Commissions reflected the interlinkages of all relevant issues. The most useful suggestions were made for actions by NGOs in support of the indigenous peoples' struggles at all levels — national and international and through the United Nations.

The final resolution of the Conference highlighted the key significance of the struggles of the indigenous peoples at this particular time. The interrelationship between the struggle for the land and the arms race was emphasized in a most effective way. This was the first major international conference to have taken up this question. And the linkage of the two issues enabled all participants to discern and demonstrate the relevance of their own struggles to each other, challenging all to a common responsibility and commitment.

Many participating NGOs had received letters from the delegations representing the indigenous peoples stressing the key significance and value of the Conference to their struggle.

The United Nations gave full support to the Sub-Committee in organizing the Conference which was held

in the Palais des Nations and was opened by the Director General of the UN Office at Geneva, Mr. Luigi Cotafavi, and the Director of the Division of Human Rights, Mr. Theo van Boven.

The Chairman of the State Council of the Canton of Geneva, Mr. André Chavanne, lent the support of the authorities and people of Geneva through a welcome address at the start of the Conference.

The Sub-Committee wishes to extend its gratitude also to all the representatives of governments who took part in the Conference as guests.

Romesh Chandra
President of the Conference

Geneva, March 1982

PROGRAM

Tuesday, 15 September

10h-11h30 Opening Plenary Session

- Invocation
 - Addresses by
 - Mr. Luigi Cottafavi, Director-General of the UN Office in Geneva
 - Mr. André Chavanne, President of the State Council of the Republic and Canton of Geneva
 - Mr. Romesh Chandra, President of the Conference
 - Representatives of Indian Law and Resource Centre, World Council of Indigenous Peoples, International Indian Treaty Council
 - Mr. Theo van Boven, Director, U.N. Division on Human Rights
- Break

11h45-13h Plenary Session

- Introduction of Rules of Procedure
- Adoption of the Agenda
- Addresses by representatives of:
International Labour Office
UNESCO
Indigenous Organizations and Nations

Wednesday, 16 September

10h-18h Work in Commissions (with lunch break from 13h-15h)

18h30-20h Reception given by the Geneva authorities at 1 rue de Varembe
20h30 Concert given by Grupo Folklorico de Bolivia at Université de Genève, UNI II (Salle Piaget 600, 24 rue Général Dufour)

Thursday, 17 September

10h-13h Work in Commissions (with lunch break from 13h-15h)
15h-18h Preparation of documents and special meetings
20h30 Films and slides at FORUM I at Hotel Le Grenil, 7 avenue Ste Clothilde

Friday, 18 September

10h-13h Presentation of Commission Reports
Adoption of the final documents
Closing addresses

STATEMENT

The International NGO Conference on Indigenous Peoples and the Land was held from 15 to 18 September 1981 at the Palais des Nations, Geneva. More than 300 representatives of indigenous nations and groups and of international and national organizations attended.

One hundred and thirty indigenous representatives came to Geneva from different parts of the world to call the attention of the international community to the desperate conditions in which they live and to their struggle to survive as nations and communities.

The root of this crisis is the denial of the right to their land. Their land and resources are plundered by vested interests and particularly by transnational corporations seeking maximum profits. The constant grabbing of more of their land and the denial to self-determination is destroying their traditional value systems and the very fabric of their societies.

The Conference condemns the systematic repression and genocide practiced against the indigenous peoples and calls for an immediate halt to these practices. It appeals to the international community, to the United Nations, to respond to the just demands of the indigenous peoples.

The Conference expresses grave concern about the serious consequences of the escalating nuclear arms race on the life and land of indigenous peoples and draws attention to the close interrelationship between the struggle for land rights and for disarmament.

The Conference declares its solidarity with the indigenous peoples in their just struggle for self-determination and for the right to determine the development and

use of their land and resources, and to live in accordance with their values and philosophy. In this time of crisis, indigenous peoples have much to contribute to the human and spiritual development of the world.

The Conference recognizes that the United Nations has taken already a number of steps in response to the recommendations made by the 1977 NGO Conference. It notes with satisfaction the possibilities indigenous peoples had to contribute to the UN Sub-Commission's Study of the Problem of Discrimination against Indigenous Populations. Indigenous representatives should have due participation in the process of formulation of standards incorporating the specific rights of indigenous populations envisaged by the Sub-Commission and parent bodies as a result of the above-mentioned study.

The Conference strongly supports the recommendation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the UN Commission on Human Rights and to ECOSOC to establish annually a working group on indigenous peoples.

It would welcome further strengthening of this opportunity for indigenous nations and peoples to submit their complaints and to make their demands known. This could be achieved, inter alia, by empowering the working group to

- accept information from all indigenous nations, organizations and groups;

- hear testimony directly from indigenous groups concerned;

- recommend fact-finding missions to investigate urgent and serious situations.

The Conference requests the UN Sub-Commission to appoint a Special Rapporteur to further study the right of self-determination focussing in particular on this right as it refers to indigenous peoples and nations.

The Conference urges that action be taken at national and international levels to improve and widen access of indigenous peoples to all UN bodies, specialized agencies and committees and other intergovernmental organizations.

The Conference further requests that the question concerning indigenous peoples be given a prominent place on the agenda of the World Conference on Racism and Racial Discrimination to be held in 1983 under the auspices of the United Nations at the conclusion of the UN

Decade for Action to Combat Racism and Racial Discrimination.

The Conference urges that in all international gatherings dealing with questions concerning indigenous peoples the widest possible participation of indigenous representatives be ensured.

It welcomes the growing co-operation among indigenous organizations.

The Conference recommends to the United Nations to declare an International Year of Indigenous Peoples.

It urges all non-governmental organizations to study the action recommendations of the four Conference commissions and take appropriate measures.

LAND RIGHTS OF THE INDIGENOUS PEOPLES, INTERNATIONAL AGREEMENTS AND TREATIES, LAND REFORM AND SYSTEM OF TENURE

Report of Commission I

The Legal Commission of the International NGO Conference on Indigenous Peoples and the Land met 16 and 17 September 1981 at the Palais des Nations, Geneva, Switzerland

The Legal Commission

Having heard over forty declarations of indigenous delegates, representatives of NGO's and observers, and having examined the working papers submitted to it at the beginning of the Conference and further documentation received during the session which are listed in Appendix A and B;

Reaffirming the importance attached to the land question by the NGO Indigenous Peoples Conference in 1977, and

Affirming the inseparable connection between land rights of Indigenous Peoples and the right of self-determination;

Summarizes the proceedings as follows:

I. CONCEPTS

It was stressed that indigenous peoples by their very existence have a natural, original right to live freely within their own territories.

Time and again it was stated that the special relationship of indigenous peoples to their cultures, spiritual way of life, integrity as a people and economic survival.

II. INTERNATIONAL ASPECTS

In general, all indigenous peoples are entitled to self-determination and to recognition as nations under con-

ditions contained in articles 1 and 2 of the Declaration of Principles of 1977.

Some participants referred to the Anglo-European bias in existing international law. It was recommended that these definitions be expanded so as to include indigenous notions of law and fundamental rights such as communal ownership of land.

Several suggestions were put forward to improve the status of indigenous peoples under international law. These included representation in the United Nations, mandatory jurisdiction over indigenous questions by the International Court of Justice, United Nations supervision of negotiations between indigenous peoples and the governments concerned, and the international recognition of the validity of treaties and agreements concluded or accepted by indigenous peoples.

Attention was drawn to the particular problems arising from the existence of imposed borders cutting through the traditional territories of indigenous peoples. These borders have resulted in the separation of indigenous peoples and have prevented these peoples from access to their traditional economies. It was strongly expressed by many delegates that their right of free movement throughout the western hemisphere is fundamental.

For this and other serious and consistent violations of rights of indigenous peoples it was submitted that the United Nations should be the legitimate forum for complaints. One participant recommended that where the right of self-determination of an indigenous nation or people is in dispute, United Nations protection could be involved as an intermediate solution.

III. SELF-DETERMINATION AND LAND

Many detailed reports were given on how, in all parts of the world, indigenous peoples have been and often are still being deprived of their lands, in whole or in part. Usually the territories with which they are left are wholly inadequate to their needs and do not provide the economic basis for their survival. Additionally, much of the remaining lands and wildlife are threatened with destruction caused by the extraction of mineral resources and by environmental pollution.

If the indigenous peoples were accorded the genuine exercise of their right of self-determination, they would be able to live in their lands and feed their people in accordance with their own traditions, technology and

culture, which are in harmony with the natural environment. Indigenous delegates stressed that complete control over the resources within their territories is essential to their right to self-determination and that the decision whether to develop their resources is their own. Several speakers explained the positive contributions to the world community that are inherent in indigenous traditions concerning the land.

The dispossession of indigenous people from their lands and policies of forced assimilation have led to a loss of identity, urbanization, and untold social misery. Restoration of the indigenous land base and agrarian reforms which would transfer the ownership of the land back into the hands of the indigenous peoples without a requirement of either purchase or taxation are crucial. It is also essential that indigenous lands be continuous in order to preserve the unity of the people.

Communal ownership is the essence of indigenous land rights and must be recognized nationally and internationally. Indigenous nations and peoples have the complete right to determine their own land tenures.

Large-scale violations of the land rights and other rights of indigenous peoples — for example, forced integration — have occurred in a systematic way over many centuries. It was acknowledged that where this has been done with foreknowledge that the very existence of indigenous peoples would be threatened, such behaviour may amount to genocide as defined in the International Convention on Prevention and Punishment of the Crime of Genocide of 1948.

In several countries, the movements of indigenous peoples and their leaders have been harassed and their actions to recuperate and defend their lands have been met by state organized or state condoned violence and terror. The freedom of indigenous peoples to organize themselves was stressed and governments of the world were urged to recognize and protect organizations of indigenous peoples and enter into meaningful negotiations with them.

It was reported that in many states, the constitution does not recognize either the existence or the land rights and right of self-determination of indigenous nations and peoples. Many delegates demanded that these constitutions be amended to recognize these rights and, once recognized, that they are fully implemented. They insisted that indigenous nations and peoples should themselves determine, in negotiations with the govern-

ments concerned, the scope and language of the constitutional amendments.

In this context, the situation in Canada received special attention. The indigenous delegates unanimously urged that any «patriation» of the Canadian constitution from the United Kingdom must be preceded by constitutional recognition of the indigenous rights according to the principles set forth above.

Delegates of indigenous nations who are experienced in self-government and international relations have offered assistance to and solidarity with all indigenous nations and people.

PLAN OF ACTION

The Legal Commission recommends the following Programme of Action:

— that the Programme of Action adopted by the Indigenous Peoples Conference of 1977 be reaffirmed and implemented, in particular the recommendations in the legal field which include proposals crucial to the land question such as:

that the right should be recognized of all indigenous nations or peoples to the return and control, as a minimum, of sufficient and suitable land to enable them to live an economically viable existence in accordance with their own customs and traditions, and to make possible their full development at their own pace. In some cases larger areas may be completely valid and possible of achievement.

— that the ownership of land by indigenous peoples should be unrestricted, and should include the ownership and control of all natural resources. The lands, land rights and natural resources of indigenous peoples should not be taken, and their land rights should not be terminated or extinguished without their full and informed consent.

In addition, the Legal Commission suggests the following:

— that the indigenous peoples' nations and organizations and NGO's undertake the greatest efforts to urge the UN Commission on Human Rights and the Economic and Social Council adopt the draft resolution submitted by the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities which proposes to establish annually a Working Group on In-

igenous Population in order to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations;

— that the indigenous peoples' nations and organizations and NGO's undertake to submit to this Working Group, once it is established, reliable and well-documented materials;

— that the Declaration of Principles for the Defense of the Indigenous Nations and Peoples of 1977 will be submitted to the Special Rapporteur of the Sub-Commission who has been requested to submit as part of his final report a text containing principles relating to the rights of indigenous peoples;

— that governments, NGO's and legal scholars in all parts of the world recognize the laws of indigenous peoples as a part of international law;

— that efforts be made to further the interpretation of article 9 of the two Covenants so as to include the aspirations of indigenous peoples;

— that action be taken at national and international levels to improve and widen the access of indigenous peoples to international organizations and to ensure that the International Court of Justice will become a forum open to them;

— that in view of the desperate conditions facing many indigenous peoples, the NGO's should send fact-finding missions to investigate indigenous peoples in urgent situations.

Having taken note of the excellent studies on self-determination prepared by Special Rapporteurs of the UN Sub-Commission, the Conference requests the Sub-Commission to appoint a Special Rapporteur to further study the right to self-determination focussing in particular on this right as it refers to indigenous peoples and nations.

INDIGENOUS PHILOSOPHY AND THE LAND

Report of Commission II

The Commission met on 16 and 17 september 1981, at the Palais des Nations, Geneva, Switzerland.

Preamble

The dialectic is the general and infinite law of the Universe. Its principal characteristic is the existence of two contrary forces that at the same time complement each other. It is for this characteristic that in the Universe and in nature, everything is in order, everything is in harmony. There are no elements fighting each other, nor is there destruction between the same elements. The process of dynamic change is generated by «complementary opposition» between the distinct elements in order to constantly form new stages always in harmony and always in order, not in chaos.

In the Universe all elements are collectively and communally organized. Among them there is no inequality but rather there are different positions and situations which complement each other in harmony.

From the Indian way of viewing things, humanity is an integral part of nature, a prolongation of the Universe, based on its own laws and organized equally in a collective and communal form.

Humanity in the very beginning was all Indian people without inequality but organized collectively. There was equality and harmony among all of the human beings, and between them and the rest of the beings in nature. This is the essence, the spirit, of Indian people. We Indian people are organized and we practice «non-antagonistic contradictions». This is the fundamental characteristic of the dialectical and gen-

eral law of the Universe. From the Indian way of viewing things, nature, humans and society are one. We do not exclude elements, we do not become enemies of one or another.

The great inequality that exists in the world today rose from the West. From the equality and harmony of the human societies of the earliest times, that «primitive community» in the West degenerated into slavery, into a society in which antagonisms appeared between men, with the private ownership of all the natural resources, the hierarchy of the social classes, individualism, egoism, and the «exploitation of man by man». This inequality, this anti-natural disharmony rose from the West and from the stages of slavery have developed stronger and more sophisticated struggles to arrive today at a stage of barbaric (human) savagery that the westerners call imperialist capitalism.

In the world of today there are two systems, two different irreconcilable «ways of life»: the Indian world — collective, communal, human, respectful of nature and wise; and the western world — greedy, destructive, individualist, and antagonistic to mother nature.

It is for all these considerations that the Indian people are models for the future of humanity, because it is a human collectivism which promotes complete harmony and love for mother nature. The Western world as a system and as generator of the «class struggle» in the societies («of antagonism and contradictions») will disappear by being anti-nature, and its people that fall into the darkness and in the chaos will return to be Indians, «human beings» to form with us one sole humanity without hate nor inequality, with love and respect for our Mother Earth which is the fountain of all life and of our proper existence.

Below are two statements representative of the collective opinion of the participants.

I.

Indian people come from an oral society and therefore our history has been denied by the perversion of our history by white European concepts. A European concept has developed that written history inherently has more truth than oral history.

When Indian people speak of Europeans they are not allowing for false distinctions. We are not saying, on one hand, there are by-products of a few thousand

years of genocidal, reactionary European intellectual development which is bad and, on the other hand, there is some new intellectual development which is good. This includes the present theories of leftism.

'Being is a spiritual proposition. Gaining is a material act. Traditionally, American Indian people have always attempted to be the best people possible. Part of that spiritual process was and is to give away wealth, to discard wealth in order **not** to gain. Material gain is an indicator of false status among traditional people, while it is «proof that the system works» to Europeans.

In terms of the despiritualization of the Universe, the mental process works so that it becomes virtuous to destroy the planet. Terms like «progress» and «development» are used as cover words here in the way «history» and «freedom» are used to justify butchery in the dehumanization process. For example a real-estate speculator may refer to «developing» a parcel of land by opening a gravel quarry there. «Development» really means total permanent destruction with the earth itself removed. But European logic has gained a few tons of gravel with which more land can be «developed» in the construction of road beds. Ultimately, the whole Universe is open — in the European view — to this sort of insanity.

More important here, perhaps, is the fact that Europeans feel no sense of loss in all this. After all, their philosophers have despiritualized reality, so there is no satisfaction (for them) to be gained in simply observing the wonder of a mountain or lake or a people **in being**. No, satisfaction is measured in terms of gaining material — so the mountain becomes gravel and the lake becomes coolant for a factory and the people are rounded up for processing through the indoctrination mills Europeans like to call schools. This is all very «rational» and to the good, so no sense of loss is experienced. And it is very difficult, or impossible, to convince a person there's something wrong with the process of gaining when they lack the spiritual wisdom to feel a loss for what is being destroyed along the way.

There is a rule of thumb which can be applied here. You cannot judge the real nature of a European revolutionary doctrine on the basis of the changes it proposes to make within the European power structure and society. You can only judge it by the effects it will have on non-European peoples. This is because every revolution in European history has served to reinforce Europe's tendencies and abilities to export destruction to

other peoples, other cultures and the environment itself. We defy anyone to point out an example where this isn't true.

There is a problem with language here. Christians, Capitalists, Marxists, all of them have been revolutionary in their own minds. None of them really mean revolution. What they really mean is a **continuation**. They do what they do in order that European culture can continue to exist and develop according to its needs. Like germs, European culture goes through occasional convulsions, even divisions within itself, in order to go on living and growing. This isn't a revolution we are talking about, but a means to continue what already exists.

There is another way. There is the traditional Indian way. It is the way that knows that humans do **not** have the right to degrade Mother Earth, that there are forces beyond anything the European mind has conceived, that humans must be in harmony with all relations or the relations will eventually eliminate the disharmony. A lopsided emphasis on humans by humans, the European arrogance of acting as though they were beyond the nature of all related things, can only result in a total disharmony and a readjustment which cuts arrogant humans down to size, gives them a taste of that reality beyond their grasp or control and restores the harmony. There is no need for a revolutionary theory to bring this about, it is beyond human control. The natural peoples of this planet know this and they do not theorize about it. The cry is an abstract, our knowledge is real. Distilled to its basic terms, European faith — including the new faith in science — equals a belief that man is god. Europe has always sought a messiah, whether that be the man Jesus Christ or the man Albert Einstein.

American Indians know this to be totally absurd. Humans are the weakest of all creatures, so weak that other creatures are willing to give up their flesh so that we may live. Humans are only able to survive through the exercise of rationality since they lack the abilities of other creatures to gain food through the use of fang and claw. But rationality is a curse since it can cause humans to forget the natural order of things in ways other creatures do not. A wolf never forgets his/her place in the natural order. American Indians can. Europeans almost always do. We pray our thanks to the deer, our relations, for allowing us their flesh to eat. Europeans simply consider themselves godlike in the rationalism and science; god is the supreme being; all

else must be inferior. Thus, the ability of Europe to create disharmony knows no limits.

A culture which regularly confuses revolution with continuation, which confuses science and religion, which confuses revolt with resistance, has nothing helpful to teach you, has nothing to offer you as a way of life. Europeans have long since lost all touch with reality, if ever they were in touch with it.

II.

The integral relationship of the spiritual life of Indigenous peoples of the Middle Hemisphere, commonly referred to as the Western Hemisphere, with the Mother Earth, with the land, has many profound implications. It means for example, that the separation of the Indian people from the land — even when replaced with money payments — is a concrete form of ethnocide and genocide.

It cannot be argued that Indians should or must become as «rootless» as are some other peoples. When Indians become rootless, experience has shown that they suffer a loss of identity, of national existence, and become subject, in addition, to such symptoms of social psychological annihilation as alcoholism.

The fabric of native life consists of a tapestry woven of threads from nature — from the land and the plants and the animals of the homeland. To tear that tapestry asunder is to annihilate the Indian. The oppressors of the Indian people are often very much aware of this fact and the seizure of native land is often a premeditated act of ethnocide as was the Dawes Act of the United States of America and as are the current attacks upon the collective land base of the Mapuche of Chile, the Dine (Navajo) of Arizona, the Dene and Inuit of the North, to mention only a few examples.

The indigenous attitude towards the land, as a relative which cannot be sold, has other profound implications. Recumssen, the Shawnee, expressed this very well in ca. 1811 when he stated that the land belongs to all and that only prior use bestows any rights. The attempt by various governments to force the Indian people to discontinue collective — communal practices and to divide the land up into «permanent» individually-owned parcels violates the religious beliefs of Indigenous peoples. Significantly, also, it is used as a means to create a «surplus» which can be acquired by multinational corporations or individuals, as in Alaska and the

Arctic of Canada today. This «surplus» assumes, then the character of «private property» and Indian people are excluded from using it. Significantly also, this process enables the wealthy and/or powerful to use excess money to acquire even greater control over such features as mineral resources, timber, grazing land, recreational areas, lakefront properties, oceanfront resorts, etc., all at the expense of the previous communal users.

The seizure of traditional communal lands is also quite often the systematic means for creating a landless rural proletariat which can be utilized as «cheap» labor with accompanying high death rates and negative social transformations.

The experiences of Indian people, from Chile to Canada, are filled with the documentation of what transpires when the indigenous right to religious freedom and to their own culture is violated by the taking of the land to which often they have been connected for thousands of years. It is utterly hypocritical to speak of having respect for indigenous cultures when the powerful states of the Americas and the huge corporations are allowed to destroy that connection whenever they desire to exploit the timber, the minerals, the water or the beaches belonging to Indians.

The Indian people do not seek to acquire «exclusive title» to all of the Americas which formerly was for their use alone. On the other hand, each native nation or nationality must possess sufficient land, guaranteed to them for their spiritual and cultural survival.

Plan of Action

The Indigenous Philosophy and the Land Commission recommends the following Program of Action:

— That the United Nations and NGOs condemn those government institutions which control the lives of Indian people and continue the process of colonialism and genocide.

— That the United Nations involve indigenous people in their existing institutions, especially UNESCO for the development of indigenous controlled educational systems.

— That NGOs establish a fact finding body as soon as possible to go to areas where indigenous peoples are in a desperate situation, i.e. World Council of Churches, World Peace Council, International Commission of Jurists.

— That the Declaration of Principles for the Defense of the Indigenous Nations and Peoples of the Western Hemisphere adopted by indigenous peoples in 1977 be used as a basis for the protection of all indigenous peoples by the UN and NGOs.

— That the UN and its appropriate bodies condemn the desecration of sacred areas and the international trade of burial remains and artifacts stolen from indigenous peoples' graves.

TRANSNATIONAL CORPORATIONS AND THEIR EFFECT ON THE RESOURCES AND THE LAND OF INDIGENOUS PEOPLES

Report of Commission III

The 1977 International NGO Conference on Discrimination Against Indigenous Populations in the Americas made the following statement:

«The representatives of the indigenous peoples gave evidence to the international community of the ways in which discrimination, genocide and ethnocide operated. While the situation may vary from country to country, the roots are common to all: they include the brutal colonization to open the way for the plunder of their lands and resources by commercial interests seeking maximum profits; the massacres of millions of Native peoples for centuries and the continuous grabbing of their land which deprives them of the possibility of developing their own resources and means of livelihood; the denial of self-determination of Indigenous nations and peoples destroying their traditional value system and their social and cultural fabric. The evidence pointed to the continuation of this oppression resulting in the further destruction of the Indigenous Nations».

Participants in the Commission heard further accounts of these injustices. More than 20 presentations of corporate dispossession and invasion of native lands were made by indigenous representatives from North, South and Central America, the Philippines and Australia, and from participants from Scotland and Ireland.

In this day of state monopoly capitalism — where a few multinational corporations are politically and economically more powerful than most countries and control

the majority of governments and the development of their countries — it is clear that the historic right to a territorial land base and the cultural mandate to self-determination and equality for indigenous peoples pose a great threat to the super profits of the transnational corporations.

Traditionally, indigenous nations practised a sophisticated system of economy. All the members of the community participated in the different sectors of production and, by right, everyone received their fair portion. No one took more because no one had to have less. No one exploited. No one begged. And no one died of malnutrition.

Today, however, due to capitalist exploitation and its desire to satisfy the demands of a consumer society, an unequal distribution of wealth is imposed. Fifteen per cent of the world's population selfishly monopolized eighty-five per cent of the world's resources, while eighty-five per cent of the world's population must make do with what remains.

Today, the transnational corporations of the world are using government, military and parliamentary procedures as their enforcement troops. Numerous studies have documented the merger of major raw material, extraction, refinement, and production companies with financial institutions to form «parent companies» which have subsidiaries in numerous countries and industries throughout the world. The world is now entering an era where «parent companies» are eating their «children» to form the most powerful monopolies the world has ever known. The transnational corporation companies have created a «global supermarket» and «clubs» such as the Trilateral Commission, the United States Council on Foreign Affairs and the British Royal Institute for International Affairs and the U.S. Business Roundtable. With their interlocking directorates, these clubs plan the structure and direction of the global economy, act as advisors to government, and determine the destiny of millions of people throughout the world.

Commission III heard testimony on the following areas where transnational corporations effect the resources and land of indigenous peoples.

A. ENERGY

A vast amount of coal, oil, uranium, natural gas, underdeveloped hydro and geothermal potential, as well as other energy resources, exist on the lands of indigenous

peoples. In the accelerated exploitation of these resources by transnational corporations the commission found the following cases particularly alarming:

— Uranium exploitation in Dene, Lakota, Anishnabe, Saskatchewan Metis and Non-Status Indians, Dine, Pueblo, Namibia and Australian Aboriginal ancestral lands;

— Coal strip-mining on Australian Aboriginal, Dine, Crow, Northern Cheyenne and Azanian Native lands;

— Oil extraction in the North Sea, the North Slope of Alaska, Guatemala, Mexico, Amazon Basin of South Africa and Australia, affecting indigenous people from the Islands and North America;

— Hydro-electric power and dams which will drown native homelands in Cherokee and James Bay Cree country in North America. Guayami in Panama, Kalinga Bontoc in the Philippines, Sami lands in Scandinavia, Akawaio in Guyana, Kaingang and Guarani in Southern Brazil, Parakana and Waimiri-Atroari in Northern Brazil.

The companies involved in these projects include among others Rio Tinto Zinz, Union Carbide, Kerr-McGee, Exxon, Peabody Coal and Amax.

These companies have made indigenous lands unfit for human habitation. They have destroyed the environment, polluted the water and air, brought disease to Indian people, and invaded the sacred space and landscape on which indigenous culture and religion depend. In the wake of these projects, non-Indian boomtowns have sprung up bringing with them prostitution, crime and alcoholism.

B. MINERALS

Past and present mining projects also have destroyed the land and people of many areas. For example in Canada the government has given permits to transnational mining companies to dump toxic wastes into the river systems from which the Haida, the Nishka and other indigenous peoples of the North West Coast obtain their livelihood.

The theft and wanton exploitation of gold resources of the Lakota in North America, the Ibaloi of the Philippines and other equates our death with their wealth. The Cero Colorado project and the Guayimi of Panama are similar cases affecting the Maori of New Zealand and Aboriginal Australians.

A universal side effect of energy development is cancer and related diseases.

C. AGRO-BUSINESS AND LOGGING

Indigenous peoples' lands are seized from the traditional owners to be put into the service of transnational corporations. Fruit companies, particularly United Brands, were named for seizing and holding by force and political manipulation lands in Nicaragua, Panama and the Philippines. Del Monte and Castle Cooke have grabbed vast tracts of fertile lands from which they preserve and export the fruits leaving poverty and hunger behind.

Tribal peoples are to agri-business operations less than cattle. In Paraguay, Brazil, Columbia, Peru, Australia, Ecuador and Bolivia indigenous peoples have been denied access to lands in order to make way for cattle ranching.

Logging companies are devastating the environment of forest-dwelling peoples and damaging the world environment. Forest losses of 170,000 hectares a year in the Philippines are seen. Past losses of valuable wood from Nicaraguan forests looted by English and Dutch companies are only now beginning to be restored under the new government. Forest lands of indigenous peoples in the Philippines, Brazil, United States, Canada, Ecuador, Peru, Columbia and other countries are looted by transnationals with the cooperation of governments who sell these resources with total disregard for the rights and needs of indigenous owners.

D. INTERNATIONAL/FINANCIAL INSTITUTIONS

International financial institutions play a central role in backing the operations of transnational corporations on lands of indigenous peoples. These projects include the financing of mining, forestry and hydro-electric schemes. These so-called «development» projects are implemented through huge infusions of capital by financial institutions which are interested in sucking gigantic returns. The actual control of many regional resource schemes, such as Northern Frontier Development in Canada and the Amazon Development project in South America is in the hands of these financial institutions with their immense power.

In the Philippines, the ambitious energy program to build 40 major hydro-electric dams on tribal lands was advised and financed by the World Bank, Asian Development Bank and the United States Agency for International Development. In Bolivia, the world Bank and

European banks are funding so-called «integrated projects» and in Panama, the World Bank is providing funds for mining and hydro-electric projects.

These projects far from supporting the «poorest of the poor» are actually supportive of transnational corporations, international contractors and the local elite. The indigenous peoples always end up as the most impoverished.

E. FOOD AND DRUGS

Indigenous peoples around the world, once strong and healthy, are now socially and economically on the lowest rung of the ladder in virtually every country that is dominated by transnational corporations.

The Commission heard testimony on transnational violations such as:

Nestlé Corporation	— baby food and formulas
Dow, Bayer, USAID	— birth control drugs that have banned in developed countries due to hazardous side effects
Dupont, Bayer	— mass sterilization of Native peoples in the name of «overpopulation». Medical Experimentation
Dow Chemical, USAID	
EXXON, Shell	— malnutrition due to enforced unemployment
AMAX, ITT, Ford	— lack of skills, cancer, birth defects
General Motors	

In conclusion, Commission III has received numerous detailed documents and appeals for specific actions and specific issues around the world. They are too numerous to list here. Commission III recommends all appropriate UN forums to take up these actions wherever possible.

SHORT TERM STRATEGIES AND RECOMMENDATIONS

LEVEL

Local: — research on transnational companies in localities (aided by linking with other sympathetic local groups and national, research groups such as Interfaith Center on Corporate Responsibility, Corporate Data Center, etc.)

- pull other sympathetic local groups into actions (eg: churches, local activist groups)
 - local lobbying with other sectors of society
 - approach TNC workers groups for support
 - symbolic legal and illegal actions (if in country with non-controlled press, contact sympathetic press)
 - establish a line communication between indigenous groups and sympathetic organizations
- National:
- advocacy work: buy shares in company, introduce shareholders resolutions (this in advanced countries like US)
 - corporation — specific actions such as boycotts and sanctions pinpoint TNCs which operate in several countries with large indigenous populations (i.e. Rio Tinto Zinc which is in the U.S., Australia, Namibia, South Africa and Central America)
- Do research on its final consumer products or on companies which use its products. Here, one can link up with other groups carrying out boycotts.

THE IMPACT OF THE NUCLEAR ARMS BUILD-UP ON THE LAND AND LIFE OF INDIGENOUS PEOPLES

Report of Commission IV

The report of the Commission consists of three parts. The introduction highlights several major concerns regarding the impact of the nuclear arms build-up on the land and life of indigenous peoples. The second section outlines a list of the profound implications of the escalating arms race, while the third part contains a set of action proposals.

Introduction

The Commission considered the present reckless nuclear arms race to be one of the most crucial and relevant issues of our time. After a careful analysis and examination of the critically affected situations around the world, the Commission was even more persuaded that ultimately, the struggle of the indigenous peoples for disarmament, land rights and self-determination contributes to the welfare not only of the indigenous peoples for disarmament, land rights and self-determination contributes to the welfare not only of the indigenous peoples themselves but also for the whole human family. By the same token the Commission underlined that all world-wide efforts against the nuclear arms build-up will benefit the struggles of the indigenous movements. As an example of this interrelationship it was pointed out that the promotion for the right to self-determination and land rights of indigenous peoples would involve struggles against nuclear development and the operations of the transnational corporations.

The Commission wishes to emphasize that the escalating arms race taking place on the land and waters of the indigenous peoples, constitutes and represents a con-

tinued physical and cultural genocide and must be condemned as blatant racism. The «oneness» of the land, the sanctity and indivisible harmony between human life and «Mother Earth», once destroyed by the so-called frontier pioneers, followed by greedy commercial, industrial and military exploitation, is now in real danger of an irreversible destruction posed by the suicidal arms race. The Commission therefore draws attention to the need for a responsible stewardship of all the earth's resources in order to ensure that future generations can enjoy the beauty and fruits of planet earth.

The Commission views with grave concern that nuclear powers are vying for strategic positions throughout the world at the expense of indigenous people's basic human rights. This alarming trend has created an estate of terror and a psychosis of fear among humankind. For example, currently throughout the South Pacific, indigenous people's lands have been taken and in some cases, the peoples have been killed and displaced from their territory in order to facilitate the military operations of the Western Alliance. In other parts of the world, indigenous lands are being taken without the consent of the traditional owners merely to acquire the massive mineral resources to supply the military-industrial complex and at the same time to maximize their profit margins. The Commission denounces categorically these actions of the nuclear powers and the transnational corporations which have always suppressed the interest of the indigenous people's right to self-determination. Finally, the Commission considers it essential to pay particular attention to the interrelationship between the civil use of nuclear technology and its military application, as well as to the relationship between the nuclear fuel cycle and the nuclear arms build-up.

Issues

The self-determination of all indigenous peoples is a pre-requisite for the successful struggle for disarmament and is necessary in order for them to control their own land resources.

There has not been nor ever will be adequate compensation for the land taken by governments and transnational corporations as testing sites and weapons storage facilities, and this illegal usurpation of indigenous land has among other things led to the death and displacement of indigenous populations.

There has been a devastation of nature, and of the

food and water resources of inhabitants and their livestock, which has been caused by the indiscriminate and greedy exploitation of mineral resources by the military-industrial complex.

The presence of military bases on or near indigenous peoples' land has also caused many well-documented ill effects on the integrity of their communities.

There is evidence of the use of nuclear terror against indigenous peoples, suggesting a relationship between the use and development of nuclear energy and weapons, and blatant racism, colonization and discrimination. This «terror» can be illustrated for instance in the establishment of experimental nuclear health centres for indigenous populations.

There is a serious lack of legal protection and of legal recourse whether national or international, for indigenous peoples against nuclear development and the disposal of nuclear waste. This raises fundamental questions regarding the ethical basis upon which legislations are enacted.

Nuclear testing on the land of indigenous peoples by developing countries, done in collaboration with existing nuclear powers, has very serious implications both for the Non Proliferation Treaty and the survival and livelihood of indigenous peoples.

Therefore there is an urgent need for national security doctrines to be examined especially with regard to nuclear development. The objectives of political gain, national prestige, and arms superiority so far seem to carry more weight than the protection of the people who originally inhabited the land and will continue to do so in future generations.

The proposal for a nuclear free zone in both the Pacific Ocean and the Indian Ocean cannot be achieved without the elimination of nuclear testing, weapons delivery systems, passage of nuclear warships and submarines, transport and dumping of nuclear waste, establishment of military bases and communication systems, and the militarization of societies.

Action Proposals

That the conference:

Encourage the business community to engage in examinations of the consequences of their policies and operations for peace, disarmament and human rights of indigenous peoples;

Promote regular fact-finding missions composed of representatives from indigenous groups and from the business, medical and scientific communities, to the indigenous peoples, and their lands most affected by the nuclear development, and to disseminate the information as widely as possible;

Conscientize through information and films all peace and disarmament groups regarding the interrelationship between their struggles and those of the indigenous peoples;

Urge the international community including governments to obtain as complete a picture as possible, of the impact on indigenous peoples and their land, resulting from the policies and practices of all states, especially nuclear weapon states, related to all facets of nuclear development;

In view of the importance of the Second Special Session on Disarmament, encourage indigenous groups to establish contact and dialogue with the United Nations Disarmament Center. Addresses:

UN Center for Disarmament
United Nations
New York, N.Y. 10017, USA
UN Center for Disarmament
Palais des Nations
Geneva, Switzerland

Urge immediate world-wide moratorium on nuclear testing, uranium mining and milling, and waste disposal;

Recommend that immediate and appropriate measures be taken by the NGO Sub-Committee on Racism, Racial Discrimination, Apartheid and Decolonization to seek a dialogue with the UN Security Council regarding the establishment of a Commission of Inquiry which would make on-site investigations of those areas for which there has been expressed concern. This Commission of Inquiry should include indigenous people;

Promote official UN status for the indigenous peoples in order that the grave consequences of the arms race on their life and their land be heard in a major international and intergovernmental forum;

Voice its support to all anti-nuclear and peace groups and encourage them to enter into a fruitful collaboration with indigenous peoples;

Urge that non-renewable energy sources be preserved for future generations until such a time when the full

implications of their misuse are understood and that alternative renewable energy sources be carefully developed for peaceful purposes only;

Promote adequate legal provisions for the protection of indigenous people's lands against nuclear development and nuclear waste disposal. It is understood that these provisions cannot substitute the inalienable right of the indigenous peoples to self-determination and sovereignty over their own land;

Urge the formation of a judiciary body composed of representatives of those most directly affected by nuclear energy development with a view to present their grievances to those transnational corporations involved and to seek measures to hold them accountable for their policies and actions;

Urge the immediate halt of plans for the manufacture and deployment of the MX missile systems on the Western Shoshone Lands of Nevada, where Shoshone ownership is still in effect and discourage its deployment on any other land, water or air base;

Urge all participants to promote and implement through all appropriate means the Program of Action of this conference and to draw to the attention of the broadest public possible, including governmental bodies, the findings of the Final Document.

In closing, we want to acknowledge the claim of the Indigenous Peoples as caretakers of their lands and to clarify that we propose these actions in order to safeguard the integrity of the land, the indigenous communities, and the health and survival of all future generations of humanity.

A list of all documents submitted to the Conference is available on request from the Secretariat of the Sub-Committee on Racism, Racial Discrimination, Apartheid and Decolonization (Case postale 28, 1211 Geneva 20, Switzerland) or from the Center for Documentation and Information of Indigenous Peoples/DOCIP (Case postale 59, 1211 Geneva 21, Switzerland).

All documents are housed at DOCIP and copies are available on request; a small fee is charged for cost of photocopying and mailing.

LIST OF PARTICIPANTS INTERNATIONAL NGOs

AFRO-ASIAN PEOPLES' SOLIDARITY ORGANIZATION

Organization de solidarité
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Organización de solidaridad
de los pueblos de Africa y
de Asia

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— Dr. EL RAYAH A.O.
— Dr. Roxanne
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— Allene «Chockie»
GODDARD
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ALL INDIA WOMEN'S CONFERENCE

Conférence des femmes de
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Conferencia Panindia de
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AMNESTY INTERNATIONAL (Observer)

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ANTI-SLAVERY SOCIETY

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BAHA'I INTERNATIONAL COMMUNITY

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COMMISSION OF THE CHURCHES ON INTERNATIONAL AFFAIRS (WCC)

Commission des Eglises pour
les Affaires Internationales
(COE)
Comisión de las Iglesias pa-
ra los Asuntos Internaciona-
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FRIENDS WORLD COMMITTEE FOR CONSULTATION

Comité Consultatif Mondial
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Association Internationale
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INTERNATIONAL COMMISSION OF JURISTS

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INTERNATIONAL CONFEDERATION OF ARAB TRADE UNIONS

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INTERNATIONAL COUNCIL OF VOLUNTARY AGENCIES

Conseil International des
Agences Bénévoles
Consejo Internacional de Or-
ganizaciones Voluntarias
— Charles GRAVES

INTERNATIONAL FEDERATION OF UNIVERSITY WOMEN

Fédération Internationale
des femmes diplômées des
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Federación Internacional de
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INTERNATIONAL FEDERATION OF WOMEN LAWYERS

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INTERNATIONAL LEAGUE FOR THE RIGHTS AND LIBERATION OF PEOPLES

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INTERNATIONAL YOUTH & STUDENT MOVEMENT FOR THE UNITED NATIONS

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— Harold FUCHS
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HUMAN RIGHTS INTERNET

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- Juan LOPEZ BAUTISTA

MOVIMIENTO POR LA IDENTIDAD NACIONAL

- Bernardo PALMAR

WEST BERLIN

NATIVE AMERICAN INFORMATION CENTER

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- Ralf D. WEFELD

INDIGENOUS PEOPLES ORGANIZATIONS AND NATIONS

in AUSTRALIA

NATIONAL ABORIGINAL CONFERENCE

- Cedric JACOBS
- Peter O'BRIEN
- GILA (Michael ANDERSON) } staff
- OTHER:
- GILA

(M. ANDERSON)
representing
Aboriginal people of
Australia

in NEW ZELAND

MAORI PEOPLE'S LIBERATION MOVEMENT OF AOTAROA (NZ)

- Ngaromoana RAURETI

in CANADA

ASSOCIATION OF METIS AND NON-STATUS INDIANS OF SASKATCHEWAN

- Jim SINCLAIR
- Wayne McKENZIE
- Claudia AGEOUTAY

CONGRESS OF CHIEFS

- Sam BULL
- Ed BURNSTICK
- Ron LAMEMAN
- Sharon VENNE

COUNCIL OF THE HAIDA NATION

- Kenneth C. BEDARD

DENE NATION

- Jim ANTOINE
- Herb NORWEGIAN
- Franck TELSIE

FEDERATION OF SASKATCHEWAN INDIANS

- Del ANAQUOD

GRAND COUNCIL OF CREES (OF QUEBEC)

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- Chief George WAPACHEE
- Chief Samuel TAPIATIC
- Philip AWASHISH
- Steven BEARSKIN
- Violet PACHANOS
- George JOLLY
- Gary GEORGE } staff
- Bob EPSTEIN }

GRAND COUNCIL TREATY No 9

- Dennis CROMARTY

ANISHINABEK OF NORTH OF THE GREAT LAKES

- Chief Ray ROGERS
- Richard POWLESS (Anishinabek Nation)

OKANAGAN TIBAL COUNCIL

- John TERBASKET
- Tommy GREGOIRE

NATIVE SPIRITUAL VOICES

- TATONKAHUSDI (Bobby WOODS)

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

- Staff: Lyn CROMPTON

in USA

HOPI NATION

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- Cyrus JOSYTEWA
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HOUDENOSAUNEE — SIX NATIONS IROQUOIS CONFEDERACY

- Beverly BOOTS (MOHAWK)
- Edward BENEDICT (MOHAWK)
- Mike MEYERS (SENECA)
- Harvy LONGBOAT (CAYUGA)
- Stewart PATTERSON (TUSCARORA)
- Lee LYONS (SENECA)
- Leon SHENANDOAH (ONONDAGA)
- Oren LYONS (ONONDAGA)

LAKOTA TREATY COUNCIL

- Larry REDSHIRT
- Russel BARSH (Counsel)
- Mario GONZALEZ (Counsel)
- Sylvia MEIER (Correspondent)

**WESTERN SHOSONE
SACRED LAND ASSOC.**

- Ray D. YOWELL
- Millard DICK
- Jack D. FORBES
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- Betty BLUE (MCT
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**WOMEN OF ALL RED
NATIONS (WARN)**

- Madonna THUNDER
HAWK
- Phyllis YOUNG

AKWASASNE NOTES

- Mary Rojas MUNOZ
- Guy Rojas MUNOZ

**INTERNATIONAL INDIAN
TREATY COUNCIL**

(see L2)

**in CENTRAL AMERICA
COORDINADORA
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INDIOS/CORPI (Panamá)**

- Bernardo JAEN
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- Victoriano SMITH

MISURASATA

- Hazel Law BLANCO

**DELEGACION
NICARAGUENSE
(Indigenas)**

**NICARAGUAN
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DELEGATION**

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- Dr. Marcelo ZUNIGA B.
(Comunidad Miskita)
- Murphy ALMENDAREZ
ROBINSON

**in SOUTH AMERICA
CISA/CONSEJO INDIO DE
SURAMERICA
COUNIL OF SOUTH
AMERICAN INDIANS**

- Julio TUMIRI APAZA
- Zenobio AYALA
- Marco BARAHONA
- Abel CHAPAY
- Rosa ISOLDE
- Juan LOPEZ
- Salvador PALOMINO
- Silvio TAPASSO
- Domingo TERENA
- Luis TICONA
- Asunción UNTIVEROS
YULQUILA
- Arcadio MONTIEL

Observers (CISA members
living in Europe)
Observados (Miembros de
CISA con residencia en Eu-
ropa)

- Nain CHUQUIMIA-
MITKA
- Tomás CONDORI
- Samuel CORONEL
- Nolasco MAMANI
- Angel MARINO
- Sara MARINO
- Deonides MARINO
- Barnardo VINO

**INDIGENA CENTRO
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- Asunción UNTIVEROS
YULQUILA

**MOVIMIENTO
REVOLUCIONARIO
«TUPAK KATARI»
(Bolivia)**

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- Angel MARINO
- Lazaro PARY

**UNIAO DE NAÇOES
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- Cacique Domingos
VERISSIMO MARCOS

**FEDERACION-
INTERPROVINCIAL
DE CENTROS SHUAR**

- Cesar BIANCHI
(in Italy)
- Daniele SEGATTO
- Miguel TANKAMASH

**CENTRO CULTURAL
BARIBO (Venezuela)**

- Lucila CLARIN

**FEDERACION DE
COMUNIDADES NATIVAS**

- Juan LOPEZ BAUTISTA

**MOVIMIENTO REGIONAL
«COMUN RUNA»**

- Félix HUAMANI ORE

**MOVIMIENTO INDIO
«PEDRO VILCA APAZA»
(Peru)**

- Mario TURPO
- Arturo SOTO
- Cesar BACA
- Aureliano TURPO

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BASES AMAZONENSES,
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- Theodor C. VAN BOVEN, Director, Division of Human Rights
- A. WILLEMSSEN-DIAZ, Division of Human Rights
- Ibrahim BADAWI, Division of Human Rights
- Raymonde MARTINEAU, NGO Liaison Officer, United Nations Office, Geneva,
- Béatrice BARMADA, NGO Liaison Officer, Information Services

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- Richard TAYLOR, NGO Liaison Officer

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