

Indigenous peoples at the United Nations...

Photo provided by Nilo Cayuqueo



How much influence do we have?

Over the last few decades, Indigenous peoples have been successful in impacting United Nations (UN) decisions by creating activities therein. Forming these activities within the UN system has allowed Indigenous peoples to influence the decision making processes, and move away from being the objects of discussions to being voices in these debates pertaining to their rights.

The first dramatic change began to occur in the 1960's, when Indigenous peoples began to organize themselves and began asserting their ideas about their rights to self determination. In the 1970's, with the support of various non-governmental organizations (NGO's) and a number of international conferences, Indigenous peoples continued to forge a pan-Indigenous movement to fight for their rights of survival. The 1977 International NGO Conference on Discrimination Against Indigenous Populations in the Americas, organized by the NGO Sub-Committee on Racism, Radical Discrimination, Apartheid and

Colonialism, was a real turning point in Indigenous activities within the United Nations. Indigenous leaders became versed in the myriad ways to access the UN bodies.

UN legislation permits NGO's to create activities within the UN-system, especially within the Economic and Social Council (ECOSOC) system. However, the national governments within the ECOSOC must first grant these organizations a consultative status. At this point, no Indigenous organization has been successful in obtaining such a consultative relationship with the ECOSOC. Because these NGO's represent peoples who aren't represented by the national governments of the countries in which they live, governments are often anxious about the influence of these organizations. Since it is only national governments who vote on the granting of consultative status, it's almost impossible for Indigenous NGO's to obtain such a formal free-ticket to develop activities at all ECOSOC levels. As of now, Indigenous organizations' only means of access is to be represented by an organi-

zation that has consultative status. In practice, Indigenous representatives therefor often rely on human rights NGO's.

To defend their rights at an international level, Indigenous peoples have to find other ways to participate in the UN decision making processes on issues that concern them.

In addition to their participatory role in the drafting process of the International Labor Organization's Convention 169 and other international conventions and conferences, Indigenous peoples have developed activities in relation to the UN Working Group on Indigenous Populations (WGIP). With their presence at international NGO Conferences ('77/'81),



Indigenous representatives called attention to their desperate living conditions, their struggle to survive as communities, and their under representation in the processes that formulate the standards incorporating their rights. This heightened awareness within the international community led the UN

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Subcommission on Human Rights (Subcommission on the Prevention of Discrimination and Protection of Minorities) to recommend that the UN Commission on Human Rights and the ECOSOC establish a working group on Indigenous peoples' rights in which Indigenous peoples themselves participate.

Since 1982 the WGIP has been holding its annual meeting in Geneva at the end of July, just before the session of the Subcommission on Human Rights.

Consisting of five experts, the Working Group has a dual mandate consisting of the study of problems confronting Indigenous peoples and the elaboration of international standards for Indigenous rights. At every session, hundreds of Indigenous representatives are present to participate in the drafting of these standards. The WGIP focuses on Indigenous intellectual property rights as well as on a comprehensive investigation of the treaties that exist between states and Indigenous peoples. The fact that Indigenous peoples from around the world, NGO's, specialized UN agencies and governments are all free to participate in the Working Group's open meetings makes it an excellent forum for multilateral discussions and exchanges of information between these diverse groups.

In 15 years, the WGIP has made an enormous contribution to the development of standards dealing with the rights of Indigenous peoples. Perhaps their most consequential project is the Declaration on the Rights of Indigenous Peoples, created by and for Indigenous peoples. In 1993, the WGIP adopted the completed draft of the declaration, which was unanimously approved by the experts of the Subcommission on Human Rights in August 1994. This approval is extremely significant because it acknowledges that a higher impartial UN organ of human rights experts has accepted the special competence of the WGIP to create their own proposals concerning their own rights. And whereas the text of the Declaration is not as strong as a declaration drafted solely by Indigenous participants would be, it constitutes standards for Indigenous rights (including political autonomy, control over resources, and land rights) that are more satisfactory

than the ones in ILO Convention 169, although as a declaration and not a treaty it will never be binding.

The Declaration is now being negotiated by a special inter-sessional working group of the Commission on Human Rights. The Commission is a human rights organ above the Subcommission consisting of state representatives. The Declaration has thereby begun its tortuous passage from the expert bodies up to the highly politicized realm of the UN. Here the draft will probably be amended and then pass through the ECOSOC to the General Assembly of the UN for final approval.

Like the ECOSOC, the working group of the Commission on Human Rights is open to human rights NGO's with a consultative status, but initially not to Indigenous NGO's. In response to Indigenous peoples' demand that they be present at any attempt to define their rights, the Commission introduced the possibility of participation for Indigenous organizations. The process for application however is long and complicated. The Indigenous organization or representative must apply to the Coordinator of the International Decade for Indigenous Peoples. The Coordinator consults the state government of the concerned organization, and then forwards the information to the UN Committee on NGOs in New York. It is this body which has the power to decide which Indigenous organizations are allowed to attend the working group of the Commission on Human Rights. With 87 out of a 112 applications approved, it seems that the possibility would now exist for some wider participation of Indigenous representatives in the work of the Commissions' working group. However, governments often don't recognize these Indigenous organizations, rendering the whole process of application useless. In addition, recent UN reorganization has put an end to the position of Coordinator of the International Decade for

Indigenous Peoples. With no Coordinator to apply to, is now very vague how Indigenous organizations are to gain access to the working group.

In addition to impacting the UN decision making process on the Draft Declaration, the activities of Indigenous peoples in the WGIP also had an affect on the General Assembly's proclamation of the International Decade for Indigenous Peoples in 1993 and its consequences. After this proclamation, many Indigenous speakers at the WGIP asked for a deadline for adopting the Declaration during the Decade. In addition, many speakers urged the UN to take more operational measures and to show stronger political commitment to a permanent forum for Indigenous peoples.

THE FACT THAT INDIGENOUS PEOPLES FROM AROUND THE WORLD, NGO'S, SPECIALIZED UN AGENCIES AND GOVERNMENTS ARE ALL FREE TO PARTICIPATE IN THE WORKING GROUP'S OPEN MEETINGS MAKES IT AN EXCELLENT FORUM FOR MULTILATERAL DISCUSSIONS AND EXCHANGES OF INFORMATION BETWEEN THESE DIVERSE GROUPS.

The debates in the WGIP on the forum show that the examination of this question is making some progress. In 1996, most Indigenous peoples agreed that the forum should not replace the WGIP, but should be a high level body within the ECOSOC-system with a wide mandate. At the latest meeting of the WGIP in July 1997, Indigenous delegations recommended to the experts that the forum should be on the same level as the Commission of Human Rights, and that it should consist of Indigenous representatives, state representatives and representatives of specialized UN agencies, all with an equal right to participate. Every six months, in February and July, the forum should meet in Geneva, and discuss all Indigenous issues. These recommendations are now being negotiated by the Subcommission on Human Rights. Furthermore, Resolutions have been put forward in the General Assembly concerning the Decade and the possible establishment of this permanent forum. The issue was also discussed at special workshops in Copenhagen ('95) and Santiago ('97).

On the whole, the number of UN-meetings and activities of concern to

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Indigenous peoples has expanded substantially within the last few years. In March 1996, the above mentioned Indigenous subjects and activities were an agenda item at a meeting of the Commission on Human Rights, for the first time in the relationship between the world's Indigenous peoples and the UN.

Conclusion

The WGIP has become a vast forum of Indigenous peoples. The impact of this group cannot be doubted, as the question of Indigenous peoples is now solidly attached to the list of UN concerns (for example, see the 1993 General Assembly proclamation of the International Decade for Indigenous Peoples).

Such success has woken up some sleeping national governments. At the

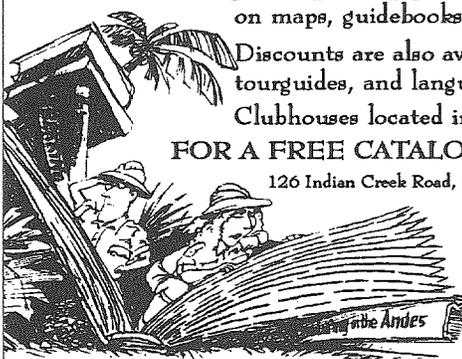
level of the Commission on Human Rights, the Draft Declaration prepared by the WGIP was the subject of detailed examination, and it is feared that several essential provisions adopted by the WGIP and the Subcommittee on Human Rights will be modified restrictively.

The fact that the WGIP is at the bottom of the UN hierarchy makes the success a bit of an illusion. Within the UN, governments decide, which makes it necessary for Indigenous peoples to gain access to the higher UN fora. Hence the debate on the creation of a permanent forum. Action must not be limited to the level of the WGIP. Gains need to be consolidated. Over the last thirty years, Indigenous peoples have successfully challenged the derogatory procedures that have characterized the past, and have made great strides in having their exist-

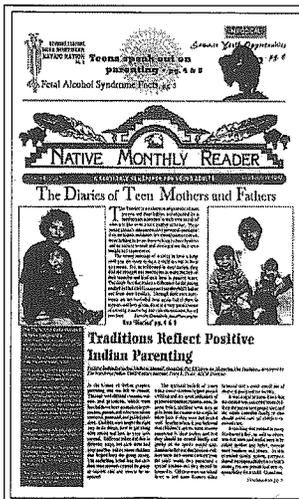
tence, as distinct, independent cultures with special concerns, acknowledged by the world's most powerful international bodies. Their mobilization and dedication has led to significant changes in the way their issues are addressed and acted upon, but there is still a lot to be done before Indigenous peoples hold real positions of power at the higher levels of the UN system. In the WGIP, Indigenous peoples need to focus on the strategies that need to be developed to have an impact at all levels of UN decision making in the future. 🌿

Information from: IWGIA (International Working Group for Indigenous Affairs), The International Service for Human Rights, Nilo Cayuqueo, Sharon H. Venne. For more information concerning the consultative relationship between the UN and NGO's see: ECOSOC Resolution 1996/31

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