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UNCLASSIFIED

CONSULTATIONS

**BETWEEN THE ABORIGINAL ORGANIZATIONS OF CANADA AND
EXTERNAL AFFAIRS AND INTERNATIONAL TRADE
CANADA/ENTRE LES ORGANISATIONS AUTOCHTONES DU
CANADA ET AFFAIRES EXTÉRIEURES ET COMMERCE
EXTÉRIEURE CANADA**

**JANUARY 15, 1993
LE 15 JANVIER 1993**

External Affairs and
International Trade Canada
Affaires extérieures et
Commerce extérieur Canada



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Dept. of Foreign Affairs
Min. des Affaires étrangères

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CONSULTATIONS BETWEEN ABORIGINAL ORGANIZATIONS OF CANADA
AND
EXTERNAL AFFAIRS AND INTERNATIONAL TRADE CANADA

Lester B. Pearson Building
125 Sussex Drive
Ottawa, Ontario

15 January 1993

AGENDA

Friday, January 15

- | | | |
|------------------|--|--|
| 08:30 -
09:00 | Registration and Coffee | Crush Lobby |
| 09:00 -
09:30 | - Invocation
- Welcoming statement
(B.D. Marantz) | Conference Room |
| 09:30 -
10:00 | Overview of Human Rights Agenda
for 1993 (B. D. Marantz)
(Anne Park, Head of the Canadian
Delegation to the Commission on
Human Rights and to the
Preparatory Process for the World
Conference on Human Rights) | Conference Room
Co-Chair:
Resource: Human
Rights, Women's
Equality and
Social Affairs
Division |
| 10:00 -
10:45 | Human Rights as Collective and
Individual Rights
- Presentation by the Inuit
Tapirisat of Canada and
commentary | Conference Room
Co-chair: B.D.
Marantz,
Resource: Legal
Affairs Division |
| 10:45 -
11:15 | Coffee Break | Crush Lobby |
| 11:15 -
12:00 | Draft Declaration on the rights
of indigenous peoples:
- continuation of the Working
Group on Indigenous Populations
(WGIP) as a body of the Sub-
commission and/or of a working
group of the Commission on
Human Rights;
- role of Canada in a future WGIP
and with regards to the draft
declaration; (B. D. Marantz) | Conference Room
Co-Chair:
Resource: Human
Rights, Women's
Equality and
Social Affairs
Division |

12:00 -	Sectoral/Thematic Concerns:	Conference Room
12:30	- ILO 169 (Kerry Buck),	Co-Chair: B.D. Marantz
	- UNCED - Agenda 21 (Dick Ballhorn)	Resource: Legal Affairs Div., Environment Div.
12:30 -	Lunch	Crush Lobby
13:30		
13:30 -	Sectoral/Thematic Concerns	Conference Room
14:30	cont'd:	Co-Chair: B.D. Marantz
	- UNCED - Agenda 21 (Dick Ballhorn)	Resource: Environment Div.
14:30 -	Regional Concerns:	Conference Room
15:00	- Arctic Council (Kathryn McCallion)	Co-Chair: B.D. Marantz
		Resource: Western Europe Relations Div.
15:00 -	Coffee	Crush Lobby
15:30		
15:30 -	Regional Concerns cont'd:	Conference Room
16:00	Organization of American States (OAS)	Co-Chair: B.D. Marantz
	- process (Harold Hickman)	Resources: South America Div., Legal Affairs Div.
16:00 -	Policy formulation	Conference Room
17:00	- policy linkage between human rights violations of indigenous people, Canadian aid and trade (Jim Lovett);	Co-Chair: B.D. Marantz
	- process of policy formulation (Dan Livermore).	Resources: Eco. Relations with Developing Countries Div., Policy Planning Div.
17:00	Closing remarks	Conference Room

CONSULTATIONS ENTRE LES ORGANISATIONS AUTOCHTONES DU CANADA
 ET
 AFFAIRES EXTERIEURES ET COMMERCE EXTERIEUR CANADA

Edifice Lester B. Pearson
 125, promenade Sussex
 Ottawa (Ontario)

Le 15 janvier 1993

ORDRE DU JOUR

le 15 janvier

- | | | |
|---------|--|--|
| 08h30 - | Inscription et café | Hall du centre de conférences |
| 09h00 | | |
| 09h00 - | - Invocation | Salle de conférences |
| 09h30 | - Mot de bienvenue et plénière d'ouverture (B.D. Marantz) | |
| 09h30 - | Survol des activités de l'ONU en matière de droits de la personne pour 1993 (B. D. Marantz) | Salle de conférences |
| 10h00 | (Anne Park, Chef de la délégation canadienne à la Commission des droits de l'homme des Nations Unies et au processus préparatoire pour la Conférence mondiale des droits de l'homme) | Co-président:
Personnes-ressource:
Direction des droits de la personne, de la promotion de la femme et des affaires sociales (IMH) |
| 10h00 - | Les droits de la personne en tant que droits collectifs et droits individuels | Salle de conférences |
| 10h45 | - Présentation par "Inuit Tapirisat of Canada" et commentaires | Co-président:
B.D. Marantz
Personnes-ressource:
Direction des Affaires juridiques |
| 10h45 - | Café | Hall du centre de conférences |
| 11h15 | | |

- | | | |
|------------------|--|--|
| 11h15 -
12h00 | Déclaration sur les droits des peuples autochtones:
- la continuation du groupe de travail sur les populations autochtones (WGIP) en tant que corps de la Sous-commission et\ou en tant que groupe de travail de la Commission des droits de l'homme;
- le rôle du Canada dans un futur WGIP et en ce qui concerne la déclaration; (B. D. Marantz) | Salle de conférences
Co-président:
Personnes-ressource:
Direction des droits de la personne, de la promotion de la femme et des affaires sociales |
| 12h00 -
12h30 | Intérêts sectoriels/thématiques:
- OIT 169 (Kerry Buck),
- Conférence des Nations Unies sur l'environnement et le développement - Agenda 21 (Dick Ballhorn) | Salle de conférences
Co-président:
B.D. Marantz
Personnes-ressource:
Direction des Affaires juridiques,
Direction de l'environnement |
| 12h30 -
13h30 | Déjeuner | Hall du centre des conférences |
| 13h30 -
14h30 | Intérêts sectoriels/thématiques suite:
- Conférence des Nations Unies sur l'environnement et le développement - Agenda 21 (Dick Ballhorn) | Salle de conférences
Co-président:
B.D. Marantz,
Personnes-ressource:
Direction de l'environnement |
| 14h30 -
15h00 | Intérêts régionaux:
- le Conseil de l'Arctique (Kathryn McCallion) | Salle de conférences
Co-président:
B.D. Marantz,
Personnes-ressource:
Direction des relations avec l'Europe de l'Ouest |
| 15h00 -
15h30 | Café | Hall du centre de conférences |

15h30 - 16h00	Intérêts régionaux suite: Organisation des États Américains (OEA) - processus (Harold Hickman)	Salle de conférences Co-président: B.D. Marantz, Personnes- ressource: Direction des relations avec l'Amérique du Sud et le Mexique, Direction des Affaires juridiques
16h00 - 17h00	La formulation de la politique: - lien entre la politique étrangère, les violations des droits de la personnes des peuples autochtones, l'aide au développement et le commerce (Jim Lovett); - processus de formulation de la politique (Dan Livermore).	Salle de conférences Co-président: B.D. Marantz Personnes- ressource: Direction des relations économiques avec les PVD, Direction de la planification des politiques
17h00	Clotûre	Salle de conférences

Overview of Human Rights Agenda for 1993/
Survol des activités de l'ONU en matière de
droits de la personne pour 1993
(revised January 11, 1993)

- 1993 International Year of the World's Indigenous People**
- winter/
spring **UNESCO Seminar: Indigenous 500 re Econo-Development
as prelude to Right to Self-Determination**
- Jan 18-22 Latin American and the Caribbean Regional Preparatory
Meeting for the World Conference on Human Rights; San
José, Costa Rica**
- Jan 27-29 Conference on Development Assistance and Human Rights;
Stockholm**
- Jan 28-30 Council of Europe meeting on Organization for the World
Conference on Human Rights; Strasbourg**
- Feb 1- Mar 12 UN Commission on Human Rights; Geneva**
- Feb 8-18 UN Commission on Social Development; Vienna**
- Feb 15-19 Expert Group Meeting on the 1988 Drug Convention; Vienna**
- Feb 16-18 OAS/CIM Executive Committee meeting; Washington (65th
Anniversary of CIM)**
- March Indigenous Health in the Hemisphere (Canadian Society
for International Health)**
- Regional Population Conference for Europe and North
America organized by ECE, the Council of Europe and
UNFPA; Geneva (tentative)
- Regional Population Conference for Latin America and the
Caribbean organized by ECLAC and UNFPA; Mexico
- Regional Population Conference for the Arab World;
Amman
- March? Asian Group Regional Preparatory Meeting for the World
Conference on Human Rights; Bangkok**
- Mar 8 International Women's Day**
- Mar 8-11 3e Congrès international de l'Unesco portant sur
l'éducation aux droits de l'homme et à la démocratie -
3rd International Unesco Congress on Education for
Human rights and Democracy; Montreal**
- Mar 9-12 CICAD, OAS Commmission on Narcotic Drugs; San José**
- Mar 17-27 UN Commission on the Status of Women; Vienna**
- Mar 29 -Apr 7 Commission on Narcotic Drugs; Vienna**
- April
(2 weeks) Fourth Preparatory Committee Meeting in Geneva for
the World Conference on Human Rights**

Apr 26-30 UN Europe and North America Preparatory Meeting for the International Year of the Family; Malta

May OAS/CIM Intergovernmental meeting of experts to draft a Convention on Violence Against Women, Washington

May 10-14 International Whaling Commission - 45th Anniversary mtg Tokyo, Japan

May 12-15 Second International Conference of Indigenous Peoples and Nations "The Great Dialogue" (ICHR&DD/UNESCO/WCIP)

May/June Latin American and the Caribbean Regional Preparatory Meeting for the International Conference on Population and Development, Mexico

Jun OAS/CIM Executive Committee meeting, Nicaragua

Jun 14-25 UN World Conference on Human Rights; Vienna

Jun 26 - Jul 30 ECOSOC Substantive Meeting; Geneva

Jun 28-30 ECOSOC Substantive Meetings

Jul 19-30 Working Group on Indigenous Populations; Geneva

Aug 2-27 Sub-Commission for the Prevention of Discrimination and the Protection of Minorities

Aug 25 - Sep 1 Conference of the International Union for the Scientific Study of Population; Montreal

Oct 20-22 OAS/CIM Executive Committee meeting, Nicaragua

Oct - Dec 48th General Assembly of the United Nations

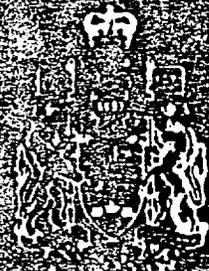
Dec 10 Official end to the International Year of the World's Indigenous People

International Year of the Family 1994

International Conference on Population and Development (1994)

World Conference on Women; Peking (Sept 4 -15, 1995)

Summit for Social Development; (Copenhagen 1995)



CANADA

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PRESS RELEASE NO 26

2/12

**STATEMENT BY THE HONOURABLE
MONIQUE LANDRY, P.C., M.P.
MINISTER FOR EXTERNAL RELATIONS
AND INTERNATIONAL DEVELOPMENT**

**TO THE FORTY-SEVENTH SESSION OF
THE UNITED NATIONS GENERAL ASSEMBLY**

**THE INTERNATIONAL YEAR OF
THE WORLD'S INDIGENOUS PEOPLE**

NEW YORK, DECEMBER 10, 1992

COMMUNIQUE DE PRESSE N° 26

**DÉCLARATION DE
L'HONORABLE MONIQUE LANDRY,
P.C., DÉPUTÉE
MINISTRE DES RELATIONS EXTÉRIEURES
ET DU DÉVELOPPEMENT INTERNATIONAL**

**À LA QUARANTE-SEPTIÈME SESSION DE
L'ASSEMBLÉE GÉNÉRALE DES NATIONS UNIES**

**L'ANNÉE INTERNATIONALE DES
POPULATIONS AUTOCHTONES DU MONDE**

NEW YORK, LE 10 DECEMBRE 1992

**PERMANENT MISSION OF CANADA
TO THE UNITED NATIONS**

**LA MISSION PERMANENTE DU CANADA
AUPRES DES NATIONS UNIES**

3/12

Mr. Secretary-General
Mr. President
Your Excellencies
Distinguished Delegates
Honoured Elders of the World's Indigenous People
Ladies and Gentlemen:

It is a great honour for Canada to introduce into this General Assembly -- on behalf of the many cosponsors from all regions of the world -- the commemorative resolution for the international year of the World's Indigenous People. I am also pleased to inform you that Panama, the Philippines and Spain have agreed to co-sponsor the resolution.

Many governments have contributed their experience and insights into the Resolutions which have brought us to this day. It is only fitting to acknowledge, as well, that indigenous representatives have been an inspiration to this process with their ideas and advice.

The objective of the year is to strengthen international cooperation in finding solutions for the problems faced by the World's Indigenous Communities.

Its theme "Indigenous People" -- a new Partnership" -- speaks of change, of progress, in relationships between Indigenous People and the many nations of the international community. It speaks of advances that have been made, and will continue to be made. It speaks of the central role of Indigenous People in the planning, implementation and evaluation of the activities for the year -- and the years to follow. Previous resolutions, incorporated in this resolution, are explicit on this point.

The Resolution seeks to encourage various systems of government and public administration to acknowledge the special needs of Indigenous People in the formulation of their national policies, without settling them apart from the societies within which they live. Each country can follow the path most appropriate for its situation.

Paragraphs 3 to 7 and 10 lay out a path to follow to give practical effect to the social, cultural, environmental and economic objectives of the year.

We are particularly pleased to acknowledge the establishment of the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean. The Agreement was signed in Madrid at the Second Ibero-American Summit last July and communicated to the Secretary-General on November 24, 1992. This agreement typifies the kind of support sought for the objectives of the International year.

- 2 -

Paragraphs 9 and 11 are supportive of the human rights objective of the year. For ten years, discussions have been ongoing to develop a body of standards on the specific rights of Indigenous People within the context of the universal rights of all humankind. Enough significant progress has been made to bring the findings of the experts forward for the consideration of governments. In this regard, we are particularly grateful for the enlightened approach taken by the working group on indigenous populations, under the most able and empathetic leadership of its chairperson, Mme. Erica Daes. We look forward to their report.

4/12

Mr. President, I now have a few words to say on behalf of the Government of Canada.

The resolution does not address all of the issues of concern to Indigenous People. I doubt that any single resolution could do so. But it does reflect the spirit of a new partnership. It opens doors of opportunity through which indigenous communities can progress freely towards their own cultural, social and economic goals without fear of assimilation and in harmony with the broader societies in which they live.

Never before in the history of all our nations has there been such a keen recognition of indigenous interests. The international labour organization's convention 169, and, more recently the UNCED conference, have given a central place to indigenous concerns. The work that Canadian aboriginal leaders, in partnership with our national representatives, were able to accomplish in Rio in bringing environmental concerns to the forefront are a source to pride to Canada. My colleague, the Honourable Jean Charest, Minister of the Environment, also recently appeared before this General Assembly to confirm Canada's continued commitment to the process set in train in Rio. It is also a spur that keeps us faithful to the commitment that we expressed there and continue to pursue on this critical world issue.

This has been a historic year for human rights and Indigenous People. A few weeks ago, I had the honour to meet Rigoberta Menchu, the 1992 winner of the Nobel Peace Prize -- the first indigenous person ever to be recognized for her work in support of human rights for Indigenous People.

Mr. President, for ten years, discussions have been under way to develop a body of standards on the specific rights of Indigenous People with the context of the universal rights of humankind. Significant progress has been made.

Some Indigenous People want discussions to continue at the expert sub-commission level in order to bring more governments to a better understanding of their aspirations. Many others feel that the time has come to move towards adopting a declaration that brings the principles under discussion into a body of internationally recognized rights and freedoms.

On balance, Canada believes that in light of the progress made, it is appropriate for the General Assembly to request that the draft declaration be brought forward in 1993, the International Year of the World's Indigenous People, for initial consideration at the inter-governmental level.

5/12

But even the introduction of a declaration of rights and freedoms for Indigenous People will not be enough to ensure their rightful place in the world family. There will be a continued need for the working group on indigenous populations, the organisation, which, under the able and sensitive leadership of its chair, Mme. Erica Daes, has contributed so much to the progress of indigenous aspirations to date. We shall want to consider carefully, with other governments and Indigenous People, what a new mandate for the working group might be.

Mr. President, the new partnership which we are launching here today, is something which Canada has been working to establish with the aboriginal people within its own borders for a number of years.

We still have a long way to go. We have suffered painful setbacks that have left scars which are only now beginning to heal. Still, Canadians take pride in our efforts and feel an ever stronger sense of commitment to building a new relationship based on equality, justice and mutual understanding.

In September 1990, Canada's Prime Minister, the Right Honourable Brian Mulroney, captured the spirit of this new approach when he introduced the government's native agenda in our parliament.

In describing the new relationship that Canada hopes to build, he issued a warning which offers a lesson to all the nations of the world as we embark on this important year. He cautioned that achieving our goal would take "creativity and perseverance ... courage to see things as they are; honesty to acknowledge them for what they have become, and the common resolve to correct them for future generations."

Canada's native agenda focuses on four main areas:

- accelerating the settlement of land claims;
- improving economic and social conditions on reserves;
- building a new relationship between aboriginal people and governments; and
- addressing the concerns of aboriginal people in contemporary Canadian life.

In many ways, 1992 was a red-letter year in progress towards these objectives.

One achievement which attracted international attention was the Agreement signed between Canada and the Tungavik Federation of Nunavut to create the new territory of Nunavut by the Year 2000. It will be a territory governed by aboriginal people, mainly Inuit, which will cover an area one-fifth the size of Canada. That is, an area larger than many of the countries represented in this Assembly today.

As many of you are aware, Canada has just concluded an extensive process of public consultation of renewing our constitution. What you may not realize is the historic breakthrough which was achieved by aboriginal people in the course of this process.

For the first time in our history, aboriginal leaders representing Canada's four national aboriginal associations joined the Prime Minister, provincial premiers and territorial leaders as direct participants in the process of constitutional renewal. Together at the same negotiating table, they were able to reach unanimous agreement which would have provided for the constitutional recognition of aboriginal people's inherent right to self-government within Canada.

The Government of Canada remains committed to proceeding with Aboriginal self-government within the existing constitutional framework and in accordance with its current policies.

In addition to constitutional discussions, we have been pursuing a non-constitutional approach to a community-based form of self government, as well as tripartite negotiations with aboriginal people living off-reserves, Metis, and the provinces. Within these arrangements, a broad range of activities such as education, health care, justice, economic development, language and culture can be brought within the ambit of aboriginal self-government.

The people of Canada have clearly expressed their wish to see Aboriginal People become our partners in the governance and development of our country. To this end, a Royal Commission on Aboriginal People is conducting an extensive inquiry in hundreds of aboriginal and other communities. It will then make recommendations to parliament on a broad range of economic, social and cultural issues of concern to the aboriginal peoples of Canada.

But we cannot make progress on this or any other issue simply by looking back at past problems and injustices. We must also look forward to the world that we are creating for our children.

Canada intends to help build a better future for children, including indigenous children, through a Partners for Children Fund. This international component of Brighter Futures: Canada's Plan for Children, is the fulfilment of commitments we made at the World Children's Summit. And the needs of indigenous children have been recognized among the priorities of this fund.

Canadian, non-profit organizations and indigenous groups are being encouraged to submit projects to the fund which support the aims of the Children's Summit. Projects addressing the needs of indigenous children will be led by indigenous groups and organizations.

8/12

Let me conclude, Mr. President, by expressing the hope that 1993 will find us with the wisdom and strength to build a new partnership with Indigenous People which will bring all our children into a new world of tolerance, compassion, and mutual respect.

Canada, and all the cosponsors of this commemorative resolution, pledge our full cooperation in the pursuit of the new partnership with the Indigenous People of the world.

Thank you.

8/12

Monsieur le Secrétaire général,
Monsieur le Président,
Excellences,
Distingués délégués,
Anciens des peuples autochtones du monde,
Mesdames et Messieurs,

Le Canada a le très grand honneur de présenter à cette assemblée générale, au nom des nombreux pays qu'il représente, une résolution visant à célébrer l'Année internationale des peuples autochtones.

J'ai aussi le plaisir de vous informer que Panama, les Philippines et l'Espagne ont accepté de coparrainer la résolution.

Nombreux sont les gouvernements qui, partageant leur expérience et leurs commentaires, ont participé au processus qui a mené à l'élaboration de la présente résolution. Il convient aussi de mentionner la contribution des représentants autochtones, dont les conseils et idées se sont révélés une source d'inspiration.

Cette initiative vise à renforcer la coopération internationale dans la recherche de solutions aux problèmes qui se posent aux peuples autochtones du monde.

Le thème proposé, "Populations autochtones - un nouveau partenariat", évoque des changements, des progrès, dans les rapports entre les peuples autochtones et les nombreuses nations de la communauté internationale. Il évoque les efforts qui ont été déployés, et qui continuent de l'être; de plus, il évoque le rôle primordial que doivent jouer les peuples autochtones dans la planification, la mise en oeuvre et l'évaluation des activités qui seront engagées pendant l'année 1993 et les années subséquentes.

Les résolutions antérieures, incorporées dans la présente résolution, sont explicités sur ce point.

La présente résolution a pour but d'encourager les divers ordres de gouvernement et d'administration publique à tenir compte des besoins spéciaux des peuples autochtones lors de l'élaboration des politiques nationales, plutôt que d'isoler ces populations des sociétés dans lesquelles elles vivent. À cet égard, chaque pays peut suivre la voie la mieux adaptée à sa situation.

Les paragraphes 3 à 7, de même que le paragraphe 10, tracent la voie à suivre pour assurer la réalisation concrète des objectifs sociaux, culturels, environnementaux et économiques de l'Année.

Nous nous réjouissons tout particulièrement de l'établissement du Fonds pour le développement des populations autochtones d'Amérique latine et des Antilles. L'entente à cet effet a été signée à Madrid en juillet, à l'occasion du 2^e Sommet ibéro-américain, et transmise au Secrétaire Général le 24 novembre 1992. Il s'agit d'un exemple du genre de soutien souhaité pour assurer la réalisation des objectifs de l'Année internationale.

9/12

Les paragraphes 9 et 11 appuient l'objectif en matière des droits de la personne fixé pour l'Année. Des discussions ont lieu depuis dix ans en vue de mettre au point un ensemble de critères sur les droits précis des peuples autochtones dans le contexte des droits universels de l'homme. Des progrès suffisamment importants ont été réalisés pour que les conclusions des experts soient soumises au gouvernement pour examen. Nous sommes, à cet égard, tout particulièrement reconnaissants de la démarche éclairée adoptée par le Groupe de travail sur les populations autochtones, sous la compétente et énergique direction de sa présidente madame Erica Daes. Nous attendons leur rapport avec intérêt.

Monsieur le Président, j'ai maintenant quelques mots à dire au nom du Gouvernement du Canada.

La résolution ne vise pas à traiter de toutes les questions qui préoccupent les peuples autochtones. Je doute qu'aucune résolution ne puisse le faire. Cependant, elle traduit l'esprit d'un nouveau partenariat. Elle ouvre un monde de possibilités qui permettront aux peuples autochtones de poursuivre librement leurs propres objectifs culturels, économiques et sociaux, en harmonie avec les grandes sociétés dans lesquelles ils évoluent, et sans craindre de se faire assimiler.

Jamais auparavant dans l'histoire du monde n'avons-nous reconnu aussi formellement les intérêts des nations autochtones. La convention 169 de l'Organisation internationale du Travail, et plus récemment la Conférence des Nations Unies sur l'Environnement et le Développement, ont placé les intérêts autochtones au coeur des discussions. Le Canada est fier du travail accompli par les leaders autochtones du Canada qui, en collaboration avec les représentants canadiens, ont réussi à mettre les questions environnementales au premier plan de la conférence de Rio. Mon collègue, l'honorable Jean Charest, Ministre de l'Environnement du Canada, s'est également adressé récemment à l'Assemblée générale pour réitérer l'engagement du Canada de participer au processus amorcé à Rio. Voilà qui nous encourage à respecter les engagements que nous avons pris et que nous continuerons de poursuivre dans ce domaine d'importance capitale.

Il s'agit d'une année historique pour les droits de la personne et les peuples autochtones. Il y a quelques semaines, j'ai eu l'honneur de rencontrer Rigoberta Menchu, récipiendaire du prix Nobel de la Paix 1992. C'est la première fois que l'on reconnaît le travail accompli par une personnalité autochtone dans le domaine des droits de la personne.

Monsieur le Président, cela fait maintenant dix ans que se poursuivent les négociations visant à établir un ensemble de normes sur les droits particuliers des peuples autochtones dans le cadre des droits universels de la personne. Des progrès considérables ont été réalisés.

Certains peuples autochtones souhaitent que les discussions se continuent au niveau d'une sous-commission d'experts de façon à sensibiliser davantage de gouvernements à leurs aspirations. De nombreux autres estiment que le temps est venu d'envisager l'adoption d'une déclaration qui regrouperait les principes en question dans une charte des droits et libertés reconnue à l'échelle internationale.

À tout prendre, le Canada croit qu'à la lumière des progrès réalisés, l'Assemblée générale peut demander que le projet de déclaration soit déposé en 1993, l'Année internationale pour les peuples autochtones, de façon que les gouvernements puissent commencer à l'étudier.

Mais même l'adoption d'une déclaration des droits et libertés des peuples autochtones ne suffira pas à garantir leur place légitime dans la communauté internationale. Il faudra maintenir le groupe de travail sur les peuples autochtones, l'organisme qui, sous la direction éclairée et habile de sa présidente, madame Erica Daes, a si bien su faire avancer la cause des autochtones. Nous voudrions examiner minutieusement, de concert avec d'autres gouvernements et peuples autochtones, le nouveau mandat qui pourrait être confié au groupe de travail.

Monsieur le Président, le nouveau partenariat que nous créons aujourd'hui est le fruit de nombreuses années de collaboration entre le Canada et les peuples autochtones vivant sur son territoire.

Nous avons encore beaucoup à faire. Nous avons essayé de lourds échecs, et les plaies qu'ils ont laissées commencent à peine à se refermer. Malgré tout, les Canadiens sont fiers des efforts que nous déployons et ils éprouvent plus que jamais la volonté d'établir une nouvelle relation fondée sur l'égalité, la justice et la compréhension mutuelle.

En septembre 1990, le Premier Ministre du Canada, le très honorable Brian Mulroney, a exprimé l'esprit de cette nouvelle approche lorsqu'il a présenté le programme pour les autochtones devant le parlement.

Décrivant la nouvelle relations que le Canada compte établir, il a fait une mise en garde qui peut servir de leçon à toutes les nations de la terre à l'aube de cette importante année. Il affirmait que pour atteindre les objectifs que nous nous sommes fixé, il faudrait de la créativité et de la détermination... du courage pour voir les choses telles qu'elles sont; de l'honnêteté pour reconnaître ce qu'elles sont devenues, et de la volonté pour les corriger dans l'intérêt des générations à venir.

Le programme du Canada pour les autochtones compte quatre grands objectifs :

- . accélérer le règlement des revendications territoriales;
- . améliorer la situation économique et sociale dans les réserves;
- . nouer une nouvelle relation entre les peuples autochtones et les gouvernements;
- . régler les problèmes des autochtones dans le contexte de la vie moderne au Canada.

A bien des égards, des progrès remarquables ont été réalisés en 1992 dans la poursuite de ces objectifs.

Un événement qui a retenu l'attention internationale a été la signature entre le Canada et la Fondation Tungavik de Nunavut d'une entente prévoyant la création du nouveau territoire de Nunavut d'ici l'an 2000. Il s'agira d'un territoire gouverné par des autochtones, principalement des Inuit. Il couvrira le cinquième de la superficie du Canada, soit plus que bien des pays représentés à cette assemblée aujourd'hui.

Comme beaucoup d'entre vous le savent, le Canada vient de conclure un vaste processus de consultations publiques sur le renouvellement de sa constitution. Toutefois, vous n'êtes peut-être pas tout à fait conscients de la percée historique qu'ont réalisée les peuples autochtones durant ce processus.

En effet, pour la première fois de notre histoire, des leaders autochtones représentant les quatre associations autochtones nationales du Canada, de concert avec le Premier Ministre du Canada, les premiers ministres provinciaux et les chefs de gouvernement territoriaux, ont participé au processus de renouvellement constitutionnel. Ensemble, ils ont conclu une entente de principe qui aurait reconnu dans la constitution le droit inhérent des peuples autochtones à l'autonomie gouvernementale à l'intérieur du Canada.

En plus des discussions constitutionnelles, nous avons poursuivi une autre approche visant une forme d'autonomie gouvernementale fondée sur la communauté, de même que des négociations tripartites réunissant les autochtones vivant hors réserve, les métis et les provinces. Selon les ententes conclues, une vaste gamme de compétences, telles l'éducation, les soins de santé, l'administration de la justice, le développement économique, la langue et la culture, peuvent être transférées au gouvernements autochtones.

Les Canadiens ont clairement indiqué qu'ils souhaitent voir les autochtones participer activement à la gestion et au développement du Canada. À cette fin, d'ailleurs, une commission royale sur les peuples autochtones mène une vaste enquête dans des centaines de communautés autochtones et autres. Elle fera ensuite des recommandations au Parlement sur un large éventail de questions économiques, sociales et culturelles intéressant les peuples autochtones du Canada.

Mais nous ne pouvons progresser ni à cet égard ni dans aucun autre dossier en nous penchant uniquement sur les problèmes et les injustices du passé. Nous devons aussi penser au monde que nous voulons créer pour nos enfants.

Ainsi, le Canada se propose d'aider à bâtir un avenir meilleur pour les enfants, y compris les enfants autochtones, grâce à un Fonds de Partenariat pour les enfants. Cette composante internationale du plan d'action canadien pour les enfants intitulé GRANDIR ENSEMBLE fait suite aux promesses que nous avons faites au Sommet mondial pour les enfants. Et les besoins des enfants autochtones ont été reconnus au nombre des priorités de ce fonds.

12/12

Les organisations canadiennes à but non lucratif et les groupes autochtones sont invités, dans le cadre de ce programme, à présenter des projets qui appuient les objectifs du Sommet mondial pour les enfants. Des groupes et des organisations autochtones seront chargés de diriger les projets visant à répondre aux besoins des enfants autochtones.

Permettez-moi de conclure, Monsieur le Président, en exprimant l'espoir qu'en 1993, nous aurons la sagesse et la force d'établir avec les peuples autochtones un nouveau partenariat qui permettra à nos enfants de vivre dans un monde de tolérance, de compassion et de respect mutuel.

Le Canada, comme tous les auteurs de cette résolution commémorative, promet sa pleine collaboration dans la poursuite du nouveau partenariat qui sera formé avec les peuples autochtones du monde.

Merci.

News Release

Minister for
External Relations
and International
Development



Communiqué

Ministre des
Relations extérieures
et du développement
international

No. 227

December 10, 1992

UN OFFICIAL LAUNCH OF THE INTERNATIONAL YEAR OF THE WORLD'S INDIGENOUS PEOPLE

The Honourable Monique Landry, Minister for External Relations and International Development, and Minister of State for Indian Affairs and Northern Development, introduced today, on behalf of all member countries of the United Nations, the Commemorative Resolution on the International Year of the World's Indigenous People.

"It is a great honour for Canada to introduce into this General Assembly -- on behalf of the many co-sponsors from all regions of the world -- the Commemorative Resolution for the International Year of the World's Indigenous People," said the Minister. "The International Year provides Canada and all the co-sponsors with an opportunity to participate in efforts to promote the values, history and aspirations of indigenous people and to further improve international co-operation in the field of human rights."

Canada has taken an active role in drafting the Resolution for the International Year and in bringing it forward for the United Nations.

Mary Simon, former President of the Inuit Circumpolar Conference, and Ovide Mercredi, National Chief of the Assembly of First Nations, also took part in the opening day ceremonies on behalf of the Aboriginal peoples of Canada.

The primary objective of the International Year is to strengthen international co-operation in finding solutions for the problems faced by the world's indigenous communities. The Resolution seeks to encourage various governments to acknowledge the special needs of indigenous people in the formulation of their national policies without setting them apart from the societies within which they live.

Affaires extérieures et
Commerce extérieur Canada

External Affairs and
International Trade Canada

Canada

The theme for events in 1993 is "Indigenous People -- a New Partnership." Events are planned throughout the year in Canada and around the world by governments, non-governmental groups and a number of international organizations. These activities will include conferences, grants and awards for research on Aboriginal peoples, publications and educational books on various Aboriginal issues.

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For further information, media representatives may contact:

Media Relations Office
External Affairs and International Trade Canada
(613) 995-1874

or

Louise Marcotte
Press Attaché
Minister's Office
(613) 994-6161



N° 227

Le 10 décembre 1992

LANCEMENT OFFICIEL AUX NATIONS UNIES DE L'ANNÉE INTERNATIONALE DES POPULATIONS AUTOCHTONES

L'honorable Monique Landry, ministre des Relations extérieures et du Développement international, et ministre d'État aux Affaires indiennes et du Nord, a présenté aujourd'hui au nom de tous les pays membres des Nations Unies la résolution commémorative sur l'Année internationale des populations autochtones.

«C'est un grand honneur pour le Canada de présenter à l'Assemblée générale, au nom des nombreux coparrains de toutes les régions du monde, la résolution commémorative sur l'Année internationale des populations autochtones, a dit la Ministre. L'Année internationale donne au Canada et à tous les coparrains l'occasion de participer aux efforts visant à promouvoir les valeurs, l'histoire et les aspirations des populations autochtones et à améliorer la coopération internationale au chapitre des droits de l'homme.»

Le Canada a joué un rôle actif dans l'élaboration de la résolution relative à l'Année internationale et dans sa présentation aux Nations Unies.

M^{me} Mary Simon, ancienne présidente de la Conférence circumpolaire inuit, et M. Ovide Mercredi, chef national de l'Assemblée des Premières Nations, ont participé aux cérémonies de lancement de l'Année au nom des peuples autochtones du Canada.

L'Année internationale vise avant tout à accroître la coopération internationale en vue de trouver des solutions aux problèmes auxquels font face les peuples autochtones du monde. La résolution vise à encourager les divers gouvernements à tenir compte des besoins spéciaux des Autochtones dans l'élaboration de leurs politiques nationales sans les séparer des sociétés dans lesquelles ils vivent.

Les manifestations de 1993 ont pour thème «Les populations autochtones - Un nouveau partenariat». Elles seront organisées durant toute l'année au Canada et dans le monde entier par les gouvernements, les groupes non gouvernementaux et un certain nombre d'organisations internationales. Il s'agira notamment de conférences, de l'octroi de bourses pour la recherche sur les peuples autochtones et de la diffusion de publications et d'ouvrages éducatifs sur les diverses questions autochtones.

- 30 -

Pour de plus amples renseignements, les représentants des médias sont priés de communiquer avec le :

Service des relations avec les médias
Affaires extérieures et Commerce extérieur Canada
(613) 995-1874

ou avec :

M^{me} Louise Marcotte
Attachée de presse
Cabinet de la Ministre
(613) 994-6161



General Assembly

Distr.
LIMITEDA/47/L.33*
8 December 1992

ORIGINAL: ENGLISH

Forty-seventh session
Agenda item 97 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING
ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE
ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Angola, Australia, Belize, Benin, Bolivia, Brazil,
Cameroon, Canada, Central African Republic, Chad, Chile,
Colombia, Comoros, Costa Rica, Cuba, Denmark, Dominican
Republic, Ecuador, Finland, Gambia, Ghana, Greece,
Guatemala, Guyana, Hungary, Mexico, Morocco, Netherlands,
New Zealand, Nicaragua, Niger, Nigeria, Norway, Peru,
Rwanda, Saint Kitts and Nevis, Samoa, Sweden, Togo and
Uruguay: draft resolution

International Year of the World's Indigenous People, 1993

The General Assembly,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without discrimination as to race, sex, language or religion,

Reiterating General Assembly resolution 45/164 of 18 December 1990, in which the Assembly proclaimed 1993 as International Year for the World's Indigenous People, with a view to strengthening international cooperation for the solution of problems faced by indigenous communities in the areas, inter alia, of human rights, the environment, development, education and health,

* Reissued for technical reasons.

Recognizing the value and the diversity of cultures and the forms of social organization of the world's indigenous people,

Welcoming the report of the United Nations Conference on Environment and Development, 1/ as well as resolution 1992/45 of 3 March 1992 regarding the International Year for the World's Indigenous People, adopted by the Commission on Human Rights at its forty-eighth session,

mandate → Noting the need to conclude the technical meeting provided for in paragraph 8 of General Assembly resolution 46/128 of 17 December 1991 in accordance with the requirements of paragraph 1 of the same resolution,

1. Proclaims 1993 to be the "International Year of the World's Indigenous People", with the theme of "Indigenous People - a new partnership";
2. Calls upon the United Nations system and Governments which have not yet done so to develop policies in support of the objectives and the theme of the International Year and to strengthen the institutional framework for their implementation;
3. Urges the Coordinator of the International Year to continue to solicit actively the cooperation of specialized agencies, regional commissions, financial and development institutions and other relevant organizations of the United Nations system for the promotion of the programme of activities contained in the annex to General Assembly resolution 46/128;
4. Requests the Coordinator to reconvene from within existing resources, in the three working days preceding the eleventh session of the Working Group on Indigenous Populations, the technical meeting provided for in paragraph 8 of General Assembly resolution 46/128 with a view to concluding its deliberations and finalizing its report;
5. Stresses that governmental and intergovernmental activities undertaken within the context of the International Year and beyond, should take fully into account the development needs of indigenous people and the need for making full use of the contributions which indigenous communities can bring to sustainable national development;
6. Notes that there is a continuing need to improve the availability and the means of dissemination of socio-economic data relating to the development needs of indigenous people and that the International Year should contribute to enhancing and to facilitating the coordination capabilities of Member States for collecting and analysing information in that area;

1/ Report of the United Conference on Environment and Development, Rio de Janeiro, Brazil, 3 to 14 June 1992 (A/CONF.151/26, vols. I to V).

7. Appeals to Governments, intergovernmental and non-governmental organizations, as well as organizations of indigenous people, to contribute to the Voluntary Fund for the International Year opened by the Secretary-General;

8. Recommends to the Secretary-General that he should give all necessary assistance to the Coordinator of the International Year to permit him to carry out his tasks;

9. Recommends also that the upcoming Preparatory Committee for the World Conference on Human Rights should continue to consider how issues pertinent to the International Year could be addressed within the framework of the Conference;

10. Stresses the relevance for the solution of problems faced by indigenous communities of the recommendations contained in chapter 26 of Agenda 21, in the report of the United Nations Conference on Environment and Development; 2/

11. Requests the Commission on Human Rights to ask the Working Group on Indigenous Populations, at its eleventh session, and the Subcommission on Prevention of Discrimination and Protection of Minorities, at its forty-fifth session, to complete their consideration of the draft universal declaration of indigenous rights and to submit their report to the Commission on Human Rights at its fiftieth session;

12. Requests the Secretary-General to submit a report to the General Assembly at its forty-ninth session on the activities developed and the results achieved within the context of the International Year.

2/ Ibid., vol. III.



Assemblée générale

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7 décembre 1992
FRANCAIS
ORIGINAL : ANGLAIS

Quarante-septième session
Point 97 b) de l'ordre du jour

QUESTIONS RELATIVES AUX DROITS DE L'HOMME, Y COMPRIS LES AUTRES
MOYENS QUI S'OFFRENT DE MIEUX ASSURER L'EXERCICE EFFECTIF DES
DROITS DE L'HOMME ET DES LIBERTES FONDAMENTALES

Angola, Australie, Belize, Bénin, Bolivie, Brésil, Cameroun,
Canada, Chili, Colombie, Comores, Costa Rica, Cuba, Danemark,
Equateur, Finlande, Gambie, Ghana, Grèce, Guatemala, Guyana,
Hongrie, Maroc, Mexique, Nicaragua, Niger, Nigéria, Norvège,
Nouvelle-Zélande, Pays-Bas, Pérou, République centrafricaine,
République dominicaine, Rwanda, Saint-Kitts-et-Nevis, Samoa,
Suède, Tchad, Togo et Uruguay : projet de résolution

Année internationale des populations autochtones (1993)

L'Assemblée générale,

Sachant que l'un des buts des Nations Unies énoncés dans la Charte est de réaliser la coopération internationale pour résoudre les problèmes internationaux de caractère économique, social, culturel et humanitaire et pour promouvoir et encourager le respect des droits de l'homme et des libertés fondamentales pour tous sans distinction de race, de sexe, de langue ou de religion,

Rappelant sa résolution 45/164 du 18 décembre 1990, dans laquelle elle a proclamé 1993 Année internationale des populations autochtones, en vue de renforcer la coopération internationale pour la solution des problèmes auxquels les populations autochtones se heurtent dans des domaines tels que, notamment, les droits de l'homme, l'environnement, le développement, l'éducation et la ~~culture~~,
santé

Constatant la valeur et la diversité des cultures et des formes d'organisation sociale des populations autochtones,

Notant avec satisfaction le rapport de la Conférence des Nations Unies sur l'environnement et le développement 1/, ainsi que la résolution 1992/45, adoptée à sa quarante-huitième session par la Commission des droits de l'homme au sujet de l'Année internationale des populations autochtones,

Constatant qu'il faut conclure la réunion technique prévue au paragraphe 8 de sa résolution 46/128 du 17 décembre 1991, conformément aux exigences du paragraphe 1 de la même résolution,

1. Proclame 1993 "Année internationale des populations autochtones", avec le thème suivant : "Populations autochtones - un nouveau partenariat";
2. Engage les organismes des Nations Unies et les gouvernements qui ne l'ont pas encore fait à mettre au point des politiques pour appuyer les objectifs et le thème de l'Année internationale et à renforcer le cadre institutionnel de leur application;
3. Prie instamment le Coordonnateur de l'Année internationale de continuer à solliciter activement la coopération des institutions spécialisées, des commissions régionales, des institutions financières et de développement et des autres organismes concernés des Nations Unies pour la réalisation du programme d'activité énoncé dans l'annexe à sa résolution 46/128;
4. Prie le Coordonnateur de reconvoquer, dans les limites des ressources existantes, au cours des trois jours ouvrables précédant la onzième session du Groupe de travail sur les populations autochtones, la réunion technique prévue au paragraphe 8 de sa résolution 46/128 pour qu'il conclue ses délibérations et arrête le texte de son rapport;
5. Souligne que les activités gouvernementales et intergouvernementales entreprises dans le contexte de l'Année internationale et au-delà devraient prendre pleinement en considération les besoins de développement des populations autochtones et la nécessité de tirer pleinement parti des contributions que ces populations peuvent apporter à un développement national durable;
6. Note qu'il y a constamment lieu d'améliorer la disponibilité et les moyens de diffusion de données socio-économiques concernant les besoins de développement des populations autochtones et que l'Année internationale devrait contribuer à renforcer et faciliter la coordination des Etats Membres pour la collecte et l'analyse d'informations dans ce domaine;

1/ Rapport de la Conférence des Nations Unies sur l'environnement et le développement, Rio de Janeiro (Brésil), 3 au 14 juin 1992 (A/CONF.151/26, vol. I à V).

7. Fait appel aux gouvernements, aux organisations intergouvernementales et non gouvernementales; ainsi qu'aux organisations de populations autochtones, pour qu'ils versent des contributions au Fonds de contributions volontaires pour l'Année internationale créé par le Secrétaire général;

8. Recommande au Secrétaire général de prêter tout le concours nécessaire au Coordonnateur de l'Année internationale pour lui permettre de s'acquitter de ses tâches;

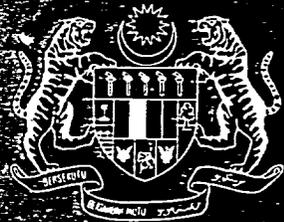
9. Recommande aussi que le prochain comité préparatoire de la Conférence mondiale des droits de l'homme continue d'examiner comment les questions concernant l'Année internationale peuvent être traitées dans le cadre de la Conférence;

10. Souligne l'utilité, pour la solution des problèmes rencontrés par les communautés autochtones, des recommandations formulées au chapitre 26 d'Action 21, dans le rapport de la Conférence des Nations Unies sur l'environnement et le développement 2/;

11. Prie la Commission des droits de l'homme de demander au Groupe de travail sur les populations autochtones, à sa onzième session, et à la Sous-Commission de la lutte contre les mesures discriminatoires et de la protection des minorités, à sa quarante-cinquième session, d'achever l'examen du projet de déclaration universelle des droits des populations autochtones et de présenter leur rapport à la Commission des droits de l'homme lors de sa cinquantième session;

12. Prie le Secrétaire général de lui présenter, à sa quarante-neuvième session, un rapport sur les activités mises au point et les résultats obtenus dans le cadre de l'Année internationale.

2/ Ibid., vol. III.



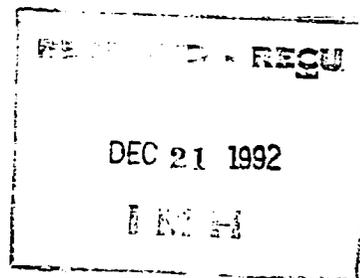
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MALAYSIA

TO THE UNITED NATIONS

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PLEASE CHECK AGAINST DELIVERY



STATEMENT BY
AMBASSADOR RAZALI ISMAIL
THE PERMANENT REPRESENTATIVE OF MALAYSIA
AT THE OPENING CEREMONY FOR
THE INTERNATIONAL YEAR OF THE WORLD'S
INDIGENOUS PEOPLE
11 DECEMBER, 1992

NEW YORK

Mr. President,

Allow me at the outset to thank you and the Secretary-General for the statements made at the beginning of this Meeting. The interest and commitment displayed by you and the Secretary-General in the two statements to the cause of the indigenous people deserve credit and admiration.

Mr. President,

2. Malaysia joins the other members of the United Nations in proclaiming 1993 as the International Year of the World's Indigenous People. Indeed, the time has come for the International community to recognise the existence, the disadvantage and the mistreatment suffered by the indigenous people throughout history especially since the discovery of the so-called new world. Political memories usually run short but even as we make our commitment today on alleviating the lot of the indigenous people, it would only be honest to recall the horrible deeds of the past inflicted on thousands and thousands of indigenous people, especially in the Americas in the name of so-called civilization and religion. My delegation does not believe any action now can atone for those perpetrated by the immigrant races coming as so-called conquerors, spiritual teachers and settlers, exterminating resistance and wresting control. Those acts of infamy not only eliminated thousands of indigenous people but also forefeited for the world a rich and varied legacy of culture, values and thought processes.

3. In the context of the above, if historical culpability is a factor, we should question those countries responsible in terms of their commitments now. The United Nations cannot lend support to certain countries undertaking acts of tokenism to absolve actions of the past. Much worse, these countries should not now be so-called champions pointing fingers at others.

4. The United Nations has estimated that there are about 300 million people in the World today that are classified as indigenous people in more than 70 countries. That number constitutes about 7% of the World's population, a sizeable figure that we cannot ignore and form a valid reason for the need for us to channel our efforts to protect and assist them within the overall context of people centered development process and basic human rights. The indigenous people are still disadvantaged and subject to exploitation. In many countries, non-indigenous people hold power over economics and politics of these countries. Indigenous people remain second class citizens in their own countries. But consistent with the positive changes taking place around the globe, it has been determined that we must address the plight of indigenous people. Efforts must be undertaken to improve their standard of living and to bring them into the main-stream of the society with whom they live while respecting their culture and traditional way of life. For this reason, Malaysia fully supports the theme "Indigenous People - A New Partnership" for the International Year.

5. Malaysia is a land of indigenous people though there are important immigrant races living in harmony with indigenous groups. There are over 30 groups of indigenous people in Malaysia. Most of them left the forests a few hundred years ago to settle in the valleys and plains to grow rice and set up villages which in turn became towns. My indigenous group, the MELAYU too, left the forests and though our roots go back to those beginnings, we have made our choice towards modernization. Now Malaysia is a modestly successful country that is proud of the multi-faceted nature of our origins. We draw strength from our diverse antecedents, as much as we have tapped the constructive energies of the immigrant races that came to Malaysia over 100 years ago, as partners on the road

to nationhood. Malaysia is arguably one of the few countries where the existence of immigrant races have not resulted in their dominance as has been the case in many other countries. The process to achieve this has not been without setbacks but we can be relatively assured that going in to the next century, our foundations are strong for the challenges ahead.

Mr. President,

6. In Peninsular Malaysia, there are about 83,000 indigenous people belonging to 3 major groups and 18 sub-groups who are still practising their traditional modes of life. The interests and rights of the people as citizens and as a group with special needs are protected by the constitution and by the Aboriginal Peoples Act, 1954. With the help of the government of Malaysia, through the Department of Aborigines Affairs, most of these people have been resettled into 779 settlements where they could be reached easily to receive basic health, social, educational and other services. Since these settlements are most of the times at the fringe or concentrated in the middle of the jungle these people are not really removed from their natural environment. In fact, most of them still practise their traditional skills as hunters and gatherers for additional income.

7. The Malaysian government has developed a comprehensive plan and strategy to assist the aborigines which include education, training in commerce and industry, providing medical services, improving educational skills and development facilities. Currently more than 14,000 aborigines children are in school while many families have on their own accord decided to switch their hunting/gathering and slash and burn cultivation way of life to organised farming and animal husbandry in government sponsored land

schemes. Efforts have also been done to promote their arts through the promotion and commercialisation of artifacts which provided additional income to their artists. Today, the aborigines have members of their community working as doctors, accountants, engineers and teachers. The Malaysian government is confident that with the progress made by them so far, the aborigines as a community will be able to achieve social progress and enjoy the benefits people oriented developments programmes.

8. In the states of Sabah and Sarawak, there are over 26 indigenous groups but no single ethnic group dominates another because none makes up more than 30 per cent of the total 1.7 million people in the state. Their rights, like those of other indigenous Malaysians, are protected by the Constitution. Their participation in government means they are able to articulate their interests and concerns more effectively and ensure that their rights are protected by various state legislation and customary laws .

9. The government has concentrated development efforts by providing schools, developing air and river communications, clinics and flying doctor services to serve people in the outlying areas. Efforts are also undertaken to encourage those in the jungle to settle down at locations where they can be provided with services and engage in modern farming methods. In 1991, about 21,000 tribal children are in school and 840 of them came from the most isolated and nomadic tribe - the Penan.

10. In promoting the quality of life of the Penan, the government per capita expenditure on them in fact exceeded the average per capita expenditure on other citizens and they keep on increasing each year. Today, of 10,000 Penans only about 400 are

still living in the jungle in their nomadic life-style. The government is committed to providing them the choice of a more settled way of life where they can be given basic services, taught to grow their own food, improve their traditional handicraft skills and instill the sense of responsibility to community and country.

11. It is not my intention to paint an idealistic picture that there are no problems at all in relation to those indigenous people that have left the forests and those that have chosen to stay. There is sweeping modernization being experienced by many countries of South East Asia, including Malaysia. Our people, both immigrant and indigenous, are benefitting to the maximum the fruits of the path we have charted for ourselves to modernize and progress. We do not ape the West, there are many aspects of the relentless pursuits of modernization and unsustainable life-style of the West that we want to have nothing to do with. But selectively and on the basis of our roots and energies, modernize we must in order to compete and thrive. This is our collective national commitment. There is no going back to the idyllic life of yesteryears as that situation perpetuates continued dominance and dependent status on industrialized countries of the North.

12. In the context of the collective will of the nation to progress, there are important issues to be reconciled including the situation of those Malaysians who choose to live in the forests as in the days of the past. The Malaysian government believes that in this regard, we must offer to all, especially to those indigenous people in the forests, the same choice that the rest of us were presented with earlier. We would want those that have not opted to join the mainstream to consider seriously the critical implications involved. There is no attempt to place any group at a disadvantage; there is no coercion. Obviously, economic

activities and social upliftment have a strong bearing on the choice to be made; also the need to strip away all the misplaced idealism that is associated with living in forests. There is nothing exotic about human beings living in the jungle, exposed to the elements without adequate shelter, nutrition, clothing and most of all the basic elements of human rights, education and a chance to enjoy physical and social mobility. There is also nothing romantic about a life of poverty and deprivation, of high infant mortality rate, of tropical diseases and of life expectancy half the national average.

13. Nevertheless, if the choice is not to join the mainstream, the Malaysian government will respect that choice. For this, the government has set aside a total of 65,700 hectares of forest in two districts of Sarawak to enable them to practise their way of life. The government has also set aside forest reserves totalling 23,400 hectares for Penans who still wish to maintain their spiritual and traditional relationship with the forest. In addition, their right to roam the forest near where they live is also protected by law.

14. At the same time, the government of Malaysia is also committed to the goals of sustainable development. Our active involvement in the UNCED preparatory process, the Rio Summit and the post-Rio efforts are testimonies to this commitment. Malaysia is aware of the negative impacts of uncontrolled logging to the environment and to those people living in the forests. We know only too well that our forest resources are not limitless. The government of Malaysia will do its utmost in the coming years, to follow a policy that conforms with the objectives of sustainable development where forest exploitation is concerned.

Mr. President,

15. Regrettably, as always the case, where developing countries are concerned, everything we do is examined for faults by groups and certain countries. With regard to Malaysia, there have been efforts from the outside to instigate non-violent indigenous people into claiming for themselves huge tracts of land as their natural domain. It has been suggested that these people should be left alone in their natural surroundings and the government has no business in trying to bring them out of the jungle and to join other members of the society. It is curious that in the countries of these outside groups, no one is being encouraged to go back to live in forests and the indigenous people there in those countries are in many ways second class citizens.

Mr. President,

16. The government of Malaysia is confident that it can resolve any kind of problem in relation to its communities and people. We can do this without interference and harassment from outside. We are a country at peace within our society and will welcome back the few that feel differently or have grievances. I direct this specifically to my indigenous brother, Anderson Mutang Urud of Sarawak, who is here with us. I appeal to him as he is himself not living in the forest but has chosen the modern mainstream to examine how well off the other indigenous groups in Malaysia are after making the choice to change and modernize. I can assure him that the Malaysian government's commitment to the sustainable management of forests made in Rio will ensure that the forests of Sarawak will not disappear as he fears.

Thank you, Mr. President.

INTERNATIONAL FEDERATION OF
HUMAN RIGHTS

FEDERACION INTERNACIONAL DE
LOS DERECHOS DEL HOMBRE

الفدرالية الدولية لحقوق الانسان

GENERAL ASSEMBLY
47TH SESSION

UNITED NATIONS
INTERNATIONAL YEAR FOR THE
WORLD'S INDIGENOUS PEOPLES
LAUNCHING CEREMONIES

10 DECEMBER 1992

STATEMENT BY
ANDERSON MUTANG URUD
KELABIT PEOPLE OF SARAWAK, MALAYSIA

Mr Chairman,

My name is **ANDERSON MUTANG URUD**. I am of the Kalabit people of Sarawak, in Malaysia and I speak on behalf of the International Federation of Human Rights. Before beginning, I would like to thank the following people .

- Antoine BLANCA, Coordinator and Director of the Geneva Centre for Human Rights
- Erica-Irene A. DAES, Chairman of WGIP
- The UN Secretary General, Mr. Boutros Boutros GHALI, and all Member States
- And finally, I would like to acknowledge the presence of fellow tribal leaders and indigenous representatives.

On behalf of the Dayak peoples of Sarawak, Malaysia, I want to thank the United Nations for making 1993 the year of Indigenous Peoples. It is my hope that the sun has finally risen over the green mountains after our long battle with the cold night. I share this hope with my indigenous brothers and sisters who have come here from all over the world.

I come from Sarawak, which is a state in Malaysia on the island of Borneo. Sarawak is less than two percent the size of Brazil, yet is currently producing almost two thirds of the world's supply of tropical timber. As the International Federation of Human Rights has reported in 1991, even if the current rate of logging were immediately reduced by one half, all primary forest in Sarawak would be destroyed by the year 2000.

In areas that are logged, fish, wild animals, sago palms, rattan and medicinal plants disappear. The trees which bear the fruit which feeds the wild pigs are cut down for timber. The pigs disappear, and with them vanishes the main source of meat for our peoples. Many of us are now hungry. Trees and vines with poisonous barks are felled, and find their way into the streams, killing all the fish. Mud from the eroded lands pollutes the rivers, bringing us diseases and destroying our source of drinking water. Even when we mark our burial grounds, the logging companies bulldoze through them, with no regard for our feelings. Hundreds of graveyards have been destroyed in this way. When we complain about the destruction, they sometimes offer us a small sum of money as compensation, but it is an insult to us. How can we accept money that is traded for the bodies of our ancestors ?

The government says that it is bringing us progress and development. But the only development that we see is dusty logging roads and relocation camps. Their so-called progress means only starvation, dependence, helplessness, the destruction of our culture and the demoralisation of our people.

The government says it is creating jobs for our people. But these jobs will disappear along with the forest. In ten years the jobs will all be gone ; and the forest which has sustained us for thousands of years will be gone with them. And why do we need jobs ? My father and my grandfather did not have to ask the government for jobs. They were never unemployed. They lived from the land and from the forest. It was a good life. We had much leisure time, yet we were never hungry, or in need. These company jobs take men away from their families for months at a time. They are breaking apart the vital links which have held our families and our communities together for generations. These jobs bring our people into a consumer economy for which they are not prepared.

The Penan, the Kelabit, and the other Dayak peoples view the forest as their home. When we see a thief enter our home, we try to defend what is ours. That is why we have been protesting for so long against the loggers. That is why, when these protests fell on deaf ears, we began to blockade the logging roads. Since 1987, our people have been arrested and imprisoned for taking part in these peaceful blockades. An old man I know once asked a policeman why it was he could not blockade a road on his own land.

The policeman told him that Yayasan Sarawak had been given the licence to log the forest, and so the land belongs to the company. This is what the old man said in reply : "Who is this Yayasan Sarawak ? If he really owns the land, why have I never met him in the forest during my hunting trips over the last 60 years ?".

A woman I know who has seven children once came to me and said : "This logging is like a big tree that has fallen on my chest. I often awake in the middle of the night, and I and my husband talk endlessly about the future of our children. I always ask myself, when will it end ?".

A high government official once told me that in order to have development, someone must make a sacrifice. I replied, why should it be us who must make this sacrifice ? We have already given so much. We have already become poor and marginalized. Now there is nothing left for us to sacrifice except our lives !

For defending our way of life, we have been called greenies, pirates, traitors, and terrorists. Our lives are threatened by company goons. Our

women are often raped by loggers who invade our villages. While the companies get rich from our forests, we are condemned to live in poverty.

The IFHR is of the opinion that the situation of indigenous peoples in Sarawak and in so many places elsewhere is that of a child who has fallen into a fast flowing river and cannot swim. The child cries out, extending its arm for someone to help. If no one takes the hand, the child will surely drown.

It is for this reason that the International Federation of Human Rights calls upon the United Nations, the government of governments, to do its utmost to assist all indigenous peoples which are threatened by their own governments. You must urge Member States to restore immediately the human and economic rights of the weakest and most vulnerable of the world's peoples.

Mr Chairman,

Must people die before you respond? Must there be war, and blood running in the streets, before the United Nations will come to a people's assistance? Even though we are desperate, our people have avoided violence. We have used only peaceful methods of protest. Why does this organisation, which is dedicated to peace not take the necessary measures to help peaceful people?

I say to my country, and to other developing countries, that in our race to modernize, we must respect the ancient cultures and traditions of our peoples. We must not blindly follow that model of progress invented by civilization. We may envy the industrialized world for its wealth; but we must not forget that this wealth was brought at a very high price. The rich world suffers from so much stress, pollution, violence, poverty and spiritual emptiness.

The wealth of indigenous communities lies not in money or commodities, but in community, tradition, and a sense of belonging to a special place. The world is rushing toward a single culture. We should pause, and reflect on the beauty of diversity.

Let 1993, the year of Indigenous People, be a year of peace and hope, a year for the restoration of our bleeding forests and our threatened cultures. Let this year carry its message deep into the forest of Borneo, to a woman who weeps in the night, praying that the days of her children will not be like hers.

Thank you, Mr Chairman.

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STATEMENT BY MARY SIMON
INUIT TAPIRISAT OF CANADA

TO THE UNITED NATIONS GENERAL ASSEMBLY
ON THE OCCASION OF THE OPENING CEREMONIES
INTERNATIONAL YEAR FOR THE WORLD'S INDIGENOUS
PEOPLES, 1993

NEW YORK, DECEMBER 10, 1992

ON BEHALF OF THE:

INUIT TAPIRISAT OF CANADA
INUIT CIRCUMPOLAR CONFERENCE (CANADA)
GRAND COUNCIL OF THE CREES (of Quebec)
METIS NATIONAL COUNCIL
NATIVE COUNCIL OF CANADA/CONGRESS OF
ABORIGINAL PEOPLES
INTERNATIONAL ORGANISATION OF
INDIGENOUS RESOURCE DEVELOPMENT

community has started to take meaningful steps to address the urgent human rights concerns of indigenous peoples. In 1989, the International Labour Organization (ILO) adopted the Indigenous and Tribal Peoples Convention (No. 169), which is intended to provide international protection to indigenous and tribal peoples.

With a mandate from this General Assembly, and with the direct participation of indigenous peoples, the United Nations Working Group on Indigenous Peoples is drafting a Universal Declaration on the Rights of Indigenous Peoples. To be effective this document must not become the "lowest common denominator" of existing domestic law. Instead, it should conform to the status, rights and perspectives of indigenous peoples themselves, whose concerns must now be addressed by the United Nations.

To advance this effort, we need individuals like Dr. Erica-Irene Daes, Chairperson of the working group. We applaud her dedicated efforts to defend the rights of all peoples. Dr. Daes is an untiring advocate on behalf of our rights at the United Nations.

We believe that the urgent concerns of the millions of indigenous peoples throughout the world can no longer remain a "footnote" to the overall work of the United Nations. At the very least, the "Rights of Indigenous Peoples" must finally gain a place on the formal agenda of the Commission on Human Rights.

More fundamentally, we recommend the following:

- that the institutional framework of the U.N. be appropriately strengthened to recognize the increasing paramountcy of the issues affecting indigenous peoples.

and

- the creation of a permanent advisory body within the United Nations, made up of representatives of

indigenous peoples themselves. The struggle against *apartheid* has benefited from such an advisory committee; this is a model we should seek to emulate.

I emphasize that we cannot rely entirely upon domestic law to provide the necessary protection and promotion of our human rights and fundamental freedoms. These include our collective and individual rights. We must go beyond the protections provided for "minorities" under article 27 of the International Covenant on Civil and Political Rights, which are simply inadequate.

Indigenous peoples must have the right to consent to development on indigenous lands. Indigenous peoples are often the first to suffer the adverse social and environmental effects of ill-conceived development projects. The Crees of James Bay are familiar with the effects of massive flooding of their territory in Northern Quebec as are other people with strip-forestry.

States must respect our right to peace and security. For example in Canada the contamination of indigenous lands because of military activity is of vital concern.

Treaties between indigenous peoples and States must be fully respected under international law. (Such treaties include modern land claims agreements.) Indigenous treaties were not signed only as "domestic instruments". They must not be turned into domestic instruments after the fact.

Respect of our right to self-determination is paramount. Our rights to subsistence, our rights to benefit from our own resources, our rights to self-government — many of our fundamental rights are contingent upon respect for our right of self-determination.

The Inuit of Resolute Bay and Grise Fjord have been victims of forced relocation to support Canada's claim to northern sovereignty. The Government of Canada owes an apology and

compensation to these high Arctic exiles. The pain and suffering of these Inuit families is further compounded by the Canadian government's attempt to deny this injustice.

The indigenous peoples in Quebec are now threatened by the possible secession of Quebec from Canada. The indigenous right of self-determination must take precedence under these circumstances.

On a more positive note, the Inuit of Nunavut have moved closer to controlling their own lives through a recent comprehensive land claims agreement and political accord on division of the North West Territories. And the Metis Nation has agreed to a legislative accord with governments, the Metis Nation Accord.

During the Canadian constitutional negotiations, the recognition of the inherent right to self government for all Aboriginal peoples by governments was an historic breakthrough. Although the combined provisions of the Charlottetown Accord were not ratified, the self government provisions gained broad support among Canadians.

Today Rigoberta Menchu, an indigenous person from Guatemala, is receiving the Nobel Prize for her courage and determination. We add our heartfelt tribute to her remarkable and on going efforts.

In closing, our presence today before the General Assembly is not an isolated event. We call upon the General Assembly to go beyond the relatively insubstantial resolution which has been proposed, and to endorse a Plan of Action which will address indigenous issues for the next decade.

Thank You.



OFFICIAL

National Indian Brotherhood

ASSEMBLY OF FIRST NATIONS

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TERRITORY OF AKWEGASNE, HAMILTON'S ISLAND
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**STATEMENT BY OVIDE MERCREDI
NATIONAL CHIEF
ASSEMBLY OF FIRST NATIONS**

TO THE

UNITED NATIONS GENERAL ASSEMBLY

**ON THE OCCASION OF THE OPENING CEREMONIES
INTERNATIONAL YEAR FOR THE
WORLD'S INDIGENOUS PEOPLES, 1993**

NEW YORK, DECEMBER 10, 1992

MR. SECRETARY GENERAL, YOUR EXCELLENCIES, MY BROTHERS AND SISTERS, ON BEHALF OF THE ASSEMBLY OF FIRST NATIONS, I WOULD LIKE TO EXPRESS FIRST OUR GRATITUDE TO THE MEMBERS OF THE UNITED NATIONS FOR PROVIDING US THIS OPPORTUNITY TO SPEAK ABOUT THE IMPORTANCE OF THE INTERNATIONAL YEAR OF INDIGENOUS PEOPLES THAT WE ARE INAUGURATING ON THIS HUMAN RIGHTS DAY.

WHERE I COME FROM, WE HAVE 53 DISTINCT FIRST NATIONS, EACH WITH RIGHTS AND THE CAPACITY TO REPRESENT THEMSELVES. UNFORTUNATELY, WE COME UPON INSTITUTIONS THAT DO NOT ALLOW US TO REPRESENT OURSELVES IN A WAY WE WOULD LIKE. AND UNFORTUNATELY, FROM TIME TO TIME WE HAVE TO COMPLY WITH THESE RULES AS IN THIS CASE.

I BELIEVE, THAT IT IS VERY IMPORTANT TO END COLONIZATION AS IT AFFECTS ALL OF HUMANITY. AND THAT DECOLONIZATION IS A RIGHT FOR ALL HUMAN BEINGS INCLUDING THE INDIGENOUS PEOPLES AROUND THE WORLD. WE HAVE EXPERIENCED GREAT PAIN, GREAT TURMOIL, AND WE HAVE LOST LAND, RESOURCES AND LIVES WITHIN OUR SHARED AND COMMON EXPERIENCE AS COLONIZED PEOPLES.

WHERE I COME FROM MR. CHAIRMAN, THE BEOTHUK NATION BECAME A VICTIM OF GENOCIDE IN MY COUNTRY. AROUND THE WORLD WE KNOW OF OTHER EXAMPLES OF ORIGINAL NATIONS, INDIGENOUS NATIONS, WHO HAVE BEEN VICTIMIZED BY GENOCIDE. WE DENOUNCE, AS A PEOPLE, VIOLENCE. WE CONDEMN GOVERNMENTS THAT PARTICIPATE IN COMMITTING ACTS OF GENOCIDE AGAINST OUR INDIGENOUS BROTHERS AND SISTERS.

AND, AS AN ORGANIZATION WE HAVE BECOME AWAKE AND ALIVE TO THE PERILS OF OUR BROTHERS AND SISTERS IN OTHER PARTS OF THE WORLD. WE HAVE BECOME ACTIVE AND DETERMINED TO ISOLATE GOVERNMENTS SUCH AS THE GOVERNMENTS OF PERU, COLUMBIA AND GUATEMALA FOR EXERCISING ACTIVE GENOCIDE AGAINST A DEFENCELESS PEOPLE.

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WE ARE VERY PROUD OF OUR SISTER, RIGOBERTA MENCHU, AN INDIGENOUS WOMAN OF GUATEMALA WHO ON THIS HUMAN RIGHTS DAY IS IN OSLO BEING HONOURED WITH THE NOBEL PEACE PRIZE FOR HER STRUGGLE TO LIBERATE HER PEOPLES FROM ACTS OF VIOLENCE. WE APPLAUD HER COURAGE. WE SUPPORT HER VISION FOR A NON-VIOLENT SOCIETY IN HER COUNTRY.

THIS MORNING WE HEARD THE CANADIAN GOVERNMENT MAKE A REPRESENTATION TO THIS ASSEMBLY. THEY SPOKE OF THE NEED FOR PARTNERSHIP AND THE IMPORTANCE OF CREATING NEW RELATIONSHIPS BASED ON RESPECT FOR EACH OTHER. UNFORTUNATELY, MR. CHAIRMAN, SOMETIMES THE TRUTH MUST BE TOLD AND ON THIS DAY I REGRET TO SAY THAT WE WERE NOT CONSULTED NOR INVOLVED WITH OUR COUNTRY IN DEVELOPING THE STATEMENT THAT WAS PRESENTED BY THE GOVERNMENT OF CANADA.

WE KNOW FROM READING THE HISTORY OF OUR PEOPLE AND OBSERVING THE HISTORY OF OTHER INDIGENOUS PEOPLES AROUND THE WORLD THAT WE ARE NOT ALONE IN EXPERIENCING THE DESTRUCTION OF OUR CULTURE, OUR LANGUAGE, AND OUR WAY OF LIFE. ON A NATION-TO-NATION BASIS WE HAVE ENTERED TREATIES WITH A NATION STATE CALLED CANADA. WE BELIEVED THAT THESE TREATIES WOULD BE A BASIS FOR FUTURE RELATIONS AND THAT THEY WOULD BE A BASIS FOR MAINTAINING COEXISTENCE THAT IS ESSENTIAL AMONGST THE PEOPLE OF THIS PLANET.

THE UNFORTUNATE TRUTH, MR. CHAIRMAN, IS THAT IN THE COUNTRY WHERE I COME FROM, THE TREATIES HAVE YET TO BE IMPLEMENTED AND HONOURED BY THE CANADIAN GOVERNMENT. THESE TREATIES WERE ENTERED INTO BY THE PEOPLES I REPRESENT WITH THE BEST OF GOOD INTENTIONS AND GOODWILL AS A WAY OF SHARING OUR LAND AND RESOURCES. THE TREATIES ARE ALSO A WAY OF ENSURING THE INTEGRITY OF OUR SOCIETIES AND THE ECONOMIC SECURITY OF OUR PEOPLE.

ALTHOUGH IN MORE RECENT TIMES THERE IS A GREATER RECEPTIVENESS BY THE CANADIAN PEOPLE AND THEIR GOVERNMENTS TO UNDERSTAND OUR

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PARTICULAR VISION AS INDIGENOUS PEOPLES, WE OPENLY CHALLENGE THE CANADIAN GOVERNMENT TO MEET THE NEEDS OF OUR PEOPLE IN 1993. WE CHALLENGE THEM NOT TO GET INVOLVED IN MEANINGLESS OBJECTIVES LIKE A POSTER COMPETITION AS A WAY OF DRAWING ATTENTION TO THE YEAR OF INDIGENOUS PEOPLES.

INSTEAD, WE CALL UPON THE CANADIAN GOVERNMENT TO UNDERTAKE DIRECT ACTIONS WITH RESPECT TO THE RIGHTS OF OUR PEOPLE. WE CALL UPON THEM TO HONOUR AND TO IMPLEMENT THE TREATY RIGHTS OF FIRST NATIONS IN CANADA. WE CALL UPON THE CANADIAN GOVERNMENT TO ENSURE THAT WE HAVE THE LAND, THE WATER, AND THE RESOURCES TO SUSTAIN OUR ECONOMY AND TO GUARANTEE OUR DEVELOPMENT AS DISTINCT PEOPLES. WE CALL UPON THE CANADIAN GOVERNMENT TO RECOGNIZE THE INHERENT RIGHT OF SELF-DETERMINATION OF THE INDIGENOUS PEOPLES OF CANADA.

WE ASK THE GOVERNMENT OF CANADA TO GIVE HOPE TO OUR PEOPLE -- NOT JUST WORDS -- BUT MEANINGFUL HOPE. THEY MUST IMPLEMENT THE INHERENT RIGHT OF OUR PEOPLE TO SELF-GOVERNMENT. THEY MUST REMOVE IMPEDIMENTS, NOT CREATE NEW ONES. WE ALSO CALL UPON THE CANADIAN GOVERNMENT TO DEAL WITH THE REAL NEEDS OF THE PEOPLE WE REPRESENT. WE CALL UPON THEM TO ADDRESS OUR POVERTY NOT BY ATTACKING THE DEFICIT OF OUR COUNTRY BUT BY TRYING TO ATTACK THE POVERTY OF THE POOR PEOPLE, THE MAJORITY OF WHOM ARE THE FIRST NATIONS' PEOPLES.

THERE ARE MANY THINGS THAT CAN BE DONE AT THE UNITED NATIONS LEVEL. SOME IDEAS AND SOME RECOMMENDATIONS WERE MADE TO YOU BY MRS. ERICA DAES THAT WE ENDORSE. BUT AS A FIRST STEP, AND AS A CONCRETE SIGN OF GOODWILL, WE ASK ALL THE MEMBERS OF THIS ASSEMBLY TO SUPPORT A RESOLUTION CREATING WITHIN THE UNITED NATIONS A COMMISSION OF INDIGENOUS PEOPLES. UNDER THE AUSPICES OF THE SECRETARY GENERAL OF THE UNITED NATIONS ITS MANDATE WOULD INCLUDE THE MONITORING OF HUMAN RIGHTS VIOLATIONS AND TO ENSURE

4

THE GUARANTEE OF DEVELOPMENT OF INDIGENOUS PEOPLES AROUND THE WORLD.

AS PEOPLES AND NATIONS, WE ALSO RESPECTFULLY DEMAND THAT THE UNITED NATIONS BEGIN TO LOOK AT REFORMS WITHIN ITS OWN STRUCTURE TO ENSURE THAT WE HAVE DIRECT PARTICIPATION IN THE DECISION-MAKING PROCESSES. WE CALL UPON THE GOVERNMENTS OF THE WORLD TO BEGIN TO MEET WITH US AS EQUALS, TO RESPECT OUR PEOPLE AS HUMAN BEINGS, AND TO EMBRACE OUR COLLECTIVE RIGHTS. OUR COMMON GOAL MUST BE TO END THE SYSTEM OF DOMINANCE AND TO REPLACE IT. WE MUST CREATE A NEW ERA -- A NEW WORLD -- WHERE ALL PEOPLE CAN LIVE IN HARMONY.

MR. CHAIRMAN, IN CONCLUDING, I JUST WANT TO SAY THAT WHATEVER I HAVE SAID WAS NOT INTENDED IN THE SPIRIT OF UNKINDNESS. WHAT NEEDS TO BE SAID HAS TO BE SAID. BUT AS WE HAVE TO LOOK FORWARD TO A NEW RELATIONSHIP WITH THE CANADIAN PEOPLE AND THEIR GOVERNMENT, AND LIKEWISE TO OTHER GOVERNMENTS AND OTHER PEOPLES OF THE WORLD, WE NEED TO RESPECT EACH OTHER. WE NEED TO EMBRACE OUR COLLECTIVE RIGHTS AND WE NEED TO ELIMINATE THE HISTORY OF DOMINANCE THAT WE HAVE EXPERIENCED FOR THE PAST 500 YEARS.

WORLD COUNCIL OF
INDIGENOUS PEOPLES



CONSEIL MONDIAL DE
PEUPLES INDIGÈNES

CONSEJO MUNDIAL DE PUEBLOS INDIGENAS

WORLD COUNCIL OF INDIGENOUS PEOPLES

PRESENTATION ON THE INAUGURATION OF THE
INTERNATIONAL YEAR OF
INDIGENOUS PEOPLES

Delivered by: Donald Rojas
President

December 10, 1992

Mister Chairman,

Mister Secretary General,

Mr. General Coordinator of the International Year,

Madame Chairman of the WGIP,

Indigenous Brothers and Sisters,

Ladies and Gentlemen,

Representatives of the Members States of the United Nations:

It is an honour as well as pleasure to address the General Assembly of the United Nations on this occasion on behalf of the World Council of Indigenous Peoples.

As a preamble, and with your permission, Mr. Chairman, I want to pay tribute to all Indigenous heroes who through their strength have made it possible for us to gather here on this occasion. I would also like to express profound salutations to all Indigenous Peoples of the world -- children, youth, men, women and elders-- from this stage through their organizations, and to announce our commitment to continue our struggle seeking peaceful solutions towards the exercise of the inherent right to make decisions for our future. We support all your efforts in the defense of the recognition and respect of this right, self-determination.

With the end of the era of celebratory anniversaries in mind, which were inspired by notions of economic, territorial, political and cultural conquests against our peoples, we welcome the proclamation of the International Year of Indigenous Peoples: a year that the peoples themselves through their organizational structures have forged.

We recognize the efforts of the United Nations organs and some member states that have responded favourably to this demand, we note however, with great concern that our peoples are not yet considered as such. Therefore, it is with pride that we emphasize, in this house, once more, that we are here present as PEOPLES.

We also recognize, and it is necessary to mention, the important contributions of the United Nations system over the last 20 years, which are reflected in the resolution adopted by the General Assembly, as well as the openings for dialogue and possibilities for cooperation with its specialized agencies. It is our hope that tomorrow's session will represent one more incentive in the development of new relationships.

The tasks of the Working Group on Indigenous Populations merits particular attention and we anticipate the final version of the Universal

Declaration of Indigenous Rights at the 11th session, which will take place in 1993, so that it can be immediately considered by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, the Commission on Human Rights and, of course, the member states of the United Nations and Indigenous Peoples. We would strongly recommend, moreover, the consideration of the declaration be directly linked to the agenda of the Commission on Human Rights.

We encourage the activities of the United Nations which are aimed towards promoting meaningful dialogues between Indigenous Peoples and country representatives, such as the seminars on the revision of social and economic relations which took place in Geneva in 1989, and on the practices of self-government and autonomy in Nuuk, Greenland in 1992. However, we want appropriate follow-up on the recommendations emanating from these important events. We would suggest that the United Nations consider the establishment of an Indigenous Peoples officer ranked at the level of High Commission.

It is also opportune to suggest to the United Nations that in the planning of its programs with Indigenous Peoples it fully contemplate the

allocation of the necessary funds to ensure the contribution of Indigenous Peoples representatives.

We want to reiterate our support of the meaningful participation of Indigenous Peoples in the consultative processes in the ratification and implementation of the I.L.O. Convention 169; we note with satisfaction the number of countries that have ratified the Convention and those that have initiated processes towards its ratification.

Now we want to address particularly the governments of the member states of the United Nations to speed up the advancement of Indigenous Rights in their national legislation and constitutions within the framework of international law, and to facilitate equitable conditions in decision making leading to the enjoyment of democratic plurality.

It is important to highlight the common values of humanity existing in all cultures and the mutual recognition of diversity. This emphasis would produce intercultural dialogues to seek an approximation of harmony and human equilibrium.

Our Mother Earth has given us life and maintains us with all her elements; Indigenous Peoples, Mr. Chairman, are concerned about her

deterioration. We offer to the world alternatives given to us by our ancestors. In this regard, it would be important that the United Nations implement the recommendations and agreements manifested in the Conference on Environment and Development, particularly the Biodiversity Convention and the contents of Chapter 26 of Agenda 21.

Indigenous Peoples, Mr. Chairman, in our view must be present and appropriately included in the World Conference on Human Rights. It would be ironic that in the United Nations International Year of Indigenous Peoples, our issues would not be contemplated within the agenda of the United Nations World Conference. As we all know, Indigenous Peoples continue to suffer the legacy of colonialism, which historically led to and contemporarily supports the violation of Indigenous Peoples human rights.

We want to refer to the possibilities that the future awaits us, as the WCIP has named it "BEYOND 1992"; we have great expectations of the creativity of Indigenous Peoples in their activities for 1993 in which they will continue building international Indigenous solidarity, and continue seeking long-lasting solutions for the maintenance of life and sustainable

development for our future generations --generations which will evaluate us and also confront challenges with great responsibility.

To conclude, Mr Chairman, we would like to announce some important activities that the WCIP will be contributing to in 1993: the International Conference of Indigenous Peoples in Mexico in May, the International Conference of Indigenous Women in Guatemala in December, and the 7th General Assembly of the WCIP, also in Guatemala in December, to close the International Year.

We would also collaborate with the United Nations' specialized agencies, other international organizations, non-governmental organizations and all Indigenous Peoples organizations in the planning and execution of activities for the International Year of the Family in 1994, the International Conference on Population and Development in Cairo, Egypt also in 1994, and in 1995 the World Summit for Social Development in Denmark and the World Conference on Women in China.

Thank you very much.

Check against delivery

S T A T E M E N T

**by Ms. E.A.Gaer
General Secretary of the International League of
Smaller Peoples and Ethnic Groups
(Russian Federation)**

10 December 1992

Distinguished Mr. Secretary-General, Distinguished delegates, ladies and gentlemen, It's a great honour to me to convey to all of you warmest regards and best wishes of smaller peoples of Russia in connection with a historic event - the International Year for the World's Indigenous Peoples.

Indigenous peoples and ethnic groups occupy a special place in the family of peoples living on our planet. There are 34 smaller peoples in the European and Asian parts of the Russian Federation alone. Their total population in Russia, according to census, exceeds 440 000.

During the last decade the natural growth of smaller peoples amounted to only 16%, and the number of Orochi, Enets, Oroki, Kets, Selcups, Sami, Nivkhi, Khanty, Chukchi remained practically the same. More that 17% of the total population of smaller peoples of the Russian Federation are still living in yarangas and tents. This small population and low rates of its growth put

many smaller peoples of Russia on the brink of biological disappearance.

At the same time areas inhabited by smaller peoples are rich in unique minerals and raw materials, fuel and energy as well as biological resources. In case of a balanced use of these resources not only smaller peoples could have lived in the wealth of a modern civilization but the strength of Russia in general could have been increased by the plenitude of these resources.

Just one example: territories inhabited by 0,2 % of smaller peoples of the Russian Federation account for 6% of the gross national product and, accordingly, 70, 71 and 37% of total national output of oil, gas and timber. Resources of territories inhabited by smaller peoples play a special role in the formation of the national hard-currency fund: they account for more than 30% of all hard-currency proceeds. These territories supply the world market with copper, nickel, timber, cellulose, fertilizers, furs, deer breeding products etc.

Planning of the development of the economic habitat of smaller peoples of Russia on the basis of the "descending strategy" concept is the main cause of their economic impoverishment.

The effect of the implementation of this strategy was especially ruinous for the smaller peoples because they were small in numbers, greatly dispersed, under-represented in the state legislative body and the executive agencies.

To avoid this tragedy in the life of the smaller peoples the Parliament of the Russian Federation in 1992, for the first time in history of our state, examined at its meeting the problems of social and economic situation in the regions of habitation of the smaller peoples.

The Parliament unanimously adopted a decision on the urgent elaboration of a concept of the development of the smaller peoples' territories, giving the highest priority to their will and desires. The Parliament's decisions and the President's decree, adopted in 1992, allow to the indigenous peoples to revive their traditional economic activities, to be the master of the lands, they had had in their possession before and where they live today.

Due to very complicated situation, however, which has arisen in the area of social and economic development of the smaller peoples, the process of Parliament's decisions realization becomes difficult and prolonged one.

To speed up this process is only possible through the unified action by state structures and public organizations.

Therefore the establishment in Russia, in 1992, of the International League of Smaller Peoples and Ethnic Groups is a timely and important step. The necessity and usefulness of this measure were widely supported by smaller peoples, many ministries and departments of the Russian Federation, as well as by the

Secretary-General of the United Nations during his September visit to Moscow.

The Charter of the League is based on the principles of sovereign equality of all its members, unanimity of smaller peoples and ethnic groups, voluntary implementation by all members of the League of obligations assumed by them, the settlement of emerging disputes only by peaceful means, rendering collective assistance to each other.

These principles promote the climate of equality and friendly relations between smaller peoples and ethnic groups, the spirit of mutual understanding, co-operation in addressing issues of economic, social, cultural and humanitarian development, and of encouraging respect for human rights of smaller peoples irrespective of sex, language and religion.

Activities of the League focus on promoting governmental decisions and public initiatives aimed at revival of economic and spiritual potential of smaller peoples and other ethnic groups within the Russian Federation as well as within other States on all continents, including those which are dispersed and don't enjoy statehood.

The League conducts its activities in accordance with the norms of international law and legislation of the States where smaller peoples live. It will strictly observe principles proclaimed in the United Nations Charter. The League is open for all associations of smaller peoples; its official languages are

English and Russian, and its working languages are those of smaller peoples, depending on the need to communicate and to disseminate information.

For the purposes of realization of the established goals and the mentioned principles the League will pursue the following tasks:

- consolidation of the efforts, taken by public organizations, business circles and individuals striving for a revival, preserving and development of smaller peoples;

- drafting and implementation of measures aimed at preserving the genetic fund of smaller peoples as well as at rational use of the natural and cultural and historic environment;

- activization of efforts aimed at economic, spiritual and physical development of smaller peoples;

- attraction of continuous attention of States and the entire world community relating to the protection of legitimate rights, freedoms and other interests of smaller peoples. The main lines of activities of the League are the following:

- a thorough study of economic, political, cultural and language problems under the present and expected conditions in countries-members of the world community;

- creation of special monitoring system for collection, processing, accumulation and distribution of information characterizing the entire complex of smaller peoples problems.

- participation in development, expert evaluation and implementation of the government and other programs and projects aimed at improvement of living standards of smaller peoples;

- support by all possible means of scientific research contributing to the development of productive sector, improvement of environmental conditions and food supply;

- assistance to the vocational training structures of native peoples that are oriented to the preservation of identity, intellectual development and acquisition of job skills,;

- participation in the peace-building activities related to the ensuring of guarantees for the protection of rights and freedoms of smaller peoples;

- systematic informing of the world public opinion of situation in the areas of smaller peoples residence. Organization of fora on smaller peoples problems with the purpose of their revival, preservation, increase and development.

The year of 1993 proclaimed by the United Nations as the International Year of Indigenous Peoples will undoubtedly give a strong impetus to the adoption by the Government and Parliament of the Russian Federation and the CIS countries of several legislative acts defining, in specific terms, the legal status of smaller peoples.

Indigenous peoples of Russia, like all indigenous peoples of the world, do not have any time to engage in endless and fruitless debates. The Year of Indigenous Peoples was proclaimed

not to momentarily soothe the conscience of the United Nations and the Governments. It should become a start for meaningful important work aimed at solving major problems of indigenous peoples of the world.

Only common efforts can lead us to the path of civilized development, and on this path the League will do its utmost to ensure the revival and development of smaller peoples and to provide assistance to other peoples.

Thank you.



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Agenda item 15

DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Report of the Working Group on Indigenous Populations
on its tenth session

Chairperson/Rapporteur: Mrs. Erica-Irene A. Daes

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Note: The opening statement of the Under-Secretary-General and the opening and closing statements of the Chairperson/Rapporteur will be issued in document E/CN.4/Sub.2/1992/33/Add.1.

Introduction

Mandate

1. The creation of the Working Group on Indigenous Populations was proposed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 2 (XXXIV) of 8 September 1981, endorsed by the Commission on Human Rights in its resolution 1982/19 of 10 March 1982, and authorized by the Economic and Social Council in its resolution 1982/34 of 7 May 1982. In that resolution the Council authorized the Sub-Commission to establish annually a working group to meet in order to:

(a) Review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples, including information requested by the Secretary-General annually from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status, particularly those of indigenous peoples, to analyse such materials, and to submit its conclusions to the Sub-Commission, bearing in mind the final report of the Special Rapporteur of the Sub-Commission, Mr. José R. Martínez Cobo, on the Study of the Problem of Discrimination against Indigenous Populations (E/CN.4/Sub.2/1986/7 and Add.1-5);

(b) Give special attention to the evolution of standards concerning the rights of indigenous peoples, taking account of both the similarities and the differences in the situations and aspirations of indigenous peoples throughout the world.

2. In addition to the review of developments and the evolution of international standards which are separate items on the Working Group's agenda, the Group has over the years considered a number of other issues relating to indigenous rights. A number of reports requested by the Sub-Commission in its resolutions 1991/30 and 1991/31 were available to the Working Group. These included a report by the Secretary-General on economic and social relations between States and indigenous peoples and a note by the Secretary-General on the intellectual property of indigenous peoples. These reports were considered under items 8 and 9, respectively.

Participation in the session

3. By decision 1991/119 of 30 August 1991, the Sub-Commission decided on the following composition of the Working Group at its tenth session: Mr. Miguel Alfonso Martínez, Ms. Judith Attah, Mr. Danilo Türk, Mrs. Erica-Irene A. Daes, and Mr. Ribot Hatano.

4. The session was attended by Mr. Alfonso Martínez, Ms. Attah, Mr. Chernichenko, Mrs. Daes and Mr. Hatano.

5. The following States Members of the United Nations were represented by observers: Argentina, Australia, Austria, Bangladesh, Bhutan, Bolivia, Brazil, Canada, Chile, Colombia, Cyprus, Denmark, Dominican Republic, El Salvador, Finland, France, Greece, Honduras, India, Indonesia, Italy,

Japan, Malaysia, Mexico, Myanmar, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Russian Federation, Senegal, Sweden, Syrian Arab Republic, Thailand, Turkey, United States of America, Venezuela and Viet Nam.

6. The Holy See was represented by an observer.
7. The United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees were represented by observers.
8. The International Labour Organisation and the World Health Organization were represented by observers.
9. The International Committee of the Red Cross and the International Organization for Migration were represented by observers.
10. The Greenland Home Rule Government was represented by an observer.
11. The Aboriginal and Torres Strait Islander Commission of Australia was represented by observers.
12. The following non-governmental organizations (NGOs) in consultative status with the Economic and Social Council were represented by observers:

(a) Indigenous peoples

Grand Council of the Crees (Quebec), Indian Council of South America (CISA), Indian Law Resource Center, International Indian Treaty Council, International Organization of Indigenous Resource Development, Inuit Circumpolar Conference, National Aboriginal and Islander Legal Services Secretariat, National Indian Youth Council, Nordic Saami Council, and the World Council of Indigenous Peoples.

(b) Other organizations

Category I

World Muslim Congress.

Category II

African Association of Education for Development, Afro-Asian People's Solidarity Organization, Amnesty International, Andean Commission of Jurists, Anglican Consultative Council, Anti-Slavery International, Baha'i International Community, Commission of the Churches on International Affairs (World Council of Churches), Four Directions Council, Friends World Committee for Consultation, Habitat International Coalition, Human Rights Advocates, International Association of Democratic Lawyers, International Association of Educators for World Peace, International Federation of Human Rights, International Federation Terre des Hommes, International Fellowship of Reconciliation, International League for the Rights and Liberation of Peoples, International Movement for Fraternal Union among Races and Peoples,

International Organization for the Elimination of All Forms of Racial Discrimination, International Service for Human Rights, International Work Group for Indigenous Affairs, Women's International League for Peace and Freedom, World Federalist Movement.

Roster

Minority Rights Group, Third World Movement against the Exploitation of Women.

13. The following indigenous peoples' nations and organizations, as well as other organizations and institutions, were represented at the session and furnished information to the Working Group with its consent:

(a) Indigenous peoples' nations and organizations

Aboriginal Law Centre, Aboriginal and Torres Strait Islander Commission, Agrupacion Aucan, Ainu Association of Hokkaido, Alliance of Taiwan Aborigines, Algonquins of Barrier Lake, Amauta, American Indian Anti-Defamation Council, Apache Survival Coalition, United States of America, San Carlos Apache, Asian Indigenous Peoples Pact, Asociacion Indigena de la Republica Argentina, Asociacion Interetnica de Desarrollo de la Selva Peruana, Asociacion de los Estudiantes Indigenas de Madre de Dios, Asociacion Indigena Argentina, Asociacion de Parcialidades Indigenas, Assembly of First Nations, Assembly of Manitoba Chiefs, Association of Peoples of North Russia, Australian South Sea Islanders United Council, Blackfeet Nation, Black Hills Teton Sioux Nation, Cecujala (Bolivia), Central Land Council, Centro Estudios y Documentacion Mapuche, Centro Union Achiri, Chirapaq - Peru, Coalition of Aboriginal Organizations Australia, Comision Juridica de los Pueblos de Integracion Tawantinsuyana (COJPITA), Comitè Campesino del Altiplano Cakchiquel (Guatemala), Comitè Exterior Mapuche, Comitè Organizador Indigena Kaqchique, Comitè de Unidad Campesina de Guatemala, Comunidad Indigena Ishor, Confederacy of Treaty of Six First Nations, Conive, Conseil des Atikameku et des Montagnais, Consejo Central del Pueblo Cuatro Martires del Pueblo Maya Cachikel de Guatemala, Consejo de las Naciones Mayas de Guatemala, Consejo de todas las Tierras, Conselho Indigena Roraina, Conselho Indigena Potiguar, Coongaree, Tanganikeld People, Coordinacion Maya "Majawil Quij", Coordinadora Cacchikei de Desarrollo Integral, Coordinadora Organizaciones Mapuches, Cordillera Peoples Alliance, Cree Nation Youth Council, Council of Elders, Murray Island Torres Strait, Dalit Nations of India, Dwane Moeders Suriname, Federation of Aymar Markas, Federacion Nativa del Rio Madre de Dios y Afluentes, Federacion de Tribus Xicaques de Joro, Greenland Home Rule, Grupo Mujer Educacion Indigena, Guarani - Argentina, Hadjabe People, Haisla - Kitamaat Village Council, Hmong People, Iban (Indigenous Tribe of Sarawak), Iina Torres Strait Islanders Corporation (Brisbane), Indian Council of Indigenous and Tribal Peoples, Indigenous Native American Task Force, International Indigenous Commission, Joseph Bighead First Nation, Jumma Nation, Kaayellii Dine Nation (Utah Navajos), Kachin Independence Organization, Kamp Indigenous Peoples Organization (Philippines), Karen National Union, Keepers of the Treasures Cultural Council of American Indians, Kimberly Land Council, Korongoro Integrated Peoples Oriented to Conservation (KIPOC), Kungarakuny Culture and Educational Association, Lumad Mindanaw, Mrtkl - Quechuz Aymara Bolivia, Maori Aoteroa - New Zealand, Maori Legal

Service, Maori Womens Centre, Mapuche, Maraling Tsarutsa, Minorities Twa Du Rwanda, Mikmaq Grand Council, Mosul Vilayet Council, Mohawk Nation, Mouvement Tupay Katari (Bolivie), Movimiento Accion Reconciliacion, Movimiento Quintil L. Colombia, Nabguana - Movimiento de la Juventud Kuna, National Chicano Human Rights Council, National Coalition of Aboriginal Organizations, National Committee to Defend Black Rights (CDBR) Aboriginal Corporation - Australia, National Maori Congress New Zealand, New South Wales Aboriginal and Land Council, Ngaati Te Ata, Nishnawbe-Aski Nation, Northern Land Council, Ogoni, Organizacion de Mujeres del Kollasuyo (OMAK), Organizacion Pichincha Riccharimui (Ecuador), Organizacion Regional de la Mujer para Desarrollo (ORMI), Organizacion Sukawala, Pacific Asia Council of Indigenous Peoples, Rainforest Defense Fund, Sahabat Alam Malaysia, Saykeeney First Nation, Servicios del Pueblo Mixe A.C., Survie Touaregue Temoust, Toledo Maya Cultural Council, Top End Aboriginal Coalition, United Indian Councils of the Mississauga and Chippewa, Unrepresented Nations and Peoples Organization (UNPO), Verts - Commission Transnationale, West Queensland Aboriginal and Torres Strait Islander Corporation for Legal Aid, Yankuikanahuak - Mexico.

(b) Other organizations and groups

Alliance Europeenne avec les Peuples Indigenes, Asociacion Identidad Latinoamericana, Asociacion des Etudiants pour l'Amérique Latine (AEPAL), Association de Soutien aux Nations Amerindiennes, Association Ricreativa Culturale Italia, Big Mountain Aktionsgruppe, Bruno-Manser-Fonds, Center for World Indigenous Studies, Centre de Documentation Amerindien Amazone - France, Centre d'Information sur les Populations Indigenes, Comision de Derechos Humanos de Guatemala, Comite Belge - Amerique Indienne, Comite d'Appui aux Peuples Indigenes d'Argentine et du Chili (CAPISAC), Comite de Solidaridad Triqui en el Area Metropolitana, D.C., Comite de Solidarite avec la Lutte du Peuple Mapuche - Chili, Comite de Soutien avec les Tucanos, Comite pro Justicia y Paz de Guatemala, Conseil Indigeniste Missionnaire, Consultorio Juridico de Pueblos Indigenos de Panama, Danish Centre for Human Rights, Egyptian Organization for Human Rights, European Association for American Studies, Foundation for Inner Visions, Foundation Papua Peoples Pavo, Fourth World Center, France Tibet, Freunde der Naturvoelker, Fundacion Cubana de Derecho Humano, Health for Minorities, Homeland Mission 1950 for South Moluccas, Good Offices Group of European Lawmakers, Groupe de Soutien a la Coordination Indigene de l'Amazonie Bresilienne, Groupe Francais d'Education Nouvelle, Identite Amerique Indienne, Incomindios Schweiz, Indigenous Work Committee of the Presbyterian Church in Taiwan (Bunun Tribe), Instituto Indigena - Guatemala, Kwia Flemish Support Group for Indigenous Peoples, Lelio Basso International Foundation for the Rights and Liberation of Peoples, Mondial Contact, Otavalo 92 500 Anos, Rainforest Info Center, Reseau Solidarite, Shimin Gaikou Centre, Society for Threatened Peoples, The South and Mesoamerican Indian Information Center, Traditions pour Demain, West Papuan Peoples Front, Working Group on Indigenous Peoples (W.I.P.) - (The Netherlands), World Rainforest Mouvement, Yankuikannahuan (Osterreich).

14. In addition to the above-mentioned participants, 198 individual scholars, experts on human rights and human rights activists and observers attended the meetings. A total of 615 people attended the tenth session of the Working Group.

Election of officers

15. At its 1st meeting on 20 July 1992, the Working Group re-elected by acclamation Mrs. Erica-Irene A. Daes as Chairperson/Rapporteur, for the eighth time.

Organization of work

16. At its 1st meeting, the Working Group considered and adopted the provisional agenda, contained in document E/CN.4/Sub.2/AC.4/1992/L.1.

17. The Working Group held 19 public meetings from 20 to 31 July 1992. The Working Group decided to devote the 2nd to 10th meetings to item 4 on standard-setting activities, six meetings to item 5 on review of developments, one plenary meeting to item 6 concerning ongoing work by the Special Rapporteur of the Sub-Commission on his study of treaties, agreements and other constructive arrangements between States and indigenous populations, and one plenary meeting to item 7 on the International Year for the World's Indigenous People, item 8 on meetings and seminars and item 9 on other matters. In accordance with established practice, the Working Group continued to meet in private during the subsequent session of the Sub-Commission for the purpose of finalizing this report and adopting the recommendations contained in annex I.

Documentation

18. The following documents were made available to the Working Group:

Provisional agenda (E/CN.4/Sub.2/AC.4/1992/L.1);

Information received from the Governments of Finland and Thailand (E/CN.4/Sub.2/AC.4/1992/1 and E/CN.4/Sub.2/AC.4/1992/4);

Information received from the United Nations organs, specialized agencies and intergovernmental organizations: International Labour Office, United Nations Educational, Scientific and Cultural Organization, World Bank, Inter-American Indian Institute (E/CN.4/Sub.2/AC.4/1992/2 and E/CN.4/Sub.2/AC.4/1992/5);

Information received from non-governmental organizations: Centro de Culturas Indias CHIRAPAQ, Indian Council of South America, Comisión Jurídica de los Pueblos de Integración Tawantinsuyana, "Tupay Katari" Movement, Food First Information and Action Network, Service, Peace and Justice in Latin America, Report of the Tribal Summit on the Draft Declaration on the Rights of Indigenous Peoples, Denver (E/CN.4/Sub.2/AC.4/1992/3 and Add.1 and E/CN.4/Sub.2/AC.4/1992/6);

Draft declaration on the rights of indigenous peoples - revised working paper submitted by the Chairperson/Rapporteur, Mrs. Erica-Irene A. Daes (E/CN.4/Sub.2/1992/28);

Report of the Secretary-General on economic and social relations between indigenous peoples and States (E/CN.4/Sub.2/1992/29);

Note on intellectual property of indigenous peoples: concise report of the Secretary-General (E/CN.4/Sub.2/1992/30);

Report on the United Nations Technical Conference on Practical Experience in the Realization of Sustainable and Environmentally Sound Self-Development of Indigenous Peoples, Santiago, Chile, 18-22 May 1992 (E/CN.4/Sub.2/1992/31).

Other documents:

Report on the Meeting of Experts to review the experience of countries in the operation of schemes of internal self-government for indigenous peoples (E/CN.4/1992/42);

Report on the Technical Meeting on the International Year for the World's Indigenous People (E/CN.4/1992/AC.4/TM/8);

Preliminary report on the study of treaties, agreements and other constructive arrangements (E/CN.4/Sub.2/1991/33);

Working paper on the cultural property of indigenous peoples (E/CN.4/Sub.2/1991/34);

First working paper on the International Year (E/CN.4/Sub.2/1990/41);

Second working paper on the International Year (E/CN.4/Sub.2/1991/39);

Report of Working Group on Indigenous Populations on its ninth session (E/CN.4/Sub.2/1991/40/Rev.1);

The Rights of Indigenous Peoples (Fact Sheet No. 9).

Adoption of the report

19. The Working Group, on 14 August 1992, unanimously adopted the present report.

I. GENERAL DEBATE

20. The Under-Secretary-General for Human Rights delivered the opening statement. He noted that the present session of the Working Group marked its tenth anniversary, he recalled that the International Year for the World Indigenous People would shortly begin. The Under-Secretary-General noted that although indigenous peoples lived in different States with different social and economic realities, they shared common concerns and problems, including lower than average life expectancy, in particular of children; the disappearance of their means of livelihood and cultures; marginalization with respect to the process of decision-making. He noted also that the deterioration of the environment had a direct impact on their ways of life; in that connection, he referred to the Technical Conference on the Indigenous Peoples and the Environment held in Santiago, Chile, in May 1992, in the conclusions adopted at the Conference which were important both for the indigenous peoples and the international community.

21. The Under-Secretary-General emphasized that the United Nations had a major role to play towards achieving international recognition and protection of the 300 million indigenous peoples all over the world. The Organization's commitment was demonstrated by the creation of the Working Group on Indigenous Populations which had made progress in drafting a declaration on the rights of indigenous peoples; the proclamation by the General Assembly of 1993 as the International Year for the World's Indigenous People and the diversified programme of activities planned thereunder; the creation of the United Nations Voluntary Fund for Indigenous Populations, as well as the establishment by the Secretary-General of a special Voluntary Fund for the International Year for the support of projects aimed at concretely improving the living conditions of indigenous peoples.

22. In his position as Coordinator of the International Year, the Under-Secretary-General would further endeavour to encourage the full participation of the rest of the United Nations system in this important initiative; several agencies had already responded positively. He had obtained the support of Governments for the creation of a small team of indigenous administrators who would assist him in the coordination of the activities of the International Year; so far, three Governments had answered his appeal and had provided the Centre for Human Rights with the valuable assistance and expertise of three representatives of indigenous communities. The Under-Secretary-General praised the Chairperson/Rapporteur of the Working Group, Mrs. Erica-Irene A. Daes, and the members of the Working Group for their commitment and congratulated them on the progress they had achieved in the elaboration of the draft declaration (the full text of the Under-Secretary-General's statement will be issued as document E/CN.4/Sub.2/1992/33/Add.1)

23. The candidacy of Mrs. Daes as Chairperson/Rapporteur of the Working Group was proposed by Mr. Alfonso Martínez and seconded by Mr. Hatano. Mrs. Daes was elected by acclamation Chairperson/Rapporteur of the Working Group for the eighth time. Following her re-election as Chairperson/Rapporteur, Mrs. Erica-Irene A. Daes, invited the Working Group to adopt the provisional agenda contained in document E/CN.4/Sub.2/AC.4/1992/L.1. The provisional agenda was adopted by consensus.

24. In her opening statement, Mrs. Daes briefly evaluated the work of the Working Group since its creation in 1982. She noted that although the two main tasks of the Working Group had remained the review of developments and the elaboration of international standards, its agenda had grown considerably since 1982. In fact, additional issues were now being considered such as the complex study on treaties and other constructive arrangements between States and indigenous peoples, entrusted to the Special Rapporteur, Mr. Alfonso Martínez, and the study on cultural property of indigenous peoples which had been assigned to her in her capacity as Special Rapporteur.

25. In her opinion, the systematic work and intense debate carried out by the Working Group since 1982 had resulted in three main achievements. The first was that the United Nations, by establishing the Working Group, organizing seminars and meetings, and approving studies, had contributed a better understanding of the rich diversity of cultures and ways of life of indigenous peoples. In that connection, she emphasized that without such a fundamental understanding there could be no tolerance, understanding and accommodation of different values and views. The second achievement was the valuable contribution made by the Working Group to the elaboration of the draft declaration on the rights of indigenous peoples which, she hoped, would become a standard to which both Governments and indigenous peoples could aspire. To this end, she underlined that she would make every effort to ensure that the draft declaration should reflect both the full range of ideas and concerns of indigenous peoples and the suggestions and views of Governments. Over the last 10 years, the debates and the discussions revolving around the draft declaration had led to the establishment of a constructive dialogue between Governments and indigenous peoples. Moreover, the Working Group itself had become a unique forum in the world community where the aspirations and concerns of 300 million indigenous peoples could be voiced. This was, the third achievement to be taken into account on the occasion of this anniversary session.

26. Mrs. Daes recalled that 1993 had been proclaimed the International Year for the World's Indigenous People and expressed the hope that the event would be used to raise worldwide awareness of indigenous peoples issues and as a basis for long-term improvements through the establishment of concrete programmes and projects aimed at bringing substantial changes in the lives of indigenous peoples. In that context, she recalled that a three-day technical meeting would take place immediately after the Working Group's session to discuss projects and activities related to the International Year; she urged the participants to make every effort to prolong their stay in Geneva and to participate in this very important meeting. She also noted that the World Conference on Human Rights, to be held in Vienna in June 1993, should equally be conceived as an important occasion for airing the concerns and the aspirations of indigenous peoples. It would be unthinkable that the World Conference on Human Rights would not include an item on indigenous rights and other relevant issues.

27. With regard to the method and organization of work of the session, Mrs. Daes expressed her hope that the Working Group would continue to make substantial progress on the draft declaration. In particular, she hoped to complete the first reading and devote time to a second reading of the first of the operative paragraphs of the draft declaration as submitted by the

Chairperson/Rapporteur at first reading and revised later by her in order to include certain important amendments proposed by Governments, indigenous peoples and specialized agencies. During the session, the Working Group would have the opportunity to consider the preliminary report of the Special Rapporteur, Mr. Alfonso Martínez, on treaties, agreements and other constructive arrangements, as well as a note prepared by the secretariat on the intellectual property of indigenous peoples.

28. Mrs. Daes referred also to the May 1992 Santiago meeting and expressed her satisfaction for the constructive and useful report adopted at this conference. She stated that the Centre for Human Rights was planning to hold a regional training course on human rights in the Latin American region during 1993; it was also preparing for publication a manual on practical experiences of indigenous populations in internal self-government, an initiative which was made possible thanks to a financial contribution from the Government of Denmark.

29. She mentioned her visit to New Zealand, at the invitation of the Government, during which she had been able to meet with governmental officials including, in particular, the Prime Minister and other ministers, and representatives of the Maori people, in particular with their respected Queen, Te Atairangi Kaahu, the Chief Judge and members of the Waitangi Tribunal, the representatives of the Maori Congress and of a great number of tribes representatives. She expressed her gratitude to the Government of New Zealand and to the Maori people for their invitation and contribution to the work of the Working Group.

30. She had also attended at the First World Indigenous Youth Conference, held in Quebec, Canada, in July 1992, where she had been impressed by the enthusiastic and dynamic participation of the younger generation of indigenous people; indigenous youth is an essential human resource which can contribute to economic, social and cultural development at the national, regional and international levels. She expressed her gratitude to the Governments of Quebec and Canada and, in particular, to the youth organizations and to the Grand Council of the Crees of Quebec for their assistance and support to the above-mentioned Conference.

31. Further, Mrs. Daes expressed her appreciation to the heads of States or Governments of the States participating in the Conference on Security and Cooperation in Europe (CSCE) for considering some of the issues related to indigenous peoples and adopting within the "Framework for Monitoring Compliance with CSCE Commitments and for Promoting Cooperation in the Human Dimension" provision 29 by which the participating States agree that their CSCE commitments regarding human rights and fundamental freedoms apply fully and without discrimination to the "persons belonging to indigenous populations". Finally, Mrs. Daes noted that this year the Voluntary Fund for Indigenous Populations had enabled 41 indigenous peoples representing 40 organizations from 19 countries to attend the Working Group, and expressed her gratitude to the donors who had made this possible with their generous contributions (the full text of Mrs. Daes' opening statement will be issued as document E/CN.4/Sub.2/1992/33/Add.1).

32. The representative of the observer Government of New Zealand, expressed his Government's deep appreciation for the visit Mrs. Daes paid to his country; he thanked her for the invaluable assistance provided during the consultation process between governmental departments and other agencies and the Maori representatives. Following the ninth session of the Working Group, the New Zealand Government had devoted considerable attention to the draft declaration, the outcome of this exercise was, inter alia, the establishment by the Government of an official Steering Committee which coordinated the Working Group on Indigenous Populations related to issues. His Government had decided to contribute again to the Voluntary Fund for Indigenous Populations.

33. Ms. Hekia Parata, General Manager of Policy of the Ministry of Maori Development, endorsed the statement made by the representative of the observer Government of New Zealand and thanked Mrs. Daes on behalf of the Minister of Maori Affairs for her visit. She then outlined the role and the responsibilities of her newly created ministry called Te Puni Kokiri, and referred to the Treaty of Waitangi between the Maori people and the British Crown as the principal framework within which her ministry works.

34. The Working Group was also attended by Judge Eddie Durie, Chairman of the Waitangi Tribunal, as well as the representative of the Maori National Congress, Mr. Archie Tairaroa, who also addressed Mrs. Daes.

35. After expressing her gratitude to the delegation of the Government of New Zealand and the representatives of the Maori people, Mrs. Daes also referred to the substantial contributions made by New Zealand to the Voluntary Fund for Indigenous Populations.

36. The representative of the observer Government of Australia, the Federal Minister for Aboriginal and Torres Strait Islander Affairs, Mr. Robert Tickner, emphasized the important role of the Working Group in promoting and protecting the rights of indigenous peoples and stated that his Government believed in its continuing value. He suggested that the Working Group should, in addition to its working on the draft declaration and reviewing further developments, give consideration to other developments in the area of standard-setting; it should also endeavour to make concrete suggestions as to how the problems of indigenous peoples could be addressed. He then drew attention to the concern shared by many of the participants that once the draft declaration would move out from the Working Group, indigenous people might no longer be able to participate in and provide their important input into its further elaboration. He accordingly recommended that if a working group were to be set up by the Commission on Human Rights to consider the draft declaration it should schedule its sessions to allow indigenous peoples to participate fully. Measures should be taken so that indigenous representatives be in a position to make their substantive contribution to the consideration of the draft declaration by the Commission on Human Rights.

37. The representative of the observer Government of Canada endorsed the view expressed by the representative of the observer Government of Australia that the Working Group should not cease to exist after the completion of the draft declaration, since it represents too important a forum for a constructive exchange of views between Governments and indigenous peoples.

38. The representative of the Grand Council of the Crees of Quebec, Mr. Ted Moses, stated that after the completion of the elaboration of the draft declaration, the Working Group should be given the status of an established United Nations body and continue its important activity and contribution to the protection of the rights of indigenous peoples.

39. In her closing statement, the Chairperson/Rapporteur noted that, once again, the Working Group had proved to be the main meeting place in the United Nations system for the world's indigenous peoples, and expressed her satisfaction for the increased attendance on the part of indigenous peoples' delegations and the efforts made by many indigenous peoples to attend the meeting. The Working Group played an important role: thanks to its activity since 1982, many of the observations made by Mr. Martinez Cobo in his report on discrimination against indigenous peoples had been confirmed; indigenous peoples had now taken their rightful place in the debates and on the agendas of United Nations bodies. Concerning the standard-setting activities, she referred to "Agenda 21", the plan of action adopted, in Rio de Janeiro, at the United Nations Conference on Environment and Development in June 1992, which reflected some of the principles contained in the draft declaration.

40. Mrs. Daes noted that the Working Group had made significant progress in its standard-setting activities, by completing the first reading of the draft declaration and advancing substantially in the second reading. She stressed the particularly stimulating and productive debate on the concept of "self-determination" and some other key concepts and notions of the draft declaration. The full draft declaration, as agreed upon by the members of the Working Group at first reading, would be annexed to the report of the Working Group to the Sub-Commission and that the report, together with the text of the draft declaration, would be submitted to Governments, intergovernmental and non-governmental organizations requesting their comments and amendments. She believed that the Working Group had a moral obligation to finalize the draft declaration at the level of the Sub-Commission for the International Year for the World's Indigenous People in 1993, and invited all participants to do their best to reach a balanced consensus text to be submitted to the Sub-Commission. She fully shared the concerns expressed by many representatives of both observer Governments and indigenous peoples about the future of the declaration once it would leave the Working Group: serious thought would have to be given to how indigenous peoples could continue to participate fully and without discrimination in future forums in which the draft declaration would be examined.

41. Mrs. Daes appealed to Governments, non-governmental organizations and international educational and business institutions to contribute generously to the Voluntary Fund established to support the programme of activities of the International Year: these contributions were particularly needed because, as a result of the continuing financial strains, no funds for supporting the Year would be provided from the regular budget of the United Nations. She welcomed the initiative of the Aboriginal Youth of Australia for agreeing to host the second indigenous youth conference in 1993 in Darwin, Australia; she invited the United Nations agencies, ILO, UNESCO and UNICEF in particular, to offer their assistance to the organizations of indigenous youth. Finally, Mrs. Daes extended her thanks to the Working Group members, all participants

in the session, and the secretariat for their work. She expressed her gratitude to the International Service for Human Rights and the Indigenous Centre for documentation, Research and Information (DOCIP) for the technical secretariat services they had provided to indigenous representatives (the full text of Mrs. Daes' closing statement will be issued as document E/CN.4/Sub.2/1992/33/Add.1).

II. EVOLUTION OF STANDARDS CONCERNING THE RIGHTS OF INDIGENOUS PEOPLES

42. At the 1st meeting, the Chairperson/Rapporteur of the Working Group, Mrs. Erica-Irene A. Daes, stated that the tenth session of the Working Group would mainly be devoted to standard-setting activities and invited all participants to make their best efforts in order to continue to work effectively and productively with a view to further progress in the elaboration of the draft declaration. She had prepared a revised working paper (E/CN.4/Sub.2/1992/28) containing her proposed text of the draft declaration on the rights of indigenous peoples as well as suggested revisions by Governments, intergovernmental organizations, indigenous organizations and other interested parties.

43. She suggested that the Working Group devote the rest of the week discussing at first reading the proposed text, and suggested revisions thereto, from draft operative paragraph 20 onward, including three additional paragraphs she had proposed and to be inserted without prejudice to their placement (E/CN.4/Sub.2/1992/28, Section B). On the basis of the debate, the members of the Working Group would elaborate a new text. Observers would be able to make preliminary comments on the new draft at this session; the text would be transmitted to Governments, intergovernmental organizations, indigenous organizations and other interested parties for more detailed consideration and commentary. After the completion of the first reading, the Working Group should examine at second reading the draft operative paragraphs to the draft declaration contained in document E/CN.4/Sub.2/1992/28, Section A. Finally, the remaining meetings of the Working Group would be devoted to the other items mentioned in the agenda.

44. The Working Group continued the first reading of the draft declaration provision by provision at its 2nd to 8th meetings. The second reading of draft operative paragraphs 1 to 14 inclusive took place at the 9th and 10th meetings of the Working Group.

A. General comments

45. The representative of the observer Government of Finland highlighted the crucial importance of the standard-setting activity of the Working Group, taking into account the fact that, thus far, ILO Conventions Nos. 107 and 169 could provide only a limited protection of the rights of indigenous peoples because of their status. With respect to the draft declaration, he pointed out that some provisions still remained highly controversial, in particular those concerning the issue of "self-determination" of indigenous peoples and their rights to the lands they had been traditionally using and living on. He felt that several elements were still missing from the draft declaration, such as provisions concerning vocational training, conditions of employment

and access to social services. Nevertheless, he expressed his Government's firm conviction that the elaboration of the draft declaration by the Chairperson/Rapporteur and the Working Group should be achieved by 1993 so as to make its adoption coincide with the International Year for the World's Indigenous People.

46. The representative of the observer Government of Chile said that the draft declaration should incorporate principles and general guidelines, which could contribute to the analysis and the implementation of indigenous issues both at the social and the decision-making level. He further stressed that the principles embodied in the draft declaration should, within the domestic framework, stimulate appropriate normative processes and, above all, encourage the acquisition of a responsible social attitude with respect to indigenous peoples, their rights and their aspirations.

47. The representative of the observer Government of New Zealand emphasized the importance of consistency of the draft declaration with other international standards, and referred as well to the matter of compatibility with national laws. He drew attention to Agenda 21 prepared for the Earth Summit, which he considered directly relevant to the work of the Working Group; he also referred to chapter 26 of the said Agenda with respect to the role of national legislation on indigenous matters.

48. The representative of the observer Government of Australia stated that the progress made in the standard-setting activity of the Working Group had been remarkable, in particular in 1991. However, it was imperative that the second reading of the draft declaration be completed by the eleventh session, i.e. in 1993, since a further delay would amount to a serious loss of momentum with the consequence of reducing significantly the prospects of adoption of the instrument. In this context, the objective which should be clearly kept in mind also at further stages of the elaboration process, namely at the Sub-Commission and the Commission level, was that the final outcome be a balanced and realistic aspirational text so that it could be widely accepted both by Governments and the international community as a whole.

49. The representative of the observer Government of Canada expressed satisfaction for the substantial progress made by the Working Group. While expressing the hope that the draft declaration be adopted during the International Year for the World's Indigenous People, he emphasized that clarity of language and avoidance of redundancy would be two essential prerequisites for ensuring an easier and faster negotiation process at the Sub-Commission and Commission level. In this connection, he pointed out that several provisions of the text of the draft declaration were repetitive; certain concepts and terms such as "people", "self-determination" as well as "lands and territories" were frequently used without definition and therefore would need further clarification. He therefore welcomed the intention of the Chairperson/Rapporteur to include in the introduction to the final version of the draft declaration an interpretation of these concepts.

50. The representative of the Indian Council of South America stressed the important role of the United Nations in educating peoples to respect cultural differences. He was also in favour of the adoption by the Working Group of the draft declaration in 1993.

51. The representative of the Grand Council of the Crees of Quebec noted that indigenous peoples all over the world continue to belong to the poorest segments of the population and to be neglected by the international community; it was against this sad background that the work of the Working Group should be measured. In fact, the existence of the Working Group and its standard-setting activities have strongly encouraged the protection and the recognition of indigenous peoples throughout the United Nations system to such an extent that it could be stated that indigenous peoples were now also being recognized, in practice, as subjects of international law. The drafting process of the declaration had had a positive impact on some forward-looking Governments, in that they had already proceeded to adopt, or were in the course of doing so, appropriate measures aimed at putting into effect essential human rights standards discussed within the Working Group.

52. The representative of the observer Government of the United States of America stated that his Government welcomed the fact that the draft declaration had, in large part, focused on two fundamental aspects concerning the protection of the indigenous peoples, namely non-discrimination and equality before the law, and their right to preserve and develop their identity. He pointed out that a large number of the provisions contained in the draft declaration would require States to assume overbroad and unrealistic duties. Moreover, several provisions of the draft declaration called for a more precise definition. Many concepts contained in the draft declaration, e.g. the concepts of "self-determination", "peoples", "land rights", etc. were characterized as rights owed to an individual, whereas they should have been conceived as desired objectives rather than rights. The draft declaration should address in a clear and realistic manner the question of the relationship between national law and the control by indigenous peoples over lands and resources, and define in which cases the latter may be limited by the former.

53. The representative of the observer Government of Brazil reaffirmed his Government's deep commitment to the elaboration process of the draft declaration and the importance given by it to the protection of "indigenous populations' rights"; in this connection, he indicated, *inter alia*, that a thorough revision of indigenous rights in Brazil was presently under way. However, he voiced his Government's concern about the introduction of some potentially controversial wording in the text and in the title of the draft declaration itself. He also expressed concern about the use of the concepts "indigenous peoples" and "self-determination" and, although he welcomed the proposal of the Chairperson/Rapporteur of providing interpretation of these concepts in the final version of the draft declaration, he maintained that this exercise would not eliminate existing doubts. Like the representative of the observer Government of New Zealand, he referred particularly to chapter 26 of Agenda 21, adopted at the United Nations Conference on Environment and Development: this text could be usefully referred to by the Working Group since it contained some of the most advanced principles recognized by the international community with regard to indigenous peoples' protection.

54. The representative of the observer Government of Japan stressed that the historical and the social contexts in which indigenous peoples live, as well

as the world's political and legal systems, varied significantly from country to country, therefore, it was essential that the provisions of the draft declaration be as realistic and flexible as possible.

55. The representative of the Aboriginal and Torres Strait Islander Commission stressed, *inter alia*, that the elaboration process of the draft declaration should be completed and urged the Working Group to make every possible effort to finalize and adopt the text of the draft declaration by 1993.

56. The representative of the Comision Juridica de los Pueblos de Integracion Tawantisuyana recommended that the provisions of the draft declaration be kept as realistic and flexible as possible.

57. The representative of the observer Government of Norway, who also spoke on behalf of Denmark, Finland and Sweden, made a general statement on standard-setting activities. Reaffirming the strong commitment and genuine interest of the Nordic countries in the ongoing work of the Working Group, he expressed the hope that the final outcome would result in an effective declaration which could actually improve the situation of the world's indigenous people. He endorsed the recommendation made by the representative of the observer Government of Canada with regard to the importance of clarity of language and avoidance of redundancy. In order for the draft declaration to achieve universal acceptance two essential conditions should be met: (a) that the language be sufficiently flexible to apply to the different situations of indigenous peoples as well as the different social and legal systems of the countries in which they live; (b) that flexibility be associated with a firm protection of indigenous peoples' rights within the various systems. Flexible language is imperative when applied to situations concerning the enjoyment and the exercise of land rights by indigenous peoples. Referring to the guidelines on the setting of international standards in the field of human rights, contained in General Assembly resolution 41/120 of 4 December 1986, he welcomed the clearly stated intention of the Chairperson/Rapporteur to ensure that the draft declaration be in accordance with these guidelines. He echoed the statements of the representatives of the observer Governments of Australia and Canada concerning the importance of ensuring that indigenous representatives be able to continue to make substantial input at further stages of the elaboration of the draft declaration.

58. Mr. Chernichenko, a member of the Working Group, shared the view of many other participants that the provisions of the draft declaration should be formulated with a view to reflecting the opinions of all interested parties and encouraging broad consensus. In this connection, he expressed concern about the tendency on the part of a number of representatives to make the rights articulated in the draft declaration too detailed.

59. The representative of the National Indian Youth Council voiced the same concern as Mr. Chernichenko and warned that the trend towards including excessively specific language in the draft declaration entailed two negative consequences: (a) it would inevitably lead Governments to increase their tendency to limit or qualify the language, and (b) it would be conducive to a

draft declaration which would not apply equally to the different circumstances of diverse indigenous peoples. What was ultimately at stake at every Working Group's session was the actual improvement of the conditions of the world's indigenous peoples. Although consensus among States and other relevant actors had not progressed as far as indigenous peoples' expectations, satisfaction should indeed be felt for the fact that consensus now existed on a defined set of principles, and that the Working Group had succeeded in promoting dialogue on the content of indigenous peoples' rights.

60. The representative of Minority Rights Group observed that the reference made to General Assembly resolution 41/120, which calls for the consistency with existing international human rights instruments, was not appropriate. He argued that international human rights law was capable of many interpretations and evolution, accordingly, a rigid borderline between old and new standards could not be drawn, and new standards could be consistent even if they go further than old ones. While throughout the draft declaration references were made to duties of States to take measures to implement the rights contained in the declaration, there was no general measures clause; such a clause should be included, as was the case in the draft declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities.

61. Thirty-four indigenous peoples' organizations, including eight with consultative status, submitted a written statement recommending that the draft declaration be submitted for technical review by the secretariat on completion of the second reading and that the Working Group hold its twelfth and thirteenth sessions in the Western Hemisphere and in the Asian/Pacific region with the intent of disseminating the text in those regions.

B. Comments on specific provisions of the draft declaration

62. At the 3rd meeting, the Chairperson/Rapporteur, Mrs. Daes, introduced item 4 of the agenda and submitted to the attention of the Working Group document E/CN.4/Sub.2/1992/28, Section B, for consideration. The Working Group proceeded with the first reading of the draft declaration provision by provision, from draft operative paragraph 20 to 30, as well as paragraphs suggested by the Chairperson/Rapporteur for consideration for inclusion without prejudice to their placement, contained in document E/CN.4/Sub.2/1992/28. At the 9th meeting, the Working Group concluded the first reading of the draft declaration and began its second reading from operative paragraph 1. At the 10th meeting, it concluded its second reading after consideration of operative paragraph 14. Before introducing both the first and the second reading, the Chairperson/Rapporteur invited the participants to make amendments, revisions and suggestions to each provision under consideration.

63. During the discussion, certain issues were regarded as particularly important and, accordingly, were the object of a substantial debate, in particular the inclusion of the notion of "self-determination" in the draft declaration. Many references and proposals were also made by some participants based on the report of the tribal summit on the draft declaration, held in Denver in June 1992 (E/CN.4/Sub.2/AC.4/1992/3/Add.1), which were taken into account by the members of the Working Group.

64. Most representatives of observer Governments put forward strong reservations with regard to the inclusion of references to "self-determination". In particular, the representative of the observer Government of Canada affirmed that they were ready to favour the insertion of the principle of self-determination for indigenous people provided that it be understood that the right of self-determination was exercised (a) within the framework of existing nation-States, and (b) in a manner which recognized an interrelationship between the jurisdiction of the existing State and that of indigenous communities, where the parameters of jurisdiction were mutually agreed upon. The representative of the observer Government of Norway, speaking also on behalf of Denmark, Finland and Sweden, stressed that great caution was necessary in relation to the term "self-determination" and urged for it to be qualified carefully, if included in the draft declaration. Like the previous representative, he also specified that any qualification should first of all clarify that the principle of self-determination as embodied in the draft declaration referred to self-determination within the framework of existing States.
65. The representative of one observer Government expressed his concern that, while the term "self-determination" was often used to imply a wide range of autonomous decision-making arrangements short of full independence, operative paragraph 1 of the declaration, in its present wording, might be misconstrued as protecting the right of indigenous peoples to independence as a separate State. His concern was echoed by another representative of one observer Government who stated that including reference to self-determination could not only lead to conflict with international law, but also undermine State sovereignty.
66. The representative of the observer Government of Australia, while recognizing the legitimate concern of States to preserve their territorial integrity, expressed support for the inclusion of language referring to self-determination in the draft declaration. In this connection, he suggested that in order to overcome the concerns voiced by many Governments with regards the inclusion of self-determination language in the draft declaration, a more explicit reference to the 1970 Declaration of Principles of International Law on Friendly Relations and Cooperation among States than that contained in the present operative paragraph 4 should be inserted. The general debate on self-determination as developed in international fora had witnessed the emergence of the view that there might be ways in which the right of self-determination could be legitimately exercised short of the choice of separate status as an independent sovereign State. In his Government's opinion, a system which would guarantee full and genuine participation and fundamental human rights, as well as recognize the special position of indigenous peoples, could provide an adequate and real realization of self-determination. Specific recognition of the right of self-determination for indigenous peoples, as separate and distinct peoples, would assist them to overcome the barriers to full democratic participation in the political process by which they are governed.
67. The Chairperson/Rapporteur, Mrs. E.I. Daes, pointed out that the principle of self-determination, as discussed within the Working Group and as reflected in the draft declaration, was used in its internal character, that is short of any implications which might encourage the formation of independent States.

68. A number of representatives of indigenous peoples maintained that the right to self-determination was an inherent and inalienable right of all nations and peoples which existed independently from recognition from Governments and international organizations. They further stated that the meaning they ascribed to the right to self-determination was that attributed to it by international law. In this connection, they specified that, in addition to the right to determine their own destiny and political, economic, cultural and social structures, the right of self-determination should necessarily encompass the right of indigenous peoples to use and control their own lands and natural resources, to impose taxes, to engage in cross-border trade, to impose their own criminal and civil jurisdiction with respect to indigenous peoples as well as non-indigenous living on their territory.

69. The representative of the Aboriginal and Torres Strait Islander Commission recognized the necessity to insert in the draft declaration some qualifying language accompanying the right to self-determination of indigenous peoples. This approach was preferable to that suggested by the representatives of some observer Governments, i.e. that the concept of self-determination be replaced by the term "self-management"; the use of this term would drastically weaken the draft declaration. Australia's experience had shown that self-determination was an aspirational concept which provided a firm basis for progressively increasing the decision-making powers of indigenous peoples.

70. Mr. Chernichenko proposed to reformulate operative paragraph 1 of the draft declaration with the following new wording: "Indigenous peoples have the right to self-determination. In the context of this declaration, it means first of all the right to autonomy and (or) self-government, including the right to freely determine their political status and institutions and freely pursue their economic, social and cultural development. The realization of this right shall not pose a threat to the territorial integrity of the State."

71. The Chairman of the Board of Trustees of the Voluntary Fund for Indigenous Populations, Mr. A. Willemsen-Diaz, referred to the Charter of the United Nations, the 1970 Declaration on Friendly Relations among States and the 1960 Declaration on Granting Independence to Colonial Countries and Peoples, where the principle of self-determination was recognized as a fundamental human right the enjoyment of which was an essential precondition for the enjoyment of any other human rights and fundamental freedoms. An uncompromising denial of this right to indigenous peoples might lead to potentially dangerous and conflictive situations.

72. An international scholar, Mr. D. Sanders, stressed that some leading international jurists had agreed that, although indigenous peoples did not normally have the right to secession, self-determination could equally apply to them in the forms of self-government or autonomy within existing States. Another scholar, Mr. J. Falkowski, stated that the Working Group was in the process of creating a double standard of self-determination in respect to indigenous peoples, and suggested that the universal language of article 1 common to the international covenants on human rights be used in the draft declaration with the addition of a specific reference to indigenous peoples. This formula would equally solve the problem of inconsistency of the draft declaration with the other international human rights instruments.

73. Reservations as to the use of the term "peoples" in the draft declaration were expressed by many representatives of observer Governments. In particular, the representative of the observer Government of Canada stated that Canada's acceptance of the term "peoples" was subject to the inclusion of a qualifying phrase failing which they would only support the use of the term "people". The representative of the observer Government of the United States of America indicated that his Government could not accept the term "peoples" as presently employed in the draft declaration, and suggested that, if the term was eventually to be retained, the draft declaration should then include a provision equivalent to that contained in the ILO Convention No. 169, which made clear that the use of the term "peoples" in that Convention did not imply the right of self-determination as it was understood in international law. The representative of the observer Government of Japan cautioned against having the term "indigenous peoples" unqualified for this could eventually open the way to subjective definitions and, as a consequence, to confusion. The representative of the observer Government of New Zealand said that, whatever the scope and the meaning of the term "indigenous peoples" in the draft declaration, New Zealand strongly wished that it covered the special position of the Maori people in New Zealand.

74. Some representatives of indigenous peoples contended that the draft declaration should indeed consistently refer to indigenous "peoples". They also argued that it was not for Governments to determine who constituted a nation or a people, since peoples were entitled to decide for themselves.

75. The use of the terms "lands", "territories" and "resources" in the draft declaration raised some doubts. A number of representatives of Governments stated that these terms should be explicitly defined, although this exercise appeared to be very problematic. The meaning and the scope of some related concepts in the declaration, such as the "distinctive and profound relationship" of indigenous peoples to their lands, territories etc., the terms "control" and "traditional occupation" were indicated as both vague and overbroad and therefore difficult to apply in different contexts. The representative of the observer Government of Brazil stated that indigenous peoples in Brazil had the exclusive use of the land they occupied, but added that "lands" belonging to the federal Government were inalienable. Some representatives of indigenous peoples asserted that indigenous peoples had the inalienable right to define their own system of land, sea and ice-sea tenure.

76. In connection with draft operative paragraph 20, several comments were made on the term "compensation", after the representative of the observer Government of Chile had proposed to replace this term with the word "reparation", arguing that the latter had broader historic and economic implications. A number of representatives of indigenous peoples did not support Chile's proposal on the grounds that reparation had a narrower scope in law, whereas "compensation" implied moral justice as well. They also contended that "compensation" had a meaning of ongoing social justice. In this context, Mrs. Daes stated that the members of the Working Group thought that "compensation" was more international in character, and stressed that most national constitutions used the term "compensation".

77. Certain representatives of observer Governments expressed some concern about inclusion in the draft declaration of the concept of collective rights.

One of the them argued that the exercise of collective rights by indigenous peoples could seriously override that of their individual rights. The proposal was also made to use the formula "in community with others" already used in the international standards concerning the protection of minorities' rights, instead of a direct reference to collective rights. In particular, the representative of the observer Government of Japan expressed concern about the recognition in the draft declaration of so many kinds of collective rights as opposed to individual rights, and stated that this approach was unprecedented in international instruments. Support for the inclusion and maintenance of the concept of collective rights in the draft declaration was, on the contrary, strongly voiced by a number of representatives of indigenous peoples.

78. The right of indigenous peoples to "autonomy in matters relating to their own internal and local affairs", was equally subject to considerable scrutiny. The representative of one observer Government suggested that because this right was somewhat imprecise, it needed to be given effect in a flexible manner. It was also stressed that with respect to autonomy, national law should prevail, with only limited exceptions. Another suggestion put forward was to replace "autonomy" by "self-management": objections to this proposal were made with the argument that self-management was merely an administrative concept that did not include decision-making activity. Moreover, representatives of indigenous peoples from Peru and Chile recalled that there existed already a tradition of autonomy in rural communities in their countries.

79. The terms "mental integrity" and "cultural genocide" included in the draft declaration were referred to as undefined and unclear terms by several representatives of observer Governments. The latter also stated that they felt uncomfortable with respect to the inclusion of the concept of "cultural genocide" in the draft declaration.

80. The Chairperson/Rapporteur, Mrs. Daes, explained that the terms "mental integrity" and "cultural genocide" are terms which have been included already in official documents of the United Nations system. Also, she stated that it is her intention to include in her commentary on the draft declaration an interpretation of these terms in order to avoid any misunderstanding.

III. REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF INDIGENOUS POPULATIONS

81. Item 5 was discussed from 27 to 30 July 1992 at the 11th to the 16th meetings of the Working Group. One hundred and sixteen speakers addressed this item. While reviewing recent developments many participants stressed the importance of the draft declaration in the eventual solution of problems faced by indigenous peoples.

A. Right to life and physical integrity and other civil rights

82. Continuing violations of the right to life were a major concern of indigenous representatives: they spoke of mass and systematic killings, including murder and disappearances of indigenous leaders and activists, as

well as deaths in custody. Several speakers referred to massacres which had occurred in the last few months; they also referred to practices of torture, rape, arbitrary arrest and detention and the impunity which accompanied such crimes. Much of this violence was perpetrated by the armed forces.

83. One indigenous representative stated that her Government, through a campaign of road signs, had insinuated that there was a conflict between the rights of private property owners and those of indigenous peoples; the programme had resulted in increasing tension between indigenous peoples and private landowners leading to the massacre of 20 indigenous persons, and later to the murder of the lawyer representing the indigenous community.

84. The representative of another indigenous group discussed what he called his Government's policy of cultural genocide. The Government was transporting non-natives from other areas onto his group's resource-rich traditional lands in order to culturally overwhelm the local population; this policy resulted in increasing tensions between newcomers and the local populations. The representative alleged a programme of forced birth control that was applied only to indigenous women, 10 to 49 years old, to ensure the eventual extinction of his people and the creation of "a new pure human being" in that country. Some indigenous leaders said their communities only numbered about 1,500 to 2,000, each, the last survivors from peoples with distinct languages, customs and cultures. They felt that it was the responsibility of Governments and humanity as a whole to preserve these human civilizations.

85. The representative of the observer Government of Australia informed the meeting of the conclusion of the report by an official commission into aboriginal deaths in custody: that commission had found that isolated acts of unlawful violence or brutality was not the reason for those deaths, but instead the fact that the victims had lived lives of entrenched and institutionalized racism and discrimination. Their deaths were found to be the tragic consequence of two centuries of dispossession, dispersal and appalling disadvantages. The 339 recommendations of the commission aimed at all levels of government policy and called for a detailed regime of accountability.

86. The speaker for an indigenous group asserted that more than 20 natives were shot in response to a peaceful demonstration in support of the implementation of minimum wages. A spokeswoman of a non-governmental organization told of death squads attacking indigenous civilians in her country. Another speaker pointed out that no prison personnel had ever been charged in connection with the unusually high rate of aboriginal deaths in custody.

87. Another indigenous observer spoke about a pattern of discrimination and oppression against his people by two Governments of countries that encompass many of his people's traditional lands. He alleged that one such Government, after offering his people safe refuge in the wake of a change of government, had resumed a policy which included arbitrary detention, torture, summary execution and at least one case of the massacre of civilian demonstrators. In the latter case, no official inquiry had been set up to investigate the case and the Government had taken no action against those responsible.

He also cited the declaration by a high-ranking official of the Government in 1990 calling for the extermination of his people. The representative also accused the second Government of massacres of native civilians.

88. An indigenous spokesman alleged forced enslavement of indigenous people, many of whom died under extraordinarily harsh conditions. He further maintained that native villages had been razed, and the inhabitants relocated to concentration camps. Due process of law in the view of many indigenous representatives was denied. An indigenous representative stated that extrajudicial executions were rampant and widespread violations of rights of detainees were facilitated by repression at a regional level defiant of federal or even regional guidelines.

89. Forced relocation and exile was often faced by any indigenous people it was pointed out. In one instance, the people had been moved and abandoned in the wilderness in plain tents and without any equipment in extremely harsh polar conditions.

90. Referring to scheduled tribes and castes in his country, the representative of a State said that the term "indigenous peoples" did not include those tribes and castes; his country had been a melting pot of civilization for centuries. Certain tribes governed themselves and in the past four decades substantive positive measures had been taken to improve the situation of those people.

91. Several indigenous observers invited the Working Group to visit their areas and witness their plight. They also appealed to Special Rapporteurs of the Commission on Human Rights to do the same.

B. Land and natural resources

92. Indigenous representatives said that their land which had served them for millenia as a source of livelihood and the base of their culture and their very identity was taken away either directly by Governments or by government-condoned practices of private companies. Such seizure of land often led to violence and murder of indigenous people and in certain cases to mass flows of refugees. Indigenous communities were often involved in lengthy land claims with doubtful results. Improper claims procedures were reported where lands already legally in the hands of indigenous groups were later put into doubt, thus leading to long and expensive court battles.

93. Indigenous representatives mentioned increasing tensions in traditional indigenous lands which were being settled by newcomers from other parts of the country for economic reasons. These settlers tended to disregard indigenous customs and traditions, and the mounting tension had resulted in government claims that indigenous peoples were interfering with national economic development. Another speaker said that his people had been chased away from their sacred lands and the Government had created a national park.

94. The representative of a Government stated that the pace of change had accelerated in his country regarding aboriginal peoples and new partnerships were being built. The native agenda pursued four points, namely, fair and speedy settlement of land claims, improving economic and social conditions,

better relationship between aboriginal peoples and Governments and addressing the concerns of aboriginal people in contemporary life. Twenty specific claims had been settled so far and there were plans that outstanding claims pursuant to existing treaties could be concluded within eight years. Claims were being settled also concerning territories where aboriginal rights had not been dealt with by treaty or other legal means. A new territory would be created and be given to an indigenous group to administer.

95. In some cases, indigenous peoples have been forcibly relocated from their lands by the Government to make room for modern agricultural/industrial interests, in others non-indigenous peoples have been given governmental support to settle native lands and develop them, and in still others Governments have led campaigns equating indigenous land rights with a range of impediments to economic development. Indigenous people had occasionally been prevented from undertaking economic activities on their own land. Moreover, they often had violent clashes with companies which exploited their land.

96. The representative of an indigenous organization reported on a new government plan to expropriate a large area of traditional native land for development purposes without consulting the native inhabitants and without taking into account their agricultural and cultural traditions. He expected that this plan and others would lead to the loss of native cultural identity and traditional means of subsistence, as well as the further dislocation and fragmentation of the indigenous communities in that country.

97. Several speakers made positive reference to a Government's successful completion of a programme to demarcate and set aside a large area of forest territory for a native people. However, they regretted that lack of policing of the area was again resulting in the re-invasion of the territory by prospectors and that lack of funds for health care left indigenous people in a desperate situation with deadly diseases rampant. An appeal was made to the Working Group to submit a resolution about this situation to the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

C. Impact of war

98. Some indigenous representatives referred to ongoing internal wars which profoundly affected indigenous communities, these communities, especially in rural areas, were often caught in the middle of such conflicts. In one country, hundreds of thousands of refugees had fled their land. In one country 90 per cent of the refugees were indigenous persons. Indigenous representatives pleaded with the Working Group and the United Nations as a whole to assist them in their desperate situation. They also stressed that a disproportionate number of indigenous people were victims of those wars. Their communities were often forcibly militarized by the army or paramilitary groups which led them into the conflict against their will. Most speakers called on Governments to apply the Geneva Convention on the treatment of civilians.

99. The observer for an indigenous group spoke of his people's armed struggle against the Government which he accused of persistent discrimination. The Government had finally signed a treaty with his people but had not respected

its obligations, thus obliging his group to resort again to armed struggle. During this ongoing crisis he alleged that hundreds of native civilians had been massacred by the army.

100. A number of speakers underlined the difficulty several new democracies were having in controlling their military sectors. There were many cases in which the government's responsibility for human rights abuses by the military was not in ordering those abuses, but in failing to seek appropriate justice for those responsible. A speaker asked his Government to subordinate the military to the civilian government, and to reduce military spending in order to free the economic resources necessary for the advancement of his people.

101. Many of the indigenous speakers from war-torn areas told the Working Group about the dislocations and unsatisfactory conditions suffered by refugees from these areas.

D. Economic, social and cultural rights

102. A number of indigenous representatives discussed the abysmal social conditions of many indigenous peoples particularly in matters relating to health, education, housing and employment. Mention was made of discriminatory measures against indigenous people and of assimilationist policies whereby the white-dominated States imposed their values, laws and religions on indigenous peoples, thus exposing a clearly colonial mentality. An indigenous representative pointed to a decrease in life expectancy in his community of 15-20 years between 1959 and 1989. Another noted that although native peoples constituted a majority of his country's population, literacy rates were significantly lower in the indigenous majority than among the non-indigenous minority.

103. The special problems faced by indigenous women were also emphasized. Illiteracy, poverty, structural inequality, systematic sexual abuse, ill-health and the struggle to raise their family under the most adverse conditions were endemic problems faced by indigenous women.

104. A number of indigenous representatives discussed positive developments and projects taking place in their communities. One representative discussed the expansion of efforts developed by his country's indigenous peoples to establish and manage programmes designed to teach native philosophies and languages in their communities.

105. The representative of a Government said that for the first time, in an amendment to his country's Constitution, the indigenous people were specifically mentioned and it was required that they be consulted in all matters affecting their welfare. He also indicated a number of recent concrete steps taken by his Government to promote and protect the indigenous language including a new right to use the indigenous language before the authorities, the establishment of translation services to make this right practical, and an increase in native language education programmes in indigenous homelands.

106. From the vantage point of numerous indigenous representatives the economic plight amongst indigenous peoples stems from unlimited exploitation of the resources on their lands: exploitation of the land was largely achieved in accordance with bilateral agreements between transnational companies and Governments disregarding the economic well-being of the indigenous people and even trespassing the confines of national laws. An indigenous representative referred to supranational entrepreneurs and suggested that they could only be monitored by an international body.
107. The representative of a Government announced the establishment of a new ministry to better facilitate indigenous activities in four key areas, namely health, education, training and economic resource development. Programmes were under way to fight underachievement in the field of education and ill-health and premature death due to smoking and to face unemployment and social problems. An important decision was that the Government would fund a major forestry programme in a part of the country where there are major indigenous land holdings and where 35 per cent of the total working age population is indigenous.
108. The representative of another Government spoke about specific efforts in the areas of administration of justice, protection of children and families, language and culture. A television network would be established to serve aboriginal people in up to 12 aboriginal languages and dialects. A commission on aboriginal people had been created to examine their economic, social and cultural situation and give guidance for policy into the twenty-first century.
109. Some indigenous representatives felt that insufficient health care was due to the difficulty of reaching traditional territories from well-equipped urban centres, while others argued that unsatisfactory conditions reflected deliberate government policies to entrench the disadvantages of their native peoples. A representative of a non-governmental organization spoke about the unusually high rate of malaria among indigenous forest-dwellers and urged the international community to provide medical aid to the area, while another spoke about the disproportionately high incidence of cholera among her people. Speakers called for the recognition and use of traditional medical processes by official health programmes.
110. In another country, education was free except in rural areas where local peoples are expected to contribute in the form of land for schools and building materials. This results in an important economic disadvantage for the indigenous peoples who live in such areas. The family structure was disintegrating and the impact of colonization made it more difficult to rebuild strong and healthy families.
111. Several indigenous representatives expressed their fears that their Governments neither understood their cultural histories nor respected their right to protect cultural properties. Their concerns ranged from the desire to protect sacred sites from commercial exploitation to the return of ancestral remains from non-indigenous agencies. A number of these speakers suggested that Governments often believed that an inherent conflict existed between the economic development of indigenous peoples and the preservation of their lands, and cultural properties and traditions.

112. A representative from an indigenous group expressed his distress about proposed legislation that would enable local authorities to make decisions with respect to indigenous cultural properties without receiving the accord of the indigenous peoples concerned. Other speakers expressed their concerns about their Governments' unimpeded exploitation of sacred sites for financial gain. Several speakers underlined that freedom of religion was linked to preservation of sacred sites. This freedom was being menaced, inter alia, by the expansion of transnational corporations. One indigenous representative correlated the dependency between freedom, religion and the authority to determine which sites are sacred.

113. One indigenous representative, however, related progress made by his organization, a group specifically set up to promote the protection and return of native cultural properties. In particular, he cited the return of skeletal remains kept by the Government in a national museum for burial on ancestral lands.

114. The representative of a Government stated that his country's Constitution had been revised to include an obligation by the Government to promote the native culture. He also spoke briefly about the formation of a new parliament of the indigenous peoples with consultative status and some executive responsibilities. Representatives of two Governments told the Group that laws had been enacted to allow use of the native language before regional and national courts and other administrative authorities, and that funds had been allocated for translators to make this right practicable.

E. Environment and development

115. Several participants in the Working Group voiced their concern about various national development projects which resulted in violation of the rights of indigenous peoples. A speaker related devastating effects suffered by his community as a direct result of a hydroelectric project initiated by the Government: deleterious effects had been foreseen by his community, and a treaty had been negotiated with the Government, but the Government was not honouring its commitment to provide economic and structural assistance to the community in order to compensate for the damage caused by the project; as a result, living standards in his community had plummeted. The representative of one observer Government stated that his Government was seized of the issues concerning a hydroelectric project in his country and assured the Working Group that the best interests of all the people were being kept in mind.

116. Several Governments believing that numerous remote islands and territories were uninhabited, used these areas to conduct nuclear weapons tests and to deposit nuclear waste; the result was egregious contamination of native homelands. In one indigenous area, land was contaminated at rates 50-100 times higher than in similar non-indigenous lands in the region. Regarding the plight of aboriginal people in his country from nuclear pollution, the representative of a Government said that negotiations were currently under way with the State which had conducted nuclear testing in the 1950s and 1960s, for rehabilitation of the land and compensation. Several indigenous and government representatives commended the results and in

particular the conclusions and recommendations of the United Nations Technical Conference on Practical Experience in the Realization of Sustainable and Environmentally Sound Self-Development of Indigenous Peoples held in Santiago, Chile, from 18-20 May 1992 (E/CN.4/Sub.2/1992/31).

117. A number of indigenous representatives spoke about the positive relationship between their traditional economic activities and the environment. Many expressed the fear that the development of their territories by industrial concerns was resulting not only in the abrogation of their collective land rights but in irreparable damage to the environment. The need for sustainable development policies was underlined several times. Representatives of indigenous groups discussed the destruction of traditional lands by mining interests, the negative impact on the livelihood of the communities of excessive fishing and shipping, of water pollution caused by logging industries and mining and oil interests. Other speakers discussed the Governments' destruction of the forest, the traditional habitat of the people, in order to create pastures for agricultural development and animal breeding. Deforestation and toxic waste dumping were mentioned by several participants as destructive practices threatening the environment and the life of indigenous communities.

118. Speakers for indigenous peoples pointed to the forced expulsion of native peoples from their lands so that Governments could increase the logging and oil concessions to multinational corporations. A speaker described these forests as one of the most important biologically diverse resource bases left in the world. One indigenous spokesman referred to the destruction of his people's traditional economic base and asked that a United Nations study be undertaken in order to provide for the establishment of extraterritorial responsibilities of foreign Governments vis-à-vis indigenous peoples.

119. A number of speakers exposed the dark side of a trend within the international development community to promote the development of agricultural export industries: many countries, in developing such policies, were turning over native lands to large-scale agricultural concerns; this was leading to increasing income disparities at the expense of indigenous peoples. At the same time, instances were mentioned where government regulations limited the rights of indigenous peoples to practise their traditional economic livelihoods. One government representative informed the Working Group that his country had allocated approximately \$2 million to support development projects for indigenous peoples around the world, and urged other Governments which were in a position to do so, to take similar action.

120. An indigenous representative stated that environmental degradation had effects on the health of people and entailed long-term transformation of the ecosystem. He said that the natural pastoral land had been eradicated and replaced by monoculture of the land requiring capital and labour intensive input, causing large foreign debt and input of migrant non-indigenous workers. The appeal of indigenous representatives was to foster a self-sustaining environment with their guidance and participation and to put limitations on the spread of toxic substances by pressuring Governments and transnational corporations.

121. According to some indigenous speakers, the recently held United Nations Conference on Environment and Development provided a new forum on which indigenous peoples could act to put forward their philosophy and proposal regarding the environment.

F. Self-determination and political participation

122. Indigenous participants described their recent efforts to have their political status recognized. Several complained that their indigenous status was not officially recognized by the Governments and referred to assimilationist policies, including by force, in their regard. A number of these speakers stressed that the right to self-determination was an inherent right of indigenous peoples and should be recognized with full content given to this right by international law. Its denial by Governments indicates the use of a double standard and racial discrimination.

123. An indigenous representative pointed out that in ongoing negotiations between two countries regarding Northern Territories, the original inhabitants of those countries had not been consulted; they were neither recognized as a minority nor as an indigenous peoples. Another speaker stated that people were of the view that their inherent right to self-determination included the right to own and use their own resources and that secession was not desired by his people. An indigenous representative observed the blatant lack of representation of his people in government, despite the fact that in some States of the country they constituted 80 per cent of the population.

124. A government representative referred to constitutional reforms under way regarding the aboriginals, including national institutions and aboriginal self-government. The constitutional discussions took place with full aboriginal participation: proposals included (a) the recognition of the inherent right of self-government, and (b) that aboriginal Governments would be constitutionally recognized as a third order of government, joining the federal Government and the Governments of the provinces. Ministers and aboriginal representatives have agreed to the principle of guaranteed aboriginal representatives in a reformed senate as well as aboriginal consent to future constitutional amendments that directly refer to them.

125. The representative of another State underlined the support of his Government for the incorporation of the concept of self-determination in the draft declaration. The term would, of course require careful analysis. Within the process of reconciliation in his country a mixed council created in 1991 was working towards (a) promoting a deeper understanding by all of the history, cultures, past dispossession and continuing disadvantage of aboriginal people and of the need to redress that disadvantage; (b) fostering a commitment from Governments of the federation to land, housing, law and justice, cultural heritage, education/employment health, infrastructure, economic dependence and other relevant matters; and (c) consulting with all the communities on whether reconciliation would be advanced by a formal document and to make recommendations on the nature and content of such document. The representative also referred to the recent decision of the highest court of this country which had put an end to the offensive and essentially racist notion of terra nullius which asserted that the land was "empty and unoccupied", and by which the oppression of the indigenous peoples of the country was justified.

126. An indigenous representative underlined the importance of recognizing collective rights regarding indigenous peoples. Several representatives of aboriginal groups applauded a recent court decision invalidating the long-standing doctrine of terra nullius, thereby setting legal precedent they hoped would invalidate numerous decisions made on the basis of this doctrine. In another case, however, a recent high court decision of a country had pronounced that the doctrine of terra nullius to be invalid and substituted by what he considered an equally offensive, Eurocentric notion, that of "discovery", by which land occupied was deemed to be settled legitimately because the doctrine of discovery gives exclusive title to whoever makes the discovery and extinguishes native title.

G. Treaties and other legal arrangements

127. Indigenous and State representatives referred to recent developments regarding treaties and other arrangements. Indigenous speakers from a country described the recent constitutional process in their country. They expressed concern that if one of the federal States seceded, it would claim indigenous land which is still under question. The representative also called for the repudiation of a treaty concluded between his people and the Government under duress, i.e. under the threat of a hydroelectric project.

128. The representative of a Government informed the Working Group that direct negotiations involving the aboriginal people and the Government were under way on a number of major claims; the Government remained committed to the goal of settling claims by the end of this decade. A historic agreement was announced last year on a procedure by which surplus land held by a company would be disposed of while enabling the aboriginal interests to be protected. The Government would soon complete the transfer of 10 percent of the fishing quota to the aboriginal community.

129. The representative of another Government informed the meeting of a constitutional process in his country to clarify or implement treaty rights. Proposals included a provision directing the courts to interpret treaties in a just, broad and liberal manner. The intent of the process and the interpretation was not to reopen treaties or land claims agreements, but to ensure that treaty provisions would be respected.

130. Several indigenous representatives observed the non-implementation of treaties concluded between the States and their people called for the respect of their treaties. Speakers called for an independent international monitoring mechanism for such treaties.

131. Referring to a number of positive legislative measures of Governments, some indigenous speakers regretted that such measures had not been accompanied by adequate funds or political will and thus remained unimplemented. In one country, for instance, although a large percent of the population was indigenous, government leaders were non-indigenous.

H. Contributions of intergovernmental organizations

132. The representative of the International Labour Office (ILO) discussed the contributions made by his organization to the promotion of the rights of indigenous peoples. He reported that the Indigenous and Tribal Peoples Convention (No. 169/1989) had received four ratifications with a fifth one pending. In several other countries, executives had endorsed the Convention and passed it to national legislatures for ratification. He also noted an increase in the technical assistance activities of the ILO. In particular, special projects had been developed to assist and cooperate with forest-dwelling indigenous communities in certain regions. A joint ILO/IFAD mission to two countries was undertaken in September 1991 to discuss with national authorities and indigenous organizations a programme to protect the land rights of indigenous peoples, and to initiate a series of pilot projects to enhance the capacity of indigenous communities to manage health, bilingual education programmes, and marketing of local products. Another small-scale pilot project undertaken in a developing country was designed to ease the working conditions of indigenous women. Finally, the ILO is currently working on several pilot projects to improve the legal situation of indigenous communities and to ameliorate their living and working conditions.

133. Another speaker informed the Working Group that the Organization of American States (OAS) is working to contribute to the evolution of international law for the protection of the rights of indigenous people, and urged indigenous representatives to contact the organization in order to increase their participation in the process.

IV. STUDY OF TREATIES, AGREEMENTS AND OTHER CONSTRUCTIVE ARRANGEMENTS BETWEEN STATES AND INDIGENOUS PEOPLES

134. The item was discussed at the 17th meeting of the Working Group on 31 July 1992. The Special Rapporteur, Mr. Alfonso Martínez, gave an oral presentation on his first progress report: the report, in written form, would be made available soon at the Sub-Commission. It had not been possible for him to submit it to the Working Group due to unexpected academic commitments in his country, recent ill health and various technical difficulties. Since September 1991, considerable progress had been made thanks to the expert assistance of the Centre for Human Rights and the consultant who had worked on this matter. In the past year, Mr. Martínez was able to draw very positive experience regarding his work, in particular by attending the Santiago Technical Conference on Practical Experience in the Realization of Sustainable and Environmentally Sound Self-Development of Indigenous Peoples in May 1992. He said that he needed to visit Sevilla a second time in order to complete his research there.

135. The Special Rapporteur had received 15 replies to his questionnaire, seven of which were from Governments and the rest from indigenous and non-governmental organizations; they had been very helpful, but many more were still necessary. He urged all concerned and especially the indigenous peoples themselves to provide him with their interpretation of their own situation by answering the questionnaire as soon as possible. Turning to the substance of his report, the Special Rapporteur addressed the methodological problems he would handle. Due to the multiplicity of cases and their considerable

diversity, he had to construct an appropriate typology of cases; anthropology and social sciences would also be helpful in this regard, not least regarding issues of cultural relativism and ethnocentricity. The jurisprudence of international, regional and national courts would also be explored. He would address five typical cases: (a) treaties; (b) agreements, i.e. texts which are not of an international nature; (c) other constructive arrangements, which according to his mandate had to be studied; however, this posed the problem of what arrangements were seen as constructive by both parties; in essence, they were decisions by Governments; from his research, he had only identified one such case where both parties saw an arrangement as constructive, namely the Danish Law by which autonomy was granted to Greenland, (d) bilateral or multilateral treaties where indigenous peoples were considered as third parties; and (e) cases which did not belong to the above categories; these covered situations affecting many indigenous people from all over the world. To be able to review and analyse the voluminous information already gathered, the second (and final) progress report should be submitted to the twelfth session of the Working Group and the forty-sixth session of the Sub-Commission. The Special Rapporteur would then be in the position to submit his final report in 1995 to both bodies.

136. The Chairperson/Rapporteur, emphasizing the importance of the study on treaties, addressed an appeal in particular to the indigenous peoples to reply to the questionnaire prepared by the Special Rapporteur as soon as possible.

137. Indigenous representatives expressed their full support for the study and underlined its importance. Several speakers invited the Special Rapporteur to visit their countries and to make use of the documentation their organizations had prepared on this issue. They asked the Special Rapporteur to make special reference to the question of treaty implementation and spoke of violations by Governments of negotiated treaties. Other speakers suggested that some treaties signed by their peoples had been negotiated under conditions of duress, including economic hardship and the deprivation of the right to life; they therefore questioned the validity of these pacts and asked the Rapporteur to address this issue. One representative of an indigenous people asked the Special Rapporteur to examine the pattern of treaties existing in his region between indigenous nations before the arrival of colonial powers. Another participant stated that the courts in his country consider treaties with indigenous peoples as agreements, something less than treaties between States; he complained about this distinction because the indigenous peoples understood that they had signed treaties as nations.

138. The representative of the Government of Canada clarified a remark made by the Special Rapporteur regarding a pact negotiated with one of the indigenous peoples residing within Canada's borders by restating that such a document was indeed considered by his Government as a "modern treaty".

139. Several indigenous peoples' representatives underlined the fundamental importance of land rights in treaties: respect for the land rights associated with treaties was a prerequisite for improved living conditions for their peoples.

140. Another Government representative said that a treaty would be a possible outcome of a decade-long programme of reconciliation now under way in his country and hoped that the Special Rapporteur's study would be finished in time to make a contribution to those negotiations.

141. Responding to some of the comments made, the Special Rapporteur took notice of the difficult problems posed by treaties that were not recognized internationally. He reiterated that his mandate was to study both historic and modern treaties and, of course, the potential utility of these and other juridical documents for securing better relationships between indigenous peoples and States.

V. OTHER MATTERS

A. International Year for the World's Indigenous People

142. Item 7 on the International Year for the World's Indigenous People was discussed at the 18th meeting of the Working Group on 31 July 1992. Introducing the item the Chairperson/Rapporteur said that the highest priority should be given to the completion of the text of the draft declaration of the rights of indigenous peoples in 1993 at the level of the Working Group. She suggested that the United Nations launch, during the International Year, a comprehensive programme to document the conditions in which indigenous peoples live around the world. It has already been a decade since the publication of the Martinez Cobo study and it has never been updated and some of the data used is 20 or 30 years' old; indigenous peoples have brought a great wealth of information to the annual sessions of the Working Group which has never been published. Beginning next year, the United Nations should produce annual reports on the state of the world's indigenous peoples which should include the information already being collected on transnational corporations as well as data on health, education, and the enjoyment of human rights, and legal materials on cultural and intellectual property.

143. Meaningful and active indigenous participation is fundamental to the success of the International Year, which has as its theme "Indigenous Peoples - A New Partnership". The activities must be planned and implemented with their full cooperation and consent at national, regional and international level; this cooperation should not end when the International Year is concluded, however, but should become the basis for all future United Nations activities affecting indigenous peoples. Careful consideration should be given to the proposals already made by some indigenous organizations, for the establishment of a permanent United Nations council or forum of all the world's indigenous peoples. Such a body could bring the concerns indigenous peoples and governmental representatives have been expressing here in this Working Group to the other bodies and organs of the United Nations system, not only in the field of human rights but also in fields such as environment, development, health, education, peace and security. The Chairperson/Rapporteur appealed to the world mass media to inform public opinion about the International Year for the World's Indigenous People and to United Nations bodies and the specialized agencies to make their contribution to the success of the above-mentioned International Year. Finally, she invited the participants to attend the resumed Technical Meeting which would take place from 3 to 5 August and to contribute to the planning of the Year.

144. All the participants who spoke on this item expressed their full support for the International Year. Indigenous and governmental representatives alike stressed that it was essential for indigenous peoples to participate in the planning, implementation and evaluation of activities of the Year, including the activities related to the launch of the Year on 10 December 1992. The United Nations Children's Fund, United Nations Development Programme, International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization were urged to participate in making the Year a success. Alerting public opinion to issues of concern to indigenous peoples was considered a fundamental aim.

145. The representative of the ILO stated the intention of his Organisation is to take an active part in the Year; a detailed set of proposals had been discussed by the ILO Governing Body earlier this year and had received full support. Activities would include the issuing of six posters, a handbook on technical cooperation assistance, a book on land tenure questions and promotional efforts for the ratification of ILO Convention No. 169. Regarding the suggestion about compiling data on indigenous peoples around the world, the representative said that the ILO could work together with the United Nations Working Group on Indigenous Populations and the secretariat of the Centre for Human Rights on this matter.

B. Meetings and seminars

146. Item 8 on meetings and seminars was discussed at the 18th meeting of the Working Group, on 31 July 1992. Introducing the item, the Chairperson/Rapporteur, Mrs. E.A. Daes stated, *inter alia*, that the Nuuk Meeting of Experts was of historic importance: its valuable conclusions and recommendations constitute significant guidelines in particular for the interpretation and application of the concepts of "self-determination", "autonomy" and "self-government"; she expressed her gratitude to the Government of Denmark for all the assistance provided to the experts. She also expressed her gratitude to the Government of Chile for all the assistance given to the Santiago technical conference on environment and indigenous peoples.

147. The representative of Denmark and the Greenland Home Rule Government reminded the participants that racism could not be combated by a policy of assimilation of the few by the many. She urged the Chairperson to adopt the recommendations of the Nuuk Meeting of Experts in particular the recommendation to establish a mechanism for monitoring the rights of indigenous peoples.

148. The representative of Chile, which hosted the Santiago technical conference on environment and indigenous peoples, believed that the meeting had been instrumental in establishing the relevance of traditional practices to sustainable development; programmes should be developed to promote women in environmental conservation. He mentioned with satisfaction the establishment of a new fund for the development of indigenous people in Latin America and the Caribbean, and urged other governments to pursue similar programmes.

149. A representative of the Cree Youth of Canada referred to the First World Conference on Indigenous Youth which had taken place in Quebec in July 1992.

The representative of Aboriginal Youth of Australia announced that a Second World Conference on this theme was being prepared in Darwin, Australia, for June or July 1993 as a contribution to the International Year. Most participants who took the floor under this item welcomed the organization of specialized seminars and looked forward to future conferences in other parts of the world where indigenous people live.

C. Study of the ownership and control and of the cultural property of indigenous peoples and note by the secretariat on the protection of intellectual property of indigenous peoples

150. In introducing item 9 on other matters, the Chairperson/Rapporteur drew the attention of the participants to her working paper (E/CN.4/Sub.2/1991/34) on the cultural property of indigenous peoples and informed the participants that the Economic and Social Council approved the appointment of a consultant for three months in order to assist her in elaborating the aforementioned study: the consultant should be an indigenous personality with deep knowledge of the above-mentioned study. She wished to elaborate a very comprehensive study, which according to decision 1992/114 of the Commission on Human Rights, will be submitted to the Sub-Commission at its 1993 session. It was her intention to devote a relevant part of the study to the subject related to the intellectual property of indigenous peoples.

151. A number of speakers thanked the Special Rapporteur for the work she has already accomplished on ownership and control of the cultural property of indigenous peoples, and discussed historic patterns of violations of indigenous cultural and intellectual property rights and related developments. Representatives of non-governmental and indigenous organizations stressed the need for immediate action to protect indigenous intellectual property; traditional science was one of the last remaining resources of developing countries, and that "bio-prospecting", was the modern equivalent of "gold prospecting" or piracy. They expressed the fear that an important amount of indigenous intellectual property would be unethically expropriated within the next five to ten years, and appealed to Western scientists to exercise self-discipline.

152. Emphasizing the significance of cultural property for the identity and spirituality of indigenous peoples, the representative of one Government described a new national law recognizing indigenous ownership of its cultural property and the skeletal remains of its ancestors. However, an indigenous representative from the same country disputed the claim that the protection of intellectual property in that country was assured. She said that the unauthorized reproduction of indigenous works continued and emphasized the importance of restitution of cultural property including burial artifacts, skeletal remains, and spiritual and sacred items. She concluded that the existing legal framework remained deficient.

153. An indigenous representative of one country announced that a conference was to be held in 1993 to develop international guidelines to protect the cultural and intellectual property of indigenous peoples. This was to be an International Year for Indigenous People event and interested parties were urged to attend. One museum was commended by several speakers for its

decision to return skeletal remains to indigenous descendants. At the same time, they noted continuing reluctance by other collecting institutions on this subject, and in at least one case, a stepped up effort to collect skeletal remains and burial artefacts.

154. Several representatives recommended that the Special Rapporteur's study on cultural property should be expanded to include a discussion of intellectual property rather than beginning a separate study on the latter. Referring to paragraph 29 of the Secretary-General's paper on intellectual property, and the numerous suggestions made at the Working Group that the protection of intellectual and cultural property might overlap in many cases, the Special Rapporteur assured the participants that this problem would be avoided and that she would study their proposals carefully.

D. Voluntary Fund for Indigenous Populations

155. The Chairman/Rapporteur introduced this sub-item and underlined the great importance of the Fund and the valuable assistance given to a great number of indigenous peoples every year in order to attend the sessions of the Working Group. She appealed to the Governments to continue to make contributions to the Fund.

156. Several Governments referred to their contributions to the Voluntary Fund for Indigenous Populations, and one non-governmental organization referred to its contribution to the Fund as well as to its ongoing fund-raising campaign to finance development projects for indigenous peoples.

157. The Chairman of the Board of Trustees of the Voluntary Fund for Indigenous Populations expressed his gratitude to several Governments and non-governmental organizations for their contributions. In 1992, the Voluntary Fund had been able to finance 41 participants from 19 countries to come to the Working Group. There was some debate about using Fund resources to extend per diem disbursements to allow the recipients to remain in Geneva for three more days in order to attend the upcoming Technical Meeting on the International Year. The Chairman of the Voluntary Fund explained that according to the mandate of the Fund it was impossible. However, the Chairman/Rapporteur of the Working Group expressed the opinion that on the basis of a broad interpretation of the mandate of the Fund, the members or the trustees could adopt a decision helping the indigenous participants to prolong their stay in Geneva for the above-mentioned reasons. Also, a representative of a Government expressed his belief that the mandate for the Voluntary Fund should be broadened to cover the participation of indigenous representatives at other important fora as well.

E. Any other matters

158. The indigenous peoples of two countries made a joint declaration in which they announced their intention of holding a conference to cement their friendship and cooperation, and to publicize their effort to have a group of islands returned to their original inhabitants.

159. The representative of one Government brought up the question of how to insert the social, political and economic rights of indigenous people

into the agenda of the United Nations as a whole. He also suggested that the United Nations institute a programme of training courses on indigenous territories on such subjects as traditional medicine, environmental practices and customary international law.

160. A number of suggestions were made regarding the future work of the Working Group. The representative of an indigenous organization suggested that the Group should monitor, evaluate and publicize recent developments related to the human rights of indigenous peoples, and print an annual survey of global conditions on a country by country basis. He also asked the United Nations to continue its research on the impact of multinational corporations and urged the indigenous groups to provide more information and data about the effect of corporate policies on their lifestyles. Finally, he requested that the United Nations publish information about indigenous law and legal systems.

161. The representative of the Government of Australia, the Federal Minister for Aboriginal and Torres Strait Islander Affairs, Mr. Robert Tickner, expressed his deep appreciation for the valuable contribution of the Working Group during the first decade of its existence and offered a number of suggestions, regarding its future role. The Working Group is, and must remain, a continuing reminder to the international community of the collective social, economic, cultural and political concerns of indigenous peoples and continue to serve as a free and democratic forum in which a continuing constructive dialogue will take place between Governments and the world's indigenous people. After the Working Group has agreed to the draft declaration, it will be vital to ensure that the effectiveness of the Group is maintained and enhanced; this would be an important part of the follow-up to the International Year for the World's Indigenous People. The following proposals, could help the Working Group to give effect to the full potential of its existing mandate: enhancing its review of developments to include more detailed analysis and conclusions where appropriate; broadening its approach to standard-setting, so as to include analytical commentary and ongoing suggestions as input to consideration by other United Nations bodies of the draft declaration after it has left the Working Group; reviewing other international standard-setting activities relevant to indigenous peoples; reviewing standard-setting developments at the national level; continuing to prepare appropriate and well-targeted studies on an ongoing basis on issues of concern to indigenous peoples; making recommendations as to the provision of technical assistance available from other areas of the United Nations' human rights programme to States, national institutions and other organizations, in order to promote the human rights of indigenous peoples; providing expert advice to Governments and relevant organizations on request.

162. The representative of the observer Government of Australia added that, once the United Nations declaration on the rights of indigenous peoples is adopted, the Working Group should encourage states to report on their efforts to give effect to its provisions. He suggested that as a follow-up to the revised and updated Martinez Cobo study, a supplementary study should be undertaken within the Sub-Commission, of issues of particular relevance to indigenous peoples and of the means to address these problems. Such a study could survey the contemporary situation and provide options for future work on these issues by the United Nations and the international community. As to the

future of the draft declaration, it was his Government's view that the draft declaration should be provisionally adopted by this Working Group in 1993, as a major contribution to the International Year for the World's Indigenous People. The Sub-Commission could then submit the draft declaration as provisionally adopted by the Working Group to the Commission on Human Rights at its 1994 session. It would be usual practice for the Commission on Human Rights, when considering a draft international instrument as important as this, to refer it to a working group of the Commission for examination. It would also be usual for such a working group to be open-ended, to allow for non-governmental participation. Because of the particular importance of Governments being directly appraised of the aspirations of indigenous people, his Government believed that the normal procedures should be interpreted flexibly so as to allow for the widest possible NGO participation. Such a working group should take place in the week immediately prior to sessions of this Working Group to maximize continued participation by indigenous peoples.

VI. CONCLUSIONS AND RECOMMENDATIONS

A. Standard-setting activities

163. The Working Group decided to make every effort to complete its work on the draft universal declaration on the rights of indigenous peoples at its eleventh session in 1993, the International Year for the World's Indigenous People, so that the text would be ready to be reviewed by the relevant bodies of the United Nations in 1994.

164. The Working Group recommended that its report, including the complete text of the draft universal declaration on the rights of indigenous peoples as amended and agreed upon by its members at first reading (annex II), be circulated to Governments, indigenous peoples, and intergovernmental and non-governmental organizations for their written comments and suggestions.

165. The Working Group recommended that the Chairperson-Rapporteur, Mrs. Erica-Irene A. Daes, be entrusted with the task of further elaborating the paragraphs of the draft universal declaration which were agreed upon at second reading; it also recommended that the elaborated paragraphs be circulated among its members for their comments and suggestions. The text, as revised in accordance with the aforementioned comments and suggestions of the members, should be sent to Governments, indigenous peoples, intergovernmental and non-governmental organizations so that their reactions could be sent back to the Centre for Human Rights well in advance of the Working Group's eleventh session.

166. The Working Group recommended that its eleventh session be allocated 10 working days with full language services. It further recommended that members of the Working Group meet in closed session for five days prior to the eleventh session of the Working Group in order to consider the comments and suggestions received from Governments, indigenous peoples, intergovernmental and non-governmental organizations, and to review the structure of the draft declaration and identify remaining difficulties, gaps or ambiguities in the text.

167. In view of the fact that the draft universal declaration may be adopted by the Working Group and the Sub-Commission in 1993, the Chairperson-Rapporteur was invited to make written proposals for ways of ensuring full indigenous participation in any consideration of the draft by higher bodies of the United Nations, as well as recommendations for the implementation of the declaration, in particular as this concerned the future role of the Working Group.

B. Review of developments

168. The Working Group encouraged the continuation and intensification of the constructive dialogue which had begun to develop at its sessions between the representatives of indigenous peoples, the members of the Working Group and Governments. The Working Group reiterated its conviction that such a dialogue, conducted in an atmosphere of good faith, good will and confidence, could be very helpful to ongoing United Nations efforts concerning all aspects of the recognition, promotion, protection and restoration of the rights of indigenous peoples.

169. In view of the richness and importance of the information provided to the Working Group each year by representatives of indigenous peoples and Governments, and the potential value of stimulating a wider, year-round exchange of views, the Working Group reiterated its recommendation to the Sub-Commission and the Commission on Human Rights that its annual report should be made more widely available by reprinting it as a United Nations publication.

170. The Working Group reaffirmed its belief that the effectiveness of the work would be greatly enhanced by convening some of its future sessions in other regions, in particular Latin America, Asia and the Pacific.

171. The Working Group recommended that, to mark the International Year for the World's Indigenous People, the United Nations should launch an annual report on the state of the world's indigenous peoples, including statistics and analyses compiled by relevant United Nations bodies and specialized agencies such as the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the United Nations Children's Fund, and the World Health Organization, and the Transnational Corporations and Management Division (TCMD) of the United Nations Secretariat in collaboration with indigenous peoples and their organizations; those reports should be published as United Nations sales publications to ensure their widest possible distribution. The Working Group recommended to the Sub-Commission and the Commission on Human Rights that they submit this proposal to the Economic and Social Council.

172. The Working Group commended indigenous peoples' organizations for their continuing efforts to exchange information and experiences among themselves at the regional and international levels, through conferences and meetings on topics of particular concern to them. In particular, the Working Group warmly welcomed the holding of the First World Indigenous Youth Conference at Quebec City, Canada, in July 1992, and looked forward with great interest to the Second World Indigenous Youth Conference at Darwin, Australia, in 1993.

173. The Working Group also expressed its appreciation of the efforts made by indigenous peoples and Governments towards the equitable and peaceful resolution of disputes and the negotiation of new political arrangements for sharing power and responsibility at the national level. The Working Group was of the view that respect for human rights and the establishment of an open public dialogue by all parties was essential to such efforts.

C. Seminars and meetings

174. The Working Group expressed its profound satisfaction at the reports and recommendations of the meeting of experts on indigenous self-government held at Nuuk, Greenland, in September 1991 (E/CN.4/1992/42 and Add.1), and the technical conference on indigenous peoples and the environment held at Santiago in May 1992 (E/CN.4/Sub.2/1992/31 and Add.1). The Working Group extended its sincere appreciation to the Home Rule Government of Greenland and to the Government of Chile for hosting those important meetings. The Working Group recommended to the Sub-Commission and the Commission on Human Rights that they approve the publication and widest possible distribution of the reports as part of the World Public Information Campaign for Human Rights.

175. Mindful of the recommendations of the Nuuk and Santiago meetings, the Working Group further decided to request the Centre for Human Rights to prepare a handbook on the experiences of indigenous peoples in self-government, with the assistance of indigenous peoples.

176. The Working Group recommended that the Sub-Commission and the Commission on Human Rights request the Programme of advisory services in the field of human rights, as well as other relevant United Nations programmes of technical assistance, to provide training for indigenous peoples on issues of interest and concern to them and also recommended that future United Nations seminars and expert meetings on indigenous issues continue to be convened in regions and countries with the greatest numbers of indigenous peoples, and that they continued to involve indigenous experts nominated by indigenous peoples as well as government experts.

177. The Working Group welcomed the recommendations regarding indigenous peoples which were adopted by the United Nations Conference on Environment and Development, held at Rio de Janeiro in June 1992, and expressed the hope that the General Assembly would implement them as a matter of high priority.

178. In view of the fact that the World Conference on Human Rights would take place during the International Year for the World's Indigenous People, the Working Group encouraged the Preparatory Committee for the Conference to consider convening a special preparatory meeting for indigenous peoples early in 1993. The Working Group expressed the view that the struggle of indigenous peoples to claim and exercise their rights over the past 20 years was an important case-study for evaluating the United Nations human rights programme and its future directions, and that such a case-study should be presented to the Conference by indigenous peoples themselves. The Working Group moreover encouraged the Preparatory Committee to ensure that indigenous peoples were able to participate fully in the Conference without regard to consultative status, as they were able to do at the United Nations Conference on Environment and Development at Rio de Janeiro in June 1992.

D. Studies and reports

179. The Working Group expressed regret at the delay in the submission of the second report of the TCMD (formerly UNCTC) which was occasioned by the recent reorganization of the United Nations Secretariat, and reaffirmed the importance which it attached to the continuing refinement, expansion and improvement of the database on transnational investments and operations on the lands of indigenous peoples in accordance with Sub-Commission resolutions 1989/35 and 1990/26. The Working Group requested TCMD to continue to submit annual reports summarizing the information received, as well as analyses, conclusions and recommendations, and to continue to seek budgetary and extrabudgetary resources to provide technical assistance to indigenous peoples in the fields of impact assessment and negotiations. The Working Group also appealed to all indigenous peoples' organizations to participate actively in this important study.

180. The Working Group expressed its appreciation to the Special Rapporteur, Mr. Miguel Alfonso-Martínez, for the oral presentation of his progress report on treaties, agreements and other constructive arrangements between States and indigenous peoples (E/CN.4/Sub.2/1992/32). However, the Working Group expressed its regret that it had not been possible for the Special Rapporteur, owing to the reasons he described, to submit his report in writing in accordance with Sub-Commission decision 1991/111. The Working Group decided to discuss his first progress report at its eleventh session in 1993. The Working Group also put on record its gratitude to those Governments and indigenous peoples' organizations which had responded to the questionnaire contained in the report on its eighth session and decided to reproduce the questionnaire as a separate annex to the report on its tenth session and to circulate it once again to Governments, intergovernmental organizations and indigenous peoples' organizations, requesting them to submit information not later than 15 January 1993 so as to permit the Special Rapporteur to take their information into account in his next progress report to the Working Group at its twelfth session and to the Sub-Commission at its forty-sixth session. The Working Group also requested that the Special Rapporteur be provided with all the assistance he needed for the further elaboration of his important study.

181. The Working Group welcomed the approval by the Economic and Social Council of its recommendation that Mrs. Erica-Irene Daes be entrusted, as Special Rapporteur, with a study of the ownership and control of the cultural property of indigenous peoples. The Working Group warmly endorsed the Special Rapporteur's plan to employ an indigenous scholar with deep and wide experience in this field as a consultant, and recommended that the study include preliminary views as to the feasibility of developing a United Nations manual of indigenous laws with respect to ownership and control of cultural property.

182. The Working Group also expressed its appreciation to the Secretary-General for his concise report on protection of the intellectual property of indigenous peoples (E/CN.4/Sub.2/1992/30). Conscious of the great importance which was attached to this issue by the United Nations Conference on Environment and Development, the United Nations technical conference on indigenous peoples and the environment held at Santiago, and by the

indigenous participants at its tenth session, the Working Group invited the Special Rapporteur to consider, inter alia, the relationship between indigenous cultural and intellectual property and to include in her progress report relevant views, information, data and bibliography, as well as recommendations for further research and action, and recommended that the title of her study be revised to, "Protection of the cultural and intellectual property of indigenous peoples".

183. The Working Group also urged UNDP and other competent United Nations bodies and specialized agencies to give priority consideration to projects aimed at strengthening indigenous peoples' own capacities for ecological and medical research and development and for improving their control over research conducted within their territories.

E. International Year for the World's Indigenous People

184. The Working Group welcomed General Assembly resolution 46/128, containing the principal theme, "Indigenous Peoples - A New Partnership", and suggested programme of activities for the International Year. The Working Group emphasized again the fundamental importance of full participation by indigenous peoples in every aspect of decision-making concerning the Year, at the national, regional and international levels. The Working Group authorized its Chairperson-Rapporteur to represent the Working Group at the opening ceremonies.

185. The Working Group reaffirmed the importance it attached to the evaluation of the International Year by Ms. Christy Mbonu, and expressed the hope that this would be taken into account in connection with paragraph 8 of Commission on Human Rights resolution 1992/45 and paragraph 12 of General Assembly resolution 46/128. Accordingly, the Working Group recommended that Ms. Mbonu be invited to participate at the opening ceremonies of the Year.

186. The Working Group appealed to Governments, intergovernmental and non-governmental organizations and international educational and business institutions, as well as to individuals, to contribute generously to the voluntary fund established to support United Nations activities during the International Year for the World's Indigenous People.

F. Other matters

187. In the light of the great success of the First World Indigenous Youth Conference, the Working Group encouraged the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization and other relevant United Nations organs and specialized agencies to consider ways of supporting such meetings and of strengthening the role of indigenous youth in world affairs. The Working Group also urged the United Nations University to establish affiliations and exchange programmes with indigenous educational institutions and recommended that United Nations schools invite indigenous youth to participate in their regular teaching programmes as guest instructors, to build linkages with non-indigenous youth from all countries.

188. The Working Group expressed its deep gratitude to Governments, indigenous peoples, individuals and non-governmental organizations for contributions made to the United Nations Voluntary Fund for Indigenous Populations. In the light of the pressing need to ensure the greatest possible indigenous participation in the completion of the draft universal declaration on the rights of indigenous peoples, the Working Group encouraged continued and increased contributions to the Fund. The Working Group also recommended that the Sub-Commission and the Commission on Human Rights recommend that the Fund be authorized, as a secondary priority, to assist indigenous participation in other relevant United Nations meetings, such as meetings of human rights treaty bodies and the proposed Commission on Sustainable Development.

189. The Working Group reiterated its belief that the Programme of advisory services in the field of human rights should play an important role in the recognition, promotion, protection and restoration of indigenous rights, by providing information and training directly to indigenous organizations and communities. The Working Group therefore appealed once again to Governments and non-governmental organizations to consider making special contributions to the Voluntary Fund for Advisory Services in the Field of Human Rights, with the aim of supporting projects of direct benefit to indigenous peoples.

190. The Working Group recommended that regional training courses on the United Nations, human rights and indigenous peoples be organized, as soon as possible, in all relevant regions.

191. The Working Group urged the United Nations Department of Public Information (i) to approve that the Press Unit in Geneva cover systematically the Working Group's meetings and (ii) to make every effort to develop a more comprehensive programme of translating and publishing basic human rights instruments, including, when it has been adopted, the universal declaration on the rights of indigenous peoples, into indigenous languages. The Working Group is firmly committed to the principle that indigenous peoples have the right to learn about and teach their rights in languages they understand.

192. The Working Group would like to emphasize its potential as a catalyst and advocate, with respect to other parts of the United Nations system, to promote the rights and interests of indigenous peoples. In this regard, and without prejudice to encouraging the understanding of indigenous peoples' history, the Working Group stressed the need for a forward-looking approach to relations between States and indigenous peoples which would contribute to a more just and stable relationship between them.

193. The Working Group appealed to the Secretary-General to increase the number of Professional staff members currently assigned to its work, keeping in mind the additional heavy work which should be done for the International Year, and to consider for this purpose the establishment of a separate unit within the Centre for Human Rights. In this regard, the Working Group welcomed the appointment of three indigenous associate experts to the Centre for Human Rights in connection with the International Year. It further stressed the need and usefulness of considering the appointment of indigenous professionals nominated by indigenous peoples into United Nations services.

194. The Working Group has followed with interest the work of the Conference on Security and Cooperation in Europe (CSCE) with respect to the issues concerning minorities and indigenous peoples, and recalled that millions of indigenous people live in the territories of certain CSCE participating States. The Working Group urged participating States to consider further examining the protection of the rights of indigenous peoples at future CSCE meetings. In that regard, the Working Group expressed its thanks and appreciation to the CSCE for the inclusion of relevant provision 29 in the CSCE Document of the Helsinki 1992 Meeting, although it had some reservations with respect to the wording "persons belonging to indigenous populations", and authorized its Chairperson-Rapporteur to monitor the relevant activities of the CSCE in this field.

195. The Working Group welcomed the establishment of the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, and expressed its particular satisfaction at plans for indigenous representation on the governing bodies of the Fund.

196. The Working Group decided to consider the questions, "International Year of the World's Indigenous People", "Cultural and Intellectual Property of Indigenous Peoples", "Treaties and Agreements with Indigenous Peoples", and "Future Role of the Working Group", as separate items of the agenda at its eleventh session.

197. The Working Group decided to request the Secretary-General to prepare an annotated agenda for its eleventh and future sessions.

Annex I

PREAMBULAR AND OPERATIVE PARAGRAPHS OF THE DRAFT DECLARATION
AS AGREED UPON BY THE MEMBERS OF THE WORKING GROUP AT FIRST
READING

First preambular paragraph

Affirming that all indigenous peoples are free and equal in dignity and rights to all peoples in accordance with international standards, while recognizing the right of all individuals and peoples to be different, to consider themselves different, and to be respected as such,

Second preambular paragraph

Considering that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Third preambular paragraph

Convinced that all doctrines, policies and practices of racial, religious, ethnic or cultural superiority are scientifically false, legally invalid, morally condemnable and socially unjust,

Fourth preambular paragraph

Concerned that indigenous peoples have often been deprived of their human rights and fundamental freedoms, resulting in the dispossession of their lands, territories and resources, as well as in their poverty and marginalization,

Fifth preambular paragraph

Considering that treaties, agreements and other constructive arrangements between States and indigenous peoples continue to be matters of international concern and responsibility,

Sixth preambular paragraph

Welcoming the fact that indigenous peoples are organizing themselves in order to bring an end to all forms of discrimination and oppression wherever they occur,

Seventh preambular paragraph

Recognizing the urgent need to respect and promote the rights and characteristics of indigenous peoples, especially their rights to their lands, territories and resources, which stem from their history, philosophy, cultures and spiritual and other traditions, as well as from their political, economic and social structures,

Eighth preambular paragraph

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from adverse distinction or discrimination of any kind,

Ninth preambular paragraph

Endorsing efforts to revitalize and strengthen the societies, cultures and traditions of indigenous peoples, through their control over development affecting them or their lands, territories and resources, as well as to promote their future development in accordance with their aspirations and needs,

Tenth preambular paragraph

Recognizing that the lands and territories of indigenous peoples should not be used for military purposes without their consent and reaffirming the importance of the demilitarization of their lands and territories, which will contribute to peace, understanding, economic development and friendly relations among all peoples of the world,

Eleventh preambular paragraph

Emphasizing the importance of giving special attention to the rights and needs of indigenous women, youth and children, and in particular to their right to equality of educational opportunities and access to all levels and forms of education,

Twelfth preambular paragraph

Recognizing in particular that it is usually in the best interest of indigenous children for their family and community to retain shared responsibility for their upbringing and education,

Thirteenth preambular paragraph

Believing that indigenous peoples have the right freely to determine their relationships with the States in which they live, in a spirit of coexistence with other citizens,

Fourteenth preambular paragraph

Noting that the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights affirm the fundamental importance of the right of self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Fifteenth preambular paragraph

Bearing in mind that nothing in this Declaration may be used as an excuse for denying to any people its right of self-determination,

Sixteenth preambular paragraph

Encouraging States to comply with and effectively implement all international instruments as they apply to indigenous peoples, in consultation with the peoples concerned,

Seventeenth preambular paragraph

Solemnly proclaims the following Declaration on the Rights of Indigenous Peoples:

PART I

Operative paragraph 1

Indigenous peoples have the right of self-determination, in accordance with international law by virtue of which they may freely determine their political status and institutions and freely pursue their economic, social and cultural development. An integral part of this is the right to autonomy and self-government;

Operative paragraph 2

Indigenous peoples have the right to the full and effective enjoyment of all of the human rights and fundamental freedoms which are recognized in the Charter of the United Nations and in international human rights law;

Operative paragraph 3

Indigenous peoples have the right to be free and equal to all other human beings and peoples in dignity and rights, and to be free from adverse distinction or discrimination of any kind based on their indigenous identity;

PART II

Operative paragraph 4

Nothing in this Declaration may be interpreted as implying for any State, group or individual any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations;

Operative paragraph 5

Indigenous peoples have the collective right to exist in peace and security as distinct peoples and to be protected against genocide, as well as the individual rights to life, physical and mental integrity, liberty and security of person;

Operative paragraph 6

Indigenous peoples have the collective and individual right to maintain and develop their distinct ethnic and cultural characteristics and identities, including the right to self-identification;

Operative paragraph 7

Indigenous peoples have the collective and individual right to be protected from cultural genocide, including the prevention of and redress for:

- (a) Any act which has the aim or effect of depriving them of their integrity as distinct societies, or of their cultural or ethnic characteristics or identities;
- (b) Any form of forced assimilation or integration by imposition of other cultures or ways of life;
- (c) Dispossession of their lands, territories or resources;
- (d) Any propaganda directed against them;

Operative paragraph 8

Indigenous peoples have the right to revive and practise their cultural identity and traditions, including the right to maintain, develop and protect the past, present and future manifestations of their cultures, such as archeological and historical sites and structures, artefacts, designs, ceremonies, technology and works of art, as well as the right to the restitution of cultural, religious and spiritual property taken from them without their free and informed consent or in violation of their own laws;

Operative paragraph 9

Indigenous peoples have the right to manifest, practise and teach their own spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to religious and cultural sites; the right to the use and control of ceremonial objects; and the right to the repatriation of human remains;

Operative paragraph 10

Indigenous peoples have the right to revive, use, develop, promote and transmit to future generations their own languages, writing systems and literature, and to designate and maintain their own names of communities, places and persons. States shall take effective measures to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other effective means;

Operative paragraph 11

Indigenous peoples have the right to all levels and forms of education, including access to education in their own languages, and the right to establish and control their own educational systems and institutions. Resources shall be provided by the State for these purposes;

Operative paragraph 12

Indigenous peoples have the right to have the dignity and diversity of their cultures, histories, traditions and aspirations reflected in all forms of education and public information. States shall take effective measures to eliminate prejudices and to foster tolerance, understanding and good relations;

Operative paragraph 13

Indigenous peoples have the right to the use of and access to all forms of mass media in their own languages. States shall take effective measures to this end;

Operative paragraph 14

Indigenous peoples have the right to adequate financial and technical assistance, from States and through international cooperation, to pursue freely their own political, economic, social, cultural and spiritual development, and for the enjoyment of the rights contained in this Declaration;

PART III

Operative paragraph 15

Indigenous peoples have the right to recognition of their distinctive and profound relationship with the total environment of the lands, territories and resources which they have traditionally occupied or otherwise used;

Operative paragraph 16

Indigenous peoples have the collective and individual right to own, control and use the lands and territories they have traditionally occupied or otherwise used. This includes the right to the full recognition of their own laws and customs, land-tenure systems and institutions for the management of resources, and the right to effective measures by States to prevent any interference with or encroachment upon these rights. Nothing in the foregoing shall be interpreted as restricting the development of self-government and self-management arrangements not tied to indigenous territories and resources;

Operative paragraph 17

Indigenous peoples have the right to the restitution or, where this is not possible, to just and fair compensation for lands and territories which have been confiscated, occupied, used or damaged without their free and informed consent. Unless otherwise freely agreed upon by the peoples

concerned, compensation shall preferably take the form of lands and territories of quality, quantity and legal status at least equal to those which were lost;

Operative paragraph 18

Indigenous peoples have the right to the protection and, where appropriate, the rehabilitation of the total environment and productive capacity of their lands and territories, and the right to adequate assistance, including international cooperation, to this end. Unless otherwise freely agreed upon by the peoples concerned, military activities and the storage or disposal of hazardous materials shall not take place in their lands and territories;

Operative paragraph 19

Indigenous peoples have the right to special measures for protection, as intellectual property, of their traditional cultural manifestations, such as literature, designs, visual and performing arts, seeds, genetic resources, medicine and knowledge of the useful properties of fauna and flora;

Operative paragraph 20

Indigenous peoples have the right to require that States and domestic and transnational corporations consult with them and obtain their free and informed consent prior to the commencement of any large-scale projects, particularly natural resource development projects or exploitation of mineral and other subsoil resources, in order to enhance the projects' benefits and to mitigate any adverse economic, social, environmental and cultural effects. Just and fair compensation shall be provided for any such activity or adverse consequence undertaken;

PART IV

Operative paragraph 21

Indigenous peoples have the right to maintain and develop within their lands and other territories their economic, social, and cultural structures, institutions and traditions, to be secure in the enjoyment of their traditional means of subsistence, and the right to engage freely in their traditional and other economic activities, including hunting, fishing, herding, gathering, lumbering and cultivation. In no case may indigenous peoples be deprived of their means of subsistence. They are entitled to just and fair compensation if they have been so deprived;

Operative paragraph 22

Indigenous peoples have the right to special state measures within available resources for the immediate, effective and continuing improvement of their economic and social conditions, with their free and informed consent, that reflect their own priorities;

Operative paragraph 23

Indigenous peoples have the right to determine, plan and implement, as far as possible through their own institutions, all health, housing and other economic and social programmes affecting them;

Operative paragraph 24

Indigenous peoples have the right to their own traditional medicines and health practices. This includes the right to protection of vital medicinal plants, animals, and minerals. The above may not be construed as a limitation to indigenous health systems, if they so wish;

Operative paragraph 25

Indigenous peoples have the right to participate on an equal footing with all other citizens and without adverse discrimination in the political, economic, social and cultural life of the State and to have their specific character duly reflected in the legal system and in political and socio-economic and cultural institutions, as appropriate, including in particular proper regard to, full recognition of and respect for indigenous laws, customs and practices;

Operative paragraph 26

Indigenous peoples have the right (a) to participate fully at all levels of government, through representatives chosen by themselves, in decision-making about and implementation of all national and international matters which may affect their rights, lives and destinies; (b) to be involved, through appropriate procedures, determined in consultation with them, in devising laws or administrative measures that may affect them directly. States have the duty to obtain their free and informed consent before implementing such measures;

Operative paragraph 27

Indigenous peoples have the right to autonomy in matters relating to their own internal and local affairs, including education, information, mass media, culture, religion, health, housing, employment, social welfare in general, traditional and other economic and management activities, land and resources administration, environment and entry by non-members, and the environment, as well as internal taxation for financing these autonomous functions;

Operative paragraph 28

Indigenous peoples have the right to decide upon the structures of their autonomous institutions, to select the membership of such institutions according to their own procedures, and to determine the membership of the indigenous peoples concerned for these purposes; States have the duty to recognize and respect the integrity of such institutions and their memberships;

Operative paragraph 29

Indigenous peoples have the right to determine the responsibilities of individuals to their own community, consistent with universally recognized human rights and fundamental freedoms and with the rights contained in this declaration;

Operative paragraph 30

Indigenous peoples have the right to maintain and develop traditional contacts, relations and cooperation, including activities for economic, social, cultural and spiritual purposes between indigenous peoples across borders. States should adopt measures to facilitate such contacts;

Operative paragraph 31

Indigenous peoples have the right to claim that States or their successors honour treaties and other agreements concluded with indigenous peoples, and to submit any disputes that may arise in this matter to competent national or international bodies, according to their original intent, or courts;

Operative paragraph 32

Indigenous peoples have the individual and collective right to access and prompt decision by mutually acceptable and fair procedures for resolving conflicts or disputes with States. These procedures may include, as appropriate, negotiation, mediation, conciliation, arbitration or judicial settlement at national courts and, where domestic remedies have been exhausted, international and regional human rights review mechanism for complaints;

Operative paragraph 33

States have the duty, in consultation with the indigenous peoples concerned, to take effective measures to ensure the full enjoyment of the exercise of the indigenous rights and other human rights and fundamental freedoms referred to in this Declaration;

Operative paragraph 34

These rights contained herein constitute the minimum standards for the survival and the well-being of the indigenous peoples of the world;

Operative paragraph 35

Nothing in this declaration may be interpreted as diminishing or extinguishing existing or future rights indigenous peoples may have or acquire;

Operative paragraph 36

Indigenous peoples have the right to special protection and security in periods of armed conflict. States shall observe international standards for the protection of civilian populations in circumstances of emergency and armed conflict, and shall not:

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

(b) Force indigenous people to abandon their land and territories and means of subsistence and relocate them in special centres for military purposes;

Operative paragraph 37

Indigenous peoples have the right to retain and develop their customary laws and legal systems where these are not incompatible with human rights and fundamental freedoms enshrined in international human rights instruments;

Operative paragraph 38

Indigenous peoples shall not be forcibly removed from their lands or territories. Where relocation occurs it shall be with the free and informed consent of the indigenous peoples concerned and after agreement on a fair and just compensation and, where possible, the option of return;

Operative paragraph 39

The application of the provisions of this Declaration shall not adversely affect the rights and benefits of the indigenous peoples concerned or of any other national of a State pursuant to other international instruments, treaties or laws.

Annex II

QUESTIONNAIRES SUBMITTED BY THE SPECIAL RAPPORTEUR OF THE
SUB-COMMISSION, MR. MIGUEL ALFONSO MARTINEZ, ON TREATIES,
AGREEMENTS AND OTHER CONSTRUCTIVE ARRANGEMENTS BETWEEN
STATES AND INDIGENOUS PEOPLES

A. GOVERNMENT VERSION

PART I

Has your country, or a former colonial power with previous authority upon your country's present territory (if this was the situation), entered into any treaties, agreements or other types of formal or informal mutually agreed upon instruments with indigenous peoples? Likewise, have indigenous peoples who currently live in the present territory of your country entered into any treaties, agreements or other types of informal instruments with other States?

(a) If your answer is no, please go to Part III.

(b) If your answer is yes, the Special Rapporteur would request all relevant materials and information with respect to the questions under Parts II and III.

PART II

1. Copies of treaties, agreements or other types of formal or informal mutually agreed upon instruments between indigenous peoples and States.
2. Other constructive arrangements constituting elements governing relations between indigenous peoples and States, in particular those consisting of mutual obligations or containing guarantees relating to indigenous rights (i.e. land, resources, traditional practices and beliefs, etc.).
3. Parties to the treaties, agreements or other constructive arrangements, including statistical data on the respective indigenous peoples.
4. Historical circumstances of the negotiation, conclusion, celebration, application, amendment, modification and/or termination of the treaties, agreements or other constructive arrangements.

(Please specify the nature of the instrument, explaining the circumstances leading to negotiations and the signing of the treaty; the powers and specific instructions to the negotiator representing the State concerning the conduct of the treaty negotiation and celebration; the existence of an internal law (of the State) regarding the format of treaty negotiations; the existence of national laws requiring the consent of the indigenous peoples for the validity of the said instrument; etc.)

5. The purpose of the treaties, agreements or other constructive arrangements (i.e. peace, boundary delimitation, friendship, cooperation, trade, etc.);

(The cause and object of the instrument; the position of the State in matters of land and resources within the treaty area; express or tacit language in the instrument implying the relinquishing of indigenous rights to lands and resources.)

6. The substantive contents of the treaties, agreements or other constructive arrangements.

7. The authoritative language(s) in which the treaties, agreements or other constructive arrangements were concluded.

(The existence of different language versions of the treaty, including indigenous languages; updating; in terms of language, of the treaty.)

8. Applicable rules of interpretation of the treaties, agreements or other constructive arrangements (of both their texts and connected legal instruments).

(In the case of reinterpretation: the possibility for indigenous peoples to hold the Government to the original provisions of the treaty; the existence of legal means for indigenous peoples to reject formally reinterpretation they disagree with; consultation with treaty peoples regarding changes proposed by the State; the existence, within present implementation machinery, of the requirement to consult with the indigenous party.)

9. Conflict resolution provisions of the treaties, agreements or other constructive arrangements.

(Settling of disputes in relation to treaty interpretation; the existence of mechanisms within the treaty provisions to resolve outstanding disputes.)

10. Methods of registration and publication of the treaties, agreements or other constructive arrangements.

11. Constitutional and legislative provisions on the conclusion of the treaties, agreements or other constructive arrangements, as well as the constitutional and legislative provisions on the application and termination of such instruments.

(The decision-making authority with regard to the implementation of the treaty provisions; the existence of a specific Government branch to deal exclusively with the treaties; right of veto for indigenous peoples on issues directly related to the treaty.)

12. The juridical status and official recognition by States and indigenous peoples of the treaties, agreements or other constructive arrangements.
13. Constitutional and other guarantees and legislative and administrative regulations based on the treaties, agreements or other constructive arrangements, or derived from the same.
14. Judicial or other types of decisions by higher and lower courts, or other organs with comparative authority, at the local, provincial/State and national levels, involving treaties, agreements or other constructive arrangements.
15. Practical consequences for all parties resulting from the implementation, or lack thereof, of the treaties, agreements or other constructive arrangements.

(Recognition, through provisions of the instruments and consequent practice, of indigenous legal systems.)

16. Ongoing or planned negotiations for the conclusion of new treaties, agreements or other constructive arrangements, as well as for the amendment or modification of existing ones.
17. Treaties, agreements or other constructive arrangements which have been terminated, abandoned or rendered obsolete by indigenous peoples or States, either unilaterally or bilaterally.

(The existence of administrative or legislative measures altering the nature of the treaty relationship, steps or measures taken to actually terminate the treaty.)

18. Bilateral or multilateral treaties between States establishing rights for and/or obligations of indigenous peoples.

PART III

19. What is your Government's position with respect to the principles and norms that govern the interpretation of treaties and other instruments?
20. Does your Government currently have authority to make treaties with indigenous peoples? How would it be exercised?
21. Does your Government currently have authority to make other kinds of agreements with indigenous peoples? With what objects, and by what procedure?
22. What measures has your Government undertaken, or intends to undertake, to resolve situations of conflict arising from treaty, or non-treaty relations, between your State and indigenous peoples?

23. Is there any process by which disputes regarding treaties could be settled by an independent body either within or outside the State?

24. What recommendation do you have for the Special Rapporteur with regard to the choice of existing or new international fora for the resolution of treaty or non-treaty issues between the State and indigenous peoples?

(For instance: the use of a mutually agreed upon, impartial third party, such as the International Court of Justice, to provide the necessary assistance to mediate or resolve important treaties and other instruments in question.)

25. Would you recommend that, in the process of treaty making and treaty application, States and indigenous peoples establish relations in political, cultural and economic spheres of interaction?

26. Does your Government have any suggestions to the Special Rapporteur which would help define the future role of indigenous treaties and other instruments?

27. Please provide any additional information you consider relevant.

B. INDIGENOUS PEOPLES/ORGANIZATIONS VERSION

PART I

Do you feel bound to honour any treaty, agreement or other constructive arrangements with the Government of the country in which you live, or with a colonial Government, or with any other European countries?

(a) If your answer is no, please go to Part III.

(b) If your answer is yes, the Special Rapporteur would request all relevant materials and information with respect to the questions under Parts II and III.

PART II

1. Copies of treaties, agreements or other types of formal or informal mutually agreed upon instruments between indigenous peoples and States.

2. Other constructive arrangements constituting elements governing relations between indigenous peoples and States, in particular those consisting of mutual obligations or containing guarantees relating to indigenous rights (i.e. land/or resources, traditional practices and beliefs, etc.).

3. Parties to the treaties, agreements or other constructive arrangements, including statistical data on the respective indigenous peoples.

4. Historical circumstances of the negotiation, conclusion, celebration, application, amendment, modification and/or termination of the treaties, agreements or other constructive arrangements.

(Please specify the nature of the instrument, explaining the circumstances leading to negotiations and the signing of the treaty; indigenous law regarding the format of the treaty negotiations; legal system used and the authority exercised by the indigenous peoples at the time of entering into the treaty (sovereignty and indigenous government); authority and legitimacy of those who signed the treaty on behalf of indigenous peoples; process of ratification practised by the indigenous peoples within or outside the indigenous legal system.)

5. The purpose of the treaties, agreements or other constructive arrangements (i.e. peace, boundary delimitation, friendship, cooperation, trade, etc.);

(The cause and object of the instrument; use of treaties as a pretext for legitimizing settlement, without any intention on the part of the State to observe the indigenous peoples' treaty rights; the express or tacit language in the instrument implying the relinquishing of indigenous rights to lands and resources; the specific requests made to indigenous peoples prior to entering into the treaty: peace, friendship, land cession or cession of indigenous governments; the exact nature of treaty agreement.)

6. The substantive contents of the treaties, agreements or other constructive arrangements.

7. The authoritative language(s) in which the treaties, agreements or other constructive arrangements were concluded.

(The existence of different language versions of the treaty, including indigenous languages; updating, in terms of language, of the treaty.)

8. Applicable rules of interpretation of the treaties, agreements or other constructive arrangements (of both their texts and connected legal instruments).

(In the case of reinterpretation: the possibility for indigenous peoples to hold the Government to the original provisions of the treaty; the existence of legal means for indigenous peoples to reject formally reinterpretation they disagree with; consultation with treaty peoples regarding changes proposed by the State; the existence, within present implementation machinery, of the requirement to consult with the indigenous party.)

9. Conflict resolution provisions of the treaties, agreements or other constructive arrangements.

(Settling of disputes in relation to treaty interpretations; the existence of mechanisms within the treaty provisions to resolve outstanding disputes.)

10. Methods of registration and publication of the treaties, agreements or other constructive arrangements.

(Transmission of knowledge contained in the treaty from generation to generation; written or oral transmission; the sharing of treaty knowledge by all, or the existence of a specific group of individuals having exclusive knowledge.)

11. Constitutional and legislative provisions on the conclusion of the treaties, agreements or other constructive arrangements, as well as the constitutional and legislative provisions on the application and termination of such instruments.

(The decision-making authority with regard to the implementation of the treaty provisions; the position of indigenous peoples on the treaty mechanism; right of veto for indigenous peoples on issues directly related to the treaty.)

12. The juridical status and official recognition by States and indigenous peoples of the treaties, agreements or other constructive arrangements.

13. Practical consequences for all parties resulting from the implementation, or lack thereof, of the treaties, agreements or other constructive arrangements.

(Recognition, through provisions of the instruments and consequent practice, of indigenous legal systems.)

14. Ongoing or planned negotiations for the conclusion of new treaties, agreements or other constructive arrangements, as well as for the amendment or modification of existing ones.

15. Treaties, agreements or other constructive arrangements which have been terminated, abandoned or rendered obsolete by indigenous peoples or States, either unilaterally or bilaterally.

(The existence of administrative or legislative measures altering the nature of the treaty relationship; steps or measures taken to actually terminate the treaty.)

PART III

16. What is the position of your people/organization with respect to the principles and norms that govern the interpretation of treaties and other instruments?

17. Would you be willing to make a new treaty today with the national Government? If your answer is no, please explain why. If your answer is yes, please indicate what you want to include in a new treaty.

18. What do you think would be the best way to see that treaties with indigenous peoples are enforced and respected?
19. What measures have indigenous peoples/organizations undertaken to resolve situations of conflict arising from treaty, or non-treaty, relations between States and indigenous peoples?
20. Does your Government currently have authority to make treaties with indigenous peoples? How would it be exercised?
21. Does your Government currently have authority to make other kinds of agreements with indigenous peoples? With what objects, and by what procedure?
22. Would you recommend that, in the process of treaty making and treaty application, indigenous peoples and States establish relations in political, cultural and economic spheres of interaction?
23. Does your people/organization have any suggestions to the Special Rapporteur which would help define the future role of indigenous treaties and other instruments?
24. Please provide any additional information you consider relevant.



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RECONVENED TECHNICAL MEETING ON THE INTERNATIONAL YEAR
FOR THE WORLD'S INDIGENOUS PEOPLE HELD IN ACCORDANCE
WITH GENERAL ASSEMBLY RESOLUTION 46/128

Geneva, 3-5 August 1992

Chairperson-Rapporteur: Mrs. Ligia Galvis (Colombia)

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I. ORGANIZATION OF THE RECONVENED TECHNICAL MEETING

1. In its resolution 46/128 of 17 December 1991, the General Assembly decided that the Coordinator of the International Year for the World's Indigenous People should convene, early in 1992, a technical meeting of agencies, regional commissions and other relevant organizations of the United Nations system with representatives of States, organizations of indigenous peoples and other non-governmental organizations having a special interest in indigenous matters. The meeting was held in Geneva from 9 to 11 March 1992.
2. The meeting was poorly attended by representatives of indigenous organizations and other relevant non-governmental organizations. The meeting expressed its regret at this low participation, noting the short notice given and the lack of financial provision to assist the travel of indigenous peoples.
3. That meeting recommended that the Technical Meeting should be reconvened in Geneva, for three days, before the tenth session of the Working Group on Indigenous Populations and that a special effort should be made to ensure the full participation of United Nations agencies, Governments, indigenous peoples' organizations and non-governmental organizations. Furthermore, it was recommended that sufficient notice be given, and that Governments and intergovernmental organizations should explore ways of assisting representatives of indigenous peoples to attend the reconvened meeting. In particular, the Board of Trustees of the Voluntary Fund for Indigenous Populations was requested to consider how it could assist indigenous peoples to attend the meeting.
4. It was not possible, for technical reasons, to hold the reconvened meeting on the three days preceding the tenth session of the Working Group on Indigenous Populations. However, in order to take advantage of the presence of the delegates to the Working Group on Indigenous Populations, it was decided to hold the reconvened meeting on the three days immediately following that meeting.
5. Representatives of indigenous organizations and non-governmental organizations already in Geneva for the Working Group on Indigenous Populations were requested to consider extending their stay to attend the reconvened Technical Meeting. However, the Board of Trustees of the Voluntary Fund for Indigenous Populations was unable to offer further per diem assistance from the Voluntary Fund to those persons already funded to attend the Working Group on Indigenous Populations.
6. The International Labour Office, which had been designated by the General Assembly in resolution 46/18 to work in conjunction with the Coordinator in organizing the activities for the Year, assisted the Secretariat of the meeting.

A. Participation

7. The following States Members of the United Nations were represented at the Technical Meeting: Argentina, Australia, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Denmark, Finland, France, Guatemala, Guinea, Italy,

Japan, Libyan Arab Jamahiriya, Mexico, Myanmar, New Zealand, Norway, Panama, Peru, Philippines, Russian Federation, Senegal, Sweden, Syrian Arab Republic and Thailand. The Holy See was also represented.

8. A representative of Greenland Home Rule Government also attended.

9. The following United Nations departments, organs and specialized agencies were represented: Department of Public Information, UNICEF, United Nations Development Programme, United Nations High Commissioner for Refugees, the International Labour Office, World Health Organization, the World Bank and the International Monetary Fund.

10. The United Nations Working Group on Indigenous Populations was represented by Ms. Erica-Irene A. Daes, Chairperson-Rapporteur.

11. The following non-governmental and indigenous peoples' organizations were represented at the Meeting: Ainu Association of Hokkaido, American Indian Anti-Defamation Council, Amnesty International, Anglican Consultative Council, Artists for American Indians, Asian Indigenous Peoples Pact, Asociación Indígena de la República Argentina, Asociación Interétnica de Desarrollo de la Selva Peruana, Assembly of First Nations, Association pour las Promotion des Batwa, Central Land Council, Centro Mocovi Ialek Lava, Centro Unión Achiri, Comisión Jurídica de los Pueblos de Integración Tawantinsuyana (COJPITA), Comité Exterior Mariqueo, Comité Organizadora Indígena Kaochique, Consejo Indio de Sud América, Coordinadora de Organizaciones Mapuches, Cordillera Peoples Alliance, European Association for American Studies, Federación Pichincha-Riccharimui, Foundation Study and Information of Papuan Peoples, Gesellschaft für Bedrohte Volker, Good Offices Group of European Lawmakers, Grand Council of the Crees, Health for Minorities Working Group, Human Rights Advocates, Human Rights Commission of New Zealand (Aotearoa), Incomindios Suita, Indian Association of Alberta, Indian Council of Indigenous and Tribal Peoples (India), International Indian Treaty Council, International Indigenous Commission, International Organization of Indigenous Resource Development, International Romani Union, International Service for Human Rights, Joseph Bighead First Nation, Kimberley Land Council, Korongoro Integrated Peoples Oriented to Conservation, Lelio Basso International Foundation for Rights and Liberation of People, Maori Women's Centre, Maya Ki-che Guatemala (MAB), Mikmag Grand Council, Mosul Vilayet Council, National Aboriginal and Torres Strait Islander Legal Service, National Maori Congress, Native American Task Force, New South Wales Aboriginal Land Council, Ngaati Te Ata, Nordic Saami Council, Northern Land Council, Organización de Mujeres Aymaras del Kollasuyo, Organización Nacional de Comunidades Sumus Sukawala (Nicaragua), Organización Regional de la Mujer para el Desarrollo (ORMI), Pacific Asia Council of Indigenous Peoples, Sahabat Alam (Malaysia), Shimin Gaikou Centre, South American Indian Information Centre, Survie Tourarègue Temoust, West Papua Peoples Front, World Council of Churches, World Council of Indigenous Peoples.

12. In addition to the above-mentioned participants, a number of individual scholars, experts on human rights and observers attended the meeting.

B. Agenda

13. The following agenda was adopted:

1. Opening of the meeting.
2. Election of officers.
3. Adoption of the agenda.
4. Aims of special projects to be implemented during 1993.
5. Consideration of projects for the International Year:
 - (a) Human rights;
 - (b) Development and environment;
 - (c) Education and culture;
 - (d) Health;
 - (e) Self-management and self-government;
 - (f) Other matters.
6. Public information activities:
 - (a) Official launch;
 - (b) Activities of the Department of Public Information;
 - (c) Other public information activities.
7. Draft guidelines for projects for the International Year.
8. Financial provisions for the International Year.
9. Coordination.
10. Conclusions.

C. Documentation

14. The following documents were made available to the meeting:

E/CN.4/1992/AC.4/TM.2/1	Provisional agenda
E/CN.4/1992/AC.4/TM.2/2	Note by the secretariat

D. Opening of the meeting and election of officers

15. The meeting was opened, on 3 August 1992, by Mr. Antoine Blanca, Under-Secretary-General for Human Rights and Coordinator of the International Year for the World's Indigenous People. Mr. Blanca welcomed the delegates, and recalled that one of his first tasks as Under-Secretary-General had been

to open the first Technical Meeting in March 1992. He explained the need for this reconvened meeting, and reiterated the theme and goals for the year as determined by General Assembly Resolution 46/128.

16. Mr. Blanca also recalled that a special voluntary fund, with a target of US\$ 500,000, had been established for the International Year for the World's Indigenous People. He said that grants would be made from the fund for small-scale practical projects specifically designed to promote the objectives of the Year. He appealed to Governments for contributions to the fund and assured delegates that he would be active in helping to raise the necessary resources.

17. Mr. Blanca spoke of the importance of the Year and of the need for maximum participation on the part of indigenous peoples. He recalled the six major categories of activities for the Year which had been identified at the March Technical Meeting; these were human rights, development and environment, education and culture, health, self-management and self-government, and public events and information.

18. The Under-Secretary-General described a number of activities to be initiated by the Centre for Human Rights, including the publication of a world calendar of events, a world map of indigenous peoples and a number of books including one of a collection of speeches given at the United Nations by indigenous leaders over the past 10 years, one on environmental studies and one on internal self-government. He mentioned that a newsletter would be published and that the preparation of a database on indigenous peoples was under consideration. The importance of public awareness campaigns was emphasized.

19. The Chairperson, Ms. Ligia Galvis, welcomed the delegates and stressed the importance of the work which would be carried out over the next two days. She emphasized that full participation by indigenous peoples in establishing the directions for 1993 was essential for the success of the Year. The Chairperson asked that delegates consider not only the short-term goals for 1993, but also to keep in mind the need to work towards goals which would bring long-term benefits to indigenous peoples reaching far beyond the International Year.

20. At the request of indigenous representatives, it was agreed that two Vice-Chairpersons be appointed. Mr. Michael Dodson (Northern Land Council, Australia) and Ms. Rigoberta Menchu (International Indian Treaty Council) were elected. In their capacity as Vice-Chairpersons, they prepared summaries of the discussions under agenda items 4, 5 and 6. These summaries are contained in annex 1.

21. There was considerable discussion concerning the agenda, with particular emphasis being given to item 5 (e). A number of indigenous representatives supported the incorporation of the word "self-discrimination" in the agenda. The Chairperson pointed out that the agenda should be used as a guide for the discussions. She added that the concept of self-determination could be considered under item 5 (a) or 5 (e).

II. CONSIDERATION OF THE AIMS OF SPECIAL PROJECTS TO BE
IMPLEMENTED DURING THE INTERNATIONAL YEAR

22. Several representatives of indigenous organizations commented upon the theme for the year of "A New Partnership", and indicated that the United Nations system should be committed to ensuring that there is a genuine recognition of the concerns of indigenous peoples. There was general agreement that one significant outcome of the Year would be progress towards the building of a new and meaningful relationship between indigenous peoples and the United Nations; however, this was only one of many outcomes expected. The theme should also be reflected in the general planning for the Year and in the preparation of reports on indigenous issues, particularly in the selection of small-scale practical projects.

23. The representative of Canada expressed support for the theme and for the objectives and intent for the Year as expressed in General Assembly resolutions 45/164 and 46/128.

24. Some indigenous representatives proposed that consideration should be given to establishing a permanent forum for indigenous peoples with official recognition within the United Nations system. Indigenous people could use such a forum to debate concerns freely and to respond to international issues in an atmosphere of equality and mutual respect. Such a forum would need to be supported by a permanent functional secretariat within the United Nations. The representative of Chile acknowledged the need for a place in the system where indigenous peoples could be heard, but said that the idea would require further consideration and development.

25. The representative of Norway expressed the hope that during the Year every effort would be made to enhance the impact of indigenous peoples' contribution to the world, but emphasized that the Year could not address all concerns. All the projects related to the Year should draw upon the existing skills and knowledge of indigenous peoples; in particular, indigenous peoples had an important contribution to make to projects dealing with environmental and resource management matters. The Government of Norway planned to finance the salary of a staff member for the secretariat set up to assist the Coordinator.

26. There was a general feeling that the United Nations should demonstrate a genuine commitment to the Year by responding seriously to indigenous concerns. Every effort should be made by the United Nations system to guarantee the success of the Year through proper consultation and ensuring the meaningful participation of indigenous peoples. United Nations support for the Year could be demonstrated by promptly publishing the posters advertising the Year and by quickly distributing information about the Year. The need to provide this information swiftly to communities was particularly stressed by a number of indigenous speakers.

27. Indigenous speakers noted that events and projects specifically directed towards the celebration of the Year should be meaningful, and not just window-dressing focusing on indigenous folklore. Activities which reinforced the popular "folkloric" images which surrounded indigenous peoples should be avoided at all costs. There was a strong consensus that the Year should support the meaningful priorities identified by indigenous peoples. One indigenous delegate mentioned the need to strengthen legal instruments to

protect indigenous rights, whilst others suggested a range of practical, small-scale projects which, for example, might focus on health, education, agriculture and on the marketing of local products. Other representatives expressed the hope that during 1993 world attention would be focused upon the problems faced by indigenous peoples, that networks would be established, and that lines of communication between groups would be opened up. It was suggested that the overall aim of the special efforts made in 1993 should be to empower indigenous peoples.

28. At its 2nd meeting, on 4 August 1992, the reconvened Technical meeting took up item 4. A number of substantive suggestions were made both by indigenous and government representatives.

29. One representative noted that particular groups of indigenous peoples, such as those in prison, were particularly vulnerable to the abuse of their rights. Many delegates noted that indigenous peoples had seen their basic human rights violated, and they requested the United Nations to monitor the implementation of human rights instruments more closely in nations where they had been ratified. Others pointed out the importance of preserving communal lands, and explained how rights to ancestral lands were basic to indigenous peoples' security and dignity. Every effort should be made by Governments to return alienated ancestral lands. A number of speakers pointed out that indigenous peoples had a great deal of knowledge and understanding of the environment, and were experts in the understanding and control of their own development. Indigenous delegates called for recognition, respect and understanding of their peoples and their contributions to the world.

30. A number of government representatives reiterated their support for the objectives of the Year and for the close involvement of indigenous peoples in the planning, implementation and evaluation of the projects that would affect them. It was important to work towards improving the economic and social situation of indigenous peoples, and to support them in their efforts to sustain their cultures. The representative of Mexico stated that the concerns of indigenous peoples should be recognized in the long term, not just during the Year, and that their relationship with the whole world should be examined in the light of the important contributions that they had made. The protection of their cultural property was a matter for priority attention.

31. The representative of Brazil made a comprehensive statement about the situation of indigenous peoples in his country, and explained the need for a flexible approach in that country as there were 190 groups facing very particular problems which differed from place to place. There was a special need to protect vulnerable groups, thus making it difficult to discuss self-determination as a general issue. It was also important to address problems at the grass-roots level.

32. Governments recognized the importance of providing support for projects which focused on the protection of the environment, health and agriculture. The representative of Senegal emphasized that the needs of indigenous peoples in Africa must not be forgotten, and suggested exchanges of information and experience between the African, Latin American and the Asian-Pacific regions.

33. It was generally accepted that it was important to encourage all the competent bodies within the United Nations system to be involved and to consider how they might contribute to the Year. This point was particularly

emphasized by the representative of France, who also encouraged all Governments to contribute to the Year. The concerns of indigenous peoples should figure on the agenda of the World Conference on Human Rights.

34. At the 3rd meeting, held on 4 August 1992, consideration of item 4 continued with several speakers offering their views on the directions that should be taken during the Year, giving examples from some of the programmes already anticipated in their countries.

35. In Australia, an extensive programme of over 100 events was being planned and many significant activities would be supported. There would be a major focus on youth, and funding would be provided for the Second International Indigenous Youth Conference, a key initiative in that country. The Government, through the Aboriginal and Torres Strait Islander Commission, was providing practical support for the Centre for Human Rights by providing the salary of an indigenous staff member for 18 months to assist with the administration of the Year.

36. Several representatives spoke of their Governments' hopes for the Year and affirmed that many national activities would be supported. Health-related projects involving traditional practices, communications projects and human rights issues were all regarded as important by Governments. The representative of the Russian Federation expressed the wish that the Year would be seen as the starting point for strengthening new partnerships and relationships between indigenous peoples and Governments. Projects which were constructive and aimed at strengthening self-sufficiency and self-reliance were seen as priorities.

37. A number of speakers pointed out that it was essential that activities and projects for the Year should aim to have an impact over many years. There were many issues common to indigenous people such as displacement from their lands, loss of property rights, and lack of respect for their cultures and the contributions that they had made to the world. Projects addressing such issues would be worthy of consideration. Indigenous peoples were experts in their own right and should be involved in those projects. The representative of Finland remarked on the need for accurate information about the living conditions of Saami people and suggested that a start could be made to collect such information during the Year. A national committee with Saami representation had been set up in Finland to oversee the activities for the Year.

38. It was felt that organizations in the United Nations system should consider appointing indigenous people as experts and advisers and as staff members on a permanent basis. A start in that direction should be made during the Year.

39. There was a general feeling that the Year should be seen as the start of "a new partnership" with the United Nations. Indigenous peoples expressed the wish to see this partnership continue to develop and grow in strength in the future. It was suggested that both indigenous peoples and the United Nations should be clear about what each expected from the Year. One speaker pointed out that the Year would be a symbolic event and that indigenous peoples should not expect too much because there are limits to what could be achieved. However, it was a time of hope and everyone should exert a special effort to make it a success.

III. CONSIDERATION OF PROJECTS FOR THE INTERNATIONAL YEAR

40. The Chairperson referred to the first Technical Meeting convened in March 1992, and requested representatives to reflect upon the ideas contained in the report of that meeting when considering projects for the Year.

41. The representative of a non-governmental organization proposed that indigenous issues be placed on the agenda of the World Conference on Human Rights to be held in 1993. Indigenous peoples should be encouraged to enter the debate on sovereignty and self-determination, and suggested that the secretariat prepare a paper on those issues to be presented at a future meeting called to evaluate the Year.

42. Other indigenous representatives supported the need to further the debate on self-determination and sovereignty, and the need to exercise ownership and control over indigenous intellectual and cultural property. It was the opinion of some indigenous delegates that any projects addressing the issues of human rights, self-management or self-government should include the right to hold open discussions on the right to self-determination. A significant project would be a seminar on self-determination during the Year. Some speakers expressed the need for human rights monitoring by independent bodies, such as members of the Working Group on Indigenous Populations, where indigenous peoples were affected by conflicts and military control was being exercised over them.

43. Delegates called repeatedly for indigenous knowledge and ancestral technologies to be respected, and expressed their concern at the fact that their educational systems and organizational models were disregarded whilst alien methods were imposed upon them. They had a wealth of knowledge about ecology and the environment; all they were asking for was knowledge about marketing their products so that they might gain economic independence.

44. There were several calls from indigenous representatives to examine the role and future of the Working Group on Indigenous Populations during 1993 and to consider what might be the next steps in the progress of the draft universal declaration on the rights of indigenous peoples. It was seen as important to ensure that knowledge about the work of the Working Group on Indigenous Populations be disseminated as widely as possible amongst indigenous peoples, and that there should be some regular means of reporting on the situation of indigenous peoples.

45. The treatment indigenous persons received in various legal systems and in courts where their languages were not spoken was also an issue. There was a need to ensure that indigenous peoples were aware of their rights, and that human rights information was available in indigenous languages. The monitoring of human rights around the world was seen as crucial to indigenous peoples. Every effort should be made by Governments and the United Nations to ensure that human rights instruments were ratified.

46. The representative of the World Health Organization expressed that organization's support for the Year, and explained that efforts to address the needs of indigenous peoples would be intensified. That organization's programmes on traditional medicine, substance abuse, health worker training

and environmental health were of particular relevance to indigenous peoples. A meeting would be held to consider the World Health Organization's contribution to the Year.

47. The representative of a non-governmental organization called upon WHO to be more active in developing projects for indigenous people during the Year. It was stated that the principles and basic themes in the "Health for All by the Year 2000" initiative were in harmony with the concerns and aspirations of indigenous peoples and, therefore, the objectives of health-related projects developed by indigenous peoples or the World Health Organization should take those principles and themes into account.

48. A representative of an indigenous organization acknowledged the work done by the Centre for Human Rights in spite of the lack of resources. He suggested that a paper should be prepared on the issue of collective rights, that the genocide of indigenous peoples should be included in the genocide convention, and that indigenous peoples should be sent into conflict zones in a peace-keeping capacity to monitor the situation of indigenous peoples.

49. The representative of Brazil saw human rights education campaigns as important projects for the Year. He stressed the need to examine how the conservation of resources could be enhanced through the preservation of traditional activities and techniques and the promotion of ancestral knowledge. The involvement of indigenous peoples in the implementation of their own health and education programmes was noted as a priority.

50. The representative of the United Nations High Commissioner for Refugees explained that that agency had commissioned a report on the situation of indigenous peoples as refugees, and would be issuing field officers with guidelines for the treatment of indigenous refugees. UNHCR would identify a focal point for indigenous affairs and was planning an internship programme for indigenous graduates.

51. The representative of Chile spoke at length on the need to circulate the text of human rights instruments in indigenous languages, and on how the United Nations system could make a start to addressing this during the Year. It was clear that the United Nations would need to create a focal point to deal with this issue on a permanent basis. The Chilean Government also encouraged UNESCO and WHO to extend special consideration to indigenous peoples, and suggested that there should be a project to support the recommendations of the United Nations Technical Conference on Practical Experience in the Realization of Sustainable and Environmentally Sound Self-Government of Indigenous Peoples held in Santiago.

IV. CONSIDERATION OF PUBLIC INFORMATION ACTIVITIES

52. The representative of the United Nations Department of Public Information explained the progress of the programme being designed by DPI for the Year. The aim was to promote awareness of the concerns and problems of indigenous peoples. A brochure and poster in six languages was being produced and were expected to be ready for publication in August 1992. A press information kit would be available, and the mass media would be targeted on a number of levels. There would be special coverage on radio and television programmes and United Nations publications such as the UN Chronicle would run feature articles on the Year.

53. A number of representatives of organizations were anxious to have details of the proposed programme for the official opening to be held on 10 December 1992. The point was made that indigenous people must be fully consulted about the arrangements for the opening ceremonies and the proposed reception and special event to follow. It was made quite clear that only indigenous performers would be acceptable.

54. Some representatives expressed their disappointment that there would be only three hours made available by the General Assembly for the opening ceremony. It was felt that this allowed too little time for both Governments and indigenous leaders to speak. The point was made that indigenous peoples were not interested in a media event, but that the prime objective was to make an impact on the United Nations and should reflect indigenous concerns. The representative of Canada supported this view.

55. The representative of the International Labour Office advised that the ILO Governing Body had approved an active participation by ILO in the Year. Promotion of the ratification of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) would be intensified as would the programme of technical cooperation already under way. In addition, ILO was in close contact with the DPI and the Centre for Human Rights. It would publish six posters prepared by indigenous designers and a handbook on the subject of technical cooperation assistance, in collaboration with the World Bank.

56. There was general support from Governments for public awareness programmes and for ensuring that information was sent back to indigenous communities. The representative of New Zealand supported the need for a heightened awareness of indigenous peoples' concerns throughout the international community, and encouraged DPI to provide the posters and information kits as quickly as possible. The United Nations was further encouraged to cooperate with indigenous peoples in the development of information campaigns and to utilize the resources of major media outlets. The representative of a television company based in Europe that produces documentaries spoke of a special season of television programmes to be produced and sponsored by that company to make a particular impact during the Year.

57. The representative of Mexico made a comprehensive statement about activities supported by that Government. Indigenous media and communications projects would be supported and particular attention would be directed towards the recognition of and preservation of indigenous languages and traditional medicines.

58. The representative of New Zealand advised that five major events would take place in New Zealand during 1993. There would be conferences on sovereignty, intellectual and cultural property rights, women and spiritual leadership, and a symposium for traditional weavers.

59. One indigenous representative expressed the hope that the public awareness programmes for the Year would not neglect to highlight the special needs of indigenous groups in Africa; those peoples wanted to participate and contribute to the success of the Year.

60. The representative of Denmark noted that her Government was supporting the preparation and publication of a manual on indigenous self-government. It would also pay the salary of an indigenous staff member to work in the Centre for Human Rights for one year.

V. CONSIDERATION OF PROJECT GUIDELINES, FINANCIAL PROVISIONS FOR THE YEAR AND COORDINATION

61. A number of government representatives commented on the need for guidelines and adequate financial provisions for projects. The representative of Sweden provided a number of suggestions to be incorporated into the draft guidelines. The representative also hoped that the Coordinator would provide an account and description of projects which were funded from the special Voluntary Fund at the end of the Year.

62. It was generally accepted that the amount of \$500,000 was sufficient only to enable a small number of projects to be funded. However, it was suggested that an impact could be made if a small number of good-quality projects were to be funded. Several government representatives noted the wish of their Governments to work with indigenous peoples during the year to improve general understanding of the issues facing them. Certain countries had set up consultative committees with indigenous peoples and indicated that they were working together to ensure the success of the Year.

63. There were a number of suggestions about how funds could be raised and ideas about how Governments and non-governmental organizations could support the Year. An indigenous representative called upon Governments, non-governmental organizations and indigenous groups to support the Centre for Human Rights in its endeavours to administer the Year.

VI. CONCLUSIONS AND RECOMMENDATIONS

64. A draft text was circulated for comment. The Chairperson explained that this document, and the summaries prepared by the Vice-Chairpersons which would form the annex, would not need to be approved or adopted. It was intended that discussion on this agenda item would provide suggestions for the guidance of the Coordinator. The Chairperson encouraged delegates to send further suggestions to the secretariat.

A. Conclusions

65. The Technical Meeting welcomed the decision to reconvene a meeting on the Year to allow further exchange of ideas on the planning and implementation of activities for the Year among indigenous peoples, Governments, United Nations agencies, the specialized agencies, non-governmental organizations and other interested parties.

66. The Technical Meeting took note of document E/CN.4/1992/AC.4/TM.2/2 containing information about the activities contemplated for the Year and the draft guidelines for projects prepared by the secretariat. The Note was considered a useful input for the activities of the Year.

67. The Technical Meeting welcomed the establishment by the Coordinator of a small team of indigenous administrators to assist him during the Year and expressed appreciation to the indigenous peoples' organizations and Governments which had provided assistance.

68. The Technical Meeting reaffirmed its support for the aims of the Year as contained in General Assembly resolution 46/128 and in the report of the Secretary-General to the General Assembly (A/46/543), which were referred to in the opening statement of the Coordinator of the International Year.

69. The Technical Meeting emphasized that projects undertaken in conformity with the objectives of the Year should directly benefit indigenous peoples and communities and that public information activities should be aimed at raising worldwide understanding of the cultures and situations of indigenous peoples.

70. The Technical Meeting noted the suggestion that the Coordinator could consider reconvening the Technical Meeting for a third session prior to the opening of the International Year to allow continuing dialogue among the interested parties.

71. The Technical Meeting noted the summaries prepared by the Vice-chairpersons contained in annex I to its report which, together with the suggestions made at the first Technical Meeting, could assist the Coordinator in his work for the Year as well as others preparing activities for the Year.

72. The Technical Meeting took note of the well-elaborated projects and initiatives which were proposed at the Meeting.

B. Recommendations

73. The Technical Meeting recommended that the Coordinator give priority to projects directly benefiting indigenous peoples, primarily but not exclusively in developing countries.

74. The Technical Meeting recommended that the Coordinator supplement the public information activities carried out by the Department of Public Information with activities as suggested by the Meeting and the Note by the secretariat, with a view to increasing awareness in the media and the general public about the situations and cultures of indigenous peoples.

75. The Technical Meeting recommended that the Coordinator include indigenous persons from Latin America and Asia in the team of indigenous administrators assisting him in the International Year.

76. The Technical Meeting recommended that the Coordinator provide full support to the staff responsible for coordinating activities for the Year, in particular the team of indigenous administrators, including office space and furniture, computers, and other infrastructural support to allow them to carry out their work effectively.

77. The Technical Meeting recommended that the advisory group established to assist the Coordinator in selecting projects to be assisted under the Voluntary Fund for the International Year for the World's Indigenous People include the indigenous administrators assisting him during the Year.

78. The Technical Meeting recommended that at the end of the Year the Coordinator give an account and short description of the projects that had been supported through the Voluntary Fund.

79. The Technical Meeting recommended that the Coordinator distribute the report of the Meeting to all Governments, intergovernmental and indigenous peoples' organizations and non-governmental organizations, and that he request information on the activities they were carrying out in conformity with the Year's objectives and suggestions on further activities that could be undertaken.

80. The Technical Meeting recommended that the Coordinator give special priority to projects which protect and promote the human rights of indigenous peoples.

81. The Technical Meeting recommended that the Coordinator use the funds available to him in the Voluntary Fund for the Year in accordance with the suggestions and guidelines set out by the Meeting. The Coordinator should, furthermore, encourage other bodies, including Governments, United Nations bodies, the specialized agencies, non-governmental organizations and other appropriate institutions, to supplement those activities with their own funds and serve as a catalyst for initiatives and projects.

82. The Technical Meeting recommended that each intergovernmental organization find ways to involve indigenous peoples in a permanent dialogue.

Annex

SUMMARIES OF DISCUSSION ON AGENDA ITEMS PREPARED BY THE VICE-CHAIRPERSONS

Agenda item 4: Aims of special projects to be implemented during 1993

1. To ensure that indigenous peoples and Governments work as equal partners in dignity and mutual respect in all matters concerning indigenous peoples and that these peoples can consider and execute their own projects, in particular in the participation, planning, management, execution and evaluation of projects to be carried out in the International Year for the World's Indigenous People.
2. To eliminate all forms of racism against all indigenous peoples including policies of assimilation, paternalism, protectionism and integrationism applying to indigenous peoples.
3. To promote the solidarity of all indigenous peoples of the world.
4. To invite Governments to consider indigenous peoples' projects as priorities and also to give priority to governmental projects directed towards indigenous peoples.
5. To promote the opening of spaces and the creation of mechanisms for indigenous peoples at all levels, in particular for the full respect and effective guarantees of the human rights of indigenous peoples.
6. To promote action amongst Governments to protect and demarcate the communal lands and territories of indigenous peoples.
7. To promote the assistance of all governmental, intergovernmental, and non-governmental agencies for the realization of the International Year for the World's Indigenous People.
8. To promote actions to eliminate unequal treatment of indigenous peoples at all levels in national and international legal instruments.
9. To promote the establishment of closer relationships and better understanding between human rights bodies including the secretariats and indigenous peoples.
10. To invite the specialized agencies of the United Nations, including the Committee on Decolonization, to participate in the International Year and to take appropriate actions in their respective fields of competence.

Suggested projects

1. Consider ways to arrange for indigenous health experts to address the World Health Organization.
2. To have projects target particular groups among indigenous peoples such as women, children, the aged and the infirm during the International Year.
3. To emphasize projects which constitute a step towards autonomy for indigenous peoples.

4. To convene a conference for indigenous peoples and African peoples.
5. To conduct activities which will increase public awareness and raise consciousness about indigenous peoples and their cultures.
6. To conduct activities to promote the natural and environmental health of indigenous peoples and activities to enhance their employment and educational opportunities.

Suggested recommendations

1. Consider the establishment of a committee of indigenous health experts within the World Health Organization.
2. Consider the establishment of a Centre of Indigenous Health within the World Health Organization of.
3. Consider the publication by the World Health Organization of an annual report on indigenous health.
4. The establishment of an administrative apparatus for reviewing projects which ensures the input of indigenous peoples.
5. To develop a campaign during the International Year to examine the situation of indigenous peoples held in prisons, with a view to their release.
6. To emphasize projects which will be of long term and sustainable benefit to indigenous peoples.
7. To develop means by which indigenous peoples can have full access to technology and investment.
8. To promote the inclusion of indigenous peoples' concerns in the World Conference on Human Rights.
9. To conduct activities, programmes and projects that maximize control and management by indigenous peoples.

Agenda item 5: Consideration of projects for the International Year

Objective

Highlight projects which benefit indigenous peoples in the long term and which are sustainable.

Develop programmes so that indigenous peoples have full access to technology and investment without forgetting the existence of traditional technology.

1. With the full participation of indigenous peoples, the creation of a United Nations organism to administer the International Year, including a permanent council of indigenous peoples which promotes access to the forums which exist in the United Nations.

2. Organize a conference of cultural exchange in which indigenous peoples from all over the world (Americas, Asia, Europe, Africa, Oceania) may participate.
3. Ensure the implementation of national legal provisions which respect the indigenous identity and indigenous rights and promote the promulgation of similar laws in those States in which appropriate national legislation does not yet exist.
4. Implement projects to stimulate the commercialization, at reasonable prices, of the produce of indigenous peoples at the national, regional and international levels.
5. From 1993, the publication of an annual report by the United Nations on the state of the human rights of indigenous peoples which would also contain historical facts, geographical location of indigenous populations, maps and photographs.
6. The Working Group on Indigenous Populations should visit areas where indigenous peoples live and which are subjected to armed internal conflict.
7. As a priority, information about the International Year should be distributed throughout the entire international community and in particular amongst indigenous peoples.
8. The creation of an independent judicial committee in Guatemala made up of indigenous peoples and human rights organizations to monitor the human rights situation of indigenous peoples in that country.
9. That the United Nations design a programme to collect sufficient funds to satisfy the varied demands of indigenous peoples during the International Year and for activities in the long term.
10. Publicize the texts of the Universal Declaration of Human Rights and the other international instruments in indigenous communities to guarantee respect for the personal and cultural dignity of indigenous peoples.
11. Promote respect for ceremonial sites and for the historical significance of those sites to indigenous peoples and guarantee unrestricted access to those sites and control over them, in accordance with traditional customs, to indigenous peoples.
12. Convene a congress of indigenous intellectuals on the American continent and in any other region which may desire it.
13. Develop a campaign during the International Year which examines the situation of members of indigenous populations who are in prison, with the aim of obtaining their freedom.
14. Carry out an open conference on the rights of indigenous peoples to self-determination in accordance with the International Public Rights.
15. The holding of regional seminars, with the participation of representatives of indigenous peoples, on the different forms the Year can adopt to promote the right of indigenous peoples to self-determination.

16. Promote the ratification of ILO Convention No. 169.
17. Consideration should be given to the creation of a Centre for Indigenous Health within the World Health Organization, to be staffed by indigenous specialists in the field of traditional medicine. The World Health Organization should consider the publication of an annual report on indigenous health.
18. Promote projects on natural medicine as practised by indigenous peoples and, in this manner, promote the contribution of such medicine to science in general and to medicine in particular.
19. Give emphasis to those projects which generate income, investment, reciprocal transfer of technology and training as the first step towards autonomy for indigenous people.
20. Establish spaces to enable interchanges between indigenous peoples' media organizations and develop programmes to increase the use of the media amongst indigenous peoples.
21. The question of the human rights of indigenous peoples should be included in the agenda of the World Conference on Human Rights.
22. Activities which favour maximum control and self-administration by indigenous peoples should be realized by indigenous peoples.
23. Organize activities which promote natural health and maintenance of a healthy environment. Develop and expand programmes of education aimed at the general population in relation to natural medicine.
24. Implement specialized programmes to satisfy the demands of refugees and other displaced indigenous peoples.
25. Promote different linguistic projects, controlled by indigenous people themselves, with the aim of documenting the languages of indigenous peoples.

Agenda item 6: Public information activities

1. The promotion and dissemination of information in the Nordic and Russian regions about indigenous peoples. The encouragement of the provision of materials and information to the media about the living conditions and special knowledge of the indigenous peoples, with their consent.
2. Promote the exchange of research and ideas targeting, in particular, the human rights research and assistance to community groups about decision-making.
3. Promote a study or studies on economic, social and legal matters having an impact on indigenous peoples.
4. Promote the education of indigenous women, especially women who are victims of family violence, to participate in national and international forums on, in particular, family violence.

5. Promote the employment of indigenous lawyers in human rights bodies.
 6. Specific projects outlined by the representative of the "Television Trust for the Environment". Their campaign is designed to involve indigenous peoples in a multi-media package. Their project has been submitted to the Centre for Human Rights.
 7. A number of projects outlined by the representative of the Government of New Zealand in the hope for a long-lasting impact and to heighten awareness of the diverse realities of indigenous peoples.
 8. The "In the Spirit of Human Rights" project designed to enable local groups which are undertaking projects emphasizing studies on human rights; this project has the advantage of being income-generating.
 9. The launch of the International Year should promote the substance of what is to be said, not promote individuals, and should have an impact upon and extend a challenge to the United Nations to stand firm on human rights and fundamental freedoms.
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REPRISE DE LA REUNION TECHNIQUE SUR L'ANNEE INTERNATIONALE
DES POPULATIONS AUTOCHTONES CONVOQUEE EN APPLICATION DE
LA RESOLUTION 46/128 DE L'ASSEMBLEE GENERALE

Genève, 3-5 août 1992

Président-Rapporteur : Mme Liglia Galvis (Colombie)

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Annexe : Résumés des débats consacrés à certains points de l'ordre du jour
- Texte établi par les vice-présidents

I. ORGANISATION DE LA REPRISE DE LA REUNION TECHNIQUE

1. Dans sa résolution 46/128 du 17 décembre 1991, l'Assemblée générale a décidé que le Coordonnateur de l'Année internationale des populations autochtones convoquerait au début de 1992 une réunion technique des institutions spécialisées, des commissions régionales et d'autres organismes compétents des Nations Unies avec les représentants d'Etats, d'organisations de populations autochtones et d'autres organisations non gouvernementales compétentes. Cette réunion s'est tenue à Genève du 9 au 11 mars 1992.
2. Peu de représentants d'organisations autochtones et autres organisations non gouvernementales compétentes ont assisté à la Réunion. Les participants ont regretté cette faible participation, notant la brièveté du préavis donné et l'absence de dispositions financières pour contribuer aux frais de voyage des autochtones.
3. Les participants ont recommandé qu'une deuxième rencontre ait lieu à Genève, pendant trois jours, avant la dixième session du Groupe de travail sur les populations autochtones et qu'un effort particulier soit fait pour assurer la pleine participation des organes des Nations Unies, des gouvernements, des organisations représentatives des peuples autochtones et des organisations non gouvernementales. En outre, il a été recommandé que la réunion soit annoncée suffisamment à l'avance et que les gouvernements et les organisations intergouvernementales recherchent les moyens d'aider les représentants de peuples autochtones à assister à la reprise de la Réunion. En particulier il a été demandé au Conseil d'administration du Fonds de contributions volontaires pour les populations autochtones de réfléchir à la manière dont il pourrait aider les peuples autochtones à se faire représenter à la Réunion.
4. Il n'a pas été possible, pour des raisons techniques, d'organiser la reprise de la Réunion pendant les trois jours précédant la dixième session du Groupe de travail sur les populations autochtones. Cependant, afin de tirer parti de la présence des représentants au Groupe de travail, il a été décidé qu'elle se tiendrait pendant les trois jours suivant immédiatement la session du Groupe de travail.
5. Les représentants d'organisations autochtones et d'organisations non gouvernementales se trouvant déjà à Genève pour la session du Groupe de travail sur les populations autochtones ont été priés d'envisager de prolonger leur séjour pour assister à la reprise de la Réunion technique. Mais le Conseil d'administration du Fonds de contributions volontaires pour les populations autochtones n'a pas pu offrir de verser, par prélèvement sur le Fonds, une indemnité journalière de subsistance supplémentaire aux personnes qui en avaient déjà touché une pour assister à la session du Groupe de travail sur les populations autochtones.
6. Le Bureau international du Travail, invité par l'Assemblée générale dans sa résolution 46/128 à collaborer avec le Coordonnateur pour organiser les activités prévues à l'occasion de l'Année, a apporté son soutien à la Réunion sous forme de services de secrétariat.

A. Participation

7. Les Etats Membres de l'Organisation des Nations Unies énumérés ci-après étaient représentés à la Réunion technique : Argentine, Australie, Bolivie, Brésil, Canada, Chili, Colombie, Costa Rica, Danemark, Fédération de Russie, Finlande, France, Guatemala, Guinée, Italie, Jamahiriya arabe libyenne, Japon, Mexique, Myanmar, Nouvelle-Zélande, Norvège, Panama, Pérou, Philippines, République arabe syrienne, Sénégal, Suède et Thaïlande. Le Saint-Siège était également représenté.

8. Un représentant du Gouvernement autonome du Groenland a également assisté à la Réunion.

9. Les départements, organes et institutions spécialisées des Nations Unies ci-après étaient représentés : Banque mondiale, Bureau international du Travail, Département de l'information, Fonds monétaire international, Haut Commissariat des Nations Unies pour les réfugiés, Organisation mondiale de la santé, Programme des Nations Unies pour le développement et UNICEF.

10. Le Groupe de travail sur les populations autochtones était représenté par son Président-Rapporteur, Mme Erica-Irène A. Daes.

11. Les organisations non gouvernementales et organisations de peuples autochtones ci-après étaient représentées à la Réunion : Ainu Association of the Council of Hokkaido, American Indian Anti-Defamation Council, Amnesty International, Anglican Consultative Council, Artists for American Indians, Asian Indigenous Peoples Pact, Asociación Indígena de la República Argentina, Asociación Interétnica de Desarrollo de la Selva Peruana, Assemblée internationale des nations premières, Association européenne d'études américaines, Association pour la promotion des Batwa, Central Land Council, Centro Mocovi Ialek Lava, Centro Unión Achiri, Comisión Jurídica de los Pueblos de Integración Tawantinsuyana (COJPITA), Comité Exterior Mariqueo, Comité Organizadora Indígena Kaochique, Conseil indien sud-américain, Conseil international des traités indiens, Conseil mondial des peuples indigènes, Conseil oecuménique des églises, Coordinadora de Organizaciones Mapuches, Cordillera Peoples Alliance, Federación Pichincha-Riccharimui, Foundation Study and Information of Papuan Peoples, Gesellschaft für Bedrohte Völker, Good Offices Group of European Lawmakers, Grand Conseil des Cris (Québec), Health for Minorities Working Group, Human Rights Advocates, Human Rights Commission of New Zealand (Aotearoa), Incomindios Suita, Indian Association of Alberta, Indian Council of Indigenous and Tribal Peoples (Inde), International Indigenous Commission, Joseph Bighead First Nation, Kimberley Land Council, Korongoro Integrated Peoples Oriented to Conservation, Lelio Basso International Foundation for Rights and Liberation of People, Maori Women's Centre, Maya Ki-che Guatemala (MAB), Mikmag Grand Council, Mosul Vilayet Council, National Aboriginal and Torres Strait Islander Legal Service, National Maori Congress, Native American Task Force, New South Wales Aboriginal Land Council, Ngaati Te Ata, Nordic Saami Council, Northern Land Council, Organisation internationale de développement de ressources indigènes, Organización de Mujeres Aymaras del Kollasuyo, Organización Nacional de Comunidades Sumus Sukawala (Nicaragua), Organización Regional de la Mujer para el Desarrollo (ORMI), Pacific Asia Council of Indigenous Peoples,

Sahabat Alam (Malaisie), Service international pour les droits de l'homme, Shimin Gaikou Centre, South American Indian Information Centre, Survie Tourarègue Temoust, Union internationale des Roms, West Papua Peoples Front.

12. En outre, un certain nombre de spécialistes, d'experts en droits de l'homme et d'observateurs ont assisté à la Réunion.

B. Ordre du jour

13. L'ordre du jour ci-après a été adopté :

1. Ouverture de la Réunion
2. Election du Bureau
3. Adoption de l'ordre du jour
4. Objectifs des projets spéciaux à exécuter en 1993
5. Examen des projets envisagés pour l'Année internationale :
 - a) Droits de l'homme
 - b) Développement et environnement
 - c) Education et culture
 - d) Santé
 - e) Autogestion et autonomie
 - f) Autres questions
6. Activités d'information :
 - a) Lancement officiel
 - b) Activités du Département de l'information
 - c) Autres activités d'information du public
7. Projet de directives pour les projets de l'Année internationale
8. Dispositions financières en vue de l'Année internationale
9. Coordination
10. Conclusions

C. Documentation

14. La Réunion était saisie des documents suivants :

E/CN.4/1992/AC.4/TM.2/1

Ordre du jour provisoire

E/CN.4/1992/AC.4/TM.2/2

Note du secrétariat

D. Ouverture de la Réunion et élection du Bureau

15. La Réunion a été ouverte, le 3 août 1992, par M. Antoine Blanca, Secrétaire général adjoint aux droits de l'homme et Coordonnateur de l'Année internationale des peuples autochtones. M. Blanca a souhaité la bienvenue aux représentants et a rappelé que l'une de ses premières tâches avait été, en sa qualité de Secrétaire général adjoint, d'ouvrir la première Réunion technique en mars 1992. Il a expliqué pourquoi la reprise de la Réunion était nécessaire et a rappelé le thème et les objectifs de l'Année arrêtés par l'Assemblée générale dans sa résolution 46/128.

16. M. Blanca a également rappelé qu'un Fonds de contributions volontaires, dont l'objectif était de recueillir 500 000 dollars des Etats-Unis, avait été établi pour l'Année internationale des populations autochtones. Il a précisé que des subventions seraient octroyées à l'aide de ce Fonds pour de petits projets de caractère pratique spécifiquement conçus pour promouvoir les objectifs de l'Année. Il a lancé un appel aux gouvernements pour qu'ils versent des contributions au Fonds et a donné aux représentants l'assurance qu'il s'occuperait activement d'aider à réunir les ressources nécessaires.

17. M. Blanca a souligné l'importance de l'Année et le fait qu'il était indispensable que les peuples autochtones y participent au maximum. Il a rappelé les six grandes catégories d'activités pour l'Année qui avaient été définies lors de la Réunion technique de mars : droits de l'homme, développement et environnement, éducation et culture, santé, autogestion et autonomie, manifestations et information.

18. Le Secrétaire général adjoint a décrit un certain nombre d'activités qu'allait entreprendre le Centre pour les droits de l'homme, notamment la publication d'un calendrier mondial des manifestations, d'une carte des communautés autochtones du monde et d'un certain nombre d'ouvrages, dont un recueil des déclarations faites à l'ONU par des dirigeants autochtones au cours des dix dernières années, un ouvrage sur les études environnementales et un ouvrage sur l'autonomie interne. Il a dit qu'un bulletin serait publié et que l'établissement d'une base de données sur les populations autochtones était à l'étude, et il a souligné l'importance des campagnes de sensibilisation du public.

19. La présidente, Mme Ligia Galvis, a souhaité la bienvenue aux représentants et souligné l'importance des travaux qui se dérouleraient les deux jours suivants. Elle a insisté sur le fait que la pleine participation des peuples autochtones à la détermination des orientations pour 1993 était essentielle au succès de l'Année. La Présidente a demandé aux représentants non seulement d'envisager des objectifs à court terme pour 1993; mais aussi de ne pas oublier la nécessité de poursuivre des objectifs susceptibles de procurer aux peuples autochtones des avantages à long terme, bien après l'Année internationale.

20. A la demande de représentants des peuples autochtones, il a été décidé de nommer deux vice-présidents. M. Michael Dodson (Northern Land Council, Australie) et Mme Rigoberta Menchu (Conseil international des traités indiens) ont été élus. En leur qualité de vice-présidents, ils ont établi des résumés des débats auxquels ont donné lieu les points 4, 5 et 6 de l'ordre du jour. Ces résumés figurent à l'annexe.

21. L'ordre du jour et en particulier le point 5 e) ont fait l'objet de longues discussions. Un certain nombre de représentants autochtones étaient partisan d'introduire dans l'ordre du jour le mot "autodétermination". La Présidente a fait observer que l'ordre du jour devrait servir de guide pour les débats. Elle a ajouté que la notion d'autodétermination pouvait être examinée dans le cadre du point 5 a) ou du point 5 e) de l'ordre du jour.

II. EXAMEN DES OBJECTIFS ET DES PROJETS SPECIAUX A EXECUTER PENDANT L'ANNEE INTERNATIONALE

22. Plusieurs représentants d'organisations autochtones ont parlé du "nouveau partenariat", thème de l'Année, et ont déclaré que les organismes des Nations Unies devraient s'engager à veiller à ce que l'on assiste à une véritable prise de conscience des préoccupations des peuples autochtones. On s'est accordé en général à penser que l'Année permettrait de progresser vers l'édification de relations nouvelles et fructueuses entre les peuples autochtones et l'Organisation des Nations Unies, mais qu'il ne s'agissait là que d'un des nombreux résultats attendus. Il faudrait également tenir compte du thème lors de la planification générale de l'Année, de l'élaboration des rapports sur les questions intéressant les autochtones et, en particulier, du choix de petits projets de caractère pratique.

23. La délégation canadienne s'est déclarée en faveur du thème et des objectifs de l'Année tels qu'ils étaient exprimés dans les résolutions 45/164 et 46/128 de l'Assemblée générale.

24. Plusieurs représentants de peuples autochtones ont proposé que l'on envisage d'établir pour les peuples autochtones un organisme permanent qui serait officiellement reconnu au sein du système des Nations Unies. Les peuples autochtones pourraient utiliser un organisme de ce genre pour y débattre librement de leurs préoccupations et étudier les problèmes internationaux dans une atmosphère d'égalité et de respect mutuel. Cet organisme devrait avoir un secrétariat permanent à l'ONU. La délégation chilienne a reconnu la nécessité, pour les peuples autochtones, d'avoir dans le système des Nations Unies un lieu où ils pourraient se faire entendre, mais elle estimait que cette idée devait être examinée plus avant et plus en détail.

25. La délégation norvégienne a exprimé l'espoir qu'au cours de l'Année tous les efforts seraient déployés pour renforcer l'importance de la contribution des peuples autochtones au monde mais elle a insisté sur le fait que l'Année ne pouvait pas permettre de répondre à toutes leurs préoccupations. Il faudrait, dans tous les projets liés à l'Année, tirer parti des compétences et des connaissances des peuples autochtones; ceux-ci avaient en particulier une contribution importante à faire aux projets portant sur des questions relatives à l'environnement et à la gestion des ressources. Le Gouvernement norvégien prévoyait de prendre en charge le traitement d'un fonctionnaire du secrétariat chargé d'aider le Coordonnateur.

26. On s'accordait en général à reconnaître que l'Organisation des Nations Unies devrait montrer l'importance qu'elle accordait à l'Année en répondant sérieusement aux préoccupations des autochtones. L'ONU et les organisations qui lui sont reliées devraient tout mettre en oeuvre pour garantir le succès de l'Année en procédant aux consultations voulues et en permettant aux peuples autochtones de faire une contribution valable.

L'ONU pourrait témoigner de son soutien à l'Année en publiant rapidement les affiches publicitaires et en diffusant sans tarder des informations sur cet événement. Un certain nombre d'orateurs autochtones ont insisté sur la nécessité de communiquer promptement ces renseignements aux communautés.

27. Des orateurs autochtones ont fait observer que les événements et les projets axés spécifiquement sur la célébration de l'Année devraient être de qualité et non de simples manifestations pour la galerie, consacrées essentiellement au folklore autochtone. Il fallait éviter à tout pris les activités qui renforcent l'imagerie populaire "folklorique" associée aux peuples autochtones. De l'avis général, l'Année devrait renforcer les priorités valables fixées par les peuples autochtones. Un représentant autochtone a mentionné le besoin de renforcer les instruments juridiques pour protéger les droits des autochtones tandis que d'autres ont suggéré toute une gamme de petits projets d'ordre pratique qui, par exemple, pourraient être axés sur la santé, l'éducation, l'agriculture et la commercialisation des produits locaux. D'autres représentants ont exprimé l'espoir qu'en 1993 l'attention du monde se porterait sur les problèmes auxquels les peuples autochtones doivent faire face, que des réseaux seraient établis et que des lignes de communication entre les groupes seraient ouvertes. Il a été suggéré que l'objectif général des efforts particuliers faits en 1993 soit de donner des moyens d'agir aux peuples autochtones.

28. A la 2ème séance, le 4 août 1992, les participants ont commencé l'examen du point 4 de l'ordre du jour. Un certain nombre de suggestions de fond ont été faites, tant par des représentants de peuples autochtones que par des représentants de gouvernements.

29. Un représentant a fait observer que des groupes particuliers d'autochtones, par exemple les autochtones détenus, étaient particulièrement exposés à voir leurs droits violés. De nombreux représentants ont noté que les peuples autochtones avaient vu leurs droits de l'homme fondamentaux violés et ils ont demandé à l'ONU de suivre plus étroitement l'application des instruments relatifs aux droits de l'homme dans les pays qui les avaient ratifiés. D'autres ont relevé combien il était important de préserver les terres communales et ont expliqué comment les droits sur les terres ancestrales étaient fondamentaux pour la sécurité et la dignité des peuples autochtones. Les gouvernements devraient faire tout leur possible pour rendre les terres ancestrales confisquées. Un certain nombre d'orateurs ont remarqué que les autochtones avaient une grande connaissance et une profonde compréhension de l'environnement et étaient des experts pour ce qui était de comprendre et de contrôler leur propre développement. Des représentants autochtones ont invité à reconnaître, respecter et comprendre leurs peuples et leurs contributions au monde.

30. Un certain nombre de représentants de gouvernements se sont déclarés de nouveau en faveur des objectifs de l'Année et de la participation étroite des peuples autochtones à la planification, à la mise en oeuvre et à l'évaluation des projets susceptibles d'influer sur leur sort. Il était important de travailler à l'amélioration de la situation économique et sociale des peuples autochtones et de les aider dans leurs efforts pour conserver leur culture.

La délégation mexicaine a déclaré que les préoccupations des peuples autochtones devraient être reconnues à long terme, et non seulement pendant l'Année, et que leurs relations avec l'ensemble du monde devraient être étudiées à la lumière des contributions importantes qu'ils avaient apportées. La protection de leurs biens culturels était une question sur laquelle il fallait se pencher en priorité.

31. La délégation brésilienne a fait un exposé détaillé sur la situation des peuples autochtones au Brésil et a expliqué qu'il fallait adopter une attitude souple car le pays comptait 190 groupes en butte à des problèmes très particuliers, qui variaient d'un lieu à l'autre. Il fallait en particulier protéger les groupes vulnérables et il était donc difficile de discuter de l'autodétermination comme d'une question générale. Il était aussi essentiel de s'attaquer aux problèmes au niveau local.

32. Les gouvernements reconnaissaient combien il était important d'appuyer les projets axés sur la protection de l'environnement, la santé et l'agriculture. La délégation sénégalaise a souligné que les besoins des peuples autochtones d'Afrique ne devaient pas être oubliés et elle a suggéré un échange d'informations et de données d'expérience entre les régions de l'Afrique, de l'Amérique latine et de l'Asie et du Pacifique.

33. On a admis en général qu'il était important d'encourager tous les organes compétents de l'ONU à jouer un rôle et à étudier de quelle manière ils pourraient contribuer à l'Année. La délégation française, qui a aussi encouragé tous les gouvernements à contribuer à cet événement, a spécialement insisté sur ce point. Les préoccupations des peuples autochtones devraient être inscrites à l'ordre du jour de la Conférence mondiale sur les droits de l'homme.

34. A la 3ème séance, le 4 août 1992, l'examen du point 4 de l'ordre du jour s'est poursuivi. Plusieurs orateurs ont exposé leurs vues sur les orientations qui devraient être prises pendant l'Année en donnant des exemples tirés de certains programmes déjà prévus dans leurs pays.

35. En Australie, on mettait au point un programme détaillé comportant plus de 100 événements et on prévoyait de financer de nombreuses activités importantes. On insisterait principalement sur la jeunesse et des fonds seraient fournis pour la deuxième Conférence internationale des jeunes autochtones, qui représentait une initiative très importante en Australie. Le Gouvernement australien, par l'intermédiaire de l'Aboriginal and Torres Strait Islander Commission, fournissait un appui pratique au Centre pour les droits de l'homme en versant, pendant 18 mois, le traitement d'un fonctionnaire autochtone chargé d'aider à la gestion de l'Année.

36. Plusieurs représentants ont parlé des espoirs que leurs gouvernements mettaient dans l'Année et ont affirmé que de nombreuses activités bénéficieraient d'un appui à l'échelon national. Les gouvernements attachaient une égale importance aux projets relatifs à la santé qui impliquaient des pratiques traditionnelles, aux projets concernant les communications et aux questions relatives aux droits de l'homme. La délégation de la Fédération de Russie a exprimé le vœu que l'Année soit considérée comme un point de départ pour renforcer de nouveaux partenariats et de nouvelles relations entre

les peuples autochtones et les gouvernements. Les projets constructifs qui visaient à renforcer l'autonomie et l'autosuffisance étaient jugés prioritaires.

37. Un certain nombre d'orateurs ont fait observer qu'il était essentiel de veiller à ce que les activités et les projets de l'Année aient des effets durables. De nombreuses questions étaient communes aux peuples autochtones, par exemple le fait d'être chassés de leurs terres, la perte des droits de propriété et l'absence de respect pour leur culture et les contributions qu'ils avaient faites au monde. Des projets portant sur ces questions méritaient d'être étudiés. Les peuples autochtones étaient des experts de plein droit et devraient participer à ces projets. La délégation finlandaise a relevé qu'il était indispensable d'avoir des renseignements précis sur les conditions de vie des Saamis et pensait que l'on pourrait peut-être commencer à en recueillir pendant l'Année. Un comité national où les Saamis étaient représentés avait été établi pour surveiller les activités de l'Année.

38. Les organes et organismes des Nations Unies devraient envisager d'engager des autochtones en qualité d'experts et de conseillers ainsi que de fonctionnaires permanents. Un pas dans ce sens devrait se faire pendant l'Année.

39. On s'est accordé en général à reconnaître que l'Année devrait être considérée comme le début d'"un nouveau partenariat" avec l'Organisation des Nations Unies. Des peuples autochtones ont exprimé le souhait de voir ce partenariat continuer à se développer et à se renforcer à l'avenir. Les peuples autochtones comme l'Organisation des Nations Unies devraient savoir clairement ce que l'on attendait de part et d'autre de l'Année. Un orateur a remarqué que l'Année serait, après tout, un événement symbolique et que les peuples autochtones ne devaient pas trop en attendre parce qu'il y avait des limites à ce qui pouvait être réalisé. C'était cependant un moment d'espoir et chacun devrait faire des efforts particuliers pour assurer son succès.

III. EXAMEN DES PROJETS ENVISAGES POUR L'ANNEE INTERNATIONALE

40. La Présidente a évoqué la première Réunion technique qui avait eu lieu en mars 1992 et a demandé aux représentants de tenir compte des idées contenues dans le rapport de cette réunion lorsqu'ils examineraient les projets envisagés pour l'Année.

41. Le représentant d'une organisation non gouvernementale a proposé que des questions relatives aux autochtones soient inscrites à l'ordre du jour de la Conférence mondiale sur les droits de l'homme qui devait se tenir en 1993. Il fallait encourager les peuples autochtones à participer au débat sur la souveraineté et l'autodétermination et il a été suggéré que le secrétariat établisse à ce sujet un document qui serait présenté lors de la réunion organisée pour évaluer les résultats de l'Année.

42. D'autres représentants de peuples autochtones étaient eux aussi d'avis qu'il fallait poursuivre le débat sur l'autodétermination et la souveraineté et que les peuples autochtones devaient exercer leurs droits en matière de propriété intellectuelle et de biens culturels. Quelques représentants

autochtones pensaient que dans tout projet concernant des questions relatives aux droits de l'homme, à l'autogestion ou à l'autonomie, il fallait prévoir le droit de discuter du droit à l'autodétermination. Un projet important consisterait à organiser, en 1993, un séminaire sur l'autodétermination. Quelques orateurs estimaient que le respect des droits de l'homme devait être contrôlé par des organes indépendants - par exemple par des membres du Groupe de travail sur les populations autochtones - lorsque les peuples autochtones étaient touchés par des conflits et qu'ils subissaient le contrôle de l'armée.

43. Les participants ont demandé à maintes reprises que les connaissances et les techniques ancestrales des autochtones soient respectées et ont exprimé leur préoccupation devant le fait que leurs systèmes d'enseignement et leurs modèles d'organisation étaient négligés, alors que des méthodes étrangères leur étaient imposées. Ils avaient une foule de connaissances sur l'écologie et l'environnement; tout ce qu'ils demandaient c'étaient des renseignements sur la commercialisation de leurs produits afin de parvenir à l'indépendance économique.

44. Des représentants autochtones ont recommandé à plusieurs reprises que le rôle et l'avenir du Groupe de travail sur les populations autochtones soient examinés en 1993 ainsi que les prochaines étapes possibles de l'élaboration du projet de déclaration universelle sur les droits des peuples autochtones. Il fallait faire connaître le plus largement possible les travaux du Groupe de travail aux peuples autochtones et disposer d'un mécanisme permettant de faire régulièrement rapport sur la situation de ces derniers.

45. La manière dont les autochtones étaient traités dans divers systèmes juridiques et dans les tribunaux où on ne parlait pas leur langue posait aussi un problème. Il était indispensable de veiller à ce que les peuples autochtones soient au courant de leurs droits et à ce que les renseignements relatifs aux droits de l'homme soient disponibles dans les langues autochtones. La surveillance des droits de l'homme dans le monde était jugée cruciale pour les peuples autochtones. Les gouvernements et l'ONU devraient tout mettre en oeuvre pour que les instruments relatifs aux droits de l'homme soient ratifiés.

46. Le représentant de l'Organisation mondiale de la santé a dit que l'OMS apportait son soutien à l'Année et que les efforts destinés à faire face aux besoins des peuples autochtones seraient intensifiés. Les programmes de l'OMS relatifs à la médecine traditionnelle, à l'abus de certaines substances, à la formation des agents sanitaires et à l'hygiène étaient d'une importance particulière pour les peuples autochtones. Une réunion serait organisée pour étudier la contribution de l'Organisation mondiale de la santé à l'Année.

47. Le représentant d'une organisation non gouvernementale a invité l'OMS à participer plus activement, pendant l'Année, à la mise au point de projets en faveur des peuples autochtones. Les principes et les thèmes fondamentaux de l'initiative "Santé pour tous d'ici l'an 2000" étaient conformes aux préoccupations et aux aspirations des peuples autochtones et l'OMS et les peuples autochtones devraient donc en tenir compte lorsqu'ils fixaient les objectifs de leurs projets dans le domaine sanitaire.

48. Un représentant d'une organisation autochtone a rendu hommage au travail effectué par le Centre pour les droits de l'homme malgré l'absence de ressources. Il a suggéré d'établir un document sur la question des droits collectifs, d'inclure le génocide des peuples autochtones dans la Convention pour la prévention et la répression du crime de génocide et d'envoyer des autochtones dans les zones de conflit dans le cadre des opérations de maintien de la paix afin de surveiller la situation des peuples autochtones.

49. Le représentant du Brésil était d'avis que les campagnes d'enseignement des droits de l'homme étaient des projets importants pour l'Année. Il a insisté sur la nécessité d'étudier comment la conservation des ressources pourrait être renforcée grâce à la préservation des activités et des techniques traditionnelles et à la promotion des connaissances ancestrales. La participation des peuples autochtones à l'exécution de leurs propres programmes de santé et d'enseignement était un objectif prioritaire.

50. Le représentant du Haut Commissaire des Nations Unies pour les réfugiés a expliqué que le HCR avait fait établir un rapport sur la situation des peuples autochtones en tant que réfugiés et allait adresser aux fonctionnaires sur le terrain des directives concernant les réfugiés autochtones. Le HCR avait désigné un centre de coordination pour les affaires autochtones et prévoyait d'organiser un programme de stages pour les autochtones diplômés de l'université.

51. La délégation chilienne a longuement parlé de la nécessité de diffuser le texte des instruments relatifs aux droits de l'homme dans les langues autochtones et de la manière dont l'ONU et les institutions apparentées pourraient commencer à le faire en 1993. Il était évident que l'Organisation des Nations Unies aurait besoin de créer un organe de liaison chargé de s'occuper de façon permanente de cette question. Le Gouvernement chilien encourageait aussi l'UNESCO et l'OMS à s'occuper spécialement des peuples autochtones et suggérait l'adoption d'un projet destiné à appuyer la mise en oeuvre des recommandations de la Conférence technique des Nations Unies sur l'expérience pratique acquise dans la réalisation par les peuples autochtones d'un développement autonome durable et respectueux de l'environnement.

IV. EXAMEN DES ACTIVITES D'INFORMATION

52. Le représentant du Département de l'information de l'ONU a exposé les progrès du programme que celui-ci établissait pour l'Année. Ce programme visait à favoriser une prise de conscience des préoccupations et des problèmes des peuples autochtones. Une brochure et une affiche en six langues devaient être prêtes pour la reproduction en août 1992. Un dossier de presse serait disponible et les médias allaient être la cible des efforts du Département de l'information à différents niveaux. L'Année ferait l'objet de programmes de radio et de télévision et d'articles dans les publications de l'ONU, par exemple dans la "Chronique ONU".

53. Un certain nombre de représentants d'organisations étaient désireux d'avoir des détails sur le programme envisagé pour la cérémonie d'ouverture qui se déroulerait le 10 décembre 1992. On a fait observer que les peuples autochtones devaient être pleinement consultés au sujet des dispositions

à prendre pour les cérémonies d'ouverture et pour la réception et les événements spéciaux qui devaient suivre. On a indiqué très clairement que seuls des artistes autochtones seraient jugés acceptables.

54. Plusieurs représentants se sont déclarés déçus de constater que l'Assemblée générale ne consacrerait que trois heures à la cérémonie d'ouverture. Cela leur paraissait trop court pour que les représentants des gouvernements et les dirigeants autochtones puissent prendre la parole. On a fait remarquer qu'un événement médiatique n'intéressait pas les peuples autochtones : ce qu'ils voulaient avant tout, c'était que ces cérémonies aient un retentissement au sein de l'ONU et reflètent les préoccupations autochtones. La délégation canadienne a souscrit à ce point de vue.

55. La représentante du Bureau international du Travail a fait savoir que le Conseil d'administration de l'OIT avait approuvé que celle-ci participe de façon active à l'Année. Les efforts pour promouvoir la ratification de la Convention No 169 concernant les peuples indigènes et tribaux dans les pays indépendants seraient intensifiés, de même que le programme de coopération technique déjà en cours. En outre, l'OIT était en contact étroit avec le Département de l'information et avec le Centre pour les droits de l'homme. Elle allait publier six affiches conçues par des artistes autochtones, et établir, en collaboration avec la Banque mondiale, un manuel sur la question de l'assistance en matière de coopération technique.

56. Les gouvernements approuvaient en général les programmes de sensibilisation du public et les efforts faits pour informer les communautés autochtones. La délégation néo-zélandaise pensait, elle aussi, qu'il était indispensable de mieux faire connaître à la communauté internationale les préoccupations des peuples autochtones et elle a incité le Département de l'information à fournir le plus rapidement possible les affiches et les pochettes de documentation. L'Organisation des Nations Unies a été en outre encouragée à coopérer avec les peuples autochtones à la mise au point de la campagne d'information et à utiliser les ressources des grands médias. Le représentant d'une société de télévision ayant son siège en Europe et qui produit des documentaires a indiqué qu'elle allait produire et parrainer des programmes télévisés spéciaux destinés à avoir un certain retentissement pendant l'Année.

57. La délégation mexicaine a parlé en détail des activités bénéficiant du soutien du Gouvernement mexicain. Ce dernier allait financer des projets autochtones concernant les médias et les communications et une attention particulière serait accordée à la reconnaissance et à la préservation des langues autochtones et des médecines traditionnelles.

58. La délégation néo-zélandaise a fait savoir que cinq grands événements auraient lieu en Nouvelle-Zélande en 1993. On allait organiser des conférences sur la souveraineté, les droits afférents à la propriété intellectuelle et aux biens culturels, les femmes et l'autorité spirituelle, ainsi qu'un cycle d'études destiné aux tisserands traditionnels.

59. Un représentant autochtone a exprimé l'espoir que, dans les programmes de sensibilisation du public prévus pendant l'Année, on ne négligerait pas de mettre l'accent sur les besoins particuliers des groupes autochtones d'Afrique car ces groupes désiraient participer à l'Année et contribuer à son succès.

60. La représentante du Danemark a indiqué que le Gouvernement danois finançait l'élaboration et la publication d'un manuel sur l'autonomie et qu'il verserait aussi le traitement d'un fonctionnaire autochtone qui travaillerait pendant un an au Centre pour les droits de l'homme.

V. DIRECTIVES ET DISPOSITIONS FINANCIERES POUR LES PROJETS DE
L'ANNEE INTERNATIONALE ET COORDINATION

61. Un certain nombre de représentants des gouvernements ont parlé du besoin d'avoir des directives et des ressources financières suffisantes pour les projets. La délégation suédoise a communiqué un certain nombre de suggestions à incorporer dans le projet de directives. Elle a aussi exprimé l'espoir que le Coordonnateur fournirait un descriptif des projets qui devaient être financés grâce au Fonds de contributions volontaires à la fin de l'Année.

62. On a en général reconnu qu'un montant de 500 000 dollars ne permettait de financer qu'un petit nombre de projets. On a toutefois estimé qu'on pourrait obtenir des résultats si on subventionnait un petit nombre de projets de bonne qualité. Plusieurs représentants des gouvernements ont fait part du désir de leur gouvernement de travailler pendant l'Année avec les peuples autochtones pour mieux faire comprendre en général leurs problèmes. Certains pays ont indiqué qu'ils avaient mis en place des comités consultatifs avec les peuples autochtones et qu'ils travaillaient de concert pour assurer le succès de l'Année.

63. Un certain nombre de suggestions ont été faites sur la façon dont on pourrait obtenir des fonds et dont les gouvernements et les organisations non gouvernementales pourraient apporter leur soutien à l'Année. Un représentant autochtone a lancé un appel aux gouvernements, aux organisations non gouvernementales et aux groupes autochtones pour qu'ils soutiennent le Centre pour les droits de l'homme dans ses efforts pour organiser l'Année.

VI. CONCLUSIONS ET RECOMMANDATIONS

64. Un projet de texte a été distribué pour observations. La Présidente a expliqué que ce document, ainsi que les résumés établis par les vice-présidents qui constitueraient l'annexe, n'avaient pas besoin d'être approuvés ou adoptés. Le débat auquel donnerait lieu ce point de l'ordre du jour permettrait de formuler des suggestions dont le Coordonnateur s'inspirerait. La Présidente a encouragé les représentants à communiquer d'autres suggestions au secrétariat.

A. Conclusions

65. Les participants se sont félicités de la décision d'organiser une nouvelle réunion sur l'Année afin de permettre aux peuples autochtones, aux gouvernements, aux organes des Nations Unies, aux institutions spécialisées et aux organisations non gouvernementales et autres parties intéressées de procéder à un nouvel échange de vues sur la planification et la mise en oeuvre des activités envisagées pour l'Année.

66. Les participants ont pris note du document E/CN.4/1992/AC.4/TM.2/2, qui contient des renseignements sur les activités envisagées pour l'Année ainsi que les directives pour les projets établies par le secrétariat. Cette note constituait un apport utile.

67. Les participants se sont félicités de la constitution, par le Coordonnateur, d'une petite équipe d'administrateurs autochtones chargés de l'aider pendant l'Année et ont exprimé leurs remerciements aux organisations de peuples autochtones et aux gouvernements qui avaient fourni une aide.

68. Les participants ont réaffirmé leur appui aux objectifs de l'Année énoncés dans la résolution 46/128 de l'Assemblée générale et dans le rapport du Secrétaire général à l'Assemblée générale (A/46/543), dont le Coordonnateur de l'Année internationale avait fait état dans sa déclaration liminaire.

69. Les participants ont souligné que les projets entrepris conformément aux objectifs de l'Année devraient profiter directement aux peuples et aux communautés autochtones et que les activités d'information devraient avoir pour but de mieux faire comprendre, dans le monde entier, la culture et la situation des peuples autochtones.

70. Les participants ont pris note de la suggestion tendant à ce que le Coordonnateur envisage de convoquer à nouveau la Réunion technique pour une troisième session avant l'ouverture de l'Année internationale afin de permettre la poursuite du dialogue entre les parties intéressées.

71. Les participants ont pris note des résumés établis par les vice-présidents et figurant dans l'annexe I du rapport de la Réunion qui, avec les suggestions faites lors de la première Réunion technique, pourraient aider le Coordonnateur ainsi que tous ceux qui préparent des activités pour l'Année.

72. Les participants ont pris note des projets bien conçus ainsi que des initiatives exposées pendant la Réunion.

B. Recommandations

73. On a recommandé que le Coordonnateur accorde la priorité aux projets profitant directement aux peuples autochtones et exécutés principalement, mais non exclusivement, dans des pays en développement.

74. On a recommandé que le Coordonnateur complète les activités d'information du Département de l'information par les activités suggérées pendant la Réunion et dans la note du secrétariat afin d'augmenter la prise de conscience, par les médias et le public, de la situation et des cultures des peuples autochtones.

75. On a recommandé que le Coordonnateur prévoie la présence d'autochtones d'Amérique latine et d'Asie dans l'équipe d'administrateurs autochtones qui l'aideront pendant l'Année internationale.

76. On a recommandé que le Coordonnateur accorde tout son appui au personnel chargé de coordonner les activités de l'Année, en particulier à l'équipe d'administrateurs autochtones, en leur fournissant notamment des locaux et des meubles, des ordinateurs et autres éléments leur permettant de s'acquitter efficacement de leur tâche.
77. On a recommandé que le Groupe consultatif créé pour aider le Coordonnateur à choisir les projets qui doivent être subventionnés par le Fonds de contributions volontaires pour l'Année internationale des peuples autochtones comprenne les administrateurs autochtones qui l'aideront pendant l'Année.
78. On a recommandé qu'à la fin de l'Année le Coordonnateur donne un compte rendu et une brève description des projets financés grâce au Fonds de contributions volontaires.
79. On a recommandé que le Coordonnateur fasse distribuer le rapport de la Réunion à tous les gouvernements, à toutes les organisations intergouvernementales et organisations de peuples autochtones et à toutes les organisations non gouvernementales et qu'il leur demande des renseignements sur les activités menées conformément aux objectifs de l'Année ainsi que des suggestions sur les autres activités qui pourraient être entreprises.
80. On a recommandé que le Coordonnateur accorde une haute priorité aux projets destinés à protéger et à promouvoir les droits de l'homme des peuples autochtones.
81. On a recommandé que le Coordonnateur utilise les fonds dont il disposera grâce au Fonds de contributions volontaires pour l'Année conformément aux suggestions et directives énoncées lors de la Réunion. Le Coordonnateur devrait, en outre, encourager les gouvernements, les organes des Nations Unies, les institutions spécialisées, les organisations non gouvernementales et autres institutions appropriées à compléter les activités ainsi entreprises en utilisant leurs propres fonds et à servir de catalyseurs pour les initiatives et les projets.
82. On a recommandé que chaque organisation intergouvernementale trouve le moyen de faire participer les peuples autochtones à un dialogue permanent.

Annexe

RESUMES DES DEBATS CONSACRES A CERTAINS POINTS DE L'ORDRE DU JOUR
- TEXTE ETABLI PAR LES VICE-PRESIDENTS

Point 4 de l'ordre du jour : Objectifs des projets spéciaux à exécuter en 1993

1. Veiller à ce que les peuples autochtones et les gouvernements collaborent en tant que partenaires sur un pied d'égalité, dans la dignité et le respect mutuel, dans tous les domaines concernant les peuples autochtones, et à ce que ceux-ci puissent concevoir et exécuter leurs propres projets, et notamment participer à la planification, la gestion, l'exécution et l'évaluation des projets qui seront exécutés pendant l'Année internationale des populations autochtones.
2. Eliminer toutes les formes de racisme à l'égard de tous les peuples autochtones, y compris les politiques d'assimilation, de paternalisme, de protectionnisme et d'intégration appliquées aux peuples autochtones.
3. Promouvoir la solidarité de tous les peuples autochtones du monde.
4. Inviter les gouvernements à examiner en priorité les projets des peuples autochtones et à accorder également la priorité aux projets gouvernementaux intéressant les peuples autochtones.
5. Ouvrir aux peuples autochtones de nouvelles possibilités et créer à leur intention des mécanismes à tous les niveaux, en particulier en vue d'assurer le plein respect et la garantie efficace des droits de l'homme des autochtones.
6. Inciter les gouvernements à prendre des mesures pour protéger et délimiter les terres communales et les territoires des peuples autochtones.
7. Inciter toutes les organisations gouvernementales, intergouvernementales et non-gouvernementales à aider à la célébration de l'Année internationale des populations autochtones.
8. Promouvoir des mesures visant à éliminer, à tous les niveaux, dans les instruments juridiques nationaux et internationaux, toute inégalité de traitement affectant les peuples autochtones.
9. Promouvoir l'établissement de relations plus étroites et une meilleure compréhension entre les organes qui s'occupent des droits de l'homme, y compris leurs secrétariats, et les peuples autochtones.
10. Inviter les institutions spécialisées de l'ONU et le Comité spécial chargé d'étudier la situation en ce qui concerne l'application de la Déclaration sur l'octroi de l'indépendance aux pays et aux peuples coloniaux, à participer à l'Année internationale et à prendre des mesures appropriées dans leurs domaines de compétence respectifs.

Projets proposés

1. Envisager de prendre des dispositions pour que des experts autochtones de la santé prennent la parole devant l'Organisation mondiale de la santé.
2. Consacrer, pendant l'Année internationale, des projets à des groupes particuliers d'autochtones, par exemple les femmes, les enfants et les personnes âgées.
3. Insister sur les projets qui représentent un pas vers l'autonomie pour les peuples autochtones.
4. Convoquer une conférence à l'intention des peuples autochtones et des peuples africains.
5. Organiser des activités tendant à mieux faire connaître et comprendre les populations autochtones et leurs cultures.
6. Organiser des activités visant à promouvoir la santé des peuples autochtones et l'hygiène de leur milieu ainsi que des activités destinées à accroître leurs possibilités d'emploi et d'éducation.

Recommandations suggérées

1. Envisager la création, au sein de l'Organisation mondiale de la santé, d'un comité d'experts autochtones de la santé.
2. Envisager la mise en place, au sein de l'Organisation mondiale de la santé, d'un centre de la santé des autochtones.
3. Envisager la publication, par l'Organisation mondiale de la santé, d'un rapport annuel sur la santé des autochtones.
4. Etablir un système d'examen des projets qui garantissent la participation des peuples autochtones.
5. Durant l'Année internationale, organiser une campagne pour étudier la situation des autochtones emprisonnés, en vue d'obtenir leur mise en liberté.
6. Mettre l'accent sur les projets qui apporteront des avantages à long terme et durables aux peuples autochtones.
7. Mettre au point des moyens permettant aux peuples autochtones d'avoir pleinement accès à la technologie et aux investissements.
8. Veiller à ce qu'il soit tenu compte des préoccupations des peuples autochtones lors de la Conférence mondiale sur les droits de l'homme.
9. Entreprendre des activités, des programmes et des projets qui assurent la participation maximale des peuples autochtones au contrôle et à la gestion.

Point 5 de l'ordre du jour : Examen des projets envisagés pour l'Année internationale

Objectifs

Accorder une large place aux projets durables dont les peuples autochtones peuvent bénéficier à long terme.

Mettre au point des programmes permettant aux peuples autochtones d'avoir pleinement accès à la technologie et aux investissements sans oublier l'existence de techniques traditionnelles.

1. Avec la pleine participation des peuples autochtones, créer un organisme des Nations Unies chargé de l'administration de l'Année internationale, notamment un conseil permanent des peuples autochtones qui favoriserait l'accès aux instances existant à l'ONU.
2. Organiser une conférence sur les échanges culturels, à laquelle pourraient participer des peuples autochtones du monde entier (Amériques, Asie, Europe, Afrique, Océanie).
3. Assurer l'application des dispositions juridiques nationales qui respectent l'identité et les droits des autochtones et promouvoir la promulgation de lois analogues dans les Etats où il n'existe pas encore de législation appropriée.
4. Mettre en oeuvre des projets visant à encourager la commercialisation, à des prix raisonnables, des produits des peuples autochtones aux niveaux national, régional et international.
5. Prévoir la publication par l'ONU, à partir de 1993, d'un rapport annuel sur l'état des droits de l'homme des populations autochtones qui contiendrait également des données historiques, des données géographiques sur les lieux où vivent les populations autochtones, des cartes et des photos.
6. Inviter le Groupe de travail sur les populations autochtones à se rendre dans les régions où vivent des autochtones et où il existe des conflits armés internes.
7. Diffuser, à titre prioritaire, dans toute la communauté internationale et en particulier parmi les peuples autochtones des renseignements sur l'Année internationale.
8. Créer au Guatemala un comité judiciaire indépendant composé d'autochtones et d'organisations de défense des droits de l'homme, qui serait chargé de suivre la situation des droits de l'homme des peuples autochtones dans ce pays.
9. Inciter l'Organisation des Nations Unies à créer un programme permettant de recueillir des fonds suffisants pour satisfaire les besoins divers des peuples autochtones pendant l'Année internationale et assurer diverses activités à long terme.

10. Faire connaître le texte de la Déclaration universelle des droits de l'homme et des autres instruments internationaux dans les communautés autochtones afin de garantir le respect de la dignité personnelle et culturelle des peuples autochtones.
11. Promouvoir le respect des sites sacrés et de la signification historique de ces sites pour les peuples autochtones et leur garantir le droit d'accéder sans restrictions à ces sites et d'en assurer la garde conformément à leurs coutumes traditionnelles.
12. Réunir un congrès d'intellectuels autochtones sur le continent américain et dans toute autre région qui en exprimera le désir.
13. Organiser une campagne pendant l'Année internationale afin d'étudier la situation des membres des populations autochtones qui sont en prison, dans le but d'obtenir leur mise en liberté.
14. Organiser une conférence, ouverte à tous, sur le droit des peuples autochtones à l'autodétermination conformément au droit international public.
15. Organiser des séminaires régionaux, auxquels participeraient des représentants des peuples autochtones et qui porteraient sur les différentes formes que pourrait prendre l'Année pour promouvoir le droit des peuples autochtones à l'autodétermination.
16. Promouvoir la ratification de la Convention No 169 de l'OIT.
17. Envisager la création, au sein de l'Organisation mondiale de la santé, d'un centre de santé autochtone dont le personnel serait composé d'autochtones spécialisés dans le domaine de la médecine traditionnelle. L'Organisation mondiale de la santé devrait envisager la publication d'un rapport annuel sur la santé des autochtones.
18. Promouvoir des projets concernant les médecines naturelles telles qu'elles sont utilisées par les peuples autochtones et promouvoir ainsi la contribution de ces médecines à la science en général et à la médecine en particulier.
19. Mettre l'accent sur les projets générateurs de revenus, d'investissements, de transfert réciproque de technologie et de formation en tant que première étape vers l'autonomie des peuples autochtones.
20. Organiser des échanges entre les médias des peuples autochtones et mettre au point des programmes destinés à accroître l'utilisation des médias chez les peuples autochtones.
21. Inscrire la question des droits de l'homme des peuples autochtones à l'ordre du jour de la Conférence mondiale sur les droits de l'homme.
22. Veiller à ce que les activités qui favorisent au maximum le contrôle et l'auto-administration par les peuples autochtones soient mises en oeuvre par des autochtones.

23. Organiser des activités qui favorisent la santé naturelle et le maintien d'un environnement sain. Mettre au point et développer des programmes d'enseignement portant sur les médecines naturelles et destinés à l'ensemble de la population.

24. Mettre en oeuvre des programmes spécialisés pour faire face aux besoins des autochtones réfugiés ou déplacés.

25. Promouvoir différents projets linguistiques, gérés par les peuples autochtones eux-mêmes, afin de recueillir des données sur les langues des peuples autochtones.

Point 6 de l'ordre du jour : Activités d'information

1. Promouvoir et diffuser des renseignements sur les peuples autochtones dans les régions nordiques et en Russie. Encourager, avec l'assentiment des peuples autochtones, la communication aux médias de documents et de renseignements sur les conditions de vie et les connaissances particulières des peuples autochtones.

2. Promouvoir l'échange des résultats de la recherches et le choix des idées, en particulier les recherches en matière de droits de l'homme et la fourniture, aux groupes communautaires d'une aide portant sur la prise de décisions.

3. Promouvoir une étude ou des études sur des questions économiques, sociales et juridiques ayant une incidence sur les peuples autochtones.

4. Favoriser l'éducation des femmes autochtones, en particulier de celles qui sont victimes de violence au sein de la famille, afin qu'elles participent à des réunions nationales et internationales consacrées, en particulier, à la violence au sein de la famille.

5. Promouvoir le recrutement d'avocats autochtones dans les organes s'occupant des droits de l'homme.

6. Des projets précis brièvement décrits par le représentant de la "Television Trust for the Environment", qui ont pour but de faire participer les peuples autochtones à une campagne multimédiatique, ont été soumis au Centre pour les droits de l'homme.

7. Un certain nombre de projets dont la délégation néo-zélandaise a exposé les grandes lignes devraient avoir des effets à long terme et permettront de prendre mieux conscience des divers aspects de la situation des peuples autochtones.

8. Le projet intitulé "Dans l'esprit des droits de l'homme" a été conçu pour permettre aux groupes locaux d'organiser des activités axées sur l'étude des droits de l'homme; ce projet a l'avantage d'être producteur de recettes.

9. L'Année internationale devrait servir à transmettre l'essentiel du message et non à appeler l'attention sur certaines personnes. Elle devrait avoir des répercussions sur les Nations Unies et les inciter à ne pas céder lorsqu'il s'agit des droits de l'homme et des libertés fondamentales.

UNCED
THE ROLE OF INDIGENOUS PEOPLE
IN SUSTAINABLE DEVELOPMENT

INTRODUCTION

This paper is intended to be more of a discussion paper than a brief. Hopefully, it can be used as a basis for evaluating future directions in incorporating the views and experience of indigenous groups into Canada's international follow-up to UNCED. It sets out what Chapter 26 recommends and proposes some additional areas for action. It is by no means intended to be an exhaustive list, but rather as a foundation to be built upon. Our objective should be to move towards achieving the objectives of Chapter 26 and to accelerate the progress made through the UNCED process in establishing mechanisms for cooperation between government and indigenous groups on the issues around sustainable development.

Attached to this discussion paper is a briefing note describing the current status of the Commission on Sustainable Development.

ISSUE

How to translate the provisions of Agenda 21 affecting and involving indigenous people in international activities into a practicable and manageable workplan not limited to Agenda 21 recommendations.

BACKGROUND

Chapter 26 of Agenda 21 lays out some recommendations on the actions that should be taken by international organizations to incorporate the "values, views and knowledge" of indigenous communities in resource management and other programme areas that affect them. Recommendations are also made on actions by governments with respect to international issues as they affect indigenous communities. At the same time, Chapter 26 contains gaps and weaknesses so that any plan of action should not be limited to the recommendations in Chapter 26 and elsewhere in Agenda 21. The two notable examples are its emphasis on government action at the expense of any discussion on the nature of indigenous communities and the absence of any discussion on how to use and preserve indigenous knowledge to manage resources either by indigenous communities or by government.

Following UNCED, the Department of External Affairs created a portfolio within its Environment Division to address the role of indigenous people in sustainable development. At this early stage, input is needed from indigenous representatives to define the scope and priorities of the Department's institutional response.

A. AGENDA 21, CHAPTER 26

Chapter 26 of Agenda 21 contains two categories of recommendations dealing with the involvement of indigenous communities on the international scene. They may be summarized as follows:

1. *Actions by International Organizations*

- (a) Appointing a focal point within UN agencies and improving coordination among agencies and between agencies, governments and indigenous groups to better incorporate indigenous views in agency planning and programming [26.5(a)].
- (b) Providing technical and financial support to capacity building programmes involving indigenous people [26.5(b)].
- (c) Strengthening research and education programmes to raise understanding of indigenous knowledge, and to increase the efficiency of indigenous people's systems for resource management [26.5(c)].
- (d) Contribute to initiatives undertaken by indigenous communities under such programmes as the GEF and TFAP [26.5(d)].

2. *Actions by Governments*

- (a) Action on the ratification and application of existing international conventions (This, is really a domestic activity but bears consideration under international issues).
- (b) Action at a regional level to address common indigenous issues to increase their participation in sustainable development.

B. BEYOND AGENDA 21

Two gaps in Chapter 26 are noted above. It would be useful to use those as a starting point for discussions with indigenous groups for their reactions to our analysis. This will hopefully point the way either towards addressing these gaps or revising our analysis.

POINTS FOR DISCUSSION

1. How should the broad recommendations in Chapter 26 of Agenda 21 be translated into a plan of action?
2. What consultative mechanisms should be put in place to ensure that indigenous views and expertise are incorporated into government positions, particularly with respect to the Commission on Sustainable Development?
3. What are the options for indigenous participation in international institutions?
4. What are the gaps in Agenda 21 and how should they be addressed.

CNUED
LE RÔLE DES AUTOCHTONES DANS LE
DÉVELOPPEMENT DURABLE

INTRODUCTION

Le présent document se veut plus un document de travail qu'un mémoire. Il est à espérer qu'il pourra servir à évaluer la démarche à suivre pour intégrer les idées et l'expérience des autochtones dans les activités internationales de suivi découlant de la CNUED et auxquelles participe le Canada. On y signale les recommandations figurant au chapitre 26 tout en proposant d'autres mesures à prendre. Il ne s'agit pas d'une liste exhaustive des initiatives à prendre, mais plutôt d'un point de départ. Il faudrait chercher à atteindre les objectifs formulés au chapitre 26 et à accélérer les progrès réalisés grâce à la CNUED en vue d'établir des mécanismes de collaboration entre le gouvernement et les groupes autochtones pour étudier les questions relatives au développement durable.

Le présent document est accompagné d'une note d'information sur la création de la Commission pour le développement durable.

QUESTION

Comment traduire les dispositions de l'Agenda 21 visant la participation des peuples autochtones aux activités internationales en un plan de travail pratique ne se limitant pas aux recommandations de l'Agenda 21.

CONTEXTE

Le chapitre 26 de l'Agenda 21 contient des recommandations au sujet des mesures que devraient prendre les organisations internationales pour intégrer les "valeurs, idées et connaissances" des collectivités autochtones à la gestion des ressources et aux autres programmes touchant les autochtones. Il comporte également des recommandations relatives aux mesures que devraient prendre les gouvernements pour aborder des questions d'ordre international touchant les collectivités autochtones. Par ailleurs, comme le chapitre 26 comporte certaines lacunes et faiblesses, il ne faudrait pas que le plan d'action se limite aux recommandations formulées au chapitre 26 ou ailleurs dans l'Agenda 21. Les deux exemples les plus éloquents sont l'accent mis sur les mesures gouvernementales, aux dépens de discussions sur la nature des collectivités autochtones, et l'absence de tout débat sur la façon d'exploiter et de préserver les connaissances des autochtones en vue de la gestion des ressources, qu'elle soit effectuée par les collectivités autochtones ou le gouvernement.

Après la CNUED, le ministère des Affaires extérieures a créé une section au sein de sa Direction de l'environnement pour examiner

le rôle des peuples autochtones dans le développement durable. À ce stade préliminaire, il faut consulter les représentants autochtones afin de définir la portée de la réponse du Ministère et les priorités.

A. Agenda 21, chapitre 26

Le chapitre 26 de l'Agenda 21 renferme deux catégories de recommandations traitant des activités des collectivités autochtones sur la scène internationale. Voici un résumé des recommandations :

1. Mesures à prendre par les organisations internationales

- (a) Désigner un point de liaison au sein des institutions de l'ONU et améliorer la coordination des travaux au sein des institutions d'une part et entre les institutions, les gouvernements et les groupes autochtones d'autre part, afin de mieux intégrer l'opinion des autochtones dans la planification et l'élaboration des programmes des institutions [26.5(a)].
- (b) Offrir de l'aide financière et technique aux programmes d'accroissement de la capacité touchant les groupes autochtones [26.5(b)].
- (c) Renforcer les programmes de recherche et d'éducation afin de mieux assimiler les connaissances des autochtones et d'accroître l'efficacité des systèmes de gestion des ressources appliquées par les autochtones [26.5(c)].
- (d) Collaborer aux initiatives prises par les collectivités autochtones dans le cadre de programmes comme le FEM et le PAFT [26.5(d)].

2. Mesures à prendre par les gouvernements

- (a) Mesures en vue de la ratification des conventions internationales existantes et de leur application. (Il s'agit en fait d'une initiative interne, mais dont il faut tenir compte au niveau international.)
- (b) Mesures à prendre au niveau régional pour aborder les questions autochtones communes dans le but d'accroître la participation des autochtones au développement durable.

B. AU-DELÀ DE L'AGENDA 21

Deux lacunes du chapitre 26 ont déjà été mentionnées. Il serait utile de les utiliser pour amorcer avec les groupes autochtones des discussions au sujet de notre analyse. Il faut espérer que

ces discussions permettront de trouver une façon de combler les lacunes ou de réorienter notre analyse.

POINTS À DISCUTER

1. Comment les recommandations générales contenues dans le chapitre 26 de l'Agenda 21 devraient-elles être traduites en un plan d'action?
2. Quels mécanismes de consultation faudrait-il établir pour veiller à ce que les positions du gouvernement tiennent compte des idées et des connaissances des autochtones, surtout en ce qui concerne la Commission pour le développement durable?
3. Quelles sont les options favorisant la participation des autochtones aux travaux des institutions internationales?
4. Quelles sont les lacunes de l'Agenda 21 et comment peuvent-elles être comblées?

**UNITED NATIONS GENERAL ASSEMBLY
REVIEW OF THE OUTCOMES OF THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT (UNCED)**

The 47th session of the United Nations General Assembly (UNGA 47) adopted seven resolutions drafted in the 2nd Committee of UNGA. Those resolutions are:

- (a) UNCED Enabling Resolution, a general resolution adopting the Rio Declaration, Agenda 21 and the Forest Principles;
- (b) Institutional Arrangements, a resolution which inter alia creates the United Nations Commission on Sustainable Development (CSD);
- (c) High Seas Fishing, a resolution which convenes a conference to develop a regime for the conservation and sustainable use of straddling and highly migratory fish stocks in the high seas, with its first substantive session to take place in New York for three weeks in July of 1993;
- (d) Desertification, a resolution which strikes a negotiating track for a Convention on the Effects of Drought and Desertification for completion in 1994;
- (e) Small Island States, a resolution which establishes a conference on the sustainable development of small island states to take place in Barbados in April of 1994;
- (f) World Water Day, a resolution establishing 22 March as World Water Day;
- (g) Capacity 21, a resolution underlining the importance of the new UNDP programme 'Capacity 21'.

Commission on Sustainable Development

The resolution on institutional arrangements does the following:

- it formally establishes the Commission on Sustainable Development (CSD) as a functional commission of 53 rotating members reporting to the General Assembly through the Economic and Social Council (ECOSOC);
- it sets out the mandate of the CSD, drawing largely from Chapter 38 of Agenda 21, with additional functions relating to the Forest Principles, the Rio Declaration and new "cooperative arrangements";
- it provides for NGO participation;
- it requests rules of procedure to govern NGO participation taking into account ECOSOC rules of procedure, the rules of procedure for UNCED and Decisions 1/1 and 2/1 of the UNCED Preparatory Committee;

- it creates a high level advisory board of eminent persons to advise the UN Secretary-General, the CSD, ECOSOC and the UNGA on issues relating to sustainable development.

The next steps in setting up the CSD will be taken at the February organizational session of the Economic and Social Council (ECOSOC). At that session, the rules of procedure will be agreed upon, the workplan will be drafted, and elections for three year terms will be held. Canada is planning to seek membership in this first round of elections, although no formal steps have yet been taken.

Following the ECOSOC meeting, the CSD will have a short organizational session in New York to finalize the workplan. The first substantive session is scheduled for June of 1993, to be held in New York.

The permanent venue of the Commission has not been decided. The UN Secretary-General announced in December that the Secretariat for the Commission would have its headquarters in New York, with a branch office in Geneva. However, the UNGA was not able to reach a consensus on where the Commission should hold its sessions. The two options are (a) to hold sessions exclusively in New York and (b) to rotate sessions between New York and Geneva. The question will be taken up again when the General Assembly resumes its current session in March 1993.

5 January 1993

**ASSEMBLÉE GÉNÉRALE DES NATIONS UNIES
EXAMEN DES RÉSULTATS DE LA CONFÉRENCE DES
NATIONS UNIES SUR L'ENVIRONNEMENT ET LE DÉVELOPPEMENT (CNUED)**

Les participants à la 47^e session de l'Assemblée générale des Nations Unies (47^e AGNU) ont adopté sept résolutions rédigées par la 2^e Commission de l'Assemblée générale et portant sur les questions suivantes :

- (a) Résolution de principe de la CNUED, résolution générale visant l'adoption de la Déclaration de Rio, de l'Agenda 21 et des principes directeurs sur les forêts;
- (b) Mesures institutionnelles, résolution créant entre autres la Commission des Nations Unies pour le développement durable (CDD);
- (c) Pêche en haute mer, résolution convoquant une conférence pour établir un régime de conservation des ressources halieutiques en haute mer et un régime d'utilisation durable des stocks chevauchant la limite et des grands migrateurs; la première session de fond devant avoir lieu à New York, les trois premières semaines du mois de juillet 1993;
- (d) Désertification, résolution établissant un processus de négociation en vue de l'élaboration d'une Convention concernant les répercussions de la sécheresse et de la désertification à être ratifiée en 1994;
- (e) Petits États insulaires, résolution prévoyant la tenue d'une conférence sur le développement durable des petits États insulaires à la Barbade, en avril 1994;
- (f) Journée mondiale de l'eau, résolution désignant le 22 mars Journée internationale de l'eau;
- (g) Capacités 21, résolution signalant l'importance du nouveau programme du PNUD appelé "Capacités 21".

Commission pour le développement durable

La résolution sur les mesures institutionnelles vise les objectifs suivants :

- créer officiellement la Commission pour le développement durable (CDD), commission technique formée de 53 États membres, nommés suivant un régime de rotation, et relevant de l'Assemblée générale par l'intermédiaire du Conseil économique et social (ECOSOC);
- définir le mandat de la CDD, s'inspirant essentiellement du chapitre 38 de l'Agenda 21, mais comprenant d'autres fonctions relatives aux principes directeurs sur les forêts,

à la déclaration de Rio et aux nouveaux "accords de collaboration";

- garantir la participation des ONG;
- réglementer la participation des ONG en tenant compte du règlement intérieur de l'ECOSOC et de la CNUED et des décisions 1/1 et 2/1 du Comité préparatoire de la CNUED;
- mettre sur pied un comité consultatif formé de représentants de haut niveau pour fournir au secrétaire général des Nations Unies, à la CDD, à l'ECOSOC et à l'AGNU des conseils en matière de développement durable.

Les prochaines mesures en vue de la création de la CDD seront prises à la session d'organisation que tiendra le Conseil économique et social (ECOSOC) en février prochain. Au cours de cette réunion, on procédera à l'adoption du règlement intérieur de la Commission, à l'élaboration du plan de travail et à l'élection des membres pour une période de trois ans. Le Canada envisage de poser sa candidature dès la première ronde des élections, bien qu'il n'ait pas encore pris de mesures en ce sens.

Après la réunion de l'ECOSOC, la CDD tiendra une brève session d'organisation à New York pour mettre son plan de travail au point. La première session de fond devrait avoir lieu en juin 1993, à New York.

On n'a pas encore déterminé le lieu où s'établirait la Commission. En décembre dernier, le secrétaire général de l'ONU a annoncé que le siège social du secrétariat de la Commission serait situé à New York et qu'un bureau serait installé à Genève. Par contre, l'Assemblée générale des Nations Unies n'a pu s'entendre sur le lieu où la Commission tiendra ses réunions. Il y a deux options possibles : (a) à New York seulement et (b) à New York et à Genève à tour de rôle. La question sera abordée quand l'Assemblée générale reprendra ses travaux en mars 1993.

5 janvier 1993

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AGENDA 21, CHAPTER 26

**RECOGNISING AND STRENGTHENING THE ROLE OF INDIGENOUS PEOPLE
AND THEIR COMMUNITIES**

NOTE: This is a final, advanced version of a chapter of Agenda 21, as adopted by the Plenary in Rio de Janeiro, on June 14, 1992. This document will be further edited, translated into the official languages, and published by the United Nations for the General Assembly this autumn.

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PROGRAMME AREA

Basis for action

27.1. Non-governmental organizations play a vital role in the shaping and implementation of participatory democracy. Their credibility lies in the responsible and constructive role they play in society. Formal and informal organizations, as well as grass-roots movements, should be recognized as partners in the implementation of Agenda 21. The nature of the independent role played by non-governmental organizations within a society calls for real participation; therefore, independence is a major attribute of non-governmental organizations and is the precondition of real participation.

27.2. One of the major challenges facing the world community as it seeks to replace unsustainable development patterns with environmentally sound and sustainable development is the need to activate a sense of common purpose on behalf of all sectors of society. The chances of forging such a sense of purpose will depend on the willingness of all sectors to participate in genuine social partnership and dialogue, while recognizing the independent roles, responsibilities and special capacities of each.

27.3. Non-governmental organizations, including those non-profit organizations representing groups addressed in the present section of Agenda 21, possess well-established and diverse experience, expertise and capacity in fields which will be of particular importance to the implementation and review of environmentally sound and socially responsible sustainable development, as envisaged throughout Agenda 21. The community of non-governmental organizations, therefore, offers a global network that should be tapped, enabled and strengthened in support of efforts to achieve these common goals.

27.4. To ensure that the full potential contribution of non-governmental organizations is realized, the fullest possible communication and cooperation between international organizations, national and local governments and non-governmental organizations should be promoted in institutions mandated, and programmes designed to carry out Agenda 21. Non-governmental organizations will also need to foster cooperation and communication among themselves to reinforce their effectiveness as actors in the implementation of sustainable development.

Objectives

27.5. Society, Governments and international bodies should develop mechanisms to allow non-governmental organizations to play their partnership role responsibly and effectively in the process of environmentally sound and sustainable development.

27.6. With a view to strengthening the role of non-governmental organizations as social partners, the United Nations system and Governments should initiate a process, in consultation with non-governmental organizations, to review formal procedures and mechanisms for the involvement of these organizations at all levels from policy-making and decision-making to implementation.

- (iii) Recognition of their values, traditional knowledge and resource management practices with a view to promoting environmentally sound and sustainable development;
 - (iv) Recognition that traditional and direct dependence on renewable resources and ecosystems, including sustainable harvesting, continues to be essential to the cultural, economic and physical well-being of indigenous people and their communities;
 - (v) Development and strengthening of national dispute-resolution arrangements in relation to settlement of land and resource-management concerns;
 - (vi) Support for alternative environmentally sound means of production to ensure a range of choices on how to improve their quality of life so that they effectively participate in sustainable development;
 - (vii) Enhancement of capacity-building for indigenous communities, based on the adaptation and exchange of traditional experience, knowledge and resource-management practices, to ensure their sustainable development;
- (b) Establishment, where appropriate, of arrangements to strengthen the active participation of indigenous people and their communities in the national formulation of policies, laws and programmes relating to resource management and other development processes that may affect them, and their initiation of proposals for such policies and programmes;
- (c) Involvement of indigenous people and their communities at the national and local levels in resource management and conservation strategies and other relevant programmes established to support and review sustainable development strategies, such as those suggested in other programme areas of Agenda 21.

Activities

26.4. Some indigenous people and their communities may require, in accordance with national legislation, greater control over their lands, self-management of their resources, participation in development decisions affecting them, including, where appropriate, participation in the establishment or management of protected areas. The following are some of the specific measures which Governments could take:

- (a) Consider the ratification and application of existing international conventions relevant to indigenous people and their communities (where not yet done) and provide support for the adoption by the General Assembly of a declaration on indigenous rights;
- (b) Adopt or strengthen appropriate policies and/or legal instruments that will

protect indigenous intellectual and cultural property and the right to preserve customary and administrative systems and practices.

26.5. United Nations organizations and other international development and finance organizations and Governments should, drawing on the active participation of indigenous people and their communities, as appropriate, take the following measures, *inter alia*, to incorporate their values, views and knowledge, including the unique contribution of indigenous women, in resource management and other policies and programmes that may affect them:

(a) Appoint a special focal point within each international organization, and organize annual interorganizational coordination meetings in consultation with Governments and indigenous organizations, as appropriate, and develop a procedure within and between operational agencies for assisting Governments in ensuring the coherent and coordinated incorporation of the views of indigenous people in the design and implementation of policies and programmes. Under this procedure, indigenous people and their communities should be informed and consulted and allowed to participate in national decision-making, in particular regarding regional and international cooperative efforts. In addition, these policies and programmes should take fully into account strategies based on local indigenous initiatives;

(b) Provide technical and financial assistance for capacity-building programmes to support the sustainable self-development of indigenous people and their communities;

(c) Strengthen research and education programmes aimed at:

(i) Achieving a better understanding of indigenous people's knowledge and management experience related to the environment, and applying this to contemporary development challenges;

(ii) Increasing the efficiency of indigenous people's resource management systems, for example, by promoting the adaptation and dissemination of suitable technological innovations;

(d) Contribute to the endeavours of indigenous people and their communities in resource management and conservation strategies (such as those that may be developed under appropriate projects funded through the Global Environmental Facility and Tropical Forestry Action Plan) and other programme areas of Agenda 21, including programmes to collect, analyse and use data and other information in support of sustainable development projects.

26.6. Governments, in full partnership with indigenous people and their communities should, where appropriate:

(a) Develop or strengthen national arrangements to consult with indigenous

people and their communities with a view to reflecting their needs and incorporating their values and traditional and other knowledge and practices in national policies and programmes in the field of natural resource management and conservation and other development programmes affecting them;

(b) Cooperate at the regional level, where appropriate, to address common indigenous issues with a view to recognizing and strengthening their participation in sustainable development.

Means of implementation

(a) Financing and cost evaluation

26.7. The UNCED Secretariat has estimated the average total annual cost (1993-2000) of implementing the activities of this chapter to be about \$3 million from the international community on grant or concessional terms. These are indicative and order of magnitude estimates only and have not been reviewed by governments. Actual costs and financial terms, including any that are non-concessional, will depend upon, *inter alia*, the specific strategies and programmes governments decide upon for implementation.

(b) Legal and administrative frameworks

26.8. Governments should incorporate, in collaboration with the indigenous people affected, the rights and responsibilities of indigenous people and their communities in the legislation of each country, suitable to the country's specific situation. Developing countries may require technical assistance to implement these activities.

(c) Human resource development

26.9. International development agencies and Governments should commit financial and other resources to education and training for indigenous people and their communities to develop their capacities to achieve their sustainable self-development, and to contribute to and participate in sustainable and equitable development at the national level. Particular attention should be given to strengthening the role of indigenous women.

Chapitre 26

RECONNAISSANCE ET RENFORCEMENT DU ROLE DES POPULATIONS AUTOCHTONES ET DE LEURS COMMUNAUTES

DOMAINE D'ACTIVITE

Principes d'action

26.1 Les populations autochtones et leurs communautés ont un lien historique avec leurs terres et sont généralement les descendants des habitants originaux de ces terres. Dans le contexte du présent chapitre, le terme "terres" s'entend comme comprenant l'environnement des zones occupées traditionnellement par les populations concernées. Les populations autochtones et leurs communautés représentent un pourcentage important de la population mondiale. Elles ont développé au cours des générations une connaissance scientifique traditionnelle et holistique de leurs terres, de leurs ressources naturelles et de leur environnement. Les populations autochtones et leurs communautés doivent jouir pleinement des droits de l'homme et des libertés fondamentales qui leur reviennent, sans entrave ni discrimination. Leur capacité de participer pleinement à des pratiques de développement durable sur leurs terres a eu tendance à être limitée par l'effet de facteurs de nature économique, sociale et historique. Vu les rapports existant entre l'environnement naturel et son développement durable et le bien-être culturel, social et physique des populations autochtones, les efforts nationaux et internationaux déployés en vue d'un développement durable et écologiquement rationnel devraient reconnaître, intégrer, promouvoir et renforcer le rôle de ces populations et de leurs communautés.

26.2 Certains des buts inhérents aux objectifs et activités relevant du domaine considéré figurent déjà dans des instruments internationaux tels que la Convention concernant les populations autochtones et tribales (No 169) de l'OIT et sont repris dans le projet de déclaration universelle sur les droits des populations autochtones que rédige actuellement le Groupe de travail sur les populations autochtones de la Commission des droits de l'homme. L'Année internationale des populations autochtones (1993), proclamée par l'Assemblée générale dans sa résolution 45/164 du 18 décembre 1990, offre une occasion opportune de mobiliser davantage la coopération technique et financière qui s'impose à l'échelon international.

Objectifs

26.3 En étroite coopération avec les populations autochtones et leurs communautés, les gouvernements et, s'il y a lieu, les organisations intergouvernementales devraient s'efforcer d'atteindre les objectifs suivants :

a) Etablir un processus susceptible de donner aux populations autochtones et à leurs communautés des moyens d'action comprenant :

/...

- i) L'adoption ou le renforcement des politiques et/ou instruments juridiques appropriés au niveau national;
 - ii) La reconnaissance du fait que les terres des populations autochtones et de leurs communautés doivent être protégées contre des activités qui ne sont pas écologiquement rationnelles ou que les peuples autochtones concernés considèrent comme socialement ou culturellement inappropriées;
 - iii) La reconnaissance de leurs valeurs, connaissances traditionnelles et pratiques de gestion des ressources en vue de promouvoir un développement écologiquement rationnel et durable;
 - iv) La reconnaissance du fait que la dépendance traditionnelle et directe à l'égard des ressources renouvelables et des écosystèmes, y compris les récoltes durables, continue d'être essentielle pour le bien-être culturel, économique et physique des populations autochtones et de leurs communautés;
 - v) Le développement et le renforcement des mécanismes nationaux permettant de résoudre les différends concernant la gestion des terres et des ressources;
 - vi) L'appui à des moyens de production de remplacement écologiquement rationnels, afin d'assurer une gamme de choix quant à la façon d'améliorer la qualité de vie des populations autochtones de manière qu'elles puissent participer effectivement au développement durable;
 - vii) Le renforcement des capacités des communautés autochtones sur la base de l'adaptation et de l'échange des données d'expérience, des connaissances et des pratiques de gestion des ressources traditionnelles, afin d'assurer leur développement durable;
- b) Etablir s'il y a lieu des arrangements pour renforcer la participation active des populations autochtones et de leurs communautés à la formulation, au niveau national, de politiques, lois et programmes ayant trait à la gestion des ressources et à d'autres processus de développement qui peuvent les affecter, et leur donner les moyens de prendre l'initiative de telles propositions;
- c) Assurer la participation des populations autochtones et de leurs communautés, aux échelons national et local, aux stratégies de gestion et de conservation des ressources ainsi qu'à d'autres programmes pertinents d'appui et de suivi des stratégies en faveur du développement durable telles que celles proposées dans d'autres secteurs du programme Action 21.

Activités

26.4 Certaines populations autochtones et leurs communautés devront peut-être exercer, conformément à la législation nationale, un plus grand contrôle sur leurs terres, gérer de façon plus autonome leurs ressources et prendre une part accrue aux décisions en matière de développement qui les concernent, y compris le cas échéant la participation à la création et à la gestion de zones protégées. On trouvera ci-après un certain nombre de mesures que pourraient prendre les gouvernements :

a) Envisager de ratifier et d'appliquer les conventions internationales existantes relatives aux populations autochtones (lorsque cela n'a pas encore été fait) et appuyer l'adoption par l'Assemblée générale d'une déclaration sur les droits des populations autochtones;

b) Adopter ou renforcer les politiques et/ou les instruments juridiques appropriés qui protégeront les droits de propriété intellectuelle et culturelle ainsi que le droit de préserver les systèmes et pratiques coutumiers et administratifs des populations autochtones.

26.5 Les organismes des Nations Unies, les autres organisations internationales de développement et de financement et les gouvernements devraient, avec la participation active des populations autochtones et de leurs communautés, prendre, s'il y a lieu, les mesures suivantes visant notamment à intégrer les valeurs, les conceptions et les connaissances des populations autochtones - y compris la contribution unique des femmes autochtones - aux politiques et programmes en matière de gestion des ressources et aux autres politiques et programmes susceptibles de les concerner :

a) Nommer un responsable de la coordination au sein de chaque organisme international et organiser des réunions annuelles de coordination interorganisations en consultation avec les gouvernements et les organisations autochtones, s'il y a lieu, et mettre au point une procédure dans le cadre des organismes opérationnels afin d'aider les gouvernements à veiller à ce que les vues des populations autochtones soient incorporées de façon cohérente et coordonnée dans la conception et l'application des politiques et programmes. Selon cette procédure, ces populations et leurs communautés devraient être informées, consultées et autorisées à participer au processus décisionnel national, en ce qui concerne notamment les efforts de coopération déployés aux échelons régional et international. En outre, il faudrait que ces politiques et programmes prennent pleinement en compte les stratégies reposant sur des initiatives autochtones locales;

b) Fournir une assistance technique et financière au titre du renforcement des capacités des populations autochtones et de leurs communautés;

c) Renforcer les programmes de recherche et d'éducation visant à :

- i) Mieux comprendre le savoir-faire et l'expérience des populations autochtones en matière de gestion de l'environnement et utiliser ces compétences pour relever les défis contemporains dans le domaine du développement;
- ii) Renforcer l'efficacité des systèmes de gestion des ressources des populations autochtones, par exemple en favorisant l'adaptation et la diffusion d'innovations techniques appropriées;
- d) S'associer aux efforts des populations autochtones et de leurs communautés en ce qui concerne la gestion des ressources et les stratégies de conservation (telles que celles qui peuvent être mises au point dans le cadre de projets appropriés financés par le Fonds pour l'environnement mondial et le Plan d'action pour la protection de la forêt tropicale (ainsi que dans celui d'autres secteurs du programme Action 21, notamment les programmes portant sur des activités de collecte, d'analyse et d'utilisation des données et d'autres informations à l'appui des projets de développement durable.

26.6 En pleine association avec les populations autochtones et leurs communautés, les gouvernements devraient, s'il y a lieu :

a) Mettre au point ou renforcer les mécanismes nationaux appropriés de consultation avec les populations autochtones et leurs communautés en vue de tenir compte de leurs besoins et d'intégrer leurs valeurs, leur savoir-faire traditionnels et autres et leurs pratiques aux politiques et programmes nationaux touchant la gestion et la conservation des ressources naturelles et aux autres programmes de développement les concernant;

b) Coopérer, s'il y a lieu, à l'échelon régional en vue d'examiner les problèmes communs aux populations autochtones pour leur permettre de reconnaître et renforcer leur participation aux activités visant à un développement durable.

Moyens d'exécution

a) Financement et évaluation des coûts

26.7 Le secrétariat de la Conférence a estimé que le montant total des dépenses afférentes à la mise en oeuvre des activités relevant du présent domaine pour la période 1993-2000 se chifferrait en moyenne à environ 3 millions de dollars par an, montant qui serait financé par des dons ou à des conditions concessionnelles. Il ne s'agit que d'estimations approximatives données à titre indicatif, qui n'ont pas été examinées par les gouvernements. Les dépenses effectives et les conditions financières, y compris les conditions non concessionnelles, dépendront notamment des stratégies et programmes spécifiques que les gouvernements décideront de mettre en oeuvre.

b) Cadres juridique et administratif

26.8 En collaboration avec les populations autochtones concernées, les gouvernements devraient incorporer les droits et les responsabilités de ces populations et de leurs communautés dans la législation de chacun des pays, selon ses circonstances particulières. A cet égard, une assistance technique sera peut-être nécessaire aux pays en développement.

c) Mise en valeur des ressources humaines

26.9 Les organismes internationaux de développement et les gouvernements devraient allouer des ressources financières et autres au titre de l'éducation et de la formation des populations autochtones et de leurs communautés, de sorte que celles-ci soient mieux à même de parvenir à un développement autonome et durable, ainsi que de contribuer et de prendre part aux activités nationales en faveur d'un développement durable et équitable. Il conviendrait d'accorder une attention particulière au renforcement du rôle des femmes autochtones.

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External Affairs and International Trade Canada
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ARCTIC COUNCIL

Prime Minister Brian Mulroney, during the course of a state visit to the USSR in November 1989, suggested in Leningrad that the idea of an Arctic Council should be explored.

The Prime Minister's statement in 1989 led to the establishment of a panel on the idea of an international Arctic Council co-chaired by University of Toronto Professor Franklyn Griffiths and Ms. Rosemary Kuptana of Inuit Tapirisat of Canada, that has advanced its own framework report for an Arctic Council.

On November 28, 1990, the then Secretary of State for External Affairs, the Rt. Hon. Joe Clark, announced that Canada was proposing that the eight Arctic countries (Canada, USSR, USA, Finland, Sweden, Norway, Denmark and Iceland) establish an Arctic Council to discuss issues of common interest and promote circumpolar cooperation. In his announcement, Mr. Clark especially emphasized that this Council must allow for the participation of northern peoples.

In recent years there has been a significant growth in cooperation among the Arctic countries and particularly among regional governments, indigenous peoples and other interest initiatives have been developed to foster this cooperation. In 1978, the Inuit of northern Canada, Greenland and Alaska established the **Inuit Circumpolar Conference (ICC)**. The Inuit of northern Russia subsequently joined this organization. The **International Arctic Science Committee** was struck at Resolute, NWT, in August 1990. In June 1991, representatives of the ICC, the Nordic Sami Council, and the Aboriginal Peoples of the Russian North held the first **Arctic Indigenous Leader's Summit** in Copenhagen. In November 1991, leaders of fourteen northern regional governments established the **Northern Forum** in Anchorage.

The governments of the eight Arctic countries signed the **Arctic Environmental Protection Strategy** in Rovaniemi, Finland in June 1991. The Minister of Indian Affairs and Northern Development, Tom Siddon, used the occasion in Rovaniemi to invite the other countries to expand this international partnership: "I believe we should pursue the formation of an Arctic Council in the same spirit with which we developed the Arctic Environmental Protection Strategy".

Canada's proposal for an Arctic Council is intended to complement these efforts by enabling national governments to discuss Arctic issues of common concern, to pursue cooperative measures of common interest, and to support the work of other circumpolar organizations and networks. To this end, officials of the eight Arctic Country Governments met in Ottawa in May to discuss Canada's proposal.

The May meeting was successful in that it was able to produce a broad consensus on a number of topics sufficient to permit the Department of External Affairs to draft an MOU on the operations of an Arctic Council. While seven of the eight Arctic Governments were present and participated fully at the May meeting, the USA government had concerns about the process and the creation of the Arctic Council sufficient to cause it to attend only in an observer role. It has since indicated more formally that it has substantive problems with the concept of an Arctic Council and that it will not attend further meetings on the subject, even as an observer.

Notwithstanding American objections, the draft was, nevertheless, circulated to participating Capitals in October and no suggestions for changes of substance were received. However, consensus was not strong enough among governments to proceed with a final meeting of experts in 1992.

Consultations among interested Canadian parties (including with representatives of the Inuit Circumpolar Conference (ICC), the Dene Nation/Indigenous Survival International (ISI) and the Inuit Tapirisat of Canada (ITC) are continuing on how best to deal with the reluctance of some governments to proceed towards creation of the Council.

Given the strong political interest and the leadership role of Canada, it now remains to test the resolve of all other governments as to how to proceed.

Affaires extérieures et Commerce extérieur Canada
Direction des relations avec l'Europe de l'Ouest

CONSEIL DE L'ARCTIQUE

En novembre 1989, au cours d'une visite officielle en URSS, le premier ministre Brian Mulroney a proposé, à Leningrad, que la possibilité de créer un Conseil de l'Arctique soit étudiée plus à fond.

La déclaration du premier ministre a mené à la mise sur pied d'un groupe de travail chargé d'étudier le projet et coprésidé par Franklyn Griffiths, professeur à l'Université de Toronto, et Mme Rosemary Kuptana, de l'Inuit Tapirisat du Canada qui avait rédigé son propre rapport cadre préconisant la création d'un Conseil de l'Arctique.

Le 28 novembre 1990, le secrétaire d'État aux Affaires extérieures de l'époque, le très honorable Joe Clark, a déclaré que le Canada proposait que les huit pays de l'Arctique (le Canada, l'URSS, les É.-U., la Finlande, la Suède, la Norvège, le Danemark et l'Islande) fondent un Conseil de l'Arctique chargé de l'examen de questions d'intérêt commun et de la promotion de la collaboration entre pays circumpolaires. Dans sa déclaration, M. Clark précisait que le Conseil devait permettre aux autochtones du Nord de participer à ses travaux.

Au cours des dernières années, la collaboration entre les pays arctiques, et surtout entre les gouvernements régionaux, s'est grandement accrue et des initiatives ont été lancées pour favoriser cette collaboration. En 1978, les Inuit du nord du Canada, du Groenland et de l'Alaska ont créé la **Conférence circumpolaire inuit (CCI)**, à laquelle se sont joints par la suite les Inuit du nord de la Russie. L'**International Arctic Science Committee** a été mis sur pied à Resolute (T.N.-O.), en août 1990. En juin 1991, les représentants de la CCI, du Nordic Sami Council et des autochtones du nord de la Russie ont tenu le tout premier **Sommet des dirigeants autochtones de l'Arctique**, à Copenhague. En novembre 1991, à Anchorage, les chefs de quatorze gouvernements régionaux arctiques ont fondé le **Forum nordique**.

Les gouvernements des huit pays arctiques ont signé la **Stratégie de protection de l'environnement arctique** à Rovaniemi, en Finlande, en juin 1991. Le ministre des Affaires indiennes et du Nord canadien, Tom Siddon, a alors profité de l'occasion pour inviter les autres pays à se joindre à ce partenariat international. À son avis, l'esprit dans lequel nous avons élaboré la Stratégie de protection de l'environnement arctique devrait présider à la création d'un Conseil de l'Arctique.

Le Conseil de l'Arctique que préconise le Canada appuierait les initiatives en cours, puisqu'il permettrait aux gouvernements

nationaux arctiques de discuter des questions d'intérêt commun, de collaborer à des projets communs et d'appuyer les travaux d'autres organisations et réseaux circumpolaires. À cette fin, les représentants des gouvernements de huit pays arctiques se sont réunis à Ottawa, en mai dernier, pour discuter de la proposition du Canada.

La rencontre de mai a été couronnée de succès, puisque les participants en sont venus, sur un certain nombre de questions, à un consensus suffisant pour permettre au ministère des Affaires extérieures de rédiger un projet de protocole d'entente concernant les activités d'un Conseil de l'Arctique. Même si sept des huit gouvernements arctiques ont pleinement participé à la réunion de mai, le gouvernement américain entretenait, au sujet du processus et de la création d'un Conseil de l'Arctique, assez de craintes pour le persuader de n'assister à la rencontre qu'à titre d'observateur. Depuis, il a fait savoir plus officiellement qu'il s'interrogeait sérieusement sur le concept d'un Conseil de l'Arctique et qu'il n'assisterait pas à d'autres réunions ultérieures à ce sujet, même pas en tant qu'observateur.

Malgré les réserves des États-Unis, le projet de protocole d'entente a été transmis aux capitales participantes en octobre dernier et aucun changement important n'a été proposé. Toutefois, le consensus entre les gouvernements participants n'était pas assez solide pour convoquer des spécialistes à une dernière rencontre en 1992.

Les consultations entre divers organismes canadiens (y compris des représentants de la Conférence Circumpolaire Inuit (CCI), de l'Indigenous Survival International (ISI) de la nation dénée et de l'Inuit Tapirisat du Canada (ITC) se poursuivent. Les parties tentent de trouver la meilleure façon de persuader les gouvernements qui hésitent à créer le Conseil de l'Arctique.

Étant donné le vif intérêt politique porté à cette question et le rôle de premier plan joué par le Canada, il reste à déterminer à quel point les autres gouvernements sont résolus à aller de l'avant.

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HIGHLIGHTS OF THE 1992 OAS BUDGET
(All figures in US Dollars)

General Assembly and other organs - ie Drug Commission, Human Rights Commission, Human Rights Court	9,365,000
Specialized Entities - ie Defence Board, Women's Commission, Children's Institute	4,439,000
General Secretariat Offices (including \$734,000 for the Unit for Promotion of Democracy)	5,951,000
Economic and Social Affairs Council (CIES)	7,700,000
Education, Science and Culture Council (CIECC)	12,546,000
OAS Offices in Member States	6,392,000
Legal Secretariat	1,456,000
Management and Common Services	17,537,000
<hr/>	
Total Budget Funded by Assessments	US\$65,398,000

GRANDES LIGNES DU BUDGET 1992 DE L'OEA
(en dollars américains)

Assemblée générale et autres agences - p. ex.: Commission de la drogue, Commission des droits de la personne, Tribunal des droits de la personne	9 365 000
Organismes spécialisés - p. ex.: Commission de la défense, Commission de la condition féminine, Institut de l'enfant	4 439 000
Bureau du Secrétariat général (y compris 734 000 \$ pour la Section de la promotion de la démocratie)	5 951 000
Conseil des affaires économiques et sociales (CIES)	7 700 000
Conseil de l'éducation, des sciences et de la culture (CIECC)	12 546 000
Bureaux de l'OEA dans les États membres	6 392 000
Services juridiques	1 456 000
Gestion et services communs	17 537 000
<hr style="border-top: 1px dashed black;"/>	
Budget total subventionné par les quotes-parts	65 398 000 \$ US

CANADIAN FINANCIAL CONTRIBUTIONS TO THE OAS

TOTAL CONTRIBUTIONS: CDN\$106 M = \$35M assessed contributions
(1990/91 to 1994/95) + \$71M ODA

A. ASSESSED CONTRIBUTIONS: CDN\$35 M (30% of total contributions)
(1990/91 to 1994/95)

ASSESSED CONTRIBUTIONS BY YEAR		
Year	Assessment US\$	% of Total OAS Budget*
1990	4,170,000	6.95
1991	5,500,400	9.04
1992	6,396,100	10.24
1993	7,172,800	11.27
1994		12.36

* When Canada joined the OAS in 1990, an outdated formula gave Canada an unrealistically low assessment. Following protracted negotiations, it was agreed that our assessment would be set at 12.36%, to be phased in over four years.

B. OFFICIAL DEVELOPMENT ASSISTANCE (ODA):** CDN \$71M (70% of
(1990/91 to 1994/95) total contributions)

Pan-American Health Organization (PAHO)	\$47.6M
Inter-American Institute for Cooperation in Agriculture (IICA)	\$16.7M
Technical Assistance	\$ 9.5M
Voluntary Fund: 70%	
Earmarked Projects: 30%	

** All figures approximate and for indicative purposes only.

LES CONTRIBUTIONS FINANCIÈRES DU CANADA À L'OEA

CONTRIBUTION TOTALE : 106 000 000 \$ CAN
(1990-1991 à 1994-1995) = 35 000 000 \$ quote-part
+ 71 000 000 \$ APD

A. QUOTE-PART : 35 000 000 \$ CAN (30 p. 100 de la
(1990-1991 à 1994-1995) contribution totale)

QUOTE-PART SELON L'ANNÉE

ANNÉE	QUOTE-PART (en dollars US)	POURCENTAGE DU BUDGET TOTAL DE L'OEA*
1990	4 170 000	6,95
1991	5 500 000	9,04
1992	6 396 100	10,24
1993	7 172 800	11,27
1994		12,36

* En 1990, quand le Canada s'est joint à l'OEA, sa quote-part a été évaluée à une proportion beaucoup trop faible au moyen d'une formule périmée. À la suite de longues négociations, notre quote-part a été portée à 12,36 p. 100, à être étalée sur plus de quatre ans.

B. AIDE PUBLIQUE AU DÉVELOPPEMENT (APD)** : 71 000 000 \$ CAN
(1990-1991 à 1994-1995) (70 p. 100 de la
contribution totale)

Organisation panaméricaine de la santé (PAHO)	47 600 000 \$
Institut interaméricain de coopération pour l'agriculture (IICA)	16 700 000 \$
Assistance technique	9 500 000 \$
Fonds de contributions volontaires : 70 p. 100	
Crédits-projets affectés : 30 p. 100	

** Montants approximatifs donnés simplement à titre
d'information

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and the efforts of the United Nations Development Programme to give priority to the search for some means of alleviating poverty within the framework of the relevant resolutions;

5. Decides to consider this question further at its forty-ninth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

DRAFT RESOLUTION XIV

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The General Assembly,

Reaffirming that one of the main purposes of the United Nations, as proclaimed in the Charter of the United Nations, is to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion.

Noting the importance of the even more effective implementation of international human rights instruments with regard to the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Welcoming the increased attention given by human rights treaty bodies to the non-discrimination and protection of minorities,

Aware of the provisions of article 27 of the International Covenant on Civil and Political Rights 20/ concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Considering that the United Nations has an increasingly important role to play regarding the protection of minorities,

Bearing in mind the work done so far within the United Nations system, in particular through the relevant mechanisms of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, in promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Recognizing the important achievements in this regard in regional, subregional and bilateral frameworks, which can provide a useful source of inspiration for future United Nations activities,

Stressing the need to ensure for all, without discrimination of any kind, full enjoyment and exercise of human rights and fundamental freedoms, and emphasizing the importance of the draft Declaration on the Rights of Persons

Belonging to National or Ethnic, Religious and Linguistic Minorities in that regard,

Recalling its resolution 46/115 of 17 December 1991, Commission on Human Rights resolution 1992/16 of 21 February 1992, 15/ by which the Commission approved the text of the draft declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities, and Economic and Social Council resolution 1992/4 of 20 July 1992, by which the Council recommended it to the General Assembly for adoption and further action,

Having considered the note by the Secretary-General, 37/

1. Adopts the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the text of which is annexed to the present resolution;
2. Requests the Secretary-General to ensure the distribution of the Declaration as widely as possible and to include the text of the Declaration in the next edition of Human Rights: A Compilation of International Instruments;
3. Invites United Nations agencies and organizations and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on the Declaration and to promoting understanding thereof;
4. Invites the relevant organs and bodies of the United Nations, inter alia, treaty bodies and representatives of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, to give due regard to the Declaration within their mandates;
5. Requests the Secretary-General to consider appropriate ways for the effective promotion of the Declaration and to make proposals thereon;
6. Requests the Secretary-General to report to the General Assembly at its forty-eighth session on the implementation of the present resolution under the item entitled "Human rights questions".

Annex

DECLARATION ON THE RIGHTS OF PERSONS BELONGING TO NATIONAL
OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

The General Assembly,

Reaffirming that one of the basic aims of the United Nations, as proclaimed in its Charter, is to promote and encourage respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion,

Reaffirming faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,

Desiring to promote the realization of the principles contained in the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the Convention on the Rights of the Child, as well as other relevant international instruments that have been adopted at the universal or regional level and those concluded between individual States Members of the United Nations,

Inspired by the provisions of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of States in which they live,

Emphasizing that the constant promotion and realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as an integral part of the development of society as a whole and within a democratic framework based on the rule of law, would contribute to the strengthening of friendship and cooperation among peoples and States,

Considering that the United Nations has an important role to play regarding the protection of minorities,

Bearing in mind the work done so far within the United Nations system, in particular the Commission on Human Rights, the Subcommission on Prevention of Discrimination and Protection of Minorities and the bodies established pursuant to the International Covenants on Human Rights and other relevant

international human rights instruments on promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Taking into account the important work which is carried out by intergovernmental and non-governmental organizations in protecting minorities and in promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Recognizing the need to ensure even more effective implementation of international instruments with regard to the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Proclaims this Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities:

Article 1

1. States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories, and shall encourage conditions for the promotion of that identity.
2. States shall adopt appropriate legislative and other measures to achieve those ends.

Article 2

1. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.
2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.
3. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.
4. Persons belonging to minorities have the right to establish and maintain their own associations.
5. Persons belonging to minorities have the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties.

Article 3

1. Persons belonging to minorities may exercise their rights, including those set forth in this Declaration, individually as well as in community with other members of their group, without any discrimination.
2. No disadvantage shall result for any person belonging to a minority as the consequence of the exercise or non-exercise of the rights set forth in this Declaration.

Article 4

1. States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.
2. States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards.
3. States should take appropriate measures so that, wherever possible, persons belonging to minorities have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.
4. States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole.
5. States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.

Article 5

1. National policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.
2. Programmes of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

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English
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Article 6

States should cooperate on questions relating to persons belonging to minorities, including exchange of information and experiences, in order to promote mutual understanding and confidence.

Article 7

States should cooperate in order to promote respect for the rights set forth in this Declaration.

Article 8

1. Nothing in this Declaration shall prevent the fulfilment of international obligations of States in relation to persons belonging to minorities. In particular, States shall fulfil in good faith the obligations and commitments they have assumed under international treaties and agreements to which they are parties.
2. The exercise of the rights set forth in this Declaration shall not prejudice the enjoyment by all persons of universally recognized human rights and fundamental freedoms.
3. Measures taken by States to ensure the effective enjoyment of the rights set forth in this Declaration shall not prima facie be considered contrary to the principle of equality contained in the Universal Declaration of Human Rights.
4. Nothing in this Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States.

Article 9

The specialized agencies and other organizations of the United Nations system shall contribute to the full realization of the rights and principles set forth in this Declaration, within their respective fields of competence.

DRAFT RESOLUTION XV

Summary of arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights, 11/ which guarantees the right to life, liberty, and security of person,

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