

doCip

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1. EDITORIAL

Item 15 on “Indigenous Issues” of the Commission of Human Rights (CHR) will probably be discussed on the 10 and 11 of April 2003. This represents a decisive opportunity for the indigenous peoples to defend the maintenance of the Working Group on Indigenous Peoples (WGIP) before the States by promoting a resolution along the same lines as that of the Sub-Commission (see article in Update N°46-47). For the observers, there is only a very small chance that the ECOSOC may contradict the resolution of the CHR, a body to which the WGIP is answerable and which has a broader experience with indigenous issues than the ECOSOC itself.

The 8th Session of the Working Group on the Draft Declaration (WGCD) – reported in this publication – could have been stormy since it dealt with the rights of self-determination, land and natural resources, however it was not so even though no new article were adopted. The States presented the results of their September intersessional meeting, which had the merit of clearly identifying each of their positions. The indigenous peoples stuck firmly to their original position: the Draft Declaration must be approved by the WGCD as adopted by the Sub-Commission or with changes encouraging the promotion of their rights. In effect, it constitutes a compromise and is in accordance with the already existing international standards. Not recognizing the right of self-determination for indigenous peoples is discriminatory since it is a recognized right for all peoples. Moreover, the World Summit on Sustainable Development (Rio +10) consecrated the term “indigenous peoples” without qualification.

41 governments and 42 indigenous organizations were present. The Group of Latin American and Caribbean Countries (GRULAC) presented themselves in favour of the approval of the Draft Declaration. Guatemala, Denmark, Ecuador, and Spain declared their acceptance of the term “indigenous peoples” without qualification. Costa Rica, Denmark, Ecuador, Finland, Mexico, Norway and Peru pronounced themselves in favour of an approval of articles 25 to 30 regarding the right to land and natural resources. Such is the state of the situation.

As for the Permanent Forum on Indigenous Issues (PF), it currently disposes of a provisional Secretariat made up of four officials named for six months. The definite members of the Secretariat will be named at a later date. Whether provisional or definitive, it is based at the Political and Social Development Division of the Department of Economic and Social Affairs (DESA). The theme of the second session of the PF will be “Our future is our Children” and will be dedicated to indigenous children and youth.

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2. WORKING GROUP ON THE DRAFT DECLARATION

8th session, Geneva, 2 to 13 December 2002

The articles on self-determination (3, 31, 36), land and natural resources (25 to 30), ethnocide, distinct identity, and armed conflicts (7, 8, 11) were discussed. Among them, only article 8 seems to approach consensus, yet without reaching it.

Statement by the Indigenous Caucus, 10 December 2002 – International Day of Human Rights

Approximately two hundred delegates, representing indigenous peoples, nations and organizations from all regions of the world, are participating in a United Nations meeting in Geneva to consider the draft Declaration of the rights of indigenous peoples.

The declaration affirms that indigenous peoples are equal in dignity and rights to all other peoples and recognizes the right of all peoples to be different, to consider themselves different, and to be respected as such.

The Declaration also affirms that all peoples contribute to the diversity and richness of civilisations and cultures, which constitute the common heritage of humankind.

The Declaration affirms, promotes and protects the distinct rights of indigenous peoples, including self-determination and participation in decision-making; land rights and environment; religious practices; languages and oral traditions; and access to education in our own language.

This statement is issued by representatives of indigenous peoples, nations and organizations who are meeting in Geneva on the occasion of International Human Rights day, 10 December 2002.

As the world community may know, the United Nations draft Declaration on the Rights of Indigenous Peoples represents a statement of the minimum standards by which indigenous peoples will be able to maintain and sustain their distinct nations, peoples and communities.

We call upon the United Nations to confirm the rights of indigenous peoples, so that marginalisation and manifest discrimination against indigenous peoples around the world can be addressed.

At this time, State members of the United Nations continue to express an unwillingness to recognize and respect our fundamental rights, including that of self-determination, which is considered a pre-requisite to the exercise of all rights.

Indigenous peoples are peoples and have the full right to self-determination.

The Declaration on the Rights of Indigenous Peoples was approved by the Sub-Commission on Prevention of Discrimination and Protection of Minorities eight years ago, but only two of the forty-five (45) articles have been subsequently endorsed in the working group.

That achievement was made five years ago, in the second session of the working group. Progress has been unnecessarily slow.

The Member states of the United Nations should be more motivated to achieve the objective of the adoption of the Declaration within the International Decade of Indigenous Peoples, that is, by Year 2004. But our rights, as affirmed in the declaration, must not be compromised in that time.

Presently, some States are not prepared to recognize the universality of the human rights which apply to indigenous peoples.

However, we also note that a growing number of States are prepared to adopt the declaration without amendment.

We are encouraged by this support and request all States to seriously consider adoption of the declaration in the original text.

Clearly, the reticence of some States to make their domestic policies subject to international standard has to be overcome.

We reject the erroneous allegations that indigenous peoples are not prepared to consider reasonable changes to the Declaration. We have already made it clear that any proposals for change should comply with the principles of equality, non-discrimination and the absolute prohibition of racial discrimination, which is a peremptory norm under international law.

In this regard, nations state members of the UN have no authority to advance proposals and positions which are inconsistent with these principles or which violate existing peremptory norms.

This is a violation of the fundamental principle that human rights are universal, and would undermine the existing rights embraced by the United Nations Charter and the International Bill of Rights.

The two articles which have been adopted in the first reading are as follows:

Article 5

Every indigenous individual has the right to a nationality.

Article 43

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Report on the WGCD¹

Organization of work

Mr. Chávez (Peru) was re-elected Chairperson-Rapporteur for this session. Mr Chávez urged all the participants to join their efforts for the elaboration of the Draft Declaration (DD), aiming to finalize it by the end of the International Decade (2004). After discussion with Indigenous Peoples' (IPs) and government delegations the following work plan was agreed: (1) interventions on general items; (2) self-determination (SD) (3, 31, 36); (3) land, territories and resources, (25 to 30); (4) discussion on ethnocide, distinct identity, and armed conflicts, (7, 8, 11). Mr. Chávez informed that the governments' intersessional consultations document (E/CN.4/2002/WG.15/WP.4) should be considered during discussions as all participants have the right and duty to propose amendments, keeping in mind the DD of the Sub-Commission is the original document. **NKIKLH** urge the Chairperson to include in his report IPs' interventions with equal detail as document E/CN.4/2002/WG.15/WP.4, **IPNC** add that IPs need a reliable historical account of their position.

The **Indigenous Caucus** disapproves that documents resulting from informal governmental sessions be discussed (also **AILA/TSNTC**) and demanded that article 31 be correctly translated in Spanish and French, this was done by IPs' and governmental delegations.

ICSA congratulate the States for no longer presenting anonymous proposals, allowing a true dialogue; **IPNC** encourage everyone to adopt this method.

General debate

GRULAC represented by **CHILE** reaffirms its support of IPs' rights and calls for the approval of the DD.

MEXICO reiterates its invitation to States to adopt the DD without modifications and considers discussions held in plenary sessions as a guarantee for the participation of all parties.

GUATEMALA states that core issues such as the term "indigenous peoples"; recognition of collective rights, including SD; territories and natural resources, need to be resolved before discussing the DD articles.

CNIC present the results of a study regarding the impact of the DD on IPs in Chile. Findings show that the DD does not contradict the main human rights declarations such as the UN Charter or other treaties of international Human Rights (HR). They appeal to the ECOSOC to authorize and develop a Convention of World IPs' Human Rights to resolve the flaws that certain governments claim exist in the DD.

IMTA declare that the political will of the States is necessary if the DD is to be accepted as it was drafted eight years ago including the changes proposed by IPs.

IPNC clarifies that they do not agree with any modifications of the original text of the DD (also **ICSA**).

AILA/TSNTC denounce and propose solutions to: the domination of certain States over the DD process who are simultaneously perpetrators of past and present crimes against IPs (also **IPNC**); the lack of respect of UN Charter in addressing IPs' rights; the discriminatory double standards proposed that violate international law; and the unfairness of IPs and organizations having to wait up to two years for accreditations.

CAPAJ, supported by many IPs' and several governmental delegations, propose the formal use of the term "indigenous peoples" throughout the DD without any qualification, as accepted during the WSSD. **GUATEMALA**, **DENMARK**, **ECUADOR**, **SPAIN**, say they can accept the term "indigenous peoples" throughout the DD. **USA**, **UK**, **JAPAN** and **CANADA** prefer to use the term "indigenous peoples" only in the articles dealing with collective rights but say they do not have a problem *per se* with the use of the term "peoples". **FRANCE** cannot accept it, if the term is used in articles stipulating individual rights.

¹ This report is based on written and oral statements, as well as on draft report E/CN.4/2002/WG.15/CPR.6 and CPR.8. Given the informal nature of the debate, it cannot be exhaustive, but aims to provide an overview of the progress made. The official report's registration mark is E/CN.4/2003/92.

NKIKLH consider that reviewing each provision to determine if it addresses individual or collective rights would be useless; only two provisions address individual rights and they were passed by consensus seven years ago. They remind France that the discussions in Johannesburg focused on the obligation of the state to conform their policies to terms of law (also **CAPAJ**).

Collective rights are a common defining character of most IPs, an understanding of the collective nature of humanity has been lost through so-called progress and consumer society (**AFN**).

Self-determination

NORWAY underlines that governments have two main concerns regarding the right of SD: (1) whether this right entails a right to secession; and (2) whether IPs' right to land and natural resources are to be regarded as being an integral part of the right to SD. **CANADA** states that the right to "freely determine political status and freely pursue economic, social and cultural status" cannot be absolute, it must respect the domestic territorial integrity and political unity of the state.

USA are willing to accept "internal SD", IPs may negotiate their political status within the framework of the existing nation-state. **AUSTRALIA** considers that the USA proposal undermines a universal right (**GUATEMALA**, **JAPAN**), it proposes to use less contentious language in the operative articles such as "self-management" and address SD in the preamble. The **UK** and **NEW ZEALAND** need clarification as to the meaning of SD. **AUSTRALIA** recognizes it as a right but considers that what it involves is still unclear and they cannot accept any threat to their territorial integrity or political sovereignty. **FRANCE** does not want to remove IPs' right of SD but stress that it is necessary to include all the people living in a territory where SD is applied. The **RUSSIAN FEDERATION** cannot accept the articles 3, 31 and 36 as they stand.

COSTA RICA accepts the original DD and supports the terminology of the IPs. **GUATEMALA** thinks it unnecessary to limit the meaning of SD as proposed by the USA.

IMTA remark that resolution 1514 adopted by the General Assembly (1960) ended colonialism and included a provision to protect national territorial integrity. Similarly, **IOIRD** refer to paragraph 23 of ICERD with respect to "territorial integrity". Even though IPs are protected as human beings in other covenants, IPs' situation justifies the existence of the DD, it should not be considered redundant (**IITC**). **TSNTC** regard the States' concerns as unfounded since SD is a well-founded principle in international law (also **IITC**). **JOHAR** remark that SD is a concept that can evolve over time and discussions.

IOIRD remind that in the September meeting, where Norway's proposal was discussed, none of the States present opposed the right of SD. **RD** remind that the aim of WGCD is not to recognise States' rights or promote the *status quo* (also **IOIRD/Taungya**), SD should not be placed under any cluster or qualification such as "internal" and States need to realize that IPs are peaceful (also **FOAG**). **IMTA** add that internal SD does not exist in international law, it is discriminatory and reduces IPs to second-rate citizens (also **Taungya/TSNTC/SC/IWA/MCTP/ILRC/NKIKLH/NCAI/ICSA/IOIRD**). **MN** question the meaning of internal SD and subsequently that of "external SD", and ask whether the latter is a form of colonialism (also **IWA/ Taungya**). **TSNTC** see the USA proposal as an "indication that the USA government knows that its title is questionable, and its integrity in the eyes of justice not without reproach."

NCAI argue that secession is a dormant right that may be triggered by extremes of political disenfranchisement, exploitation, or dispossession, but it may be neutralized by access to meaningful political participation.

IMTA/AN state that the States' fear of secession is imaginary since IPs are fragmented, weakened and in danger of extinction. **Taungya** argue that the misplaced "secession-phobia" may actually contribute towards the secession of IPs from the UN system, undoing the aims of the DD and the Decade. Creating an independent state is only one of the ways of exercising SD (**CTT**). States see the recognition of IPs' rights as leading to conflict, rather than as a key to social development and economic prosperity (**AFN**).

IPACC lament the lack of respect by African States towards the Universal Declaration on Human Rights and fear the same attitude towards the DD. The acceptance of discrepancies regarding the right of SD between the DD and other declarations such as the UN Charter, where it is an accepted international right, constitutes a form of racism against IPs (also **TSNTC/SC/NCAI/ANIPA**).

TO ask who IPs can turn to if States are not in "compliance with the principles of equal rights and self-determination", as stated in Norway's proposal.

In response to France, nobody exercises SD in isolation, abiding to agreements and conventions, means giving up a little bit of SD, this is what peace is about, a basic principle that some governments do not understand (**MoN**). **ICSA** consider France's proposal as discriminatory, and as another means to maintain IPs without rights. **FOAG** state that SD of IPs in French Guyane does not infringe on their French citizenship.

A clear connection was established between the right of SD, the recognition of collective rights and as consequence the acceptance of the term "indigenous peoples" without qualifications throughout the DD. The

IPs' delegations underline that these three issues go hand in hand and are the basic underpinnings for the rest of the DD.

IOIRD ask for one consolidated text of new proposals done by the States to enable a comparison with the original text. State-appointed experts who received input from States and IPs over nine years formulated the DD, the document deserves a strong presumption of validity and should only be changed for exceptional reasons, especially since it will not create new law (**RD**). States have more than enough instruments and means to protect their interests, **AFN** ask the States to re-consider their efforts in watering down the DD.

Ethnocide, distinct identity, and armed conflicts

A non-paper on articles 7, 8 and 11 was presented by the States to the participants of the WGCD on which the major part of the discussion was based.²

One of the concerns expressed by some governments was the fact that "cultural genocide" and "ethnocide" are undefined in international law. **SWITZERLAND** refers to the Statute of Rome art. 6 (a)-(e), which goes beyond physical genocide and could be used as a reference for a definition of cultural genocide.

Regarding sub-paragraph (e), the **USA** condemns all forms of propaganda that support racial superiority and ethnocide, however they stand for freedom of expression and do not prohibit any speech, even if reprehensible.

ICC respond that the Declaration of San Jose offers some useful dimension of the concept of "cultural genocide" and "ethnocide". With respect to the retroactive nature of article 7, **ICC** explain that States' acknowledgement of the acts perpetrated against IPs is critical for the construction of respectful and harmonious relations. "Ethnocide" and "cultural genocide" occur when IPs lose their land, language, citizenship (**IWA**), when governments promote integration through financial promotion (**Tamaynut**), or when they are relocated (**CTT/IITC**).

EMDHI argue that culture is an integral part of IPs' survival. International law should not adapt to domestic law, but the other way round (also **RD**). Still today governments in the name of progress practice policies of assimilation, the DD is aimed to protect IPs from such policies (**IITC/CAPAJ**).

IPs are being asked to prove the existence of "cultural genocide" in international law, for IPs it is a reality, yet it is not addressed. The victims should not carry the burden of proof, the text should remain as it is (**ICC/AILA/CTT/IITC**).

ICSA inform that sub-paragraph (e) speaks of propaganda against IPs who themselves do not have access to mass media.

With regard to article 8 **IIN** state that self-identification (SI) is critical in Africa, since States do not recognise IPs they must be able to identify themselves as indigenous (also **ILRC/IMTA**). **ILRC** say that article 8 is not meant to allow anyone to claim indigenous identity, and it is not in the interest of IPs.

Even though State recognition and funding are important, it should not determine the status of a person or collective as indigenous. **MCTP** state that IPs are not seeking economic benefits but dignity.

Land, territories and natural resources

IMTA and **CIT** refer to the colonial usurpation of IPs' lands and to IPs being enslaved. Life must be recognised as depending on land, (also **YW**) its survival potential must be cared for. Mankind should co-exist with lands and creatures. IPs' lands are sold and destroyed. **KYM** underscore the threats of contamination and destruction of IPs' lands for their own life, so recognition of IPs' land rights contributes to fighting racial discrimination. **ICSA** refer to the various IPs' relationships to their lands, depending on governments' policies; a moral standard is needed to which States' legislation will adapt (also **CAIP**). **YW** claim that IPs, as first inhabitants, have more rights to lands and resources than States do (also **CAIP**), but they are now strangers in their own lands. **CAIP** say the right to SD – the DD's backbone (also **KYM/EMDHI**) - is intrinsic to human beings and hence to peoples. Articles 25 to 30 ensure a basic protection of IPs' lands and territories, their physical and spiritual existence, as well as sustainable development (also **IPACC**). Proposals that improve IPs' rights are acceptable (**IPACC, AN**).

Discussion of articles

Article 3

Indigenous people have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development;

² The complete non-paper presented is available at doCip.

In order to reassure the States and encourage them to accept the article on SD, **NORWAY** proposes to add an extract from the 1970 Friendly Relations Declaration (FRD) to preamble paragraph (PP) 15. They also propose a new cluster – as Part I bis – of articles: 3, 31, 19, 20, 21, 30 and 36.

COSTA RICA, DENMARK, ECUADOR, FINLAND, MEXICO, NORWAY, PERU can accept article 3 as drafted, and are open to considering proposals in the interests of achieving consensus. **CUBA, CANADA, GUATEMALA** can accept Norway's proposal if the whole text of the FRD is included. Other States say they will further consider.

CANADA suggests that the text be included in article 3 or 45 rather than in PP 15 and proposes two rewordings for article 3, thus resolving their concerns regarding territorial integrity and political unity of the state. **NEW ZEALAND** proposes a rewording with the same objective as Canada.

ECUADOR disagrees with New Zealand's proposal.

The **RUSSIAN FEDERATION** supports amendment to PP 15 subject to its approval and will be in position to accept article 3 with their own rewording.

HD welcome Norway's proposal since it clarifies the DD. **IMTA** can accept Norway's proposal if the whole text of the FDR is included.

NKIKLH agree to the clustering of the articles since the language of the provisions is unaltered and it gives cohesion to the DD, but oppose the addition to PP 15, however if it alleviates States' fear of secession it should be included. **ICSA** states that Norway's proposal recognizes absolute SD for States and attempts to qualify IPs' right of SD; it is a sugar-coated version of the USA's "internal SD" proposal.

IWA/ MCTP/COCEI/ANIPA/CAIP/ICSA/AILA/Tamaynut and other IPs state that articles 3, 31 and 36 are critical to IPs because they define their social, political and economic integrity, and cannot accept any changes.

AILA note that by subjecting the whole DD to the principle of territorial integrity, the scope of the clauses in the FDR would be greatly expanded, resulting in unprecedented limitations of the DD. International law has been wisely silent on the issue of secession: it neither permits nor prohibits it. The FDR prohibit a state – not its constituents – from dismembering or violating the territorial integrity of another state. It is not the mandate of WGCD to create a law on the prohibition on secession. Independence should not be confused with secession (**RD**).

JOHAR suggest that changes be made to the end of the proposed text of the FDR since it refers to racial and religious groups only, **ILRC** agree and suggest to consider the analogous language in the Vienna Declaration & Program of Action, 1993.

IOIRD, speaking on behalf of the **Maskwachis Cree: Samson, Ermineskin, Montana and Louis Bull First Nations**, declare that the guiding principles of the relationship between IPs and those with whom they share their territory are Nation to Nation agreements. The right of SD is an inherent right bestowed by the Great Spirit and not by the state (also **AFN**).

Article 31

Indigenous peoples, as a specific form of exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, including culture, religion, education, information, media, health, housing, employment, social welfare, economic activities, land and resource management, environment and entry by non-members, as well as ways and means for financing these autonomous functions.

NORWAY proposes the deletion of the remaining text of articles 31 after the term "local affairs". **FINLAND** and **SWEDEN** agree with Norway's amendment.

CUBA, ECUADOR and **AILA** disagree with Norway's proposal since it would eliminate the objective of the article and propose to add an explanation of autonomy in the text. **FOAG** proposes to keep the list after "local affairs" and add a note saying: "this list is not exhaustive".

Article 36

Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors, according to their original spirit and intent, and to have States honour and respect such treaties, agreements and other constructive arrangements. Conflicts and disputes which cannot otherwise be settled should be submitted to competent international bodies agreed to by all parties concerned.

CANADA cannot accept the wording of article 36 because these are domestic agreements, thus domestic remedies are appropriate for disputes and propose an alternative wording.

IITC unequivocally reject Canada's position. **GCC** together with **Cree of Treaty Six territory** declare that they came to the UN because they were unable to obtain justice at the domestic level.

States should understand that the measure in the last sentence of the article will only be employed if there is no other solution (**FOAG**).

Article 45

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations.

FINLAND suggests the elaboration of Article 45 according to the formulation used in the Article 8(4) of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities as a further means of dealing with the issue of the territorial integrity of States. **DENMARK, ECUADOR, FRANCE, SPAIN, JAPAN** agree with the proposal.

IMTA/IPACC/NKIKLH and other IPs' organizations oppose the proposal and believe that article 45 is clear enough as it is.

Article 7

Indigenous peoples have the collective and individual right not to be subject to ethnocide and cultural genocide, including the prevention of and redress for:

(a) *Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or identities;*

(b) *Any action which has the aim or effect of dispossessing them of their lands, territories or resources;*

(c) *Any form of population transfer which has the aim or effect of violating or undermining any of their rights;*

(d) *Any form of assimilation or integration by other cultures or ways of life imposed on them by legislative, administrative or other measures;*

(e) *Any form of propaganda directed against them;*

NORWAY considers that "any propaganda" is too 'open' and proposes to include "racial and ethnic propaganda". They also propose "genocide, forced assimilation or destruction of their culture" or "racial and ethnic discrimination" instead of the original "ethnocide and cultural genocide" (supported by **FINLAND, DENMARK, FRANCE, ARGENTINA, ECUADOR**). **CHILE** does not support Norway's proposal.

The non-paper presented by several States proposes to use the ICERD Art. 4 (supported by **CANADA** and **USA**). **NEW ZEALAND** finds it insufficient to say 'redress' in the chapeau, 'fair redress' would be better; in sub-paragraph (c) 'forcible relocation' could be added; and sub-paragraph (d) should be more in conformity to human rights standards. **DENMARK** proposes to add "forced" before "assimilation and degradation" in sub-paragraph (d) (also **FRANCE**).

NKIKLH state that to qualify what is meant by propaganda would not weaken the article, and remarks that discriminatory propaganda does not always come from the state but also from hate groups and individuals.

IITC say that IPs are already protected by the ICERD, the DD has to focus on the particular situation of IPs and respond to their needs, Norway's proposal would diminish the strength, the text should therefore remain as it is (also **IPACC/CAPAJ/AILA/ICC/ILRC/AN/IWA/RAIPON/IITC/CTT**).

With regard to the non-paper proposal for sub-paragraph (c) **ICN** state that removing the word "aim" would give governments an excuse to say they had no intention of harm.

Article 8

Indigenous peoples have the collective and individual right to maintain and develop their distinct identities and characteristics, including the right to identify themselves as indigenous and to be recognized as such;

A discussion arose around the issue of SI versus a definition of IPs written in the DD. The non-paper presented for discussion proposed to add "for their own purposes" at the end of the article in order to maintain SI while enabling States to determine eligibility for special rights and funding. The non-paper also proposes to allow "individuals" to self-identify themselves as indigenous, not only IPs. **CANADA, ECUADOR, SWITZERLAND, NORWAY** and **NEW ZEALAND** support this proposal as a means of recognising individual rights to SI.

MEXICO proposed criteria to define IPs, many IPs' delegations and States saw this proposal as denying SI. **MEXICO** removed its proposal.

The **USA** declares that it struggles with how to balance collective and individual rights and question SI claiming that within the USA certain criteria needs to be met to obtain indigenous status.

AILA/ATSIC/MN as well as other IPs' organisations prefer to see the article unchanged, they see the non-paper proposal as redundant but they are ready to accept it for the sake of consensus. **AAH** agree with the proposal of the non-paper but make it clear that this should not open the way to changes that would weaken IPs' rights.

TO state that recognizing individual rights in the DD is already a compromise for IPs and cannot accept further compromises. **IITC/NKIKLH** declare that defining the cultural criteria of an indigenous community is the responsibility of the community and not of the state, furthermore the capacity of an individual to integrate in the community is what determines the accuracy of their SI, thus the collective supersedes the individual (**ICSA**). **NKIKLH** demand the withdrawal of the proposal regarding individual SI since it undermines the essential

notion of collective rights by equating the rights of individuals to the rights of peoples (also **CTT/NWAC/IITC/NN**).

ICC consider that determining who is indigenous or not should not be used to discriminate against IPs (also **IITC/IWA/JOHAR**).

AILA respond to the USA that it is up to the tribes to "balance" the individual and collective rights of their members, it is firmly established that sovereign nations have the right to determine their own membership. **NN** ask the USA to recognise the Navajo nation and other nations collectively and to speak with them before meetings so they may have a collective thought.

Article 11

Indigenous peoples have the right to special protection and security in periods of armed conflict.

States shall observe international standards, in particular the Fourth Geneva Convention of 1949, for the protection of civilian populations in circumstances of emergency and armed conflict, and shall not:

(a) Recruit indigenous individuals against their will in the armed forces and, in particular, for use against other indigenous peoples;

(b) Recruit indigenous children into the armed forces under any circumstances;

(c) Force indigenous individuals to abandon their lands, territories or means of subsistence, or relocate them in special centres for military purposes;

(d) Force indigenous individuals to work for military purposes under any discriminatory conditions;

NORWAY disagrees with the non-paper proposal regarding the removal of "in circumstances of emergency"; proposes to replace "Fourth Geneva Convention" with "applicable international HR standards and international humanitarian law"; and to leave out "special" in the opening paragraph (also **FINLAND, SWEDEN - FRANCE** and **DENMARK** regarding "special"). **CANADA** supports the proposals for article 11 but is also ready to accept it as it stands.

ECUADOR proposes to use the phrase "discriminatory recruitment" in sub-paragraph (a).

SWITZERLAND states that article 11 presents some problems with regard to international humanitarian law, either it goes too far or not far enough. Reference to the Geneva Convention reinforces the article. The **USA** does not want international humanitarian law introduced into the article, it should be placed in other articles.

IMTA consider that "special protection" may not be an advantage for IPs. **AITPN** argue that reference to the Geneva Convention is a necessary security.

CAPAJ declare that they want the article to remain unchanged (also **IITC/TO**).

Articles 25 to 30

GUATEMALA, MEXICO and **DENMARK** support the articles as they stand. **GUATEMALA** underscores that the declaration is about collective rights, and is open to proposals that would not reduce IPs' rights. A new international standard is meant to inspire domestic legislations (also **CUBA**). Guatemala considers Ms Daes' explanatory note (E/CN.4/Sub.2/1993/26/Add1) a useful clarifying document and welcomes the discussion of articles to reach consensus, as there are only two years left.

AUSTRALIA proposes to discuss the articles individually, for they raise complex problems, but recognises the distinctive relationship (also **NEW ZEALAND, FRANCE**), as well as the collective and individual rights of IPs to their traditional lands (also **ARGENTINA**).

Finally **AUSTRALIA** presented an alternative proposal, as a common basic ground amongst States and a possible basis for discussion, fully reformulating articles 25 to 28 and 30 (supported by **CANADA**). This alternative text's overarching principle is the distinctive relationship between IPs and their lands; it also acknowledges third parties' rights. Australia deems the intellectual property issue (article 29) different from issues related to lands.

CANADA says that land and resources play a significant role in subsistence and identity. Collective interests must be recognised. Language must be flexible to accommodate different contexts and solutions (also **FINLAND**) and land ownership must coexist with other state laws.

FINLAND supports IPs' relationship with land, but the articles need redrafting.

USA is committed to having the declaration adopted in 2004. A declaration is not legally binding, but will be a basis for international juridical bodies.

PERU recalled the proposal of Guatemala in 2001 for a general clause on third parties' rights. Several IPs' delegations objected to this proposal, whereas some States would consider it.

KYM/CAIP/IPNC support articles 25 to 30 as they stand. **IITC/COCEI/KYM/IPNC** welcome the comments by Guatemala and Mexico. **IMTA** present alternative proposals for articles 25 to 29.

NCAI (also **CAIP**) refer to article 25 to 30 as inextricably related to recognition of the right of SD and to the use of land, territories and resources, including sacred sites (hence the right to freedom of religion). **NCAI** also draw the attention to CERD's 1997 General Recommendations (CERD/C/51/Misc.13/Rev.4), the Inter-

American Commission on Human Rights' 1997 Report, the UN Human Rights Committee's jurisprudence, and ILO Conventions 169 and 107.

AILA argue that States are raising issues of absolute rights, flexibility and third parties, but the DD is broad enough to encompass the specificities of different situations (also **ICC**). Historically third parties' rights have lead to dispossessing IPs of their lands and natural resources (also **IMTA**). The rights IPs request are not absolute, but provide them with sufficient protection within national systems.

States must fulfil their obligations under international law and keep consistency with it (as established in various international instruments). The balancing of interests of the parties' rights is a general practice, but HR instruments serve to avoid HRs' violations (**IITC**).

CPA share other IPs' concerns on articles 25-30, which are not independent of each other (also **ICC/EMDHI**)

An independent observer noted the willingness of some States to approach flexibly the DD, taking IPs' positions into account, and the unwillingness of other States to do so, hence defeating the adoption of the DD. He further encouraged the delegates to show a much greater flexibility and think differently.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual and material relationship with the lands, territories, waters and coastal seas and other resources which they have traditionally owned or otherwise occupied or used, and to uphold their responsibilities to future generations in this regard;

AUSTRALIA states that this article implies an ill-defined obligation on the State, particularly regarding property rights of third parties (and of individuals, **FRANCE**), as well as ownership of minerals and petroleum. The use of the past tense entails an unrealistic retrospective effect (also **NEW ZEALAND**) and the focus on absolute rights is unacceptable. Australia proposes the formulation: "IPs have a right of recognition of their distinctive relationship with the land".

NEW ZEALAND refers to IPs' voluntarily alienated lands and to the right of States to govern for the good of all.

FRANCE wants to examine article 25, 26 and 27 together. It is necessary to define to which lands these rights apply. In article 25, "spiritual and particular" should replace "spiritual and material" relationship.

The language must be precise (**CANADA, USA**) and refer to "their land", "their resources" and "the land to which they have right/access or use", instead of "other resources" (**CANADA**).

ARGENTINA welcomes the progress and prefers a comma between "land" and "territory".

IITC/IPACC/NKIKLH/COCEI/JOHAR/ICSA/KYM/ICC support the current drafting. Article 25 refer to the essential interconnectedness and responsibilities underlying IPs' spiritual and material relationship to their lands, and passing them to the next generations (**IITC/IMTA/AN/ICC/KYM/EMDHI**). IITC state jurisprudence and international standards on the rights of IPs to their traditional lands exist. States must base themselves on, and not avoid, existing legal standards. IITC object to changes being called for in the debate as consensus must be reached on the current draft.

NKIKLH (also **HMT/COCEI/SC/CTT/ICN**) object to States raising concerns about domestic situations, as the DD stands at an international level, as an aspirational (also **ICC**) and non-binding document. States characterize the land rights as absolute, but no such right exists, practical solutions are to be found (**ICC**).

COCEI express concern about States that do not recognise IPs' territories. Article 25 entails present and past, otherwise displaced and refugee IPs would not be included. **ILRC** claim article 25 should not be limited to lands occupied at the present time: what about the future? (and about agrarian reforms, treaties, and decolonisation, **ICSA/CTT**) The past tense wording could be replaced by "traditionally". **ICSA** say the reference to the present is also vague, as States keep taking lands from IPs. The reference to "other resources" is meant to involve the regional diversity of resources IPs use (also **HMT**), including sacred sites (**AN**). The spiritual dimension of IPs' lands must be respected (**JOHAR, AN**) and is independent from physical contact with them (**HMT**, adding that the voluntary alienation of lands is being challenged in New Zealand). **IWA** refer to the very long period they have lived in a place, now national parks: they were displaced but still return for pilgrimage, this right must be recognised.

Lands and resources management institutions are created by States, hence limiting the scope of IPs' participation (**IPCN**). States seem to object to IPs having access to resources of the nation, even though IPs belong to the nation (**AN**). States are losing their sovereignty to the profit of transnational companies (TNCs) (**IMTA**). IPs' rights cannot be negotiated (**CTT**).

SC would discuss the States proposals in writing; the declaration should not go below the existing standards and they object to having their rights depend on third parties' rights.

New legislations of most African states do not recognise IPs' special relationship to their lands (**IPACC**).

Mr. Chávez underlined the Human Rights' mandate of the WGCD, it entails seeking an increased protection of victims, not of States. Many States' and IPs' delegations welcomed this position.

Article 26

Indigenous peoples have the right to own, develop, control and use the lands and territories, including to total environment of the lands, air, waters, coastal seas, sea-ice, flora and fauna and other resources which they have traditionally owned or otherwise occupied or used. This includes the right to the full recognition of their laws, traditions and customs, land-tenure systems and institutions for the development and management of resources, and the right to effective measures by States to prevent any interference with, alienation of or encroachment upon these rights;

AUSTRALIA, NEW ZEALAND and **CANADA** accept the underlying principles. **AUSTRALIA** objects that the current draft includes absolute and non-qualified rights, but could accept the following elements: 1) application only to land that IPs currently own or use; 2) States must prevent encroachment on lands and use by unauthorized persons; 3) IPs should have a right to participate in decisions regarding their lands.

NEW ZEALAND is open to suggestions about voluntarily alienated lands, and believes in the declaration, even as not legally binding. The third parties' rights need to be included. New Zealand submits a proposal on article 26.

USA agrees with Australia and New Zealand and will consider their proposals.

CUBA supports the current text but would consider proposals, although it will be difficult to include third parties' rights, as these rights have been applied against IPs'.

ARGENTINA could endorse consensus if the reference to lands is consistent with ILO Convention 169 (also for following articles).

FRANCE considers that the particular recognition of collective rights concerning specific lands must be defined by the State in consultation with IPs (also in article 27).

IITC, IWA and **ICSA** support article 26 as it is. It also refers to the recognition of IPs' laws, traditions and customs (**ICSA**). **IMTA** argue that **USA** cannot impose their legislation on other countries if an article does not fit in with their domestic law. IPs cannot possibly threaten the security of nation-states (also **CAIP**). **IMTA** underline that sovereignty over resources was first considered a right of peoples, and nowadays of States.

There are no third parties' rights in ILO Convention 169, so are States proposals really constructive? Article 26 must apply to all lands IPs traditionally used or occupied, and not only to the ones currently used or which States recognize as IPs' (**ICN**).

Most IPs are in independent States and historically marginalized by economic systems. Article 26 enables IPs to develop their cultural heritage. Its content must be respected, but proposals that do not lessen these rights might be considered (**EMDHI**).

ILRC (supported by **SC**) note that articles 25 and 26 are not very clear, 6 points may guide the redrafting: 1) States' recognition of the aboriginal right to ownership; 2) This right should not be diminished; 3) Recognition of IPs' right to all sort of property; 4) Demarcation of aboriginal property; 5) Special protection from taking by the State; and 6) An international provision on IPs' preeminent right to natural resources.

SC cannot accept Australia's proposal, they await on other proposals to work on.

Article 27

Indigenous peoples have the right to the restitution of the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, occupied, used or damaged without their free and informed consent. Where this is not possible, they have the right to just and fair compensation. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status.

NEW ZEALAND supports the underlying principle (also **CANADA**) but considers the language too prescriptive (it could hinder solutions), and submits a proposal. The wording "redress" could replace "restitute".

AUSTRALIA deems this article very difficult to accept, namely because of retroactive effect and third parties' rights, but has no problem with fair compensation for IPs and others in the future.

GUATEMALA calls for States objecting to the current draft to submit their proposals. Third parties' rights are a recurrent objection needing to be addressed. The texts should be analyzed without fear, a declaration must be broad, the upcoming implementation in domestic contexts will open solutions. The wording here is not restrictive.

USA considers article 27 as it stands is vague and broad. **CANADA** could submit a proposal for article 27.

CUBA accepts the current draft and supports Guatemala. Natural resources are considered States' properties, but most States have given them up to TNCs, so there is no reason to discriminate IPs in this matter. States are responsible for ensuring HR hence they would be responsible for compensation. Retrospective compensation is fair as IPs' rights violations root in the past.

ARGENTINA considers, as in the Inter-American context, that the word "Indigenous Peoples" entails qualified rights.

Lands rights and article 27 are of utmost importance to IPs (**MCTP/ICN**). Examples in international law support the content of Article 27, the current text is balanced, contains minimum international standards and must be kept as is (**ICN**, also **IPAAC/IITC/SC**³). The principles in article 27 are already applicable (**IITC**). The need to balance IPs' rights with third parties is taken care of in compliance with international law and the rights discussed here are collective (**SC**, also **JOHAR, NKIKLH**). **ILRC** inform on a recent report of the CHR on the case of Dann vs. USA, where a land owned immemorially by IPs was taken by the State⁴. The Western concept of land ownership dominates but there are case studies that contradict it (**JOHAR**).

ICSA supports article 27 as it stands, it is clear enough and fair to IPs (also **CIT/CAPAJ/IWA**). The compensation must consider past times, although there is no possible reparation for IPs because of the extent of the damages suffered during the colonial era (also **IMTA**). States took sovereignty over IPs' lands and territories, but IPs did never give them up (**CAPAJ**). Compensation must be fair (**IWA**).

NKIKLH note that none of the objecting States refer to HR law and standards, only to internal worries and domestic law. **NKIKLH** call for proposals referring to HR law in consistency with the WG's mandate.

ICC are surprised that Australia objects to these rights as absolute (also **FOAG**). IPs still have the burden of proof in domestic claims regarding their lands, territories and natural resources. Some States are trying to broaden their power over IPs. States objecting to retrospective restitution or compensation do not seem willing to recognize IPs' intrinsic rights (**FOAG**, also asking for a correction in article's 27 French version). IPs are already sub-citizens, the discussion on retrospective restitution looks as the making of a new right, with States trying to reduce IPs' rights and avoid their obligations towards SD (**IPNC**).

Article 28

Indigenous peoples have the right to the conservation, restoration and protection of the total environment and production capacity of their lands, territories and resources, as well as to the assistance for this purpose from States and through international cooperation. Military activities shall not take place in the lands and territories of indigenous peoples, unless otherwise freely agreed upon by the peoples concerned.

States shall take effective measure to ensure, as needed, that programmes for monitoring, maintaining and restoring health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented;

CANADA recognizes environmental protection is important, but not as a right in international law. IPs should be protected as much as anyone (also **USA**). In last part of article 28, "in consultation with" should replace "and implemented by" for clarity.

NEW ZEALAND agrees with the principles, but not with the current wording (also **USA, ECUADOR**), in particular "total environment". International HR law basis should be produced for keeping as well as for changing the current draft. Passing the reference to hazardous material to a specific part could be useful, as causes may be military or civilian.

AUSTRALIA agrees on the principle of physical protection of IPs' lands and resources. But interests must be balanced and there are limits to the ability of States to guarantee environmental protection and restoration (also **NEW ZEALAND, USA**). This article should be based on the principle of non-discrimination (also **ECUADOR**) and could include IPs' participation in decision-making on issues regarding their lands.

USA refers to the States' environmental protection obligations (also **AUSTRALIA**).

FINLAND cannot accept this article as it stands: it must be possible to take military defense even in lands owned by citizens (also **ECUADOR**). Alternative wording could be "to avoid as much as possible said land for military purposes".

TO support the article as it stands (also **IMPACT**), referring to the encroachment of the **Lakota** peoples' lands and sacred sites during colonization and during World War II. States have a moral obligation to correct the situation. "Total environment" includes the historic memory of ancestors and renewal of a place. It also includes the lands, territories and resources upon which IPs depend, as interrelated parts; a number of international standards include the right to conservation, protection and restoration of the environment: ILO Convention 169, the Convention on Biological Diversity and the Rio Declaration amongst others (**ICC/HMT**). **ICC** also recall the purpose of the WGCD in the UN mandate, claiming that citing the lack of international standard to object to an article is inconsistent with the recognition of the special relationship of IPs to their lands (in article 25).

Answering to New Zealand, **IITC** refer to the basis for article 28 and the concept of total environment in international HR law and jurisprudence. Maintaining the biodiversity is now understood as linked to maintaining

³ Referring to ILO Convention 169 (Article 14), CERD's 1997 General Recommendations, Universal Declaration of Human Rights (Article 17), the Mary and Carrie Dann case and the Awas Tingni case, among others.

⁴ Copy of the full report of CHR available on www.indianlaw.org

the cultural diversity (**HMT**). Under international standards States are responsible for addressing the problems of environment protection (**IMTA**).

This article is on military interventions in IPs lands and not only on health, so the last paragraph should be maintained, as this is the only place in the DD that refers to military activity and hazardous materials (**NKIKLH** supported by **TO**).

IMPACT informs that the **Maasai** pastoralists in Kenya still lose vast parts of their ancestral and grazing lands to the State for national parks and military training of the British and USA Army, without the IPs' consultation. Live ammunitions and toxic material are left behind and cases reported of mass rapes by British Army personnel against Maasai women, as well as of other HR violations.

ICN refer to NATO's military activity on **Innu** peoples' lands in Labrador, without their free, prior and informed consent, and endangering their lives and security. Innu women and children objecting to these activities were put in detention, which never happens to non-indigenous peoples. Thus Canada's position regarding equal protection for IPs and others is not acceptable.

Article 29

Indigenous peoples are entitled to the recognition of the full ownership, control and protection of their cultural and intellectual property.

They have the right to special measures to control, develop and protect their sciences, technologies and cultural manifestations, including human and other genetic resources, seeds, medicines, knowledge of properties of fauna and flora, oral traditions, literatures, designs and visual and performing arts;

NEW ZEALAND suggests waiting for WIPO's next meeting, where intellectual property and related issues are discussed (also **AUSTRALIA**, **RUSSIAN FEDERATION**, **USA**.)

AUSTRALIA says cultural and intellectual property is unknown in international law, so this article creates a new right. The article should consider that States must ensure this right, but leave the definition to other international fora.

DENMARK welcomes New Zealand's suggestion but this forum can also discuss the issues.

The **RUSSIAN FEDERATION** could accept this article with precisions on cultural manifestations and who should take special measures.

CANADA says now everybody better understand the issues addressed. Individual and collective rights must be balanced (also **RUSSIAN FEDERATION**), and the current intellectual property regime must be well understood. Canada cannot accept the current prescriptive wording.

HMT (supported by **SC**) object that WIPO's mandate is based on another system than IPs' knowledge, so this issue must be discussed here. IPs have no easy participation in WIPO's process. IPs should be integrated in the current system otherwise it will not consider them. The question whether the intellectual property system can protect IPs' traditional knowledge, must be addressed. IPs are entitled to develop a standard to protect their own property rights, States cannot decide for IPs (**IPNC/AN**). Article 29 represents the minimum protection of IPs' individual and collective rights of intellectual property. UN agencies as WIPO do not always pay much attention to HR (**IPACC**).

NKIKLH support for the moment the wording of article 29. WIPO's mandate is different from the WGCD's, WIPO only protects private and economic rights (also **AN**). **ICC** underscore the relationship between IPs' intellectual property rights and their lands and territories' rights.

SC say this article is no longer accurate (also **AN/IMTA**), but these rights are of utmost importance for IPs in order to maintain and develop their culture instead of being stolen (also **IMTA**, **CTT**). The collective nature of these rights is acknowledged by the UN system, for example WIPO, but "intellectual property" suggests only individual rights. **SC** propose a stronger wording for Article 29. The collective rights of IPs must be respected and article 29 is important for that (**CTT**).

ICSA support the current wording of article 29 (also **IPNC/CTT**). If this article is diminished, it would go below Panama's domestic legislation, which should be an example for other States in this matter (**AN**).

IMTA say WIPO is the place to discuss this issue, but they have suggested that the WGIP should also develop a framework for a legally binding convention.

Article 30

Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands, territories and other resources, including the right to require that States obtain their free and informed consent prior to the approval of any project affecting their lands, territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. Pursuant to agreements with the indigenous peoples concerned, just and fair compensation shall be provided for any such activities and measures taken to mitigate adverse environmental, economic, social, cultural or spiritual impact;

NORWAY accepts the article as it is. With regard to the proposed cluster on self-determination, they propose that the second part of article 30 be left in the cluster on land, territories and natural resources (supported by **SWEDEN**).

COSTA RICA considers the Norway proposal interesting, as it clarifies the debate. The articles must be read as a whole.

AUSTRALIA supports the principle of IPs participating in decision-making concerning their lands' development (also **CANADA, USA**), but has concerns about the prescriptive wording, the discrimination against non-indigenous peoples, and the issue of compensation.

The **RUSSIAN FEDERATION** could accept the second part of article 30, as the issues raised are addressed in their domestic legislation.

CANADA has concerns about third parties' rights, international environmental standards and the issue of genetic resources, discussed in international fora on intellectual property rights.

USA finds the wording of article 30 unclear. Norway's proposal is useful but they have comments on the whole SD cluster.

DENMARK, ECUADOR and **CUBA** could accept the article as it stands, as well as the Norway's proposal and would consider other proposals. **ECUADOR** says first part of article 30 could be included both in the self-determination and in the land, territories and resources parts, and will submit a proposal that makes article 30 consistent with ILO Convention 169. **CUBA** will submit a proposal to the effect of mentioning "participation" as IPs' right.

CAPAJ support article 30 (also **ICSA**), it is meant to avoid further degradation of lands and natural resources due to development projects by governments and TNCs without the informed consent of local communities nor their alternative proposals, even though they bear the ecological consequences. An international standard is needed as guidelines and example.

IITC underline the existing international standards, and object to the Norway's proposal, as SD and development are closely linked. As for Ecuador's proposal, the jurisprudence is not limited to ILO Convention 169. The positions of USA and the Russian Federation seem to diminish IPs' rights.

They call for the recognition of the standards acknowledged in ILO Convention 169. **AN** refer to international instruments related to the distributions of benefits and profits (WSSD Declaration, Rio Declaration, Convention on Biodiversity and ILO Convention 169), that the States must take into account.

Article 30 also focuses on HR as universal, interdependent and indivisible, including the right to development (**ICC**) and on exploitation of minerals and involvement of IPs in discussions and decision-making (**NKIKLH**). Under HR law, the right to natural resources and development is a right of peoples, not of States. States do not have sovereignty over natural resources. Their right to development policies depends on them including the whole population. At the moment no international system addresses collective rights on genetic resources and intellectual property. Pollution issues must be thought through; the records show that wastelands are mainly IPs' lands, this is environmental racism (**NKIKLH**)

SC could accept the language of Norway's proposal but will not have the article's first part deleted without knowing where to put it (also **ICC/IITC/ICN**). The issue of genetic resources must be included. Prior informed consent applies to land and resources issues, as several standards already establish. **IPNC** refers to international legal instruments and decolonisation processes, article 30 must not be reduced but reflect IPs' rights in international law. **ICN** object to the lack of dialogue in the WGCD: IPs' delegations have no access to the written proposals of States.

ATSIC (also **IOIRD**) seek clarification on Australia proposal, as it has not been discussed and is quite different from the current draft.

Joint Statement on the Right of Self-Determination: Response to States' Amendments

(The full text of the statement is available at the doCip)

AILA, ICC, TO, GCC, International Treaty Four Secretariat, Samson Cree Nation, Ermineskin Cree Nation, Montana Cree Nation, Louis Bull Cree Nation, IOIRD, AIWO, ICN, NIKILH, IIN, IWA, IPNC, FOAG, FAIRA, ATSIC, NAILSS, Buffalo River Denè Nation

The above IPs' organisations and nations re-emphasize in this joint statement that:

- 1) The right of SD of IPs is a core element of the DD, essential for its integrity and a "prerequisite" for the enjoyment of *all* other human rights.
- 2) They directly condemn the States promoting substantive changes to Article 3, it is an indication that self-proclaimed democratic States do not seek to uphold international law and to precisely reflect Article 1 of the international human rights Covenants, thus exercising continued racism and discrimination towards IPs.
- 3) They strongly condemn the position and amendments of the USA, as well as other States, regarding SD, natural resources, independence and the denial of the status of "peoples" under international law. Proposed amendments continue to be inconsistent with the objectives of WGCD.

The 59th session of the **Commission on Human Rights** will be held from 17 March to 24 April 2003 in Geneva, Switzerland.

Agenda item 15, "Indigenous Issues", is scheduled on the 10th and 11th of April, 2003

(subject to possible changes in the CHR timetable).

Further information on the Commission's 59th session is available at:

www.unhcr.ch/html/menu2/2/59chr/

3. LIST OF ABBREVIATIONS

AAH:	Ainu Association of Hokkaido
AFN:	Assembly of First Nations
AILA:	American Indian Law Alliance
AITPN:	Asian Indigenous and Tribal Peoples Network
AIWO:	African Indigenous Women's Organization
AN:	Asociación Napguana
ANIPA:	Asociación Nacional Indígena Plural por la Autonomía
ATSIC:	Aboriginal and Torres Strait Islander Commission
CAIP:	Conferencia de Asuntos Indígenas del Parlamento, México
CAPAJ:	Comisión jurídica para el autodesarrollo de los pueblos originarios andinos
CERD:	Committee on the Elimination of Racial Discrimination
CIT:	Confederación Indígena Tayrona
CNIC:	Comisión Nacional Indígena de Chile
COCEI:	Coalición Campesina e Indígena del Istmo
CPA:	Cordillera Peoples Alliance
CTT:	Consejo de Todas las Tierras
EMDHI:	Escuela Maya de Derechos Humanos Iximche
FAIRA:	Foundation for Aboriginal and Islander Research Action
FOAG:	Fédération des organisations autochtones de Guyane
GCC:	Grand Council of the Crees
GRULAC:	Grupo de Países de América Latina y el Caribe
HD:	Haudenosaunee Delegation
HMT:	Hokotchi Monori Trust
ICC:	Inuit Circumpolar Conference
ICERD:	International Convention on the Elimination of all forms of Racial Discrimination
ICN:	Innu Council of Nitassinan
ICSA:	Indian Council of South America
IIN:	Indigenous Information Network
IITC:	International Indian Treaty Council
ILRC:	Indian Law Resource Center
IMPACT:	Indigenous Movement for Peace Advancement and Conflict Transformation
IMTA:	Indian Movement Tupaj Amaru
IOIRD:	International Organization of Indigenous Resource Development
IPACC:	African Indigenous Peoples Coordinating Committee
IPNC:	Indigenous Peoples and Nations Coalition
IWA:	Indigenous World Association
JOHAR:	Jharkhandis Organisation for Human Rights
KYM:	Kuna Youth Movement
MCTP:	Mejlis of Crimean Tatar Peoples
MN:	Metis Nation of Canada
MoN:	Mohawk Nation
NAILSS:	National Aboriginal and Islander Legal Service Secretariat
NCAI:	Native Congress of American Indians
NKIKLH:	Na Koa Ikaika O Ka Lahui Hawaii
NN:	Navajo Nation
NWAC:	Native Women's Association of Canada
PN:	Potawatomi Nation
RAIPON:	Russian Association of Indigenous Peoples of the North
RD:	Centre for Rights and Democracy
SC:	Saami Council
TO:	Tetewan Oyate
TSNTC:	Teton Sioux Nation Treaty Council
WSSD:	World Summit on Sustainable Development
YW:	Yachay Wasi

4. OTHER MATTERS

The theme of the **Working Group on Indigenous Populations** at its 22nd session, in 2003, will be "**Conflict resolution of indigenous issues**".

The Secretariat for the **Permanent Forum on Indigenous Issues** is now established at the Department of Economic and Social Affairs.

Ms. Elsa Stamatopoulou, former Deputy Director at the New York Office of the UN High Commissioner for Human Rights, and Mr. John Scott, former Indigenous Human Rights Officer (Indigenous Project Team, Right to Development Branch) at the Office of the UN High Commissioner for Human Rights, are acting in temporary positions to assist the Permanent Forum in its 2nd session. Two other officers have also been nominated (New-York, 12-23 May 2003).

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Permanent Forum on Indigenous Issues
Second session New York, 12-23 May 2003

Provisional agenda:

1. Opening of the Second Session of the Permanent Forum on Indigenous Issues.
2. Election of the Chairperson.
3. Election of the Members of the Bureau.
4. Organization of the work of the Second Session.
5. Theme of the Second Session: "Indigenous Children and Youth".
6. Mandated Areas.
 - (a) Economic and Social Development;
 - (b) Environment;
 - (c) Health;
 - (d) Human Rights;
 - (e) Culture;
 - (f) Education.
7. Methods of Work of the Permanent Forum with the United Nations System.
8. Future Work of the Permanent Forum.
9. Draft Agenda of the Third Session.
10. Adoption of the report on the Second Session.
11. Closure of the Session.

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