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Cover: Marching towards Cali (Colombia), September 2004. Photo: IWGIA archive
As this issue of *Indigenous Affairs* goes to print, it is expected that the United Nations’ General Assembly will adopt a resolution establishing a second Decade dedicated to the rights of the world’s indigenous peoples. This action should be seen in the light of the enormous problems that indigenous peoples continue to face, despite the international efforts made during the first Decade, as pointed out by the UN Special Rapporteur on Indigenous People, Rodolfo Stavenhagen, in his recent report to the General Assembly.

This alone would be reason enough for establishing a second Decade. But there is also another reason. During the first Decade, indigenous peoples have to an admirable extent managed to get indigenous issues on the agenda in a number of international settings, not least the United Nations and affiliated institutions. It is IWGIA’s point of view that these new entries can and should be used in a proactive strategy for the promotion of the rights of indigenous peoples.

The first Decade was used by indigenous peoples to document and provide information about violations of their human rights and to develop skills in standard-setting and promotion of human rights. On this basis, indigenous peoples now have the means to look forward and use their experiences to protect their rights in national and regional contexts. This is likely to be the main challenge of the second Decade.

A major and unique result of the first Decade was the establishment of the UN Permanent Forum on Indigenous Issues. This was the outcome of a very productive partnership between various governments and indigenous organisations. The fulfilment of the aims and ambitions relating to the Permanent Forum will be another challenge and should be one of the main goals for the second Decade.

The Decade also saw some notable progress regarding the promotion of indigenous peoples’ rights at the regional/continental level within, for instance, the Inter-American Commission on Human Rights and the Arctic Council. This has also, and not least, been the case within the African Commission on Human and Peoples’ Rights which, at its regular meeting in November 2003, adopted a report on the rights of indigenous populations/communities in Africa. This is a process that indigenous organisations and IWGIA have, for the past three or four years, been investing great efforts and resources in. With the adoption of the Report and the extension of the mandate of the Working Group of Experts on Indigenous Populations/Communities for a further two years, the challenge over the next couple of years will be to disseminate information about the report, facilitate its use in dialogues with African governments and continue to document and report to the African Commission on human rights violations against indigenous people.

As we enter a second Decade, it will be essential to look at this organisational and institutional progress and focus on the extent to which these achievements can be used as models in other regions of the world and for improving the rights of indigenous peoples worldwide.
When the UN General Assembly launched the International Decade of the World’s Indigenous People in December 1993, it committed itself to seeking improvements in the situation of the more than 300 million indigenous peoples worldwide between 1995 and 2004. The UN’s goal for the Decade was “to strengthen international co-operation to solve the problems faced by indigenous peoples in such areas as human rights, the environment, development, education and health.”

The key to achieving this goal was to be found in the UN’s theme for the International Decade – “Indigenous people: partnership in action”. The UN committed itself to encouraging the development of new partnerships between indigenous peoples and states and other groups, and between indigenous peoples and the UN. These partnerships – based on principles of equity, mutual respect and understanding – offered ways for indigenous peoples to develop their own solutions to the problems facing them.

In 1995, the General Assembly following this goal, adopted an ambitious programme of activities for the Decade and identified a number of specific objectives, including:

- the development of activities, by the specialized agencies of the UN system and other inter-governmental and national agencies, that benefit indigenous peoples;
- educating indigenous and non-indigenous societies with regard to the cultures, languages, rights and aspirations of indigenous peoples;
- promoting and protecting the rights of indigenous peoples;
- implementing recommendations concerning indigenous peoples adopted by all high-level international conferences, including the proposal to establish a Permanent Forum for Indigenous Issues in the UN system;
- the adoption by the UN General Assembly of the UN Declaration on the Rights of Indigenous Peoples, and the development of international standards and national legislation to protect and promote indigenous peoples’ human rights.

In order to promote these objectives, the United Nations called upon member states, indigenous peoples, NGOs and the private sector to make their mark on the Decade’s goals and objectives.

The International Work Group for Indigenous Affairs (IWGIA) adopted a strategy paper entitled “IWGIA and Indigenous Peoples”. In the annual publication *The Indigenous World 1994-1995*, we looked briefly at some of the issues of importance to indigenous peoples at that time and asked the questions: how will these issues look by the end of the Decade? Will a substantial number of peoples have acquired self-determination? Will the majority of the world’s 300 million indigenous people live in peaceful and dynamic relationships with the states in which they live? Will the world have come to its senses and begun to actively support the maintenance of cultural and biological diversity?

There are obviously no easy answers to the above questions. Five years later, in 1999, when IWGIA carried out a mid-term evaluation of the Decade, the organisation assessed that there was “… a reluctance among governments to let the nice words be followed by action, and whereas some governments and international agencies have highlighted policies in support of indigenous peoples and indigenous communities in developing countries, few initiatives have been taken to put these aims and ambitions into practice.”

And yet it is highly significant that there are peoples who, since 1995, have gained de facto recognition of their right to self-determination – without any international declaration adopted. The Inuit of the Canadian North have succeeded in establishing their own self-governing territory, Nunavut, established in 1999 after more than 20 years of negotiations. Years of war between the indigenous peoples of Bougainville and the Papua New Guinea army have come to an end and an autonomous government is expected to become a reality as the Decade phases out. The Bougainvillans themselves have often stressed the importance of being able to present their case to the UN. The fact that there are numerous cases in which the position of indigenous peoples has worsened must be addressed but must not detract from an analysis of where, why and when improvements have taken place and what we can learn from these cases.

It is interesting to note that, at the start of the Decade, IWGIA also asked the following specific questions, of great concern at that time: “What will the situation of the Chakmas in the Chittagong Hill Tracts [Bangladesh] and the refugee camps in India be in ten years time? Will East Timor have managed to negotiate its way to freedom with the Indonesian government?”

Today, most of the Chakra refugees have returned to their homes in Bangladesh but, unfortunately, a devastating and internecine civil war-like situation has developed between opposing political factions of the Chakmas. The troubled post-colonial history of the indigenous peoples of East Timor finally found its solution with independence in 2002. For years, the political leaders of the East Timorese liberation movement attended the United Nations’ Working Group on Indigenous Populations, presented their case to the United Nations, made strategies with other indigenous groups
and established personal relationships with indigenous leaders from all over the world.

It could easily be argued that these developments may not be directly related to the UN Decade. They were, nevertheless, key expectations at the start of the Decade for those concerned and the focus placed on them by governments and agencies has undoubtedly been influenced by the norms created by establishing the Decade. What many indigenous peoples expected was peace, hope and respect, without which self-determination remains dead letter.

Ten years on, in the first article of this issue, Jens Dahl, IWGIA’s executive director, looks at the effect of the Decade on the world’s indigenous peoples. He specifically focuses on the Decade as a tool for improving the well-being of indigenous peoples but also looks at how and to what extent indigenous peoples as a group have made an impact on the UN system, and how and to what extent UN-focused activities have percolated down to indigenous communities.

In the second article, Victoria Tauli Corpuz, newly-elected indigenous member of the Permanent Forum, focuses on the UN Permanent Forum on Indigenous Issues which, she says, “represents one of our successes in carving out spaces which will address our issues and concerns within the global arena.”

The creation of this unique UN body was a major breakthrough in the long struggle of indigenous peoples to gain a platform within the international community. However, it is important to note that the Forum is still fragile and under enormous pressure. As Victoria Tauli Corpuz says, “Within the three years of the Permanent Forum’s existence we can already see its many potentials in terms of promoting further indigenous peoples’ rights and concerns. However, we also see many challenges confronting the Permanent Forum which can affect its capacity to fulfil effectively its mandate.” She identifies challenges, possibilities and opportunities for the Permanent Forum over the years to come.

But despite the many challenges, past and future, IWGIA would like to take this opportunity to acknowledge some of the Forum’s achievements during its relatively short three-year life.

The Forum has established its secretariat and has begun to address its six mandated areas – economic and social development, culture, environment, education, health and human rights – adopting many important recommendations on indigenous issues. Through its recommendations to ECOSOC and the UN agencies, the Forum has stressed the importance of approaching indigenous issues from a regional level in order to offer ever more concrete solutions to indigenous communi-

ties. It has also started to identify innovative working methods, such as high-level panels, seminars, expert reports and crosscutting thematic approaches. The Forum has also shown vision in selecting its main themes and, at its last session, decided to prioritise the implementation of and follow-up to the recommendations made during its first three years of existence.

It is important to note that the Forum has also made substantial efforts to raise awareness of indigenous peoples’ issues within the highest UN bodies. This work was praised by the Secretary-General, who in his opening speech to the 3rd session of the UN Permanent Forum, stated that the Forum had begun to create a home for itself within the United Nations system.

Another important programme objective of the Decade was to build human rights capacity by strengthening indigenous organisations’ knowledge and practical expertise in human rights. In order to accomplish this objective, a Fellowship Programme for indigenous peoples was established in 1997 under the responsibility of the office of the UN High Commissioner for Human Rights. Since then, a substantial number of young indigenous activists have been given the opportunity to strengthen their knowledge of the United Nations, receive an in-depth and realistic picture of the system, develop a good knowledge of UN human rights bodies and mechanisms, gain practical experience and receive direct training from specialists.

Two articles in this issue focus on this programme and are written by Pernille Kramp and Nicole (Migizikwe) Hetu.

In her article, Pernille Kramp, former coordinator of the Programme, gives us detailed information about the history, objectives and contents of the programme, while Nicole Hetu’s article complement this information with her personal account of being a program fellow.

A major achievement in the promotion and protection of indigenous peoples’ rights during the UN Decade was undoubtedly the appointment, by the UN Commission on Human Rights, of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples in 2001.

The mechanism of a Special Rapporteur is extremely important to indigenous peoples as this position is mandated to investigate specific human rights complaints. The mandate also includes visiting countries that are alleged to have violated, or that are violating, the human rights of a particular indigenous community. The Special Rapporteur is authorized to make recommendations and proposals to the state in question and to the UN Commission on Human Rights with regard to steps, measures and actions that can be undertaken to
remedy violations of indigenous peoples’ human rights and fundamental freedoms and prevent future violations.

Since his appointment as Special Rapporteur in 2001, Rodolfo Stavenhagen has presented his reports to the UN Commission on Human Rights every year and stated over and over again that indigenous peoples continue to face dispossession of their lands and resources, discrimination, exclusion, marginalisation, forced assimilation and other forms of cultural genocide, along with violations of their treaty rights. Social and economic indicators show that they continue to suffer from high poverty and exclusion rates and that their levels of well-being are often far below national levels. All of these elements are inseparably linked to human rights violations and they cause and perpetuate indigenous peoples’ impoverishment and marginalisation.

In this respect, the serious situation of Colombia’s indigenous peoples is particularly noteworthy. The radicalisation of the armed conflict, caused among other things by the “Plan Colombia”, has led in recent years to an unprecedented increase in the number of people abandoning their territories and communities in order to save their lives. Threats, fear, massacres, murders and clashes between armed groups are among the main causes of displacement. The indigenous and Afro-Colombian peoples are among the most vulnerable sectors and consequently those most affected by the armed conflict and forced migration. In his article on the Colombian indigenous movement, Efrain Jaramillo considers that the very Decade on indigenous peoples itself has been characterised by violence against and dispossession of indigenous and black peoples in Colombia, and that this is evidenced in the huge number of massacres, the selective murders of leaders and the displacement of entire communities. According to Jaramillo, this period - which began in the mid-1990s and continues to this very day - has also been characterised by the systematic dismantling of the constitutional rights of indigenous and black peoples. This is an ongoing process that is likely to go further still in order to clear the path towards the Free Trade Treaties.

According to information that IWGIA has received from indigenous organisations in Colombia, during 2003 more indigenous people were murdered than ever before, 139 in total. It is for this reason that we are appealing to the international community to urgently take effective measures aimed specifically at protecting the indigenous and Afro-Colombian peoples from the systemic violations of their fundamental human rights being committed by the different players involved in this bloody conflict. Failure to do so would be a blight on the international community, and particularly on the UN’s record of promoting peace and respect for human rights and fundamental freedoms without distinction.

While the outlook offered by the article on the last ten years in Colombia is discouraging, Nigel Crawhall’s article on Africa offers a rather more hopeful panorama. According to the author, the past ten years have seen great changes in Africa, with one of the most profound being the rise of an organized civil society representing diverse indigenous peoples from one end of the continent to the other. The UN Decade has brought the voices of the most vulnerable sectors of society to the fore. A new dialogue has begun that will change Africa for the better.

However, as the Decade comes to a close, indigenous peoples in Africa are still suffering serious and daily violations of their most basic human rights. The difference in the past ten years is that indigenous activists in Africa are now much more aware of the international and regional systems of human rights protection and are increasingly using the opportunities available to them.

In this context, the adoption of a framework paper on indigenous peoples in Africa by the African Commission on Human and Peoples’ Rights is one of the most remarkable achievements of African indigenous peoples’ advocacy and lobbying work during the Decade. By adopting this framework paper and its findings and recommendations, the African Commission has sent a clear signal that it recognizes the existence of indigenous populations in Africa, that they suffer from gross human rights violations (often including the violation of fundamental collective rights), that the African Charter should be used to protect and promote the human rights of indigenous populations and that the African Commission will actively work on the issue.

On the crucial issue of protecting indigenous peoples’ rights, the UN Secretary-General highlighted two main issues in his report on the preliminary review of the activities of the United Nations system in relation to the Decade. The first was the lack of implementation of human rights standards at national level, the second concerned the long expected adoption of the draft declaration on the rights of indigenous peoples, which was recommended in the Decade’s programme of activities but has not yet been achieved.

The Secretary-General has not been the only one, however, to express his concern at the lack of progress
in adopting the Universal Declaration on the Rights of Indigenous Peoples. Speaking to the United Nations Working Group on Indigenous Populations in July 2004, the UN High Commissioner for Human Rights expressed concern that meeting the goal of adopting a Declaration on the Rights of Indigenous Peoples before the end of 2004 was now "practically impossible". Yet the need to protect and promote indigenous peoples’ rights could not be more urgent or more clear. In the same vein, at his presentation to the 3rd committee of the General Assembly in October 2004, the Special Rapporteur, Rodolfo Stavenhagen, said that none of the progress achieved during the First International Decade would have any real meaning if the Draft Declaration was not adopted.

In 1999, in its mid-term review of the Decade, IWGIA urged all governments to endorse the general adoption of the UN Draft Declaration on the Rights of Indigenous Peoples. Sadly, with just one month to go before the end of the Decade, the prospect of achieving one of the decade’s main goals - the adoption of universal declaration for the protection and promotion of indigenous peoples’ rights - now seems to be in serious jeopardy.

We therefore strongly urge inter-governmental institutions and governments to renew their commitment to this process and to work for the adoption of a strong and effective international standard for the promotion and protection of indigenous peoples’ rights as soon as possible. We believe that recognition of indigenous peoples’ rights as reflected in the Draft Declaration is not only in the interests of indigenous peoples but also in the interests of peace and justice for all peoples of the world. The international community’s failure in this respect would be a tremendous threat to the welfare and survival of more than 300 million indigenous people worldwide.

The close of the Decade is thus a good time for IWGIA to take stock and seriously consider how we can best continue to promote recognition of indigenous peoples’ fundamental rights and enhance their well-being.

A general review of the regional and national developments during the Decade clearly reveals that there is a continuing reluctance among governments to translate the rhetoric of discussions and political commitments made at the United Nations into concrete actions, comprehensive policies and programmes that promote the development and rights of indigenous peoples at country level.

From our own experience, we can conclude that despite positive institutional developments in relation to the international protection and promotion of the rights of indigenous peoples, resistance or scepticism as to the legitimacy of their rights still continues at local, national, regional and international level. As the Decade draws to a close, indigenous peoples in many countries continue to face gross violations of their fundamental rights and are among the poorest and most marginalized people. Many states still continue to deny the very existence of indigenous peoples and others continue to implement policies that threaten their distinct cultural identities or endanger their lives and welfare.

The Decade itself, the Permanent Forum and the Draft Declaration have undoubtedly put a new spotlight on the world’s indigenous peoples, but support from the international community remains crucial for their survival and their future. Inter-governmental institutions such as the United Nations have not only a crucial role to play in protecting, promoting and advancing indigenous peoples’ fundamental rights but also a responsibility to achieve measurable improvements in the living conditions of indigenous peoples within the countries in which they live. IWGIA therefore believes that it is crucial to maintain the momentum generated over the last ten years by proclaiming a further Decade.

This new Decade should aim to build upon what has been achieved to date and further develop concrete international actions. It should also actively promote measures to improve the well-being of indigenous peoples worldwide. Far greater efforts should be made to promote and develop activities aimed at incorporating indigenous interests and concerns into policy development within regional and national institutions, promoting a human rights and an indigenous rights-based development, and strengthening cooperation between international institutions and indigenous peoples in the preparation and implementation of programmes that have a direct impact on indigenous peoples.

Therefore, we must sincerely hope that the UN member states, who are meeting at this very moment in the General Assembly’s New York session, will not delay in proclaiming a new Decade for indigenous peoples, thus renewing their commitment to promoting and protecting the rights of indigenous peoples and to working together with them to implement concrete actions aimed at improving the difficult living conditions they face the world over.
THE UN DECADE ON INDIGENOUS PEOPLES

The United Nations took no recognition of us. Our issues could not even be found on the agenda. We did not exist. We pounded on the doors of the UN in 1977 and they barely budged. For many years it looked like very little was happening. But today, when we look back, we can see how far we have come.
Introduction

In 1993, the UN General Assembly (United Nations 1993) proclaimed the International Decade of the World’s Indigenous People (the Decade) following recommendation by the World Conference on Human Rights held in Vienna. The theme of the Decade was Indigenous Peoples: A New Relationship – Partnership in Action (Henriksen 1999). The General Assembly decided in its resolution that the goal of the Decade should be the “strengthening of international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health” (United Nations 1994). After the establishment of the Decade and the adoption of a programme of action, and from the discussions that took place within the United Nations’ system, two major goals to be achieved under the umbrella of the Decade soon developed. One was the establishment of a Permanent Forum and the other was the adoption of a Declaration on the Rights of Indigenous Peoples. The first goal was achieved when the Economic and Social Council (ECOSOC) adopted a resolution on its establishment in July 2000. The other, however, and considered by many indigenous peoples as the more important goal, would seem to have been a catastrophe as only two minor paragraphs were adopted just months before the end of the Decade.

This article will look into the effect of the Decade on the world’s indigenous peoples. The specific focus is thus on the Decade as a tool for improving the well-being of indigenous peoples. The article will also look at how, and the extent to which, indigenous peoples as a group have made an impact on the UN system and how, UN-focussed activities have percolated down to indigenous communities.

The Decade is not an isolated phenomenon but part of a process that has been underway for some time. The General Assembly formulated it this way: “It may be noted that the Decade is taking place within an ongoing process of international action on indigenous issues. The Decade is part of that process, rather than the other way around” (United Nations 1994). When referring to the Decade indigenous peoples often ask, “what has the UN done for us?” and the focus is on processes internal to the UN system. However, the most important question is to what extent these have been reflected in processes that are external to the UN institutions.

It is thus a basic assumption that the success or failure of the Decade should be measured in improvements in the well-being of indigenous peoples worldwide and not only against developments that have taken place within the framework of the UN structure. I am thus more interested in looking at how the debate as originated in the establishment of the UN Decade has left the diplomatic circles of discourse and made an impact on indigenous peoples in their own communities, in their relationships with other peoples and in their relations to the national states and state institutions.

Another assumption is that 10 years is a short time to measure major changes in social and human rights development. It took the Inuit of Nunavut, Canada, more than 20 years to negotiate and initiate a land claims agreement and a self-government agreement and, more than 100 years after the abolition of slavery world-wide, there were still slaves in the Peruvian Amazon and other places. Such facts make it obvious that implementation of indigenous rights is a long process and a Decade cannot be expected to achieve major changes – in either theory or practice – such as the right to self-determination.

More than an institutional fact, the Decade has been a symbol. While symbols unify people under a common umbrella they are, however, interpreted differently depending on the social, economic, cultural and political conditions of those who use them for specific action. Although symbols are shared they do not necessarily express equality among those who share them. This is relevant within the indigenous UN arena because it has implications for how indigenous peoples interpret gains achieved and how they interact with other indigenous peoples in order to achieve consensus. Indigenous peoples themselves are actors on the scene and an analysis of their behaviour contains a key as to how and to what extent they might be able to determine their own future – inside and outside the United Nations.

Successes and failures

There are no objective figures with which we can put a price on the relative value of successes and failures relating to the Decade. And we should not. Nevertheless, we all want to have an idea of what has been achieved and what not. In this respect, indigenous peoples are no exception.

While governments prefer to highlight the often meagre results of their meagre promises, indigenous peoples more often look at what has not been done. Or, more accurately, blaming governments for what governments have not done and looking more at indigenous expectations than government promises. An indigenous viewpoint was given by the Akaitch Dene, Sharon Venne, during the 2004 session of the Working Group on Indigenous Populations (WGIP) when she said: “What has happened in ten years? The better question should be: what did not happen?” (Venne 2004).

The statement given by Sharon Venne covers the viewpoint of many indigenous peoples from all parts of the world. The reason given is most often the lack of seriousness on the part of governments to negotiate a universal declaration of the rights of indigenous peoples, the primary expectation of the Decade among indigenous peoples. This lack of success has made in-
indigenous peoples to often make a very critical evaluation of the Decade. The text of the Draft Declaration is unique in the sense that indigenous peoples were able to have a significant impact on the members of the WGIP and not least on the Chair such that, “since the indigenous peoples actively participated in the formulation of this draft, they have a sense of ownership over it, even if it is officially the draft of the WGIP experts” (Tauli-Corpuz 1999:5). This ownership has reached the level whereby even indigenous groups and individuals who were very sceptical or critical to it when it was adopted now have a tendency to treat it as sacrosanct.

The establishment of the UN Permanent Forum on Indigenous Issues (Permanent Forum) in 2002 was without doubt the major UN achievement of the Decade. For the first time in history, indigenous peoples have been given seats within a UN body. The establishment of the Permanent Forum is a landmark achievement and the most concrete step taken by the United Nations system during the Decade to address the issues faced by indigenous peoples. To what extent the Permanent Forum will make a difference to the world’s indigenous peoples still remains to be seen. The Permanent Forum has only sat for three sessions, in 2002, 2003 and 2004, but the last session revealed that although there are many indigenous peoples who have been used to the structure and function of the Working Group on Indigenous Populations, they still have to adapt to the structure of a body in which they have their own representatives. However, there are also those – not the least from Africa and Asia – who seem to have quickly taken advantage of this new opportunity. The “Permanent Forum might have potential as a catalyst for the improvement of the rights of indigenous peoples worldwide” (Dahl and García-Alix 2000:2). However, “… the Permanent Forum is not an ideal construction – it is a compromise” and “… the effectiveness of the Permanent Forum ultimately not only depends on the individual members of the Forum but also on the competence, credibility and legitimacy of those who want to make an impact on its work” (ibid.:2).

Another major achievement of the UN system dealing with indigenous peoples is the appointment by the UN Commission on Human Rights of the Mexican, Rodolfo Stavenhagen, as Special Rapporteur on the Human Rights and Fundamental Freedoms of Indigenous Peoples. Whereas the WGIP has reviewing and standard-setting functions in relation to the human rights of indigenous peoples, the Special Rapporteur has a pro-active mandate with which to investigate allegations of human rights violations and communicate directly with governments and indigenous peoples. His official visit to the Philippines in December 2002 revealed that investigations by the Special Rapporteur can make a difference if the indigenous organisations are organised and well-prepared.

While the appointment of a Special Rapporteur was an unplanned but timely initiative by a few Latin American countries, the Decade however had a number of other aims and objectives besides the establishment of the Permanent Forum and the adoption of a Universal Declaration. Not all of these were met to the extent hoped for (this is never the case with these kinds of programmes) but others were actually implemented in practice and with considerable success.

The programme of Activities for the Decade (United Nations 1995) that was adopted by the General Assembly in 1995 stipulated a number of objectives, goals and activities to be achieved. The Permanent Forum and the adoption of a universal declaration were only two albeit major goals. Another goal was the establishment of a fellowship programme by which young indigenous peoples spend 5 months at the UN Centre for Human Rights in Geneva receiving training in the intricacies of the UN system.5

The formal adoption of an International Day of the World’s Indigenous People (9 August) was a goal which, although ceremonial in form, like the Decade itself has been used as an opportunity by indigenous peoples in Africa and Asia in particular to meet under forms that could not be challenged by governments. A Voluntary Fund for the Decade was established and a programme of support for indigenous projects initiated.

When discussing successes and failures, a quick look at the more than 50 recommended activities and goals that were set out by the UN in 1995 shows that many have been successfully achieved by the UN but others were never implemented. It is of some interest to note that those goals not achieved to some degree are those that should have been implemented directly by governments – and indigenous peoples and NGOs!

Expectations and realities

The presentations given every year by indigenous peoples to the Working Group on Indigenous Populations and to the Permanent Forum on Indigenous Issues leave no doubt as to the precarious situation that indigenous peoples are confronted with in all corners of the world. In several regions of the world the fate of indigenous peoples deteriorated severely during the Decade. Violations of indigenous peoples’ human rights are committed by governments, mining companies, logging companies, rebels, etc, and the positive statements are but small islands in the wider ocean of oppression.

We should never lose sight of these cases and trends which, by the way, are one of the main reasons why peoples from all parts of the globe have come together and identified themselves as indigenous. However, and as already stated, the focus of this analysis is on the Decade as a tool for improving the rights of indigenous peoples, and most observers seem to agree that the Decade has had the effect that more focus has been placed on indigenous peoples in general, including violations of their rights.
Indigenous peoples in the UN

The most pioneering achievement of indigenous peoples within the UN has been their ability to turn the Working Group on Indigenous Populations (WGIP) into their own place. Using the experiences gained in the WGIP indigenous peoples have been able to define and create their own political space within the UN system. “Indigenous delegates have managed to “make place” – carve out a space – for themselves within the U.N. system in a way that the attention directed toward their aspirations on the part of international institutions has risen dramatically in the last three decades” (Muehlebach 2001:440). This process started soon after the establishment of the WGIP in 1982 but gained momentum during the Decade when the traditions that had been developed in the WGIP spread to other UN fora dealing with indigenous issues. Indigenous peoples with very different backgrounds told more or less the same stories about genocide, loss of land, eviction from their traditional territories, economic deprivation and political marginalization, but they were able to translate this “into a new language that emphasizes a common indigenous predicament” (Karlsson:406). “Indigenous peoples transformed what was formerly ‘domestic’ disputes into international claims for recognition and rights” (Hodgson 2002a:1040).

The usual UN procedure is that only accredited NGOs with consultative status before ECOSOC are allowed to attend the meetings, and they can only speak once under each agenda item. In the WGIP however, every organisation was allowed to participate and to speak on its own behalf. This achievement in the participation procedure was used to open up the procedures for indigenous participation in the Working Group that drafted the universal declaration (WGDD), in the Working Group that negotiated the establishment of the Permanent Forum and in the Permanent Forum itself. When the Commission on Human Rights established the WGDD in 1995 it also established special accreditation procedures for indigenous organisations (UN Commission on Human Rights 1995). This special accreditation procedure is only for the WGDD and allows indigenous organisations to apply for accreditation with the coordinator of the Decade (the UN High Commissioner on Human Rights) who, after consultation with governments, will forward the application to the UN NGO Committee. Although this procedure is more limited than the free access established by the WGIP and the Permanent Forum, it is nevertheless unique within the UN system. One of the most prominent indigenous experts, Victoria Tauli-Corpuz, writes that, “The fact that indigenous peoples were able to assert that they, being the subjects and beneficiaries of the Draft Declaration, should be granted the right to equal and full participation is a major victory.” (Tauli-Corpuz 1999:10). She also interprets this as a sign that indigenous peoples have a de facto veto over decisions taken in the WGDD. This was further substantiated by the effect of a walkout by indigenous people during the 1996 WGDD meeting. In reaction to this “... many government representatives took the floor to express that standard-setting of indigenous peoples’ rights without indigenous peoples is ludicrous” (ibid.7).

No other UN institution allows the open access procedures adopted by the WGIP and the Permanent Forum. However, no less unique are the procedural and ceremonial changes that were brought into the UN by indigenous peoples. Most conspicuous is the traditional dress worn by many indigenous representatives, and which so strikingly sets indigenous meetings apart from all other UN meetings. Indigenous peoples have thus been able to bring their culture into the UN, and most remarkably, to change the meeting agenda. When indigenous peoples first asked for permission to open the WGIP meetings with a prayer, it was strongly op-
posed by the chair Madame Erica Daes but, within a few years, she had become a firm supporter of such ceremonies. “According to the rules of the institution, public religious utterances such as prayers are usually not permitted in, before, or after meetings. The U.N., then, is a prayer-free zone. Despite this, indigenous delegates have in the years of their work at the U.N. managed to remap this zone as one where moments of sacredness can be created” (Muehlebach 2001:426). Today these ceremonies are not only accepted but also appreciated by most government representatives. In these matters, indigenous peoples have managed to get government representatives on their side and have them respect their cultures and traditions. I feel sure that this has made many of them – as human beings - show similar respect to indigenous peoples in other contexts outside the UN.9

Finally, mention should be made of the enormous increase in the number of indigenous representatives – men as well as women - that participate in meetings of the WGIP, the Permanent Forum and in environmental meetings that have grown out of the UN Conference on Environment and Development held in Rio de Janeiro in 1992. From a few hundred participants in the early 1990s, it has grown to close to 1,000 in these first years following the turn of the century. A mere look at the report from the WGIP reveals the swelling number of indigenous organisations from all continents that have registered for the annual WGIP meetings in Geneva and for the Permanent Forum meetings in New York.

In this context, the indigenous caucus has been very important. During meetings at the UN, indigenous peoples meet every day to discuss, make strategies and develop mutual understanding and consensus. The indigenous caucus is an informal body in which the participants change from day to day albeit usually with a small core of people with long experience.10 Although the indigenous caucus does not strictly represent all indigenous participants, it has often been very efficient in setting the indigenous stage, and governments usually consider the caucus as representing the indigenous “group”.

While indigenous peoples have been able to change rules and procedures, thus having a substantial impact on the UN in relation to indigenous issues, they have been less successful in being pro-active on other UN Decade initiatives, except for those internal to the UN process, i.e. first and foremost the Permanent Forum and the Draft Declaration.

Indigenous peoples were not, in 1994 when the General Assembly proclaimed the opening of Decade, prepared for the establishment of a major global human rights initiative. There were only a few international indigenous organisations that were operating in a way that made them able to embrace such an initiative. Only a handful had at that time acquired ECOSOC observer status, which gives direct access to UN meetings. And none of these had, and never did, develop strategies for how to get the most out of such a UN initiative. The only exceptions were the initiatives for the establishment of a permanent UN body to deal with indigenous peoples and the adoption of the Universal Declaration.

We find the same lack of strategy among indigenous organisations at national and local level, although we also find a number of initiatives, organisations and people that were able to use the global focus on indigenous peoples’ problems to highlight their own concerns and to use the fact that the eyes of the international community were open to raise the hopes of their people at home, who often faced serious violations of basic human rights. The lack of indigenous strategies is an important lesson to be learnt if a new Decade is established (as was recommended by ECOSOC in July 2004 and is expected to be endorsed by the General Assembly towards the end of the year) but the lack of results that often seem to be felt by indigenous peoples should thus not distract us from the equally important use of the Decade that has taken place outside the UN buildings.

Norm-setting effects

If we look at the process by which governments have negotiated since the establishment of the Working Group on the Draft Declaration,11 and to which a substantial number of indigenous persons and organisations have made an input, one is naturally struck by the meagre results achieved after 10 years. The “Draft Declaration on the Rights of Indigenous Peoples”, was adopted by the WGIP, and endorsed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Although the Commission on Human Rights then decided to consider the draft in a new working group, and in spite of the fact that no final declaration has yet been adopted the original draft has in a number of ways been norm-setting outside of the UN system.

In a joint submission by a group of indigenous organisations to the Office of the High Commissioner on Human Rights it is concluded, that “Although the draft U.N. Declaration has not been adopted by the U.N. General Assembly, the human rights standards elaborated over many years and now included in the Declaration have assumed a normative value that has profoundly influenced organizations and forums at the international level” (Grand Council of the Crees et al.:94). And they continue: “The human rights norms in the draft U.N. Declaration are being cited by courts at the national level ... The draft U.N. Declaration and its human rights norms are fostering renewed relations between Indigenous peoples and States. The dynamic and ongoing dialogue concerning the draft Declaration at the international level is generating an increasingly important discourse at the domestic level with some States. Such constructive discussions promote mutual respect and
understanding. They may also open the door to resolution of conflicts or disputes within States” (ibid:94).

Even though the Declaration is still only a draft, and in spite of the fact that many (most) governments are opposed to key sections of the text, the mere presence of such a draft has given the norms and standards contained therein a de facto existence. In the Philippines, the Indigenous Peoples’ Rights Act, which was passed in 1997, was to a large extent patterned on the Draft Declaration (Tauli-Corpuz 1999:12). This does not, however, imply that it is being implemented or is perfect.

The Decade impact upon policy development

The UN International Year of the World’s Indigenous People (1993) and the establishment of the Decade, including the work of drafting an universal declaration, have been instrumental in urging some governments to adopt policies on indigenous peoples. The Dutch (1993) and the Danish governments (1994) seem to have been the first to adopt policies with direct reference to the International Year (Ministerie van Buitenlandse Zaken 1993:1; Danish Ministry of Foreign Affairs 1994:5).

Other countries have similarly adopted policies that politically or administratively aim to increase support to indigenous peoples, politically and in the form of development assistance. Norway, Spain (AECI) and Switzerland (SDC 1998) are foremost in this respect. There is no doubt that these policies have been followed up in practice and through endorsement within the UN of important initiatives such as the Permanent Forum and the promotion of a universal declaration. Having watched meeting after meeting in the UN dealing with these issues, it is possible to say in all certainty that the Permanent Forum would never have been established were it not for the leading role of countries such as Denmark, Norway, Finland, Spain and Holland – and the support of a number of, among others, Latin American countries. Verbal support based on formalities such as the International Year and Decade has been followed up in praxis by these countries.

The adoption of indigenous policies by UN bodies and associated agencies has gained momentum towards the end of the Decade, not least due to the establishment of the Permanent Forum. Among those agencies that now have policies on indigenous peoples should be mentioned the World Bank, the United Nations Development Programme (UNDP), the World Health Organisation (WHO), UNESCO and, last but not least, the International Labour Organisation (ILO), which has also established a fellowship programme for indigenous peoples. To this should be added the fact that some regional agencies, such as the Asian Development Bank and the Inter-American Development Bank, have adopted policies relating to indigenous peoples.

It should finally not be forgotten that, during the Decade, indigenous peoples managed to make real impact on the work of the Commission on Biological Diversity, the Commission on Sustainable Development and the World Intellectual Property Organisation (WIPO). Achievements in these bodies and processes are linked to the Decade, and it is in the language and norms of these policies that the Draft Declaration has had the most obvious impact.

The International Year and Decade were the backgrounds against which the European Union in 1998 adopted a policy (“Resolution”) on indigenous peoples in developing countries in which the EU Council “… takes note of the international instruments addressing indigenous peoples, in particular the UN Resolution on the International Decade of the World’s Indigenous People, the 1992 Rio Declaration, etc. …” (Council of the European Union 1998). Unfortunately, the EU has done very little to implement the policy in practice.

The increased focus on indigenous peoples and indigenous issues may have had an impact on the fact that 10 Latin American countries have now ratified ILO Convention 169 “On Indigenous and Tribal Peoples in Independent Countries” since the establishment of the Indigenous Year (three only had ratified before that year). The norms set by the Draft Declaration have obviously been a factor in the work of the Organisation of American States’ Working Group on a Proposed American Declaration on the Rights of Indigenous Peoples (MacKay 2002).

The challenges

While the Draft Declaration is being cited by courts (Grand Council of the Crees et al.:6) and has impacted on the national and developmental policies of governments and agencies, the enforcement of this and all other international legal standards is by no means an automatic process, and states will only act under pressure from civil society, including indigenous peoples. The rationale for this is that indigenous peoples have only limited experience with international human rights instruments and with implementation of international decisions at the national level. The question of implementation is thus a key issue. The indigenous legal expert, Suhas Chakma, writes in this respect that “the main focus of the mainstream human rights movement has shifted from the promotion of human rights as a concept to the protection of human rights by using national and international human rights procedures. However, a large majority of indigenous peoples’ organisations or their support groups are lagging behind. While many indigenous peoples’ activists have developed an expertise in international standard-setting because of their experience with the Draft Declaration and the process of establishing a Permanent Forum, interventions in concrete
individual cases, especially where human rights violations occur on a daily basis, by using national or international human rights mechanisms, is wanting” (Chakma 2002:31). However, “the establishment of the Permanent Forum on Indigenous Issues and the appointment of the Special Rapporteur on human rights and fundamental freedom of indigenous peoples will go a long way towards raising awareness on the use of international human rights mechanisms” (ibid 2002:30).

This may be the main challenge facing indigenous peoples if a second decade is established by the General Assembly: to implement nationally what has been achieved at the international level, whether from the United Nations’ drafting of human rights standards or standard-setting carried out by development agencies, the World Bank or regional development banks. Since the establishment of the WGIP, indigenous peoples have developed an amazing ability to bring onto the international scene and to the knowledge of the global community documentation of violations of human rights. In these efforts, indigenous peoples have also skillfully been able to take advantage of the new information technology. The great question for the second Decade is then whether indigenous peoples will be able to exert the same creativity and firmness in taking the international advances and norms home for implementation. Neither governments nor international development agencies can be expected to implement their fine policies without constant pressure – from indigenous peoples’ organisations and others. To do this, indigenous peoples need to be well organised.

Different expectations, different approaches: The case of the UN Draft Declaration

People identify themselves and are identified by others as being indigenous peoples because they live under similar or comparable conditions within the modern states. The international indigenous movement can also be seen as a product of globalisation, united by a common set of symbols, of which self-determination is the most prominent. Continuing along this line of thinking, it is obvious that these symbols are being interpreted and exercised very differently from one indigenous group to another.

The indigenous movement has grown out of common experiences and common frustrations that united them in an historical period that was (is) characterised by global changes in means of communication but that was also an era of increased focus on international human rights and the creation of new linkages between states. Where the first actors on the international indigenous scene for the most part came from the Americas and the rich Western countries, the movement later proliferated to include peoples from Asia, Africa and Russia. The unification of efforts and the sharing of experiences by peoples from such different settings were very successful whilst united in common opposition to governments but the implementation will necessarily require diverse approaches that will again reflect diverse interpretations of the international instruments. Seen in this light, it is natural that United Nations’ initiatives are being looked upon and interpreted differently by different indigenous peoples.

The process of drafting a Universal Declaration on the Rights of Indigenous Peoples is often described as a catastrophe, and very little progress has been made. The important common ground of indigenous peoples is to have a text that recognises their inherent rights as peoples and thus sets a standard to be achieved. The text will be interpreted differently by governments, and indigenous peoples will also interpret its value differently depending upon the extent to which they are able to put the text into practice. In most countries in Asia, for example, the text will have limited legal significance and indigenous peoples will only to a limited extent be able to use it for legal purposes. For them, the text is (possibly) a political text that can be used for lobbying governments and putting pressure on governments for the promotion of their fundamental and inherent rights. Indigenous peoples in Asia and Africa are politically and legally neglected and have turned to the international community to seek endorsement of their quest to have their human rights recognised. In contrast, this may be seen quite differently by other indigenous peoples from regions where they have gained some legal recognition of their rights. What to the indigenous peoples of Asia may look like a (political) success could be considered a (legal) catastrophe by Indians from the Americas.

To some indigenous peoples, self-governance is an integrated part of the right of self-determination but, to indigenous peoples in Africa, self-determination is first of all a right to survive, to be recognised, and it is a question of influencing policies that determine their future (Crawhall 2004).

What we have witnessed during the many years of negotiating the Draft Declaration, first during the years when it was dealt with in the WGIP and later in the WGDD, is that indigenous peoples from, primarily, the Americas and New Zealand have been reluctant or unable to compromise while indigenous peoples from primarily Asia but also Africa have worked for texts that could be negotiated and supported by at least some governments. As observed by Dorothy Hodgson (2002a:1043), indigenous peoples in some countries are focused on protecting, maintaining and enjoying rights they have already achieved. Treaties entered into between the North American Indians and United States are agreements under international law and to accept anything less than “Indigenous peoples have the right of self-determination” could be interpreted as under-
mining what they have already legally attained. Indigenous peoples in Africa and Asia have nothing to lose, they have nothing to protect, but a great deal to gain, and they focus on their lack of rights.

When discussing the text for a Draft Declaration, indigenous organisations often seem to transfer their position vis-à-vis their own governments onto their relations with indigenous organisations from other parts of the world. Indigenous peoples of the Americas (including Latin America) and New Zealand have an uncompromising approach that surely reflects their fear that the text could potentially endanger rights they have already achieved. This is primarily the case among indigenous peoples who have entered into treaties with governments. Indigenous organisations from these countries may fear that if they compromise with other indigenous organisations it will have repercussions on their nation-to-nation relationships with governments.

For indigenous peoples in Asia and Africa, the UN institutions and mechanisms are often per-
ceived as a last resort. However, for indigenous peoples from the rich Western countries, the UN is another opportunity to be added to what they have already achieved in the form of treaties, autonomous laws, etc. By and large, any new international instrument is a new opportunity in Asia and Africa because the indigenous peoples there often have no rights, whereas the perceived danger for some indigenous peoples in the rich Western countries is that of ending up with a universal declaration weaker than their domestic rights. There are indigenous peoples who have only bad experiences of negotiating with governments; foremost among these are the indigenous peoples of Latin America. They simply have no reason to trust their governments and they are prone to reject any kind of compromise once a text (symbolising rights) has been adopted by an official UN organ, even though they will never be able to get it implemented in practice. The same situation could be said to characterise the position of a number of indigenous peoples that have entered into treaties as eg. the case in the USA, Canada and New Zealand. However, they are usually not joined by indigenous peoples from the rich countries with different experiences or by indigenous peoples from their own states who have managed to enter into what they consider constructive agreements with governments. This is the case for Inuit from Canada who have had great success in negotiating self-government arrangements, Saami from Scandinavia and the Greenlanders. It is furthermore not uncommon to see shared viewpoints on the drafting between these and indigenous peoples from Asia. Although the Asian indigenous peoples are under heavy pressure from the States and usually not recognised as indigenous peoples, they have comparably strong organisations which, in practice, may be able to use any kind of compromise that exceeds the (lack of) rights ensured to them under current conditions.

Indigenous peoples from developing countries face problems in using an international declaration for practical purposes at home. This may partly explain why indigenous peoples from these regions often put more emphasis on the Working Group on Indigenous Populations (WGIP) and the Permanent Forum on Indigenous Issues, where they have an opportunity to address their specific situation, creating alliances with other indigenous peoples and approaching the United Nations’ institutions for immediate help.

Continuing from this perspective of the international indigenous movement as a symbol of new opportunities, it is easy to understand why it is indigenous representatives from primarily Asia and Africa who, in ever increasing numbers, came to the WGIP and the Permanent Forum during the 1990s. To the most depressed and suppressed indigenous peoples, the UN is a world of hope and opportunities that they can take back home as a “cargo”, and their approach to the UN institutions reflects this. It often seems as if some of the non-treaty indigenous peoples from the rich countries, such as the Inuit, the Saami, the Russian indigenous peoples and the Aboriginals, look upon the UN as an international instrument in the same way as do many indigenous peoples from Asia. For North American treaty Indians, the UN is another treaty-making body, and their focus is often on negotiations, the result of which can be approved or rejected by their communities, whereas they often refer to the elders at home. Their often sceptical and aggressive approach to the UN is a reflection of their life realities, a position they often share with indigenous peoples from Latin America to whom the UN may often look like just another untrustworthy government.

The growth of the international indigenous movement

We must understand the nature of the proliferation of the international indigenous movement in the 1990s in order to comprehend the strength of the UN Decade as an instrument for indigenous groups to promote their rights within the frameworks of existing states.

Returning home from meetings at the UN, they brought with them endorsements of the international community in the form of the International Year and the Decade. With these instruments they were able to legitimise their claims under the auspices of the United Nations, and governments in Africa and Asia could not easily reject meetings that were organised as part of a UN Decade.

Indigenous representatives who have participated in the UN processes dealing with indigenous issues have also been active within regional human rights institutions, primarily the African Commission on Human and Peoples’ Rights and the Inter-American Commission on Human Rights. Although these developments cannot strictly be associated with the Decade, the Decade has been a strong catalyst and institutional component for bringing a global discussion into new regions. The African Commission was able to adopt a framework paper on indigenous peoples in Africa (African Commission 2003) partly because of lobbying from indigenous people who had gained their knowledge in UN processes dealing with indigenous peoples. The adoption of this paper (to be published in 2004) is one of the most noteworthy international events to the world’s indigenous peoples during the decade. In no other part of the world is the issue of certain ethnic groups having specified (collective) rights more controversial than in Africa. African governments in general are unwilling to look at ethnic conflicts as a product of discrimination and instead try to subsume the discussion of discrimination based on ethnicity.

An important catalyst in the swelling of the indigenous movement to also include peoples in Asia, Africa
and Russia has been funding by donor agencies. The establishment of the Decade made donor agencies more open to support indigenous organisations in developing countries, and peoples who otherwise had no chance of gaining support or being recognised within existing institutions could use the Decade as leverage for obtaining funding from donors (see for example Hodgson 2002b). Had it not been for donor agencies and European and North American NGOs (supported by their governments) indigenous peoples from Asia, Africa and Russia would only have been able to attend international human rights meetings to a very limited extent.12

The 11 September aftermath

The most serious setback to indigenous peoples during the Decade seems to have come from what has been called the war on terrorism. From the point of view of a number of indigenous peoples, it would be more correct to call it the “war on the right to dissent”. There are simply too many governments willing to use this so-called war as a convenient cover to turn upon, among others, indigenous peoples.

In the Sahara region of Africa, the United States has conducted a military and political campaign the stated aim of which is to fight against Al Qaeda affiliated terrorist training. The countries in focus are some of the poorest countries in the world, such as Mali, Niger, Mauritania and Chad, desert countries that could hardly be used as cover for terrorists, and in addition countries with no history of Islamic extremist movements (IPACC 2004). However, these countries are strategically important for their potential oil and mineral resources. But they are also countries in which governments have committed extreme human rights abuses against the nomadic indigenous peoples of their border regions. The current presence of troops in these same regions may give the governments “tools to re-impose state control over the nomads, particularly to manipulate the border, which is currently open for herd migrations” (ibid.).

Under cover of fighting terrorists, the Philippine government and military have intensified their presence in indigenous regions (Bolinget 2003). Villagers have been prohibited by the military from going to harvest their rice and swidden farms, while sustained aerial bombings and massive military operations continue against suspected rebel camps. In the resource-rich Cordilleras of Northern Luzon, indigenous peoples who protect their lands and resources are accused by the government of supporting terrorist organisations. People in the Cordilleras are being killed by the military because of their active opposition to destructive mining projects. Leaders and members of indigenous peoples’ organisations who are perceived as “anti-government” are immediately branded “rebels” or “terrorists”, and this is used to justify surveillance, harassment, intimidation, arrest, etc. An Anti-Terrorism Act does not distinguish between rebel, terrorist or criminal, and asserting indigenous peoples’ rights thus becomes an act of terrorism.

From Chile, the organisation Human Rights Watch writes: “Land conflicts between Mapuche communities, forestry companies and private landowners have taken on new dimensions. Mapuche advocating for recovery of disputed lands are branded as terrorists by the state authorities and their actions thus criminalized to the extent that they risk long prison sentences and subsequent exclusion from public functions such as teaching positions, journalism, etc. In a recent case four Mapuche and one supporter were condemned to 10 years in prison for “terrorist arson” (setting fire to a pine plantation belonging to a logging company) – an act which would have given them a penalty of 5 years under the ordinary criminal code.” (Human Rights Watch 2004). Decisions by lower courts that have fa-
voured the accused have been overridden by the Supreme Court using the counter-terrorism law.

In North-East India, in Manipur, five organisations, among them the Naga Peoples Movement for Human Rights, have been accused by government ministers of alleged links with terrorist organisations (Telegraph 24 Aug. 2004). North-East India is a conflict-ridden region and it is most unfortunate or perhaps symptomatic that such conflicts between ethnic minorities and the state are being used as a cover to turn upon legal human rights organisations.

Conclusion

Over the Decade, indigenous peoples have experienced setbacks but also gained new ground. As we use our knowledge gained during the first indigenous Decade to look to the future, it can be seen that there are a number of outstanding challenges.

During the Decade, new institutions were created and indigenous peoples from all parts of the world were accepted as legitimate stakeholders. Indigenous peoples did not only manage to institutionalise their demands but they were also able to change procedures, rules and traditions that were otherwise the hegemonic domain of governments. The Permanent Forum on Indigenous Issues is the most important new institution. But there are others, within and outside the United Nations system. They will, however, survive as primarily symbolic constructions (which may be of some importance) unless indigenous peoples develop strategies and tools for using them in a pro-active way. While the WGIP served as a forum in which indigenous peoples from all parts of the world could meet and make their views heard, this type of action is no longer sufficient. The international gains must be implemented at home – this is the great challenge.

Common opposition to governments was an important part of unification under the symbol of an international indigenous movement. It was – and still is – a necessary process. During the Decade, the indigenous movement developed a powerful new institution in the form of a caucus, i.e. a parallel structure to the official meetings. It took its departure in the WGIP but was brought into all other international settings where indigenous peoples met and it was often used with great efficiency. At the end of the Decade, a change could be seen to have taken place, when the indigenous caucus in a number of cases gave up the need for consensus (very much stressed in the early 1990s) and accepted that sometimes consensus cannot be created. This may open up another key challenge for the future: how to develop new indigenous fora (regionally or globally) that can democratically and legitimately be pro-active instead of being re-active to initiatives from governments, multinational corporations and others.

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Notes

1 Chief Oran Lyons of the Haudenosaunee Confederacy in Ecosoc in 2002.

2 In this article the UN International Decade on the World’s Indigenous Peoples, The Decade, is used to include the Decade proper (1995-2004) as well as the 1993 International Year of the World’s Indigenous Peoples.

3 A good overview of relevant developments antedating the Decade is found in Stamatopoulou 1994.

4 In 1997, the Saami Council suggested the establishment of a special rapporteur on the rights of indigenous peoples. When this was suggested to the indigenous caucus it was opposed primarily by the International Indian Treaty Council and did not win the support of the caucus. The reason for the opposition was fear of the consequences on the Working Group on Indigenous Populations of having another UN mechanism focussing on the human rights of indigenous peoples. The Saami Council took it up again the year after but with the same result. In 2001, when Guatemala and Mexico took the proposal to the Commission on Human Rights, they may have been acting upon a proposal by some indigenous organisations such as the International Indian Treaty Council.

5 A special fellowship programme for young indigenous persons from Latin America (Spanish-speaking) has been co-organised with Deusto University in Bilbao and a programme for French-speaking indigenous persons is organised with the University of Bourgogne in Dijon, France. A programme for Russian-speaking indigenous persons will be initiated in 2005.

6 At the start of the Decade, only a handful of indigenous peoples’ organisations had ECOSOC consultative status. As of August 2004, the UN had 22 indigenous organisations registered with ECOSOC consultative status. Of these, 17 were from the rich countries and only 5 from developing countries.

7 Victoria Tauli-Corpuz from the Philippines has been a member and chair of the Board of Trustees for the Voluntary Fund for Indigenous Peoples and she has been appointed as one of the eight indigenous members to the Permanent Forum from January 2005 on.

8 The effect was that indigenous peoples de facto managed to further improve their status as full and equal participants.

9 The author of this article has participated in most meetings of the WGIP since 1989, most meetings of the WGDD, all meetings of the Permanent Forum Working Group and the Permanent Forum itself, and in several meetings of the Commission on Human Rights.

10 For more information on the indigenous caucus, see Muehlebach 2003.
11 The official name of this open-ended inter-sessional working group is the “Working Group Established in Accordance with Commission on Human Rights Resolution 1995/32 of 3 March 1995”.

12 An example is the Human Rights Fund for Indigenous Peoples established by NGOs from Holland, Denmark, the UK, Germany and Belgium which, since the late 1980s, has managed to fund 50-100 indigenous participants in UN meetings every year.

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Future Challenges: How do we meet them?

The UN Secretary General Mr Kofi Annan and the Chairperson of the UN Permanent Forum on Indigenous Issues Mr Ole Henrik Magga at closing session of the 3rd session of the UN Permanent Forum (New York, 2004). Photo: Nomadic News

Victoria Tauli Corpuz
Introduction

The Permanent Forum on Indigenous Issues represents one of our successes in carving out spaces which will address our issues and concerns within the global arena. It is also a manifestation of the kind of partnership which can be built between indigenous peoples, governments, and the United Nations. Ole Henrik Magga in his welcoming speech aptly described this when he said “the Permanent Forum symbolizes a new kind of partnership between indigenous peoples and governments and constitutes a landmark event in the struggle for the recognition of the rights of indigenous peoples.” Just like many of our struggles this success did not come by easily. The idea of a permanent forum was mulled by indigenous peoples who were participating at the UN Working Group on Indigenous Peoples (1982). While the UN WGIP was the key UN body dealing with indigenous peoples at some point those of us who were actively participating also realized its limitations. Its mandate is to review developments on the promotion and protection of human rights and fundamental freedoms of indigenous peoples and to evolve standards on the rights of indigenous peoples. It was not meant to respond to each and every issue which we brought before it. The standards being set forth in the Draft Declaration on the Rights of Indigenous Peoples were, of course, one response but this was not enough.

Thus, while we consistently participated in the WGIP sessions we also were in a continuous search for mechanisms and structures in the UN which will not just be listening posts but are more geared towards concrete actions. The idea of a UN permanent forum for indigenous peoples arose within this context, in 1991 during the “UN Meeting of Experts on Internal Self-Government for Indigenous Peoples” held in Nuuk, Greenland. Outside of the WGIP this was one of the first meetings I attended. One of the recommendations from this was that “the question of the right of indigenous peoples and the protection thereof should be dealt with on a permanent basis within the United Nations.” This was picked up at the “First Summit of Indigenous Peoples” which was held in Guatemala in May 1993. This Summit was meant to make a work plan for an International Decade of Indigenous Peoples (1995-2004). One objective of the Decade, which those of us present agreed on, was the establishment of a Permanent Forum. In terms of the strategy on how to push for it the best opportunity was the forthcoming World Conference on Human Rights which was going to held in 1993 at Vienna. It was here the recommendation for the proclamation of an International Decade was formally adopted with the establishment of the Permanent Forum as one of its objective.

Since that time, many indigenous representatives got engaged on how to make this idea a reality. It took more than ten years of influencing governments and uniting among ourselves to have the Permanent Forum on Indigenous Issues finally established by the UN General Assembly in its Millenium session in December 2000. I started with this story just to show you what it takes for a dream to become a reality. This is important for us to realize as we talk about the challenges which we need to deal with in the future. What I will do here is to walk you through what I think are the challenges which we face to make the Permanent Forum more responsive and relevant for indigenous peoples. Before I go into this, though, I would just like to give a brief background of the extent of our engagement with the UN system. I will end up with recommendations which are addressed to indigenous peoples, UN agencies and programmes and governments.

Engagement of Indigenous Peoples with the UN System

As stated earlier our active engagement with the UN system began with the UN Working Group on Indigenous Populations which was created in 1982. In the 1990s we expanded beyond this to actively take part in other UN processes like many of the World Conferences. Some of these were the UN Conference on Environment and Development (UNCED, 1992), the World Conference on Human Rights (1993), the World Summit on Social Development (1993), the Beijing Conference on Women (1995), the Convention on Biological Diversity, the Climate Change Convention, the World Conference on Racism, etc. We were also there during the Rio + 5 and + 10 events related to these conferences, like the Rio + 5, Beijing + 5 and the World Summit on Sustainable Development (WSSD) or Rio + 10, which was held in Johannesburg in 2002. We engaged with UN specialized agencies like the International Labour Organization, UNESCO, the World Health Organization, the World Bank, the World Intellectual Property Organization (WIPO), and UN programmes like the United Nations Development Programme, the United Nations Environment Programme, the UN Forum on Forests, etc.

Our participation allowed us to bring into the declarations and programmes of actions of the various world conferences articles or chapters addressing some of our issues. Among others, we got Chapter 26 of Agenda 21 which is called “Strengthening the Role of Indigenous People and their Communities in Sustainable Development”. We had Article 8j of the Convention on Biological Diversity which deals with the traditional knowledge of indigenous peoples and their communities. In the Johannesburg Declaration we had a sentence which “Reaffirms the vital role of indigenous peoples in sustainable development.”
Alongside with the official UN processes we held our own parallel activities to talk among ourselves, evolve our own declarations, and discuss strategies in terms of influencing the outcomes of the official meetings. We came up with our own declarations and programmes of action, like the Kari-Oca Declaration (1992), the Beijing Indigenous Women’s Declaration (1995), the Kimberley Declaration (2002) and the Johannesburg Indigenous Peoples’ Implementation Plan of Action for Sustainable Development, etc. A few of us took part in the Ministerial conferences of the World Trade Organization, which is not a UN body, but has a direct bearing on our lives.

Taking part in these global processes meant that some of our energies were diverted from fighting our own struggles at the national or community level. We saw and understood, however, that some of the gains we achieved at the local level could easily be wiped out by decisions made globally. Thus, it became an imperative for us to influence in whatever way these global policies and decisions. This is the background on why the Permanent Forum has been fought for. There has to be a way whereby the policies and activities of the various UN bodies and programmes which impact indigenous peoples can be shared and discussed within a UN body which involves active participation of indigenous representatives. There has to be a way to ensure that the outcomes of the parallel activities of indigenous peoples become integral in pursuing the programs of actions of UN conferences. Most of all, we wanted a body in the United Nations which will address our issues on a permanent basis.

This is the Permanent Forum on Indigenous Issues. This is why it was designed to have a broad mandate to cover the areas of culture, education, economic and social development, environment, health and human rights. This is also why it was designed to be placed at a higher level in the UN structure so that its influence over the system can be more wide-ranging. By bringing the indigenous peoples in their numbers to the UN headquarters in New York and allowing them to speak on their perspectives and concerns on the various mandated areas of the Permanent Forum the chances of making these more known and understood are bigger. The various UN agencies and member-states come to the sessions of the Permanent Forum to talk about what they have done and are doing with and for indigenous peoples. So for those of you who have not been to any of the sessions of the Permanent Forum you can just imagine the wealth of information and the quality of the dialogues which take place here. The first three sessions of the PF, alone, came up with yearly reports which are full of recommendations for UN bodies, member-states and indigenous peoples.

Challenges for the future

Within the three years of the Permanent Forum’s existence we can already see its many potentials in terms of promoting further indigenous peoples’ rights and concerns. However, we also see many challenges confronting the Permanent Forum which can affect its capacity to fulfill effectively its mandate. Ole Henrik Magga in his Welcoming Speech reminded us of the mandate of the Permanent Forum which is “to provide expert advice and recommendations on indigenous issues to the Council (the United Nations Economic and Social Council), as well as to programmes, funds and agencies of the United Nations... and to promote the integration and coordination of activities related to indigenous issues within the UN system...”

I will highlight some of the challenges which the Permanent Forum is faced with. Some of these are the following:

1. Raised expectations

The first three sessions of the PF have raised to a high level the expectations of indigenous peoples in terms of what the United Nations system can do to address their issues. This can be seen in the numerous recommendations which have accumulated in the first three sessions of the Permanent Forum. Some of these expectations are unrealistic considering the limitations faced by most of the UN agencies, programmes and funds. There is a danger, therefore, of indigenous peoples becoming frustrated because of this.

2. Inadequate resources

There is a constant lack of resources to carry out the mandate and activities of the Permanent Forum. While it is a good thing that the UN has allotted a budget for the PF this is barely enough for it to carry out its mandate and address the expectations raised. It is clear that the burden to carry out the recommendations is not of the Permanent Forum alone. This has to be shared by the UN agencies, programmes and funds. But even among these bodies they are also competing among themselves to get funds from the same governments and other donor bodies. The trend which we have seen so far is a decrease in the resources of the UN bodies.

3. Undermining of multilateralism and the “war against terror”

We are witnessing how multilateralism is being undermined especially after September 11. The unilateralism demonstrated by the US in the Iraq war is a bad signal for the multilateral approach to peace
and development. It has a direct effect in terms of how governments are addressing the rights of indigenous peoples. The push for governments to legislate anti-terrorism acts is having adverse impacts on indigenous peoples’ movements in several countries. While it was a good move to have the Permanent Forum secretariat based in New York and for the sessions to be brought into the New York headquarters, there have been many problems with the increasing restriction of the entry of indigenous peoples into the United States. Even some members of the Permanent Forum have had difficulties. The Permanent Forum should be able to play its role in pushing for multilateralism as this is also the best path towards the recognition and respect of the rights of indigenous peoples.

4. State-centrism within the UN system

Whilst the UN is mainly an organization of nation-states, it should not be forgotten that the UN Charter speaks of “We the people”. For indigenous peoples the UN is still the body which should protect the basic rights and fundamental freedoms of peoples. The right of self-determination which is one of our inherent rights is not a right of states but a right of peoples. We know that within the various UN agencies and programmes the governments are the ones who sit in their decision-making bodies. However, in this age and time, we have also seen the active role played by non-state actors, like indigenous peoples, non-government organizations and civil society, within the system. The World Conferences of the 90s would have had very little impact if not for the participation and activism of non-state actors in these processes. The tension between indigenous peoples and governments plays up in the Permanent Forum and this has to be constantly addressed. This has also affected the adoption of the Declaration on the Rights of Indigenous Peoples. It is important that the Declaration be adopted as soon as possible as it provides a framework for the Permanent Forum.

5. Inadequate understanding of the UN system and of the perspective and worldviews of indigenous peoples

Indigenous peoples do not have an adequate grasp of what the UN system is all about. On the other hand, some UN agencies and programmes and some governments also do not understand what indigenous peoples are all about. A lot of misrepresentations of indigenous peoples’ views and perspectives are still prevailing and for these to be rectified serious and conscious efforts should be undertaken.

Recommendations

How then can such challenges be met and what roles can the Permanent Forum play?
1. Understand better the nature, governance structures, mandates and policies and programmes of the UN specialized agencies, bodies, programmes, and funds and have joint projects between UN agencies and indigenous peoples.

For us to be more realistic in terms of what to expect from the UN system it is important that we have a basic understanding of the various bodies, programmes and agencies. This will allow us to be more creative and to make more relevant and concrete proposals on how to develop a partnership with these different UN bodies and programmes. This knowledge is also important so that we will know which structures we should use to influence decisions with. This kind of meeting we are holding now with the UNESCO is one mechanism for us to have a better understanding of what they are all about. UN agencies and programmes should disseminate more widely their information materials to indigenous peoples. The Permanent Forum members should have meetings with the various UN agencies and programmes to also acquire a better understanding of these and thus become more effective in providing advice to indigenous peoples. This will also allow them to know the opportunities and constraints within these bodies.

But beyond all this, indigenous organizations and UN agencies should undertake collaborative projects jointly. Such projects do not have to always involve the governments. There are many experiences where a UN agency or programme like the UNDP supports indigenous organizations directly. Good practices on such joint projects should be documented and disseminated more widely for both parties to learn lessons from.

2. Increase knowledge on the various mechanisms within the United Nations which indigenous peoples can use to protect their rights and pursue their own development.

- Treaty Monitoring Bodies

The WGIP has become a forum where many indigenous peoples raise their complaints about how their rights are being violated. However, this body cannot really do much about this. Because of this indigenous peoples bring these complaints to the Permanent Forum. Again the PF can only do so much. We should be aware that there are other mechanisms within the United Nations which should be used for complaints on the violation of individual and collective human rights of indigenous peoples. These are the Treaty Bodies (Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee Against Torture, the Committee on the Elimination of Racism and Discrimination, the Committee Against Torture, the Committee on the Elimination of Discrimination
Against Women, the Committee on the Rights of the Child) which we can use to pursue our complaints.

- **Special Rapporteur Mechanisms, Conventions and Protocols**

  The Special Rapporteur mechanism is another channel to be used. There are various Special Rapporteurs which we can approach. The SR on Indigenous Peoples is just one of these. There are many other SRs such as the one on torture, on housing, on the right to food, etc. The ILO Convention 169 is now being used by indigenous peoples in states that have ratified the Convention to lodge complaints against governments. The Awas Tingni case in Nicaragua is just one example of how the Convention can be used. There are many conventions, declarations, and optional protocols within the UN Commission on Human Rights, the Commission on the Status of Women, the ILO, the UNESCO, the WHO, UNEP, the Convention on Biological Diversity, etc. which should be understood better by indigenous peoples and which should be used. It is primarily the responsibility of these UN agencies and bodies to educate us on their instruments and mechanisms which we can use.

3. **Increase the capacity of indigenous peoples to use existing mechanisms and policies and to help develop more policies on indigenous peoples.**

- **Technical assistance and cooperation for capacity building**

  If UN agencies and bodies cannot do this they should contribute resources to both the Permanent Forum and directly to indigenous peoples to undertake training and education work and information dissemination on how to use such mechanisms. Regarding UN agencies, there is such a thing called technical cooperation and assistance programmes undertaken by UN programmes and agencies for governments. This should also be extended to the Permanent Forum and directly to indigenous organizations so that their capacities to use UN instruments and mechanisms will be built up further. Indigenous organizations and support groups are already undertaking education and training activities, development of training and information manuals, etc. to build this capacity. However, this could be further boosted if UN agencies and programmes provide such technical assistance also to indigenous peoples.

- **Policy Implementation and Development**

  It has been mentioned that policy development is a first step in pushing for programmes addressing indigenous issues. This we have seen with UN programmes and related bodies which have policies on indigenous peoples. The UNDP Policy of Engage-
ment with Indigenous Peoples, for instance, is used by us to monitor how the UNDP is undertaking projects affecting indigenous peoples. The World Bank Operative Policy 4.20 and its revised version O.D. 4.10 on indigenous peoples are additional examples. There should be compilation of existing policies on indigenous peoples and these should be disseminated at the national and local levels. Beyond this, the Permanent Forum can encourage other UN agencies to also develop their own policies on indigenous peoples in coordination with the indigenous peoples themselves.


The inadequacy of resources is always a problem. The Permanent Forum should explore more widely how it can generate additional resources to undertake its own activities. It cannot just depend on the regular budget allotted for it. The Voluntary Fund for the Permanent Forum has restrictions in receiving funds because of UN regulations and rules. More innovative ways of generating resources should be explored more widely but this should not compromise the needed accountability and transparency of the Permanent Forum.

- Create an Indigenous Peoples’ Fund

The Permanent Forum can explore and work towards the creation of an Indigenous Peoples’ Fund which can follow the example of the UNICEF (UN Fund for Children) or the UNIFEM (UN Fund for Women). Meetings can be held with these funds, including the UN Voluntary Fund for Indigenous Populations, the UN Voluntary Fund for the World Decade on Indigenous People, among others, to explore further this idea. I presented this idea during the recent Workshop on the Evaluation of the Impact of the Voluntary Fund on Indigenous Populations and the Voluntary Fund on the Decade, which was held in Geneva last July 2004. Some donor governments welcomed the idea but there was some resistance from the secretariat and an expert of the WGIP. I still think it is an idea which should be explored and pursued further within the Permanent Forum.

5. Hold more briefing and orientation workshop-seminars for indigenous peoples on the Permanent Forum

For indigenous representatives to be more effective in engaging with the Permanent Forum there needs to be more systematic orientation workshop-seminars on this. These can be done within the UN a few days before the Permanent Forum sessions. But these can also be undertaken at the national, local and regional levels. This will also help indigenous peoples to be more realistic in terms of their expectations on what the Permanent Forum can do and cannot do. Before the Permanent Forum was established IWGIA, for instance, provided support for regional caucuses to discuss further on what the PF should be and how to make it a reality. Now that the Forum is established more training-workshops can be held with indigenous peoples to learn about it and also decide and plan how to make it more responsive to indigenous peoples.

6. Design and shape the Permanent Forum sessions more appropriately to enable it to fulfil its mandate more effectively.

- Prioritize recommendations

The first three years of the Permanent Forum accumulated numerous recommendations. What needs to be done for the future sessions is to design the meetings more towards prioritizing recommendations and monitoring how these are being implemented by the relevant UN bodies, agencies and programmes. As some people have said, “the Permanent Forum should not become a bigger WGIP where indigenous peoples come to present their complaints whilst governments and UN agencies spend their time presenting the “good” things they did for indigenous peoples or defending themselves.” The sessions have to be shaped in a way which allows for constructive dialogue between indigenous peoples, UN agencies and governments. Criticisms can be presented but these should be substantiated by empirical and concrete facts and data so that solutions can be explored and developed.

- Give more space and time for Permanent Forum members to meet among themselves

The members of the Permanent Forum should be given space within the two-week sessions to have their own meetings where they can assess what has been achieved so far and identify ways forward to be discussed further with the participants. While these meetings are being held, workshops between indigenous peoples and UN agencies can be undertaken in the various conference halls so that issues in relation to the assessment of programme implementation, identification of future activities, information sharing, more in-depth discussions on themes like data-disaggregation, free,prior and informed consent, perspectives of indigenous peoples on development, etc. can be discussed.
The 4th Session in 2005 has identified the Millennium Development Goals as a focus. The various mandated areas of the Permanent Forum can be discussed under the relevant goal. For instance the area of economic and social development could be discussed under Goal 1 (Eradicate extreme poverty and hunger). Education can be discussed under Goals 2 and 3 (Achieve universal primary education and Promote gender equality and empower women). Health under 4, 5, and 6 (Reduce child mortality, Improve maternal health, Combat HIV/AIDS, malaria and other diseases); and environment under Goal 7 (Ensure environmental sustainability). Goal 8 which is on global partnership can be a general debate. The more important thing is to disseminate widely the Millennium Development Goals beforehand to indigenous peoples so that when they attend the 4th session they are already adequately informed. This will also allow them to do their own evaluation in terms of how these goals are being met. The UN agencies and governments can give reports on their own evaluation of their participation in meeting these goals.

7. Ensure that the recommendations of the Forum permeate down to the national level and the local communities. Develop indicators for indigenous people-sensitivity.

The measure of the effectivity of the Forum can be seen in terms of how UN agencies, programmes and funds are reshaping their programmes and activities at the national and local levels to be indigenous people-sensitive. If there is such a thing as gender-sensitivity we should also develop indigenous people-sensitive indicators. This can include ways to measure the level of rectification of anti-discriminatory and racist policies, laws and programmes and behaviours and attitudes of UN personnel, and government employees.

8. Ensure the stability and permanency of the Forum and enhance the dialogue and partnership between indigenous peoples, governments and the UN.

When we conceptualized the Permanent Forum its mandate was wider than what finally emerged. We are aware that this is what we can realistically achieve considering the nature and limitations of the United Nations. However, now that the Forum is established and has existed for some years, it will be worthwhile to revisit the original ideas we had on what the Permanent Forum should be. The evaluation of the Forum will take place in 2006. Indigenous peoples should be pro-active in doing their own evaluation in collaboration with governments and UN bodies.

More dialogues between indigenous peoples, governments and the UN should be undertaken. The Permanent Forum can innovate on how these could be effectively done at the various levels. UN agencies, as mentioned earlier, can also organize more activities like the one we are having now. However, these should be designed in close coordination with the Permanent Forum. Reports from these meetings should be made and disseminated widely. Good practices in relation to implementation of programmes and policies of UN bodies and governments related to indigenous peoples should be documented and shared widely.

Conclusion

More challenges and recommendations can be identified further. This presentation has not considered all of the challenges, possibilities and opportunities. However, this can be regarded as a starting point and it is my hope that this will be further elaborated by indigenous peoples and by UN agencies and programmes. I warmly thank the UNESCO and the Permanent Forum for organizing this event and for inviting me.

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Notes

1 This paper was presented at the UNESCO and Indigenous Cultures conference that took place in Tromsø, Norway, 29 September – 2 October 2004.
2 UN Doc:E/CN.4/1992/42, 25 Nov.1991. This Expert Meeting was held in September 1991 and was co-sponsored by the Greenland Home Rule Government.
3 This Summit was organized by Rigoberta Menchu Tum in her capacity as the Goodwill Ambassador for the International Year for Indigenous People. This was one of the satellite conferences of the World Conference on Human Rights held in Vienna in June 1993. The objectives of this Summit were to assess the state of play in the international bodies and instruments on indigenous peoples’ rights; to evaluate the International Year of Indigenous Peoples and to make a plan of work for the International Decade of Indigenous Peoples. It came up with the “Declaration of B’okob” which contained the recommendations agreed upon.
The Indigenous Fellowship Programme at the Office of the High Commissioner for Human Rights

History

When the International Decade of the World’s Indigenous People was established in 1995, one of the goals in the programme of action was to establish a Fellowship Programme for indigenous peoples. With the guidance of a group of experienced indigenous leaders, the Office of the High Commissioner for Human Rights (OHCHR) in Geneva started a pilot project aimed at strengthening knowledge of the United Nations among young indigenous persons. The idea was to give an in-depth and realistic picture of the United Nations’ main human rights bodies, their working methods, the funds and possibilities – with a specific focus on bodies dealing with indigenous peoples or issues of direct relevance to indigenous peoples. The project started in 1997 as the Indigenous Fellowship Programme (IFP) and it was funded by the United Nations Voluntary Fund for the International Decade of the World’s Indigenous People (VFD).

The word fellow was chosen to underline that the programme should not be seen as a course or a “university” but as a partnership between the indigenous participants (and their organizations) and the Office of the High Commissioner for Human Rights. It was chosen in order to distance itself from the perception that it is only the indigenous peoples that learn from the programme. Instead it is meant to highlight the fact that the UN and the OHCHR also gain from the programme and from the knowledge of the fellows.

When the programme started it was decided that an important feature of the programme should be to select participants who had strong connections with an indigenous community and/or a local organization. The participants are therefore all indigenous representatives nominated and supported by an indigenous organization or community. In addition, it was decided that the fellows should be young people, thereby enabling a new generation of indigenous leaders to gain access to and knowledge of the work to promote and protect the rights of indigenous peoples at international level (since 1997, the age range of fellows has been between 23-36). Lastly, it was decided that formal education should not be a prerequisite since many indigenous peoples face discrimination
and exclusion from the education system in their home countries. The only requirements were that the candidate should be able to read and write English at a sufficiently high level to benefit from the briefings and assignments during the Fellowship Programme and that the candidate should have the will and desire to train others upon return to the community (thereby creating a snowball effect of the training given in Geneva).

The programme has developed and expanded significantly since the first group of fellows joined the Indigenous Project Team at the OHCHR. In the initial years, four young indigenous representatives worked and studied in Geneva for a period of six months but, from 2001, this period was decreased to five months in order to allow a fifth fellow to participate in the programme. In 2000, the programme was expanded to include a programme for Spanish speaking indigenous groups (in cooperation with the Deusto University in Bilbao, Spain) and, in 2002, the programme was also made available to French-speaking indigenous representatives (in cooperation with the University of Bourgogne in Dijon, France).

As mentioned earlier, the Indigenous Fellowship Programme was initially funded by the Voluntary Fund for the International Decade of the World’s Indigenous People but, in 2001, the OHCHR managed to secure funding for the project out of the regular budget of the United Nations. This has the important consequence that the programme is no longer dependent on the Voluntary Fund for the International Decade of the World’s Indigenous People but will exist as long as there is a wish and demand from indigenous peoples to continue the programme. Although the programme itself is funded out of the regular budget, the work of the programme coordinator (who manages the day-to-day work of the programme) is not funded though regular budget funds. The Indigenous Project Team therefore has to look for separate funding for the coordinator. So far, Norway, the Netherlands and Denmark have contributed to the running of the programme via funding of a so-called JPO (Junior Professional Officer). An indigenous woman from Greenland is currently being funded by Denmark to run the programme (until September 2006).

The programmes run in cooperation with the Universities of Deusto and Dijon are largely funded by these institutions. They pay the travel costs to Bilbao or Dijon, the travel costs between Bilbao or Dijon and Geneva and the costs of board and lodging in Bilbao or Dijon. In addition, they share the Geneva living costs with the OHCHR. UNESCO contributes to the programme costs by funding the fellows during their stay with UNESCO in Paris.

Content

During their stay in Geneva, the fellows are welcomed and integrated into the team that works on indigenous peoples’ issues at the OHCHR (the Indigenous Project Team). The programme usually starts with briefings introducing the main UN bodies dealing with indigenous peoples (the Working Group on Indigenous Populations - WGIP, the Permanent Forum on Indigenous Issues, the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People and the Working Group on the Draft Declaration - WGDD), introducing the two voluntary funds for indigenous peoples and generally introducing the UN and the Human Rights system and mechanisms. A substantial part of the programme also involves participating in the different committees analysing the six most important international human rights conventions. By participating in these sessions, the fellows have an opportunity to learn about the legal framework to protect the human rights of all citizens and an understanding of the procedures in the committees. The programme also includes individual assignments such as writing a research paper, filling out applications for the two voluntary funds and writing a statement for the Working Group on Indigenous Populations. It is the responsibility of each fellow to devote sufficient time and energy to completing these tasks, and many interesting papers, projects and speeches have been drafted over the years. Fellows have focused on such different topics as indigenous peoples and disability, globalisation, indigenous women, health of indigenous peoples, the right to self-determination of indigenous peoples and many other more specific topics related to the communities of the fellows.

In order for the OHCHR to be able to offer the fellows the possibility of becoming acquainted with other international organizations, UN agencies and NGOs, the Office of the High Commissioner for Human Rights cooperates with a number of other key actors working with indigenous peoples at international level. These include the ILO and UNESCO. Both organizations offer the fellows a two-week training course at their offices in Geneva and Paris. UNITAR, WIPO, UNDP, WHO and IUCN also take part in the programme by
organizing briefings for the fellows. Other international organizations are invited to give briefings according to the interests of the fellows, and the World Bank, UNAIDS, UNHCR and UNICEF have regularly been involved. The fellows are also introduced to some of the most important NGOs working with indigenous peoples or on issues of great importance to indigenous peoples. These include IWGIA, DoCip and WWF.

The OHCHR has also made efforts to expose the fellows to and teach them about the important work of the Permanent Forum on Indigenous Issues, which is based in New York. The first year the Permanent Forum met (2002), the fellows participated as part of the secretariat (the OHCHR was responsible for organizing the first year). In 2003, the OHCHR also secured sufficient funds to bring the fellows to New York but unfortunately three of them were refused US visas and so the fellows did not participate. In 2004, the programme did not allow for the fellows to participate in the Forum’s session but negotiations have begun with the secretariat of the Permanent Forum regarding sharing the travel and accommodation costs of the fellows in New York for 2005.

It is still rare to see indigenous people working in the United Nations and so the fellows are often asked to present themselves, their community and their organizations. This is done both to the Indigenous Project Team but also at UNESCO, the ILO and to University students. In some years, the fellows have also given briefings to interested colleagues in the OHCHR.

Finally, the fellows work with the Indigenous Project Team during the WGIP, the WGDD and other events organized by the OHCHR in relation to indigenous peoples. The fellows thereby gain a unique insight in the work methods of the WGIP and WGDD secretariats and the work that goes on in the OHCHR in general. This allows the fellows to develop an understanding of the difficulties the UN sometimes faces vis-à-vis strengthening and promoting the rights of indigenous peoples at a pace the indigenous peoples would like to see. On the other hand, it also gives the fellows an opportunity to become acquainted with the possibilities that actually do exist within the UN in general, and the OHCHR in particular. Last – but definitely not least – the OHCHR and the Indigenous Project Team gain from the knowledge and experience of the fellows while they are with the team.

During the five months the fellows spend in Geneva, they are exposed to many events organized by the OHCHR and other organizations in Geneva. They meet with the High Commissioner for Human Rights and other high-ranking UN officials and they have the opportunity to meet and discuss with UN officials working specifically on topics of interest to indigenous peoples, with government representatives and with independent experts from the different UN bodies (e.g. the fellows always meet members of one of the committees and members of the WGIP/Sub-Commission). While they are in Geneva they form their own networks and friendships, they often improve their computer skills and their presentation skills. Because the programme brings together fellows from all corners of the world, with very different backgrounds, language skills and cultures, the programme is also a learning experience in solidarity and the worldwide movement for indigenous peoples’ rights. The fellows also turn to each other when things get tough and, in the evaluations, very often highlight the fact that they have learnt a lot from the other fellows. It is often a very positive experience for them to feel part of a wider struggle, to meet other young people who understand how they feel and understand the discrimination and problems they face.

The entire programme focuses on giving the fellows practical tools enabling them to work with the UN. This means that the emphasis is on teaching them how to write a statement for the WGIP/PF, a project proposal for the VFD or how to fill out an application to the Voluntary Fund for Indigenous Populations - VFIP. It is the responsibility of each fellow to gain the most from the programme, to work and learn as much as possible and, depending on the pro-activeness of the fellow, the programme offers a fantastic and unique possibility to get to know how to use the UN system to promote and protect the rights of indigenous peoples and who to approach. The OHCHR opens the door to the UN but it is up to the fellows to walk through and explore and gain from the possibilities that lie there.

The Office of the High Commissioner for Human Rights pays for the fellows’ return travel from their home country to Geneva and offers a grant to cover accommodation and food throughout the five-month stay in Geneva. The fellows are also provided with health insurance for the duration of the programme. The coordinator of the Indigenous Fellowship Programme ensures that accommodation is available for the fellows when they arrive in Geneva as well as providing help with obtaining badges and legitimation cards to stay legally in Geneva for five months. Finally, the coordinator assists the fellows in obtaining Swiss visas but the costs of the visas are the responsibility of each fellow.

**Selection process and the fellows**

In 2002 and 2003, more than 200 young indigenous men and women from all over the world had applied for the Indigenous Fellowship Programme by the deadline (around 50 applications were also received after the deadline each year). The fellows are selected by means of a two-step system involving only indigenous representatives. First, each year’s current fellows pre-select 15 from among all 200 applications. These applications are divided into three groups according to the fellows’ first, second and third priorities. The fellows follow certain guidelines that have been established by the Advisory Group to the Voluntary Fund for the International Decade of the World’s Indigenous People and, among other things, take into account...
the importance of ensuring a regional and gender balance in the programme.

The 15 pre-selected applications are sent to an advisory group (presently consisting of the five indigenous members of the Board of Trustees of the Voluntary Fund for Indigenous Populations), which makes the final selection of fellows. This system combines the knowledge of the fellows, who know the programme, and the knowledge of the consultative group, which knows the indigenous movement worldwide.

Since 1997, more than 70 young indigenous representatives have participated in the Indigenous Fellowship Programme (either the English, Spanish or French programme). They have come from around 45 different countries, representing over 55 indigenous nations. They have all contributed to the UN work of promoting and protecting the rights of indigenous peoples and they have all taken home practical “insider” knowledge of how to access and work with the UN. A few of the fellows have subsequently – because of their experience through the Indigenous Fellowship Programme – gained contracts with the UN. One young indigenous woman from Ecuador now works for the secretariat of the Permanent Forum in New York, another woman from Hawaii worked as a consultant with UNESCO in Paris for a month and one of the first fellows from Brazil is now the head of the biggest umbrella organization of indigenous peoples in the Amazon. In addition, many of the fellows have returned to participate in the UN meetings dealing with indigenous peoples’ issues and a number of fellows have had projects funded by the VFD, UNESCO or others. With the exception of a few participants, the OHCHR has benefited from excellent, motivated and dedicated fellows who have continued to work for the promotion and protection of indigenous peoples’ rights either at international level, at regional level or at local level in their communities.

What has impressed me and many others about these young indigenous peoples is their ability to navigate between their traditional beliefs, traditions and values and the way of life in Geneva and in the United Nations and, in my opinion, there is no doubt that many of these fellows will be the indigenous leaders of tomorrow (please see the article by a former fellow, in this issue).

Conclusion

When the Indigenous Fellowship Programme started in 1997, four fellows participated. Now, fifteen fellows each year gain from the programme in three different languages. The Indigenous Fellowship Programme has existed for eight years and, although the fellows evaluate the programme every year with subsequent changes being made the following year, the programme was not evaluated as a whole until August 2004. Then, around 45 former fellows met in Barcelona to participate in a very large civil society event called the Forum of Cultures. The fellows spent two weeks in Barcelona and, as part of the programme, carried out an evaluation with constructive suggestions on how to improve and change the programme to enable it to have a greater impact. The report from this evaluation meeting is currently being drafted but will be presented to the OHCHR in the fall of 2004. The recommendations in the report are likely to lead to changes in the programme – both with regard to content and logistical arrangements. One outcome of the programme is already manifesting itself but it is the fellows themselves who will carry this forward. The fellows have decided to create an association of former fellows that will also include former fellows from other fellowship programmes run by different international organizations (ILO and WHO).

The Indigenous Project Team has, in 2004, secured funds to commence a pilot project for Russian-speaking indigenous representatives. This initiative has been developed with RAIPON and will start in 2005. Undoubtedly, these kinds of programme developments will continue according to the wishes, requests and demands of indigenous peoples around the world.

To my mind, the Indigenous Fellowship Programme is vital if indigenous peoples are to truly benefit from the work of the UN to promote and protect indigenous peoples’ rights – and if the UN is to benefit from the resources and knowledge of indigenous peoples. The practical tools of how to access the UN, how to “speak” to the UN, how to apply for funding through the UN, knowledge of how the UN works and the personal contacts and friendships that the fellows take home with them are all important elements for indigenous peoples and organizations in the continuing struggle for greater influence on their own lives in nations on a par with other nations.

One former fellow used the following words to describe the importance of the programme for him and for indigenous peoples in general: “I personally think the fellowship programme is a crucial programme for a new indigenous generation to explore and learn the international legal system and use it as a tool to protect and ensure our future generations’ rights.” and: “Overall, I would like to say that this is a unique programme for the new indigenous generation to study legal policy which can be used as conflict resolution in an acceptable way in dealing with governments.”

If you wish to know more about the Indigenous Fellowship Programme or want to apply please refer to the OHCHR website at www.ohchr.org/english/issues/indigenous/index or contact the OHCHR at fellows_prog@ohchr.org or telephone +41 22 917 94 34.

Pernille Kramp is a Danish academic. She worked in the Indigenous Project Team of the Office of the High Commissioner for Human Rights in Geneva as associate Human Rights Officer. She was the coordinator of the Indigenous Fellowship Programme.
I was one of five participants on the Indigenous Fellowship Programme in 2002. I was the indigenous participant from Turtle Island, “North America”. I represented my community: Saulteau First Nations (SFN). My name is Nicole (Migizikwe) Hetu. My indigenous colleagues from the remaining four regions of the world were: Ayvana Enmynkao (Chukchee, Chukotka - Russia), Adam Kuleit Ole Marabu (Maasai, Tanzania), Franklin Almoza (Ibaloi, Philippines) and Jimai Montiel (Wayuu, Venezuela).

The indigenous community that I am a Band member of is one of seven neighbor Bands located within the Treaty 8 territory in a region that is referred to today as “north-eastern British Columbia”, Canada. Saulteau First Nations is an amalgamated community comprising Saulteau, Cree and Dunne Za peoples. The population of the Saulteau First Nations community is approximately 700 people (50% on reserve and 50% off reserve). My people continue to find meaning from cultural practices and maintain a strong relationship and connection to the land.

Saulteau First Nations continues to be guided by values, beliefs and customs that originated from the teachings of our ancestors, yet it is a nation that moves with modern trends.

There are 633 First Nations “reserves” in Canada and 53 different First Nations languages.

Opportunities and experience

As a group of Indigenous Fellows, we were given many opportunities to engage, teach one another and provide information to interested persons about our particular concerns from each of our nation’s perspectives, especially in terms of the challenges that we face with the particular countries and continue to impose themselves upon our nations and communities.

As Indigenous Fellows, we contributed to the work efforts of the Indigenous Peoples Project Team (IPPT) within the Office of the High Commissioner for Human Rights (OHCHR). The Indigenous Peoples Project Team acts as a secretariat to UN bodies such as the Working Group on Indigenous Popula-
tions, the Working Group on Minorities and various other Special UN fora. We conducted research, developed a research paper for the United Nations, and provided summaries, briefs and text to various other projects. We handled the logistics for the celebration of the International Day for Indigenous Peoples in Geneva during the Working Group on Indigenous Populations. We also had an opportunity to write the first draft of speeches for UN officials, such as the [then] High Commissioner for Human Rights, Mary Robinson.

As Indigenous Fellows, we had many opportunities to make presentations at lectures and engage with others. We provided information on and perspectives about our communities’ concerns during our placements at the OHCHR, the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and at the Institute for Political Studies (University in France). We also had the opportunity of participating in a panel discussion at the inaugural session of the Permanent Forum on Indigenous Issues. Ayvana Emlynkao and myself were asked to speak on an Indigenous Women’s issues panel alongside Mililani Trask and the [then] UN High Commissioner for Human Rights, Mary Robinson.

While at the OHCHR and at UNESCO, we had the opportunity of being interviewed by the British Broadcasting Corporation (BBC) and a French Radio Station. In addition to attending a UN Press Conference, we informed journalists about the Indigenous Fellowship Program; the UN system in relation to indigenous peoples and issues that our communities and/or organizations are challenged with. This became an opportunity for awareness raising. We spoke on a panel at the World Civil Society Forum in Geneva from 14-19 July 2002. We joined in a lecture and gave a presentation to a class of law students from the University of Tulsa (USA) as well as a Quaker organization. I found my educational background in Native Studies and Indigenous Governance particularly useful during these information sessions, in terms of being able to offer a political/historical perspective regarding indigenous issues when questions arose.

My counterparts and I actively worked hard to network, develop as many contacts as possible and establish opportunities in the interests of our communities while working within the United Nations system.

**The power of advocacy**

The following fora (this list is not exhaustive) are platforms where indigenous peoples can raise concerns:


The value of my community participating in these UN fora, in terms of benefits, are as follows: a) Effective networks are established; b) Common interests are explored and shared with other indigenous people who face both similar, and at times different, political plights; c) An opportunity to learn about the existing UN programs and projects of the specialized agencies; d) Interventions are made on various issues that are of importance to SFN; this gives added exposure to issues that may be ignored domestically; e) Political advocacy, lobbying, networking and awareness raising are fostered within this arena amongst indigenous and other non-governmental organizations.

**The United Nations: options and limitations**

The United Nations system serves first and foremost the interests of its member states. Indigenous aspirations or “issues” are addressed within strategically placed fora where we as indigenous peoples hold “observer” status and/or some may hold Economic and Social Council (ECOSOC) status as Non-Governmental Organization (NGO). This status is obviously not com-
parable with that of the voting status or decision-making power that member states reserve for themselves within the UN system. This becomes problematic because the power to implement change remains in the hands of the very states that may be violating the covenants they have adopted and are signatories to. In this regard, the UN as a mechanism for change may seem rather limiting in terms of achieving indigenous aspirations such as self-determination, which has been one of our greatest struggles.

On the other hand, when a particular state chooses not to resolve indigenous peoples’ concerns “domestically”, the UN can then become an effective mechanism for lobbying. Giving voice to issues or concerns within this arena could invoke the ethical and political will of a state to solve issues before it becomes exposed and exasperated within the international arena. This process becomes a valuable system for lobbying.

In addition, in terms of effective lobbying, some say that the position of the Permanent Forum on Indigenous Issues (as a forum) within the UN system gives it an added advantage because Permanent Forum members are able to make recommendations directly to ECOSOC as opposed to other fora where the channels of communication are lengthier and less direct.

First intervention

United Nations civil servants provided us with advice on how to construct an effective intervention. With these suggestions in mind, I developed my first community intervention and I had the honor of presenting this on behalf of my community at the second session of the Permanent Forum on May 14, 2003 at the United Nations Headquarters in New York City, USA. I spoke under Agenda item 4(d) Eco-Social Development.

To give the reader a sense of the prevailing issues that were presented within my community’s first intervention, I have summarized some points that we raised:

- Government and corporate entities seeking to engage in development activities within Saulteau traditional territory must seek the free, prior and informed consent of our indigenous leaders before commencing any projects within the traditional territories.

- Our children’s future prosperity relies upon the honor and implementation of Treaty 8. The state, unfortunately, has elected to forget the binding commitments that the Crown made to us.

- The current relationship maintained by Government with the “Indian bands” remains colonial in nature. This relationship must be changed to reflect a “nation-to nation” relationship.

- The Government of Canada must live up to its image as a “forerunner of humanitarian issues” by ensuring that the consequences resulting from the history of cultural genocide, assimilative policies and marginal treatment of indigenous peoples is reversed and not perpetuated.

Saulteau First Nations received exposure for our issues, as the SFN intervention was quoted within a major United Nations Press Release (HR/4662). Advocacy was thus achieved at this Second Session of the Permanent Forum on Indigenous Issues.

Indigenous women

Post Indigenous Fellowship Programme

The different tasks I carried out with the aim of disseminating information, as well as sharing the experiences I gained during the programme, were as follows:

1. Provided on-going briefing notes and communiqués (while at the UN) about the Indigenous Fellowship Programme and the UN System (meetings) to my Chief, Council and Learning Center;

2. Presentation (post-fellowship) to Saulteau First Nations’ Chief and Council about the learning gained while at the UN System (Q & A);

3. The requested information packages (UN Public Information sheets) were disseminated to my community;

4. Assisted other indigenous Non-Governmental Organizations (NGOs) while in Geneva to better maneuver within the UN system (e.g. CERD Committee);

5. Participated in an aboriginal radio show and contributed information on the UN system and processes concerning indigenous peoples;

6. Provided information for newspaper articles on the Indigenous Fellowship Programme;

7. Provided information (as suggestions) within a text regarding the international indigenous movement and human rights;

8. As a group of “Indigenous Fellows” we all contributed to an intervention delivered at the Permanent Forum on Indigenous Issues concerning “young persons” in May 2002, in New York, and once again in 2003;
9. Represented my community at the Permanent Forum on Indigenous Issues in May 2003 by making an intervention on their behalf;

10. Many of the previous Indigenous Fellows participated at the Barcelona 2004 Forum as participants in the World Youth Forum. We spoke on various panels: I spoke at a panel discussion at the conference that focussed on discrimination issues that aboriginal people face in Canada (historically and currently).

Areas to be strengthened

The Indigenous Fellowship Programme is itself an exercise in capacity building for indigenous communities; the knowledge gained within the 5-month experience is both practical and invaluable. Some fellows recommended that the programme should be extended to a 1-year term. And yet the length of stay can also be a challenge for some, considering fellows are expected to be away from families, communities and/or organization (or place of work) for five months. This is a lengthy time to be away from family and work duties that normally demand our full attention.

Upon completion of the Indigenous Fellowship Programme, there was very little contact maintained on behalf of the OHCHR. Any contact made was only because of personal efforts but there was no follow-up after the program was completed. Communication was poor, resulting in a feeling of disconnection. Contact resumed with the fellows only recently because it was necessary to organize logistical arrangements for the forum in Barcelona. I would recommend that there should be follow-up and continued communication with the fellows.

Indigenous Fellows should be used as resources and act as an additional bridge or “link” for disseminating information amongst networks, especially when country visits are organized for the Special Rapporteur on Indigenous Issues.

A final recommendation previously identified by the fellows is that the OHCHR and other UN Agencies should utilize, include and involve the Indigenous Fellows more often as available human resources because they possess a comprehensive understanding of their communities and/or organizations’ concerns.

Future vision

The past participants of the Indigenous Fellowship Program are working towards the establishment of an Indigenous Fellowship Network or “consortium”. The group of Indigenous Fellows recently met in Barcelona, Spain to evaluate the Fellowship Programme and participate in the World Forum on Cultures 2004. This event also provided an added opportunity to discuss the establishment of an Indigenous Fellowship Network. We plan to meet in the future, but funding and logistics remain a challenge.

Final words

The knowledge that I gained within the programme will continue to be useful to my community (in terms of advancing our domestic and international aspirations) and any other aboriginal organization/entity that I may be able to assist. I was able to disseminate and share the information that I had learned with my community, both during and after the programme. I continue to offer this support to my community whenever it chooses to use/access the United Nations system.

I am honored that I was asked to share the usefulness of my UN experience. At the same time, I hope I have provided some constructive feed-back offering a balanced perspective.

Nicole (Migizikwe) Hetu is a Band member of the Saulteau First Nations, Treaty 8 territory (Moberly Lake, B.C., Canada). She writes: “My Cree (Nihiyaw) name is Wapikwaniw Iskiw (Wild Flower Woman). My Saulteau name is Migizikwe (Eagle Woman). My birth name is Nicole Hetu. I completed high school in southern British Columbia. I have a Bachelor of Arts (Honors), Major: Native Studies (Trent University) and a Master of Arts Degree, Indigenous Governance (University of Victoria). I am currently living in the city of Edmonton, Alberta. I am a Researcher on Aboriginal Policy. I am involved in community aboriginal issues as a member of the Edmonton Urban Aboriginal Affairs Committee (EUAAC).”
In order to put the last decade for Colombia’s indigenous peoples into some historical context, we shall go back briefly to the 1950s, as this was also a time of great humanitarian suffering in the country, and a period that has its links with the current situation.

In the ten years following 1948, some 300,000 peasant farmers died a violent death. Regardless of the roots causes attributed to this period, which was known as “the violence”, the end result was that almost 400,000 families were dispossessed of their land, which was taken over by large estates. This violence was the response of the landowning oligarchies to the process of peasant advancement that had been taking place during the 1930s and 40s. During this period, the peasant farmers had managed to claim sizeable areas of estate lands using the legal reforms introduced by Alfonso López Pumarejo in favour of smallholders and tenants. Pumarejo was the country’s first liberal president following several decades of conservative hegemony, the conservatives being a party with close links to Church and landowning interests.

In the 1970s, the indigenous people began to mobilise once more in defence of their reservations. We say “once more” because in the 1920s and 30s they had fought hard to prevent the reservations of the Cauca being taken over by landowners, as had happened in Nariño department on the border with Ecuador, the most indigenous region of Colombia. These struggles were successfully led by the Paez terrajero Manual Quintín Lame.

This new indigenous mobilisation was aimed at recovering the lands lost to large estate owners over previous decades and took place alongside the peasant farmer struggles for land that had begun at the end of the 1960s during Carlos Lleras Restrepo’s government. This government had implemented an agrarian reform and opened up the political arena for peasants to organise and occupy large farming estates throughout the country. This is how the indigenous peasant farmers of the Andes, the inter-Andean valleys, the Atlantic coast savannas and the Sierra Nevada de
Santa Marta established the first indigenous organisations, following the creation of the Regional Indigenous Council of the Cauca (Consejo Regional Indígena del Cauca - CRIC) in 1971. The years from 1971 to 1991, when the National Constituent Assembly took place, were a time of ascent for the indigenous movement. Most of the country’s reservations were created during this period, and those that already existed (of colonial origin) were regularised or extended. The indigenous reserves\(^2\) that had existed up until then were also turned into reservations.

The pride awakened by these struggles led to a “de-Indianized” indigenous population identifying themselves as indigenous once more and demanding that the lands they owned be recognised as reservations (Kankuamo, Tama, Chimila, some Zenúe, Pijao, Pasto communities, etc.). These were the years of “plenty”. The National Indigenous Organisation of Colombia (Organización Nacional Indígena de Colombia – ONIC) was acknowledged as being the representative organisation of indigenous peoples and was generally called upon by the state to participate in debates on projects and decisions relating to indigenous affairs. It was also a time of unification of the regional bodies and consolidation of the most important indigenous organisations. Up until the end of this period, the national indigenous movement was headed primarily by ONIC, which represented around 90% of the country’s indigenous peoples. This period of ascent of the indigenous struggle culminated in indigenous participation in the National Constituent Assembly of 1991.

Following the National Constituent Assembly and, paradoxically, at a time when a significant level of agreement was being achieved (divisions between the leaders from the lowlands and the leaders from the Andean region having been largely overcome) and the indigenous peoples had successfully participated in the National Constituent Assembly, a period of organisational disintegration and political deconstruction of the indigenous movement began. During this time, the lowlands organisations broke away from the indigenous movement led by ONIC, resulting in the establishment of the Organisation of Indigenous Peoples of the Colombian Amazon (Organización de los Pueblos Indígenas de la Amazonia Colombiana - OPIAC). Over this period, the Indigenous Authorities of the South-West (Autoridades Indígenas del Sur Occidente – AISO), which had arisen from rifts with the CRIC within the Guambiano people in the Cauca, was also in ascendance as the Indigenous Authorities of Colombia (Autoridades Indígenas de Colombia – AICO) in the departments of Nariño and Putumayo and in the Sierra Nevada de Santa Marta, with an influence in other areas of the country too. The establishment of indigenous political organisations, ASI, AICO, etc., and the forging of electoral alliances at national and regional level all contributed to this disintegration. The responsibility of managing the nation’s resources that fell to the reservations (another achievement of indigenous participation in the 1991 Constituent Assembly) meant that the reservation leaders were forced to concentrate on managing their finances, and thus gradually began to lose sight of the broader picture that had been sketched out over the previous years. This period lasted until the mid-1990s, when guns were already being greased and machetes sharpened in readiness for the horrendous massacres to come.

It was to be the very decade of indigenous peoples itself that was characterised by violence against and dispossession of indigenous and black peoples in Colombia, as evidenced in the huge number of massacres, the selective murders of leaders and the displacement of entire communities\(^3\). This period, which began in the mid-1990s and continues to this very day, has also been characterised by the systematic dismantling of the constitutional rights of indigenous and black peoples. This is an ongoing process and is likely to go further still in order to clear the way towards the Free Trade Treaties. What was previously known as a “constitutional opening towards ethnic groups” and a “reconciliation of interests of the Colombian nation with its ethnic groups” is now being systematically erased by the “economic liberalization” and the implementation of neoliberal policies within the context of a growing globalization\(^4\).

When we look back at this recent past, one question we Colombians ask ourselves is whether the violence now being suffered by the indigenous, blacks and peasant farmers is in response to the three decades of successful mobilisation on the part of these peoples who, through their struggles, obtained or recovered (by means of regularisations, extensions, allocations and the creation of new reservations and collective territories) almost one quarter of Colombian territory. The indigenous and black territories are collectively owned and thus not affected by market forces. Whatever the answer, the result is that – in less than a decade – money from drugs trafficking has caused an agrarian counter-reform and violently evicted almost two million black, indigenous and peasant farmers: a study of the General Auditor’s Office of the Republic (Contraloría General de la República) reveals that, over the last 10 years, drugs traffickers have taken over 48% of the country’s most fertile lands. This leads us to assume that the forced displacement of peasant farmers, indigenous and Afro-Colombians is not only a side effect of the armed conflict (or what the NGO experts euphemistically call a “positive externality” of the armed conflict) but is, in part, a macabre strategy linked to the economic interests of the large landowners, both old and new. Land in Colombia has become the main strategy for accumulation and laundering of assets.
from drugs trafficking and has revived a social system over vast regions of the country that could be termed *señorial latifundista* (“noble estates”), with landowners riding around on *paso fino colombiano* horses, wearing ponchos, rawhide shoulder bags, straw *aguadeño* or *vueltiao* hats and all the other paraphernalia that the dignitaries and powerful people of these regions generally sport. The economic basis of this system lies in vast areas of land on which cattle “graze peacefully” whilst thousands of peasant families crowd around to gaze at these ruminants taking up highly productive agricultural land.

The violence and forced displacement of rural people has affected indigenous and black populations the most severely. And it has forced several of them to the very point of extinction. Those with no title to their territories of traditional inhabitancy have been the most affected. The Kankuama case is most symbolic of this situation of violence: out of a population of approximately 5,800 inhabitants, 102 have been murdered in a period of less than 2 years, including the most notable community and spiritual leaders. But the Naya massacre, in 2001, is also infamous, in which around 100 community members died, most of them indigenous Paez. Such violence against these peoples is comparable only to the suffering experienced during the Spanish Conquest.

The economic processes that began in the 1990s favour local, regional and national investment plans that are neither economically (being focused only on short-term results) nor environmentally (as they cause serious damage to the environment) viable. These economic policies, which the current government of Uribe Vélez is further accelerating, are destroying the economies (and also the organisations) of indigenous peoples. By exploiting a political vision that conceives of the Colombian nation as one huge market in which economic sectors freely compete, the government is failing to show any respect whatsoever for the supportive community economies of indigenous peoples. At this point, the nation is thus no longer a diverse, multi-ethnic and pluricultural social fabric determining the form of the state, of development and coexistence, as established in the Constitution. And in open contradiction of the spirit of the constituent members, who contemplated a territorial reorganisation for Colombia in which historical, geographic, environmental, ecological, cultural and ethnic criteria would predominate, the Colombian state is implementing a different territorial reorganisation, with national, departmental and municipal investment, focused on extractive, agro-industrial, hydro-electric and highway megaprojects. These investments, involving some transnational capital but primarily relying on money from drugs trafficking, are changing local linkages and transforming regional economic dynamics.

These investments are also altering the territoriality of indigenous and black peoples, changing the economic functions of their territories towards demands and interests that differ enormously from the needs of these peoples. The economic processes created by these investments lead the indigenous to lose control of their spaces. Only a very few peoples, who have been resisting this dispossession and who are not willing to give up their territories to “pillaging” companies so that they can exploit their natural resources, will come relatively unscathed out of this period of dispossession and loss of territorial control, created by the economic interests of businesses who are organising their territories and disposing of their natural resources (and even indigenous labour) for other purposes.

It can be seen that it is not always necessary to evict the indigenous peoples from their territories in order to appropriate their resources. An agreement for the use of natural resources can simply be signed with the indigenous organisation, specifying the indigenous people’s and the company’s share of the profits. In this way, a number of companies have been appearing in search of timber, minerals, coal, oil, water, biodiversity and other natural wealth of the indigenous territories. This will surely only increase with the Free Trade Treaty with the USA. And it will, in our opinion, be disastrous if the US manages to get a system for patenting genetic discoveries approved within the Free Trade Treaty with Colombia. This would give free rein to another type of agreement governing biodiversity exploitation, in which it would once more be the indigenous and blacks who exchange their wealth and knowledge for royalties of little value and, in particular, relinquish much of their control over their resources.

Politically, the state tolerates no dissent from the population in terms of its neoliberal policies or its policy of “democratic security”, the name given by President Álvaro Uribe Vélez to the largest, most ambitious and most costly military policy embarked upon in Colombia against the armed groups, and which threatens to turn the country into a battlefield. Social protest, criticism from human rights organisations and the protests of the social sectors affected by these economic and military policies are all seen as attempts to destabilise the country, to erode the rule of law or even to side with the armed insurgency. The state is thus giving *carte blanche* to the paramilitary groups to continue the massacres and selective annihilation of peasant, black and indigenous leaders and to continue the plundering.

As the internal armed conflict has intensified, the masters of the war (the army, paramilitary and guerrilla groups) have increasingly refused to recognise indigenous and black organisations and communities, forcing their members to participate in the armed conflict, to provide logistical support or food, denying them what little autonomy is left them.

When you look at the issue in this light, this article’s subtitle should perhaps have clarified that the decade has not been so much a lost one but rather one that has
been snatched from the ethno-territorial communities. And the clear danger is that this territorial alienation is only going to increase over the coming years, with the consequent cultural alienation of indigenous and black peoples from their environment. In this respect, Álvaro Uribe Vélez and his courtiers have a good chance of torpedoing the most successful indigenous mobilisation in Latin America.

**Epilogue**

One of the greatest moments in Colombia’s recent history took place from 12 to 16 September this year when 60,000 indigenous people from the Cauca, accompanied by indigenous Nasa from Valle, Embera from Caldas, Antioquia, Risaralda and the Alto Sinú, Eperara, Nasa and Afro-Colombians from Naya region, and indigenous delegations from Putumayo and Narino, all entered Cali, the largest town in south-west Colombia, shouting, “This is our country and it’s time we reclaimed it. We want no guerrillas, paramilitaries or soldiers on our territories.”

The marginalized peoples set a dignified example – “Our cultures have principles and are not for sale” read one of their banners –, and showed us how – by organising – we can break the social and political cordon that Álvaro Uribe Vélez’s government and the guns of all violent parties are trying to throw around us. It is like the well-known Andean fable of the condor and the hummingbird: the condor may be grand and majestic but the hummingbird can still pull out its feathers. And without feathers it cannot fly, nor continue as lord of the skies.

In the greatest march Colombia has seen in many years, indigenous people showed the country that it is precisely those who are most excluded that continue to form the bastion of Colombia’s democracy. In an official announcement they stated, “Events in the country and on our territories are serious, there is no time to lose, we must act rapidly. The critical situation marginalised people are going through is due to a failure to recognise our rights. Our economies, supportive and respectful of nature, are but a hindrance to the path of neoliberalism and globalisation. And now it is no longer just our rights that are in danger. Life itself is at risk. For this reason, now more than ever, we call upon everyone to show their unity, solidarity and dignity in defence of what is rightfully ours.”

Indeed, as Miguel Hernández, the Spanish peasant poet would say, “the oxen have not thrived on the bleak indigenous uplands of the Cauca. This is a land of lions,” not of peoples willing to submit to the wanton excesses of the sovereign of the moment, trying to rob them of their social conquests.

As Colombians we are all so happy and proud that a small yet significant sector of the country has spoken out on behalf of the 44 million Colombians who are today still bewildered by Álvaro Uribe Vélez. And above all it shows us that, through free and autonomous organisation, the marginalised can build a democracy for all and lay the foundations for a new institutionality that values differences, establishes justice and equality and overcomes once and for all the chronic violence that has been troubling our country for five centuries.

Bogota, August 2004

**Efrain Jaramillo** is a Colombian anthropologist. During the last twenty years he has worked as adviser for several indigenous organisations in Colombia.

**Notes**

1. In the **terraje** system, the landowner offers the usufruct of a plot of land in exchange for personal services or a proportion of his harvest. It is somewhat similar to the **Huasipungo system** in Ecuador.
2. In the **indigenous reserve**, it was the state that owned the land, the usufruct being given to the indigenous people. A **reservation** is collectively owned by the indigenous group.
3. The displacements of and violent acts against indigenous and black communities are linked to the implementation of megaprojects on indigenous territories, with the extraction of natural resources such as gold, timber, oil, etc., the use of water (dams), the construction of roads or agricultural (palm oil cultivation) and cattle rearing projects, including the cultivation of coca and poppy, implemented by private, national and multinational companies but also by the guerrilla and paramilitary groups.
4. With the issuing of the new **Mining Code**, the procedure followed for the **Organic Law on Territorial Reorganisation**, and the refusal to recognise the indigenous right of prior consultation on laws and economic projects that affect their interests, the Colombian government is creating the legal bases for the expropriation and plundering of the collective territories of indigenous and black peoples.
5. They are currently considering an alliance between Indians and blacks by which to resist and defend their territories, recalling the episodes of struggle that have taken place against those who have long hoped to take their living spaces and freedom from them. This is being put into practice in the Naya river region, in the departments of Valle and Cauca, where blacks, Nasa (Paez) and Eperara Siapidara indigenous, white and mestizo peasant farmers have joined forces to defend a common territory, following the 2001 massacre on the part of paramilitaries that cost the lives of around one hundred indigenous, black and peasant farmers and evicted almost 200 families from their lands. In 2003, and following various inter-ethnic meetings, the **Naya Inter-ethnic Territorial Union (Unión Territorial Interétnica del Naya – UTINAYA)** was formed. See IWGIA’s Spanish journal **Asuntos Indígenas** (No. 4 /2003).
THE RISE OF INDIGENOUS PEOPLES CIVIL SOCIETY IN AFRICA 1994 – 2004

Nigel Crawhall

Samburu women (Kenya).
Photo: Diana Vinding
In 1994, the United Nations passed the requisite resolutions to declare 1995-2004 the International Decade of the World’s Indigenous People. The past ten years have seen great changes in Africa, with one of the profoundest being the rise of an organised civil society representing diverse indigenous peoples from one end of the continent to the other. For Africa, the UN Decade has brought the voices of the most vulnerable sectors of society into the foreground. A new dialogue has begun that will change Africa for the better.

1994 has special significance in Africa both inspiring and horrifying. It was the year that South Africa held its first democratic elections. It represented the last year of five hundreds years of colonial and settler abuse of the continent. It was also the year of the Rwandan genocide, a tragedy of immense proportions and a reminder that from an international perspective African lives continue to be judged less important than oil and other geopolitical considerations.

During the one hundred-day genocide in Rwanda, the indigenous peoples of that region, the Batwa or Pygmies, fell victim to both warring parties, the Bahutu and Batutsi armies and militias. One third of the Pygmy community was killed during the relentless nightmare.

One of Mandela’s first acts in South Africa was to initiate a process, taken over and supported by President Thabo Mbeki, to recognise and vindicate the first peoples of South Africa, the San peoples and the Khoekhoen. It was through the effective lobbying of the Chairman of the South African Human Rights Commission, Dr Barney Pityana by the indigenous peoples, and the International Work Group on Indigenous Affairs (IWGIA) that South Africa took the lead on the continent to address the issue of indigenous peoples’ rights.

Dr Pityana, as a member of the African Commission on Human and Peoples’ Rights, challenged that body to investigate and acknowledge the suffering of Africa’s indigenous peoples. Despite initial resistance from some Commissioners, in November 2003, the African Commission adopted its first policy paper that recognised that the concept of “indigenous peoples” has relevance in Africa, and that these peoples across the continent have been subject to systematic human and civil rights abuses.

Whereas certain Western democracies such as the United States of America and the United Kingdom have gone out of their way to retard the evolution of human rights standards, notably blocking the adoption of the draft Declaration on the Rights of Indigenous Peoples, Africa is creating space for real dialogue to begin. Within the UN Decade, Morocco reversed its longstanding position of Arabism and unbanned the Amazigh (Berber) language, creating a Royal Commission that has guided the language into the formal public school system. Ten years earlier Amazigh writers and poets were being tortured in the prisons of Marrakech and Rabat. Today, they sit in government and are defining how indigenous culture, language and values will shape the future of Morocco.

The World Amazigh Congress (CAM) unites Amazigh and Tuareg community organisations from the Canary Islands through Morocco and Algeria, down into the Saharan countries of West Africa. Tamaynut, the Moroccan national Amazigh network includes over 22 self-funded affiliate organisations.

In Kenya, pastoralist political organising played a substantial role in the bringing about political change and the re-affirmation of democracy. Indigenous hunter-gatherer peoples organised their first assemblies in 2003. They took the results of their workshop to the Minister of Justice for inclusion in the discussions over the reform of the Kenya constitution after the end of decades of corrupt and abusive Kenyan African National Union (KANU) rule over that country. Kenya is starting to look at the question of how ethnicity, identity and economies are related to state power and access to resources.

Nomadic indigenous peoples from Mauritania to Cameroon are organising grass roots civil society. In Mali and Niger, a bitter civil war broke out between corrupt governments in the south and the nomadic indigenous peoples of the north who were being driven into ever more desperate poverty and political marginalisation. The armed conflict saw appalling human rights abuses and allegations of mass killings that have still not been investigated or resolved. Nonetheless, the wars ended and the Tuareg and other nomadic indigenous peoples have built networks of civil society organisations that are redefining sustainable economic options for the Sahara.

In the Great Lakes region, Batwa communities that survived the 1994 genocide have built national networks for advocacy and development. In both Burundi and Rwanda, Batwa organisations are in active dialogue with government over representation of their peoples and participation in the structures of governance. The deep-seated prejudice against Pygmy peoples is still there, and just across the border this still translates into gruesome violence against indigenous peoples, particularly women. Yet, through their own organisational capacity building, Batwa activists are reshaping the nature of democracy and edging into the dialogue on conservation, forests and natural resource management. The Communauté des Autochtones Rwandais (CAURWA) is a best-practices model of community organising and empowerment.

In Southern Africa, indigenous San peoples began to organise themselves in Namibia, Botswana and Tangible advances

In 1993, the International Work Group for Indigenous Affairs organised a seminal conference on indigenous peoples in Africa. This marks the starting point of a coherent continental movement of indigenous peoples.

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South Africa. The most striking advances have been on the educational and language front. Namibia adopted Ju\'hoansi as its first San language to be taught in schools. In 2004, Khwedam speaking activists are asking government to recognise a second language for schooling, with three more languages in the offing. South Africa adopted a special constitutional provision to protect and promote Khoe and San language, creating the first-ever indigenous advisory body on languages. Botswana, forever hostile to diversity, has tolerated piloting of San languages in its western districts, and has agreed in principle to a third mother tongue option in schools.

The Working Group of Indigenous Minorities in Southern Africa (WIMSA) was formed in 1996 to represent San throughout the region. Some of its major achievements include the out of court settlement of Intellectual Property Rights (IPR) over the commercial exploitation of *hoodia gordonii*, a wonder diet drug identified through San traditional knowledge. San Councils have been established in Namibia and South Africa and WIMSA assisted the !Kung San in securing the N\j|a Jaqna Conservancy (10,800 square km, the biggest in Namibia) control over natural resources.7

South Africa settled several major land claims related to indigenous peoples and it made history in 2003 when the Department of Foreign Affairs became the first African country to take the floor in Geneva to argue in favour of the draft Declaration. In 2004, the Cabinet is due to adopt its first policy tools memorandum on indigenous peoples’ rights.

In Ethiopia, pastoralists also have made strides at organising themselves as civil society constituencies. Sudan and Chad are also likely to be drawn into the political gap between the state system and the lives of indigenous nomadic peoples.

**Who are the indigenous peoples of Africa?**

Today, groups claiming to be “indigenous” in Africa are mostly those who have been living by hunting and gathering or by transhumant (migratory nomadic) pastoralism. These are different peoples who have followed particular trajectories of development in special environmental conditions, mostly in tropical and equatorial forests, the savannah lands of East Africa and the deserts of the Sahara in the north and the Kalahari in the south.

As these various peoples have come together under the banner of the United Nations Working Group on Indigenous Populations (UNWGIP), they have sought to understand the common threads that make up an “indigenous rights” paradigm in the African context.

The claims to being indigenous in Africa are related to a coalescence of factors:

- political and economic marginalisation rooted in colonialism
- ethnic discrimination linked to competing economic systems
- the particularities of culture, identity, economy and territoriality, that link hunting and herding peoples to their environments
- some indigenous peoples, such as the San and Pygmy peoples are physically distinctive, which makes them subject to specific forms of prejudice and abuse

To understand the need for indigenous rights requires understanding the complex interplay between culture, economy and power in contemporary Africa, and to understand its origins in both the colonial and precolonial era.

The claims of indigenous peoples need to be seen in the context of systematic discrimination and marginalisation of peoples under contemporary political-economy. Reference to the international standards of protection of indigenous peoples by certain African groups derives from present day marginalisation in the political economy, which in turn is derived from historical and prehistorical factors.

It was the advent of colonialism that brought new economic and political structures to Africa that reinforced the power of agricultural peoples over herders and hunters, and set down the rules of who had access to the state apparatus. Economic competition was transformed into institutional relationships housed within the newly formed states of Africa.

It would be hard to judge who amongst the indigenous peoples of Africa is the most vulnerable. If we measure according to the evolution of civil society and the external threats, the dial would turn towards the hunter-forager peoples of Central Africa, known collectively as Pygmies.

There are approximately 300,000 people belonging to numerous ethnic and language groups who consider themselves to be “Pygmies”. These include amongst others, the Batwa and Bambuti of the Great Lakes, the Efe, Babenjelle, Babongo and Baka of the central regions, and coastal groups such as the Bagyeli. The term Pygmies, like Berber and Bushman, were imposed from the outside.

Though the Batwa have recently managed to build up an impressive level of organisational capacity, most Central African indigenous peoples have no civil society at all and remain very vulnerable to instability of the region. The ongoing human rights abuses in the Democratic Republic of Congo have been graphically reported by Minority Rights Group.8 The “Pygmy” indigenous peoples’ movement continues to spread, with organisations being established in rural Cameroon and in Libreville, Gabon.9
The intensity of discrimination in Central Africa is hard to fathom. In some countries, dominant discourse distinguishes between “Pygmies” and “citoyens”, suggesting that indigenous peoples are outside the realm of citizenship. In Cameroon, there are alleged cases of near slavery, where Bantu farmers exercise the droit de seigneur whereby they can deflower Pygmy girls whose parents live on the farmer’s land.

**Indigenous vs. minority**

Some external commentators have said that the concept of “indigenous peoples” should not apply to Africans and Asians. The most surprising challenge came from within the UNWGIP itself. One of the world experts on the human rights of indigenous peoples, Miguel Alfonso Martinez, produced an in-depth study on treaties, agreements and other constructive arrangements between States and indigenous populations.

In his report, Martinez drew a sharp line between the experiences of the Americas on the one hand, and other parts of the globe, notably Africa, Asia and the Pacific on the other. His argument was that indigenous rights flow from the treaty and agreement process at the time of conquest by Europe over the New World.

Though it was perceived as a direct attack on the African indigenous peoples’ caucus at the UN, in reality the Martinez report had a number of positive effects for Africa. Firstly, it pushed the African caucus to address the issue of what exactly was the difference between indigenous peoples and minorities in Africa.

Secondly, Martinez’ report pushed the world indigenous caucus and leadership to finally decide whether the Africans, long marginalised in the UN indigenous forums, would be players in the negotiations process or not. A number of international agencies came to focus on the marginal position of African indigenous peoples and to recognise the organisational bias towards indigenous peoples from more economically developed countries, such as the US, the Nordic countries, Aotearoa, Australia, Hawai’i and even some Latin American states.

It is important to note that Martinez was not saying there were no indigenous peoples in Africa. He made particular reference to the San of Botswana. If we look at the concept of “indigenous peoples” as being those people who occupied a territory before all other peoples and suffer current marginalisation, the concept is applicable in several parts of Africa.

Martinez’ narrow definition of indigenous covers these and other African peoples, but moreover, the African, Asian, Pacific and ex-Soviet peoples have helped broaden and deepen the meaning of “indigenous” at the UN. It is not just a negative definition, i.e. those who are not colonisers, or not white, for Africa it is an affirmation of distinct culture, economy and social organisation that is substantially different from those who control the state.

Indigenous identity is always linked to the concept of long-term territorial occupation, but it is not an exclusive definition. The central issues have to do with the systematic discrimination against culturally distinct peoples who are holding on to their traditional values and economic activities, who define themselves in terms of their relationship with the land and natural resources that are specific to their identity. This is a substantially different notion than that of a minority group, who may be immigrants, urban, or defined by characteristics not related to territory or the environment.

Once that issue of definition has become clearer, then it also becomes more evident which rights need to be associated with indigenous peoples’ survival. Whereas indigenous peoples in developed countries base their framework on the principle of self-determination, this is not the starting point in Africa or Asia. Africans repeatedly have stated in indigenous forums that their point of departure is “recognition”. Their marginalisation is so great they cannot even be named in some African countries. Self-determination is important for African indigenous peoples, but its significance is different from governance disputes in Western industrialised countries. It is rarely if ever about self-governance in Africa. Self-determination refers to people being able to have an influence in policies about natural resource management, the environment, the types of economic activities they may engage in (e.g. hunting, herding, gathering of medicinal plants), and their right to survive and not be displaced or abused by dominant groups.

Indigenous rights are also about the right to survive, not just to be free from discrimination. It is not possible to talk about indigenous rights without reference to their territories and the environments in which they live. Though activists may live in Rabat, Nairobi or Kigali, the implementation of affirmative programmes to help indigenous people survive and live with dignity must apply to rural areas, to forest management, to partnerships between peoples and National Parks, to desert areas, to water catchments, to intellectual property rights over plants and knowledge, and so forth.

**African legal precedence**

In 2002, at the request of Dr Pityana, the South African Commissioner, the African Commission created a working group to study the situation of indigenous peoples. Even though a few African governments attempted to protest against the investigation the general view of Commissioners and jurists was that this topic needed to be addressed. The Commission accepted the principle that there are indigenous peoples on the Af-
rican continent who are subject to systematic human rights abuses.

A powerful principle within the African Charter is that of “self-determination”. The resistance of Western democracies, notably the United States of America and the United Kingdom, but also France and to some degree Canada, was over the inclusion of the concept of “self-determination” in Article 3 of the Draft Declaration. It is striking to note that this is not a problem for African states. Even though African states, from the founding of the Organisation of African Unity (OAU), have held to the principle of territorial integrity, there is not a perceived problem with peoples asserting their self-determination.

Reflecting on why Africa is adjusting to the principle of “indigenous peoples” rights, it is worth considering that it is out of Africa, and in particular out of South Africa, that we will be seeing the implementation of a new generation of social and economic rights in the 21st century.

**Civil society capacity**

The greatest impact on Africa of the UN International Decade of the World’s Indigenous People has been the creation and proliferation of an indigenous civil society. This process happened at all levels, from small scale rural Community Based Organisations to large regional networks.

Understanding indigenous political economy requires understanding the journey from complete self-sufficiency to chaotic disempowerment and now a journey of re-organisation and re-empowerment.

One of the striking features about indigenous peoples in Africa is that they went from being highly autonomous, to being extremely vulnerable and subject to the whims of discrimination and abuse by those who control the state or other dominant institutions. Institutional and ritual structures in indigenous societies were greatly challenged by colonialism and then by independent governments. For many peoples, the pressure was too great and the societies collapsed, dropping their people into poverty and despair, language loss and a loss of memory.

The challenge when speaking of “indigenous rights” in Africa is that hunter-gatherer peoples own social order did not naturally generate an organised civil society. And the process of marginalisation during the decolonisation process meant that they did not participate in the formation of new structures during the transition to African majority rule at that key moment.

Whereas once indigenous peoples were respected as rainmakers and healers, and as people with advanced spiritual knowledge, in the post-independence era they are seen as anachronistic and vulnerable. Media typically seize on the idea that these people are living out of time, that they are primitives (innocent or otherwise) who do not know how to engage with “modernity”. Inside the communities there is no such dichotomy. Yet there is a deal of frustration with the inability of the states to recognise that they put greater emphasis on consent and consensus building than on having isolated “representatives” who are meant to fit into some organised power system.

The reaction of government officials is sometimes intensely hostile and based on inaccurate information and assumptions. Hunters are seen as a threat to wild-
life, whereas hunters are usually experts in conservation and rarely destroy trees or plants that are vital to sustaining the entire ecosystem. Nomadism is seen as uneconomic and bothersome for a state committed to supplying schools and health services. Little attention is given to the importance of transhumance in protecting the environment and the immense educational value of nomadic life.

Few African governments consider the special needs of indigenous peoples when looking at economic policies, land policies, education, language rights or cultural heritage management. The challenge for Africa is not so much about “equal rights” for indigenous peoples; it is a complete rethinking of economics and distribution of political power. In the end, the rights framework will be of limited use if governments cannot understand how the languages, cultures and knowledge systems of indigenous peoples are themselves powerful resources for sustainable development.

One of the most powerful articulations of this new philosophy has come out of the United Nations by way of the Perez de Cuellar Report on Cultural Diversity, which led to the UNESCO Universal Declaration on Cultural Diversity. The Declaration sets out a platform that links together issues of cultural diversity, economic development, the role of the state in managing diversity and valuing pluralism, and the promotion of diverse voices in national and international media and communications. The framework was adopted with the full consent of UN member states at the General Conference. This was supported by many smaller projects, including the substantial UN Environmental Programme (UNEP) publication Cultural and Spiritual Values of Biodiversity.

Slowly, the message is filtering down to UN country offices in Africa. Herders and hunters are starting to be consulted by United Nations agencies about their stake in sustainable development and guarding our rich cultural, linguistic and intellectual heritage. The rise of the new indigenous civil society creates the opportunity for trilateral dialogue between indigenous peoples, governments and United Nations agencies. For Africans, the creation of the UN Permanent Forum on Indigenous Issues is a tremendous opportunity for accelerating that dialogue and pushing United Nations agencies to update their country programmes to reflect the changes in global approaches to sustainable economic development and cultural diversity.

It is not coincidental then that two of the most high profile United Nations forums to adopt fresh policy statements on indigenous peoples both took place in Africa. These were the World Congress against Racism, Xenophobia and related forms of Discrimination (Durban 2000) and the World Summit on Sustainable Development (Johannesburg 2002).

IPACC

As the UN Decade got underway, various African peoples found their way to the forums in Geneva. Most had never been off the continent, few had ever been on aeroplanes, and as the Decade wore on more and more people came from remote communities to find out how the UN process might provide some answers for addressing their problems at home.

The first major challenge was that of language. Africa is divided between ex French and ex British colonies.
that use French and English as media of communication, as well as pockets of Portuguese, Spanish and then Arabic in the north. Not surprisingly the first people to reach the UN were the better-resourced groups, the Imazighn of North Africa and the Maasai of Kenya. What started as a regional caucus grew into a more structured and coherent group, which adopted its first constitution as the Indigenous Peoples of Africa Co-ordinating Committee (IPACC) in 1997.

IPACC’s primary function has been to get indigenous leaders to UN and other international forums. Increasingly, it is turning its attention to building up advocacy capacity in each region of the continent. As IPACC is not owned by any one ethnic group, it has been given a mandate by the general assembly to proactively support marginalised groups and insist on multi-ethnic and balanced gender empowerment within its programmes and structures.

Conclusion

The United Nations Decade on the Rights of the World’s Indigenous Peoples may not have succeeded in creating a recognised standard of rights. It may have failed at getting the United States and the United Kingdom to move forward into a new paradigm. But it did change many peoples’ lives in Africa. It has opened up a new space and new awareness. Most of all it has created new structures.

In 2004, as the Decade closes, Batwa and Bambuti activists are researching and reporting on the genocidal actions of rebel forces in eastern DRC. Pygmy women are still raped. Pygmy families are still being killed. The difference in ten years is that this cannot happen in silence and darkness. Indigenous peoples themselves bring this message right to the heart of the United Nations.

In September 2004, indigenous !Xun, Khwe, ‡Khomani, Nama, Griqua and revivalist Khoisan leaders met in the small fishing village of Port Nolloth in Namaqualand, 100km south of the Namibian border. There they spent a week with the Office of the High Commissioner for Human Rights (OHCHR) and IPACC learning about how the international system can help support their struggle for dignity and survival. Ten years earlier there were no more than a few Griqua cultural organisations. At the end of the Decade the legitimate representatives of Africa’s first peoples were able to write their own letters to President Mbeki, the UN, the ILO and the South African Human Rights Commission calling for support for policy frameworks and real action to end poverty and marginalisation. The Decade was a good start.

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Notes

IWGIA’s aims and activities

The International Work Group for Indigenous Affairs - IWGIA - is a non-profit making, politically independent, international membership organization.

IWGIA co-operates with indigenous peoples all over the world and supports their struggle for human rights and self-determination, their right to control land and resources, their cultural integrity, and their right to development.

The aim of IWGIA is to defend and endorse the rights of indigenous peoples in concurrence with their own efforts and desires. An important goal is to give indigenous peoples the possibility of organising themselves and to open up channels for indigenous peoples’ own organizations to claim their rights.

IWGIA works at local, regional and international levels to further the understanding and knowledge of, and the involvement in, the cause of indigenous peoples.

The activities of IWGIA include: publications, international human rights work, networking, conferences, campaigns and projects.

For more information about IWGIA’s activities, please check our website at: www.iwgia.org

Publications

IWGIA publishes a yearbook, *The Indigenous World/El Mundo Indígena*, and a quarterly journal *Indigenous Affairs/Asuntos Indígenas*. Furthermore, a number of books thematically focusing on indigenous issues are published each year.

IWGIA’s publications can be ordered through our website: www.iwgia.org
by e-mail: iwgia@iwgia.org
or by fax: +45 35 27 05 07
INDIGENOUS PEOPLES IN ISOLATION IN THE PERUVIAN AMAZON

This book provides historical and anthropological perspectives with which to understand the fragility of the indigenous peoples in isolation in the face of contact with the wider society. It helps us appreciate the importance, in terms of both cultural diversity and biological diversity, of safeguarding their territories, for their future and for the future of humanity.

IWGIA – 2004
IWGIA Document No. 100
ISBN 87 907 30 77
247 pages. Illus., maps.

INDIGENOUS PEOPLES RIGHTS IN SOUTHERN AFRICA

This book is concerned with the civil and political rights of indigenous peoples living in Namibia, South Africa, Botswana, Angola, Zambia and Zimbabwe. The rights to land and to natural resources – or the lack of them – are an important focus of exploration and the book gives several examples of what the loss of these rights has meant to the indigenous men and women of southern Africa. Other themes addressed in the book are community-based natural resource management, education and the efforts being made in general by indigenous groups and their supporters to defend and promote indigenous rights.

IWGIA – 2004
IWGIA Document No. 110
ISBN 87 91563 08 9
270 pages. Illus., maps.

DEVELOPMENT AND ETHNOCIDE: COLONIAL PRACTICE IN THE ANDAMAN ISLANDS

This book examines the links between colonialism and development in the Andaman Islands under British and Indian administrations and analyses how the various indigenous groups have responded and been impacted in different ways by the everyday dynamics of colonial administrative practices. It particularly emphasizes the dynamics of power and gender. In concluding, it looks at the current situation of the Jarawa, a people known to avoid contact.

IWGIA – 2004
IWGIA Document No. 111
ISBN 87 91563 04 6
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