

UCLA

American Indian Culture and Research Journal

Title

A "New Partnership" for Indigenous Peoples: Can the United Nations Make a Difference?

Permalink

<https://escholarship.org/uc/item/0gb5h4n6>

Journal

American Indian Culture and Research Journal , 17(1)

ISSN

0161-6463

Author

Barsh, Russel Lawrence

Publication Date

1993

DOI

10.17953

Copyright Information

This work is made available under the terms of a Creative Commons Attribution-NonCommercial License, available at <https://creativecommons.org/licenses/by-nc/4.0/>

Peer reviewed

A "New Partnership" for Indigenous Peoples: Can the United Nations Make a Difference?

RUSSEL LAWRENCE BARSH

In December 1991, the United Nations General Assembly unanimously agreed that the International Year for the World's Indigenous People should begin in autumn 1992, with the official theme, "A New Partnership."¹ After the vote, a spokesman for the Caribbean countries expressed his regret that the General Assembly had avoided an explicit condemnation of "the 500-year history of the collision between explorers and indigenous peoples" and his hope that the indigenous peoples of Amazonia and the Arctic would "exercise increasing controls over their vast ancestral homelands."² What does the United Nations mean by a "new partnership," and what can the United Nations do concretely to improve the conditions in which most of the world's indigenous peoples currently live?

THE UNITED NATIONS AND INDIGENOUS PEOPLES

The issue of indigenous peoples has been with the United Nations since 1948, when the Soviet Union unsuccessfully called for a

Russel Lawrence Barsh serves as United Nations representative for the Mikmaq Grand Council (Nova Scotia) and Four Directions Council and is affiliated with the Mikmaq Research Centre, a community-controlled research and training institute focusing on self-government and grassroots development. He also is a consultant for United Nations agencies on indigenous issues.

study of indigenous conditions in the Americas.³ Barely ten years later, such a study was in fact prepared by the International Labour Organisation (ILO) at the request of a number of Andean countries that expressed concern at the growing numbers of unemployed Indians in that region's cities. Latin America was facing a land problem, not a labor problem, the ILO concluded. In 1959, with Latin American leadership, the ILO adopted a "Convention on Indigenous and Tribal Populations" (no. 107), which was eventually ratified by twenty-seven governments. In keeping with the prejudices of its time, convention no. 107 aimed at the "integration" of indigenous peoples but emphasized that this must be voluntary. In the meantime, the convention recognized indigenous peoples' rights to land ownership and to equality of access to education and services.⁴

ILO action in this field spurred the United Nations Centre for Human Rights to reexamine the problem of indigenous rights, and in 1971 yet another study was launched, this time entrusted to Ecuadoran diplomat José R. Martínez Cobo. The Martínez Cobo report, a broad survey of conditions in the Americas and Australasia,⁵ took a decade to complete and helped keep the idea of "indigenous populations" on the agenda of United Nations human rights bodies. At the same time, an international indigenous movement was evolving at the grassroots and linking through the World Council of Indigenous Peoples, the International Indian Treaty Council, and a growing number of regional organizations. A 1977 conference that brought indigenous organizations together at the United Nations office in Geneva for the first time added great impetus to this mobilization; at a second conference there in 1981, the director of the Centre for Human Rights, Dr. Theo van Boven, announced plans to create an official United Nations Working Group on Indigenous Populations.

The Working Group was formally approved by the United Nations Economic and Social Council in May 1982 and held its first annual session in July of the same year.⁶ It was given two tasks: "review of developments," i. e., data-gathering; and making recommendations for standard-setting. In 1985, the Economic and Social Council endorsed the Working Group's plan to emphasize its standard-setting role, with a view to drafting a "declaration on indigenous rights" for eventual consideration by the General Assembly. This, in turn, helped spark renewed interest within the ILO in the field of indigenous rights. In 1986, the ILO began work on a revision of its convention no. 107. Following two years of

intense negotiations, in which indigenous representatives played a major part, the ILO adopted an entirely new "Convention on Indigenous and Tribal Peoples, 1989" (no. 169), which went into force last year.⁷ The theme of the new ILO convention is autonomy, not integration, as can be seen in article 7:

The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development.

Meanwhile, the Working Group has prepared a nearly complete first draft of its declaration of indigenous peoples' rights⁸ and launched an ambitious research program in cooperation with other United Nations agencies, which includes a study of the potential significance of treaties with indigenous peoples,⁹ an annual report on the impacts of transnational corporations' operations and investments on indigenous peoples' lands and resources,¹⁰ and a study of strengthening international measures to protect the cultural property of indigenous peoples.¹¹ Related studies and meetings are planned by UNESCO, UNICEF, and the United Nations Development Programme (UNDP).¹²

CLARIFYING THE "INDIGENOUS PROBLEM"

As this very brief summary suggests, international involvement in the field of indigenous rights is accelerating. Most United Nations system work thus far has been devoted to the drafting of legal principles and to studies of indigenous conditions and legal rights. What more can United Nations agencies do to support indigenous struggles? The answer to this question depends on our assessment of the nature of indigenous peoples' powerlessness in the countries in which they live, and of the resources and political capacity of the United Nations system to take corrective action.

Although, historically, indigenous groups have suffered similar forms of oppression and dispossession, today they differ greatly in their potential power. At one end of the spectrum are the relatively industrialized countries like the United States and Australia, where indigenous people comprise about 1 percent of the population and are found mostly in urban areas and small rural

enclaves. At the other end are several Andean and Central American countries, where indigenous peoples form a national majority and inhabit more than half of the national territory. In the middle are Canada, Brazil, and the Russian Republic, where the indigenous population is relatively small (5–10 percent) but concentrated in one large, undeveloped region—"frontier" situations—and the countries of south and southeast Asia, where 90 percent of the world's indigenous or tribal people live in marginal regions such as mountains and forests, forming large minorities (10–30 percent). To a limited extent, public funds give small populations in North America, the Nordic countries, and Australasia a compensating advantage. In the majority of cases, however, indigenous movements are actively opposed by settlers and extractive industries, if not also by the state.

For the sake of argument, we may distinguish two kinds of cases: those in which indigenous peoples have legal recognition and access to the national political process but lack sufficient numbers to protect themselves through democratic representation; and those in which they have the numbers but lack the rights, opportunities, physical security, or resources to use their numbers. Most indigenous people fall into the second category. Moreover, most indigenous movements in the world are focused on gaining a role in national-level decision-making, while in countries like the United States and Australia, the focus is on local autonomy. Large indigenous movements seek a share of national power; small ones tend to be isolationist. Large movements can be checked, I maintain, only by regimes that are not only discriminatory but undemocratic generally. Small movements can be co-opted or allowed to die of benign neglect. A United Nations program for indigenous rights must recognize these differences and must acknowledge the fact that most indigenous struggles ultimately are about the democratization of countries with minority-rule regimes, not about walling indigenous enclaves off from otherwise unjust societies.

An effective international program must also acknowledge that, in most countries, indigenous peoples and other groups, such as peasants, fishermen, and low-caste workers, are marginalized by great disparities in the distribution of land, financial capital, and technology, rather than by their own small numbers or dispersal. This has two consequences: (1) The regime may be democratic in form but minoritarian in practice; and (2) the poor are very likely, out of desperation, to victimize one another.

Strengthening indigenous peoples in such countries requires far more than changes in the legal system. It necessitates changes in economic structures and redistribution of resources, not only for indigenous peoples but for other institutionally impoverished groups. A country of few rich and many poor people will never be a safe place for indigenous societies, which find themselves victimized by rich and poor alike.

In all of these respects, United States Indian programs and policies are highly inappropriate models: technocratic, elitist, driven by public expenditures, and aimed basically at protecting Indians from national society rather than (as is generally true elsewhere in the Americas) protecting privileged society and its minoritarian leadership from the latent political power of Indians.

CHOOSING A MEANINGFUL INTERNATIONAL ROLE

A word is in order concerning the more traditional approaches to human rights protection in international law. Since 1948, the General Assembly has adopted eight main treaties or "conventions" in the field of human rights and more than a dozen "declarations" outlining policy or interpreting conventions.¹³ A number of United Nations specialized agencies have adopted their own conventions and declarations on topics such as cultural freedom, equality of education (UNESCO), working conditions, and freedom of association (ILO).

"Implementation" has been United Nations jargon for the establishment of a monitoring body, either in the form of a panel of experts elected from time to time by ratifying states or a subsidiary body of the Economic and Social Council, with a mandate to receive and comment on progress reports periodically submitted by governments. Only one of these fora has any authority to receive and comment on complaints submitted by individual victims of human rights abuses.¹⁴ Two have arrangements for offering governments technical assistance in meeting their treaty obligations,¹⁵ and the United Nations Centre for Human Rights operates a modest program to provide legal advice and documentation to governments, upon request. In addition to these administrative procedures, human rights groups can voice their concerns publicly at the annual sessions of the United Nations Commission on Human Rights or at its subcommission, an advisory group of ostensibly independent experts.

As a whole, then, the formal international machinery for realizing human rights is based on one key assumption: that diplomatic criticism and adverse publicity can force regimes to change their ways. This assumption may be valid under certain restricted conditions. Small, weak states that rely heavily on the patronage of large powers are relatively vulnerable to this kind of pressure. Wealthier states can afford to ignore criticism, up to the point of jeopardizing their key strategic and trade relationships. Rarely does any regime become so isolated that it is unable to find any friends. Indeed, the major significance of public criticism, in most instances, is not to force the regime to change its policy but to strengthen the resolve of opposition groups inside the country to press for changes. Arguably, international action is most effective when it supports and accelerates internal processes of opposition and reform. In practical terms, this generally means emphasizing development (broadly speaking) for countries' disadvantaged groups. Without increasing the economic well-being, literacy, and organization of the poor, there is no social foundation for genuine democracy. Toppling dictators is a meaningless exercise, as long as a majority of the population is still struggling, among and against themselves, for subsistence.

The most effective United Nations action, then, is programmatic rather than legalistic and is aimed at building self-sufficiency and security at the grass roots. Projects located in marginalized communities can provide them with validation in their own eyes, greater legitimacy in the eyes of other groups in the country, economic resources independent of the control of the state, and, to the extent there is a continuing official United Nations presence, some degree of protection from state interference. In a country such as Ecuador, for example, more would be achieved by giving lowland Indians financial and technical support to manage and develop their own territories than by criticizing officials in Quito for failing to protect Indian lands from settlers and oil companies. The national government depends on the oil companies for operating revenue and on the Amazonian "safety valve" to protect the social class status quo in the rest of the country. Only by fostering an effective opposition in the lowlands and providing other poor Ecuadorans with an alternative to resettlement will the United Nations be able to bring about change in the political structure.

1992-1993: A CONVERGENCE OF UNITED NATIONS ACTIVITIES

This kind of shift in human rights thinking, from legal standards to programs, has already begun within the United Nations, and indigenous peoples have become the "test case." Between June 1992 and December 1993, several important United Nations initiatives on indigenous rights are converging, leading to the establishment of a new kind of global development program—one that is run largely by and for indigenous peoples themselves. In June 1992, the Earth Summit at Rio adopted the broad framework of this program as part of a comprehensive United Nations plan of action on environment and development. In December, the United Nations General Assembly was scheduled to approve plans for grassroots demonstration projects marking the International Year for the World's Indigenous People, as a first step in building the program adopted at Rio. Indigenous issues will be on the agenda of the United Nations World Conference on Human Rights, in June 1993. Before the Year ends, the WGIP will have completed its draft declaration on indigenous rights, and it could be adopted by the General Assembly in December 1993. If the Year is successful, an institutionally distinct United Nations program for indigenous peoples will be firmly established.

TAKEOFF: THE INTERNATIONAL YEAR (1993)

The launching pad for this new program will be the International Year for the World's Indigenous People—officially 1993, but with its official opening ceremonies held on 10 December 1992.¹⁶ From the start, the Year has been conceived as a practical, rather than a promotional exercise, "with a view to strengthening international cooperation for the solution of problems faced by indigenous communities in such areas as human rights, the environment, development, education and health." Unlike most previous United Nations "anniversaries," which produced a flurry of posters, postage stamps, and high-level conferences, this Year is not aimed at publicity but at grassroots development. Its focus is projects at the community level, planned and executed cooperatively. At their 1991 annual meetings, the United Nations' largest development-aid agencies, the United Nations Development Programme (UNDP) and UNICEF, with combined budgets of over \$1.4 billion,

made commitments to meet with indigenous organizations to plan joint projects for the Year.¹⁷ The total effort devoted to projects will depend in part on attracting additional funds from governments and in part on repackaging existing United Nations programs in the countries concerned. Since funding will be limited, in any event, United Nations agencies will focus on a small number of demonstration projects within their ongoing mandates; for example, UNICEF might arrange that some of the many primary schools it helps support in the Andes become Indian-controlled, bilingual-bicultural demonstration schools, or it might try to adapt its Andean infant-feeding programs to special Indian dietary sensitivities.

The administrative machinery for the Year will form a nucleus for building a permanent United Nations agency for indigenous peoples. It will be a troika including the Centre for Human Rights and the ILO in Geneva, as well as the Department of Economic and Social Development (DESD) in New York, chaired by the undersecretary-general for human rights.¹⁸ The DESD houses the United Nations' Administrative Committee for Coordination, basically a clearinghouse for all development-assistance programs and agencies, and the ILO has begun convening semiannual interagency workshops on indigenous peoples. The Australian, Danish, and Norwegian governments lent indigenous professionals to the Centre for Human Rights to serve as a temporary secretariat.

Meanwhile, the General Assembly adopted a number of suggestions for the Year's activities (appendix A). It also has directed the coordinating team to convene a planning meeting, with organizations of indigenous peoples and United Nations agencies, to agree on the financial arrangements for 1993 and

- (i) To identify programme areas or capabilities that are of particular relevance and priority to indigenous people;
- (ii) To agree on specific objectives for special projects to be implemented in 1993 as part of the International Year and to ensure their consonance with the theme and objectives of the Year;
- (iii) To consider existing project guidelines and recommend effective means for including indigenous people in the initiation, the design and implementation of the special projects to be undertaken in 1993;

(iv) To suggest appropriate procedures and criteria for the evaluation of projects involving indigenous people, in 1993 and thereafter[.]¹⁹

The concluding phrase, *and thereafter*, is extremely important, since it reflects a commitment to continuing activities for indigenous peoples after 1993. Through their participation in planning the Year, indigenous peoples are building the policy framework for a long-term United Nations program investing in indigenous development and empowerment.

A first planning meeting, held in March 1992, conflicted with the preparatory process for the Earth Summit, and indigenous attendance was poor. Nevertheless, attendees adopted a shopping list of program ideas²⁰ and agreed to reconvene in August, immediately after the 1992 WGIP session in Geneva. At this reconvened planning meeting, attended by dozens of indigenous organizations and many governments, some more basic aims emerged and attracted broad support. It was agreed that 1993 projects "should directly benefit indigenous peoples and communities" and that the United Nations should launch public information activities "aimed at raising world-wide understanding of the cultures and situations of indigenous peoples."²¹ More critically, participants recommended

that the United Nations system, as one of the objectives of the Year, examine ways and means of establishing a permanent representative body of indigenous peoples to consider the situation of these peoples on a continuing basis.

that each inter-agency organization find ways to involve indigenous peoples in a permanent dialogue, and that they accord status to indigenous representatives to enable them to do so.²²

Perhaps the greatest achievement of the planning process thus far has been a symbolic one. At the August meeting, indigenous organizations asked that the chair, Professor Ligia Galves, a representative of the Colombian government, be joined by two indigenous vice chairs selected on a regional basis by the indigenous participants. The vice chairs chosen were Rigoberta Menchu of Guatemala (who was awarded the Nobel Peace Prize two months later) and Mick Dodson of Australia. For the first time in United Nations history, an official policy meeting was cochaired by indigenous people.²³

LONG-TERM PLANNING: THE EARTH SUMMIT (JUNE 1992)

Negotiations on a long-term program began, significantly, as part of the preparations for the United Nations Conference on Environment and Development (UNCED), popularly called the Earth Summit, which took place at Rio de Janeiro in June 1992. When UNCED was planned two years ago, the United Nations General Assembly was not thinking about indigenous peoples.²⁴ The industrialized countries proposed the conference, as a way of coordinating and accelerating the drafting of new environmental standards on urgent problems such as global warming and deforestation. Developing countries acknowledged the need for setting environmental quality targets but argued that poor nations could not possibly meet those targets and still feed and clothe themselves, without a massive redistribution of the world's wealth and technology. Having developed their nonsustainable lifestyles at the expense, historically, of most of the resources and ecosystems of the planet, the richer countries of the North should assume financial responsibility for global cleanup efforts—and for helping poor countries develop more environmentally sound industries. In the end, the theme of the conference was widened to include "sustainable development."

How did indigenous peoples become a part of this? There are many reasons, both philosophical and practical. Indigenous peoples live in some of the world's most fragile and threatened ecosystems. Since the 1970s, this has been used symbolically and tactically by environmental groups, particularly in movements for the protection of rainforests in Amazonia and Southeast Asia. Anthropologists and biotechnology firms have recently drawn attention to the tremendous potential value of the genetic resources in these ecosystems, which can be tapped only through indigenous peoples' traditional knowledge of medicine, botany, and zoology. Indigenous peoples themselves equate the struggle for self-determination with the defense of land rights and argue that superior stewardship justifies their land claims. It is not surprising, then, that many indigenous organizations gave UNCED top diplomatic priority over the past year or that the other participants in the preparatory negotiations, including government representatives (chiefly from environment ministries) and environmentalists, were so willing to give indigenous delegations special status. Indeed, the UNCED negotiations may have been far more successful than

work done over the past decade in the United Nations Commission on Human Rights. The "human rights" label is always a red flag to governments, and they are reflexively defensive. Raising "land rights" or self-determination at a United Nations human rights meeting triggers immediate resistance from some governments, while referring to indigenous "management" of land is relatively noncontroversial in the context of UNCED.

At its third bargaining session, the UNCED Preparatory Committee unanimously agreed on the need to consider the "traditional knowledge and practices of indigenous people and other local communities for the sustainable use, conservation, management and development of natural resources and their special relationship to the environment."²⁵ At its next session, the Preparatory Committee agreed on seven principles:²⁶

(a) Recognizing the traditional knowledge and resource management practices of indigenous people and local communities as contributions to environmentally sound and sustainable development;²⁷

(b) Recognizing that traditional and direct dependence on renewable resources and ecosystems, including sustainable subsistence harvesting, continues to be essential to the cultural, social, economic and physical well-being of indigenous people and local communities;²⁸

(c) Recognizing the need to protect the habitats of indigenous people and local communities from environmentally unsound development projects and from inappropriate integration processes;²⁹

(d) Strengthening the viability and sustainability of traditional management practices in the context of environmentally sound development, including by means of collaboration between government and the people and communities concerned;

(e) Supporting capacity building for indigenous people and local communities based on the adaptation and exchange of traditional experience, knowledge and resources management practices within and between regions;

(f) Supporting their development of alternative, environmentally sound means of production, to ensure the improve-

ment of their quality of life so that they can participate in sustainable development;³⁰

(g) Mobilizing international technical and financial cooperation for the self-development of these people and communities, as a first step by means of the opportunity provided by the International Year for the World's Indigenous People[.]

This reserved a special chapter on "the role of indigenous people and their communities" in *Agenda 21*, the United Nations global program of action on the environment that was ultimately adopted at the Earth Summit in June 1992 (appendix B). In addition to rephrasing the seven principles, with a few significant modifications,³¹ *Agenda 21* calls for activities to "empower" indigenous peoples "in full partnership" with the peoples themselves, including "greater control over their lands, self-management of their resources, [and] participation in development decisions affecting them." Three specific measures are to be taken by the United Nations itself. Every United Nations development-aid agency must designate someone as a "focal point," or person responsible for indigenous peoples' concerns. Agencies must also develop procedures to ensure that indigenous people are "informed and consulted and allowed to participate" in decisions at the national level, including the use of United Nations aid, and implementing *Agenda 21*. Finally, United Nations agencies will create new programs to provide financial and technical support for "capacity-building" in indigenous communities, focused on the application of traditional knowledge to contemporary resource management challenges.

The new spirit of partnership affirmed at UNCED is best reflected in the "Rio Declaration," a summary of basic principles intended as a new charter of international environmental law. Principle 22 states,

Indigenous people and their communities, and other local communities, have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

Thus formulated, principle 22 implies that indigenous peoples have the right to manage their own resources in their own way,

because they can do a better job. It also suggests that liberating indigenous peoples to pursue their own kind of development can strengthen the economies of nation-states.³² This new characterization of indigenous economies as stimulating rather than dragging national development can also be found in the charter of the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, established a month after Rio.³³ Even more significantly, the governance of the fund implements "partnership": Half of the board of directors are indigenous people.

A POLICY CHARTER:
THE WGIP DECLARATION (LATE 1993)

When it is finally adopted by the General Assembly, the United Nations Declaration on the Rights of Indigenous Peoples³⁴ will serve as an even more detailed charter for the evolving United Nations program on indigenous peoples. Approval of the draft declaration in its current form is by no means certain, however, because many governments still think it is too strong. Ordinarily, such documents must be approved by the Commission on Human Rights before being considered by the General Assembly, but a special opportunity for rapid action has been provided by the Year. A major effort by indigenous organizations to link the declaration with the Year will be needed to generate publicity and visibility, and to put pressure on the 48th session of the General Assembly to adopt the declaration without revisions when it meets in 1993.³⁵

What is so dangerous about the current draft? Most concerns have been directed at draft paragraph 1:

Indigenous peoples have the right to self-determination, in accordance with international law. By virtue of this right, they freely determine their relationship with the States in which they live, in a spirit of coexistence with other citizens, and freely pursue their economic, social, cultural and spiritual development in conditions of freedom and dignity.

This promotes the kind of process that has been pursued over the past decade in Canada, in which indigenous peoples negotiate their constitutional status within the state. It presumes that autonomy is preferable to independence, but it does not necessarily rule out secession—hence the concerns expressed by govern-

ments. Governments also express concern over draft paragraph 16:

Indigenous peoples have the collective and individual right to own, control and use the lands and territories they have traditionally occupied or otherwise used. This includes the right to the full recognition of their own laws and customs, land-tenure systems and institutions for the management of resources, and the right to effective State measures to prevent any interference with or encroachment upon these rights.³⁷

Part of the controversy here is over the use of the past tense in the phrase *occupied or otherwise used*, which implies a right to recover lands that were confiscated or settled upon by outsiders in the past without indigenous consent. Concerns are directed at the "territorial control" element, which some governments regard as an unwarranted assumption that these regions of the country will remain administratively separate forever.

Government reluctance to accept these implications of the current draft has not only threatened its completion and adoption but has helped perpetuate a superficially trivial terminological dispute: whether to use the term *peoples* or *populations* in official texts.³⁸ The United Nations Charter and its human rights treaties refer to self-determination as a right of *peoples*, giving this term symbolic power and possible legal implications. Although convention no. 169 uses *peoples* throughout, it also contains a clause disavowing any "implications" of this choice of words. By the time negotiations were underway in UNCED and on the International Year, a further compromise had been reached on *people*, in the singular, although many United Nations technical reports have been using *peoples* freely for years.³⁹ An interesting test of the evolution of international consciousness and government sensitivities on this point will be the promotional documentation distributed by the United Nations for the Year. Thus far, it has stuck safely with *people* or (in Spanish and French) *populations*, drawing sharp criticism from several indigenous leaders.

In any event, the declaration on indigenous peoples' rights must be given a "second reading" at the WGIP's 1993 session in Geneva, then be submitted to higher-level "political" United Nations bodies for adoption. In its final form, it will reflect, more than any other United Nations document, the true nature of the political climate for change.

"A NEW PARTNERSHIP"—WHAT DOES IT MEAN?

Does all this represent a genuine change of thinking or shift of power? It could be argued that the "new partnership" envisaged by the International Year accepts the practical necessity of working together in the future but does not acknowledge wrongdoing in the past. This, in turn, reflects the political basis of recent developments in the United Nations, which have more to do with the growing strength of indigenous peoples in the Americas than with a change in the philosophy of nationalism among Euro-American societies.

It is illustrated by the long struggle waged by Spain to prevent the General Assembly from proclaiming 1992 as the International Year. Indigenous organizations originally proposed the 1992 date at meetings of the WGIP in 1987, basing it on a recommendation made years earlier in the Martinez Cobo report. At the insistence of Spain, the date was deleted from a Commission on Human Rights resolution acknowledging the idea and asking the WGIP to give it further consideration. A bargain was then struck diplomatically, with Spain to settle for 1993, with a separate understanding that the opening ceremonies might take place in 1992. Meanwhile, the European community backed the Spanish objection, while most of the Latin American countries took sides with indigenous representatives. Spain made substantial grants to UNESCO (which has a Spanish director-general) and to the Organization of American States (OAS) to organize "Encounter of Two Worlds" programs in 1992, without any genuine indigenous participation in the planning. Spain also urged the Europeans to withdraw support for the United Nations Year on the grounds that it would be a waste of money. In the end, it was growing Latin American support and Canada's defection from the European position that made the Year possible.⁴⁰

The Canadian defection was understandable as a short-term measure to deflect international criticism of the Mulroney government's heavy-handed treatment of Mohawk protests that summer (1990) at Oka, Quebec. But it also indicated appreciation, shared with Latin delegations, of the growing power of national indigenous movements and of the need to demonstrate, for domestic purposes, a commitment to indigenous rights. Latin American governments have an added incentive to support a strong United Nations program. Impoverished and fragile, the region's new democracies are unable to build social programs for Indians without external aid. Without something like a major United

Nations initiative for Indian development, countries such as Colombia, Peru, and Chile have no means of bringing Indians into existing national democratic coalitions—hardening their civilian regimes against the military and depriving the extreme left of support from alienated Indians. They saw the Year as a vehicle for justifying added resources and pursued it vigorously as a development exercise, without necessarily admitting their past sins.

When the draft resolution was brought up in the plenary meeting of the General Assembly, four Caribbean countries called for a vote, on the grounds that the draft expressly should have condemned the colonization of the Americas. In the words of the representative of Antigua and Barbuda,

The draft resolution should have referred to the 500-year history of the collision between explorers and indigenous peoples; and should have been explicit in taking into account the concerns and perils faced by indigenous victims today. More than 200,000 indigenous peoples [*sic*], world wide, perished by violent means in 1989. And the carnage of indigenous peoples in the Caribbean and the Americas after 1492 has been well-documented. The draft resolution does not convey a yearning to correct historical and current injustices.⁴¹

As it has evolved diplomatically, then, the Year looks ahead rather than backwards. It merely implies, in the word *new*, the fact that political partnership and collaboration have been rare or absent in the past or that what is “new” is the recognition that indigenous peoples have a right, like all other peoples, to a voice in their own destinies. The next five centuries should not repeat the patterns of the last five centuries. Indigenous peoples should interpret the New Partnership as an acknowledgment of their right to share power in the future—not because they were mistreated in the past, but because they still exist as distinct peoples.

If implemented conscientiously, this forward-looking policy would be far more significant than a more explicit European apology. Direct participation in national and international decision-making bodies will give indigenous peoples a way of exercising their latent political power, and independent financial and technical resources will enable them to exercise this latent power more effectively. Then, in the not-too-distant future, history can be rewritten truthfully—if anyone still cares to assign blame. Blame, however, is an excuse for powerlessness. Those who blame generally lack the power to act.

IS OPTIMISM TOO OPTIMISTIC?

If this report seems optimistic, it is not because of any failure to consider the obstacles that still lie ahead. Two trends in world politics are particularly worrisome: the growing economic gap between rich and poor countries and the Americanization of the United Nations. Economic stagnation in developing countries (or growth at the expense of economic justice) will erode the democratic tendencies that began to emerge in the 1980s and will strengthen the appeal of extremists. In most of Latin America and southern Asia, democratic governments need the support of indigenous peoples, because they form such a large part of the national population. An elitist regime, whether of the right or the left, will regard indigenous peoples as irrelevant at best, or a nuisance in the path of mineral and timber development. Imbalances in the global trading system, continued Western domination of industries, and deteriorating environmental conditions in developing countries can combine to make democracy impossible in the Southern Hemisphere, because no popular government can deliver on its promises to the poor.

The popularity of "debt-for-nature swaps" is symptomatic of this larger problem. Poor countries, desperate for debt relief, have given indigenous peoples' territories to international environmental groups, under conditions that create a new kind of private colonialism. Like the missionaries of past centuries, Western organizations have become the landlords of indigenous societies. This can have a destabilizing effect on an entire country: The debt relief is short term and does not result in any growth or redistribution of wealth, except a kind of export of the indigenous population's capital assets. This will continue, however, until the poor countries have means of employing their nonindigenous populations in efficient and environmentally sound industries that will, of course, compete with the West.

To some extent, this is already beginning. Countries such as India, Brazil, and Nigeria are evolving into regional industrial powers, which, in another decade, could compete successfully with the West for markets in the South. Western control of international economic institutions, such as the International Monetary Fund (IMF) and the GATT, will slow this process but probably is no longer able to stop it altogether. In a world of more evenly distributed economic power and benefits, the chances for indigenous peoples to share power will be improved.

Of greater concern is the trend, set in motion by the collapse of the Soviet Union, to make the United Nations a Western police agency rather than a global development program. From 1945 to 1990, the counterbalancing effect of the Soviet veto neutralized the Security Council and placed major responsibility for United Nations policymaking in the hands of the General Assembly. After 1960, developing countries enjoyed a voting majority in the General Assembly and used this power to build a wide range of programs using Northern funds for Southern growth and development. It was this focus on redistributing power (which, ironically, was parallel to the "Great Society" program of the 1960s) that led the United States to view the United Nations as its adversary. With the Soviet veto a thing of the past and China content to abstain as it courts Western trade, the Security Council has once again seized control of United Nations policy and is restoring the kind of United Nations the Allies had in mind in 1945: a body coordinating and legitimizing Allied (Western) security. This new United Nations will focus on preserving the global political status quo, rather than undermining that status quo by redistributing power through development. Signs of this change were evident in the Security Council's equivocal response to renewed hostilities between Israel and Lebanon and its complete inaction on Haiti, compared with the use of military force against Iraq and the threat of invasion of Libya.

Unlike Javier Perez de Cuellar, who was interested enough in the indigenous issue to intervene personally on behalf of the Yanomami of Brazil, current Secretary-General Boutros-Ghali is preoccupied with high stakes diplomacy and appears indifferent to the United Nations' potential role in empowering the poor. His reorganization plan collapses all United Nations development agencies into a single department, while creating three new political affairs departments. This will reinforce the shift from programs to policing, and from empowerment to preserving the global status quo, and will force indigenous peoples to compete for a dwindling United Nations budget for social issues. Conservatism, which has already failed in the United States and Canada, is coming to the United Nations.⁴²

Can this last long? Probably not more than a decade. Europe, Japan, and the United States do not see eye-to-eye. They differed over strategy in the Persian Gulf War and continue to differ over the propriety of using the United Nations system to redistribute at least some global wealth. In a few years, the European Community

may use its three Security Council vetoes to block United States foreign policy, restoring a balance of power. At the same time Japan and "middle powers" such as India and Brazil are seeking permanent Security Council seats to reflect the emerging real distribution of power in the world. They cannot long be denied. This Americanized "New World Order" will unravel, because it exists only at the sufferance of other world powers not yet ready to challenge the United States openly. Indigenous peoples may find some doors jammed for a few years but not for much longer.

It is important to remain optimistic and to recognize that there are trends in the power of indigenous movements and some appreciation of that power by governments, which the United Nations may be able to strengthen but cannot weaken. Whatever temporary domination may be exercised by Western countries, moreover, the majority of the member states recall when they, too, were "indigenous peoples" seeking self-determination. At the last session of the General Assembly, ambassador Peter Donigi of Papua New Guinea had this to say:

The term "peoples" have [*sic*] never been defined. Other writers and authors of p[a]pers on the subject have agreed that "the people in question must be capable of sharing some common link, usually of an ethnic or historical kind, and must itself be capable of identifying its members." It could therefore include, ethnic groups, tribes, linguistic groups and racial groups. The common limit could also be the common ownership of land, as in all indigenous societies and all the resources that is [*sic*] attached to that land.

It would therefore seem that the right to self-determination is also applicable to "peoples" within the territory of Member States, if we are to give due recognition to that rights. It is, however, possible that these "peoples" may not wish to exercise that right to self-determination but would prefer that their right to land and the resources that the land entails be protected and enforced at the domestic level. They want their right to "freely pursue their economic, social and cultural development" to be protected and given effect to at the domestic level by the Government of Member States

The right of self-determination need not necessarily end up with secession or independence. It is conceivable that the right of self-determination does involve a right to determine the group's own sociopolitical and socioeconomic framework within a State. In that perspective, the State must recognise the indigenous peoples rights as outlined in the

various United Nations instruments and must create the necessary constitutional and legal framework for enforcing those rights. Those who continue to deny or refuse to acknowledge the rights of the indigenous peoples are not pursuing an expansionist aim—that has already been achieved in the creation of the State—but are pursuing nothing less than an exploitationist objective driven on by mere human greed—the desire to accumulate wealth, all at the expense of the native populations or landowners.⁴³

Words such as these will be heard increasingly in the halls of the United Nations, and, before long, today's indigenous peoples will be joining with yesterday's as part of the decision-making process.

NOTES

1. General Assembly resolution 46/128 (17 December 1991).
2. U.N. doc. A/46/PV.75 (3 January 1992), pp. 46–47.
3. See Russel L. Barsh, "Indigenous Peoples: An Emerging Object of International Law," *American Journal of International Law* 80:2 (1986): 365–89, for a more thorough history of the involvement of the United Nations system in indigenous issues.
4. Lee Swepston and Roger Plant, "International Standards and the Protection of the Land Rights of Indigenous and Tribal Populations," *International Labour Review* 124:1 (1985): 91–106.
5. "Study of Discrimination Against Indigenous Populations," U. N. doc. E/CN.4/Sub.2/1987/7/Add.4.
6. For more regarding the history and activities of the Working Group, see Douglas Sanders, "The UN Working Group on Indigenous Populations," *Human Rights Quarterly* 11:3 (1989): 406–433.
7. Provisions of the convention are reviewed in Russel L. Barsh, "An Advocate's Guide to the Convention on Indigenous and Tribal Peoples," *Oklahoma City University Law Review* 15:1 (1990): 209–236.
8. "Report of the Working Group on Indigenous Populations," U. N. doc. E/CN.4/Sub.2/1992/33, Annex I. A final draft will be prepared at the Working Group's July 1993 session.
9. A preliminary report is available in U. N. doc. E/CN.4/Sub.2/1992/32 and the final report is scheduled for completion by July 1993. Copies of the questionnaire can be found in "Report of the Working Group on Indigenous Populations," op. cit., Annex II, or obtained from Ms. Elsa Stamatopoulou-Robbins, Centre for Human Rights, United Nations Room S-2930, New York, NY 10017, telefax (212) 963-4879.
10. Two are available: "Transnational Investments and Operations on the Lands of Indigenous Peoples," U. N. docs. E/CN.4/Sub.2/1991/49 and E/CN.4/Sub.2/1992/54. Survey forms are mailed annually to indigenous organizations and communities or can be obtained from Dr. Lorraine Ruffing, TCMD, Two United Nations Plaza, Room DC2-1318, New York, NY 10017, telefax (212) 963-3062.

11. See the three background papers, U. N. docs. E/CN.4/Sub.2/1992/34, E/CN.4/Sub.2/1991/NGO/4, and E/CN.4/Sub.2/1992/30, and the mandate in the "Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities," U. N. doc. E/CN.4/1992/2, resolution 1992/35. "Cultural property" includes religious materials, sites, and artifacts, while "intellectual property" covers art, medicine, and technology.

12. Technical meetings are also producing useful reports. "Report of the United Nations Technical Conference on Practical Experience in the Realization of Sustainable and Environmentally Sound Self-Development of Indigenous Peoples," U. N. doc. E/CN.4/Sub.2/1992/31 (23 June 1991); "Report on the United Nations Seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and states," U. N. doc. E/CN.4/1989/22 (8 February 1989); "Report of the Meeting of Experts to review the experience of countries in the operation of schemes of internal self-government for indigenous peoples," U. N. doc. E/CN.4/1992/42 (25 November 1991).

13. Major conventions and declarations can be found in *Human Rights: A Compilation of International Instruments* (New York: United Nations, 1988).

14. This is the Human Rights Committee, established in 1976 under the International Covenant of Civil and Political Rights. Since 1981, the committee has reviewed five cases brought by indigenous peoples (four Canadian, one Swedish) and dismissed four of them. In *Lubicon Lake Band v. Canada*, No. 167/1984 (26 March 1990), the committee ruled that it lacks authority to consider claims based on the right of peoples to self-determination, notwithstanding that right is contained in article 1 of its covenant. See, generally, Dominic McGoldrick, *Human Rights Committee: Its Role in the Development of the International Covenant on Civil and Political Rights* (Oxford, England: Oxford University Press, 1991).

15. The Committee on the Rights of the Child, established in 1991, and the ILO Committee of Experts on the Application of Standards, which is responsible for monitoring all 170 ILO conventions.

16. General Assembly resolutions 45/164 (18 December 1990) and 46/128 (17 December 1991).

17. UNDP Governing Council decision 1991/12 (25 June 1991) and UNICEF Executive Board decision 1991/7 (3 May 1991). Also see Commission on Human Rights resolution 1991/57 (6 March 1991), endorsing the project level orientation of the Year.

18. General Assembly resolution 46/128 referred to the U. N. Department of International Economic Cooperation (DIEC), folded into DESD as part of a February 1992 U. N. reorganization. DIEC director Antoine Blanca was named Undersecretary-General for Human Rights and thereby became the official coordinator for the International Year. Blanca, a French socialist, has long advocated linking development assistance policies with human rights. U. N. (UNDPI) doc. SG/A/479 (7 February 1992).

19. General Assembly resolution 46/128, paragraph 8 (emphasis added).

20. Annexed with "Technical Meeting on the International Year for the World's Indigenous People Convened in Accordance with General Assembly Resolution 46/128," U. N. doc. E/CN.4/1992/AC.4/TM/8 (8 April 1992).

21. Paragraph 5 of the chair's "Draft Conclusions and Recommendations" of the meeting, which was not formally adopted for technical reasons—a lack of time and translation at the close of the three-day session—although participants made no substantive objections to its contents.

22. Chair's draft, *ibid.*, paragraphs 11 and 12. There was also broad support

for the proposal, made by the Mikmaq Grand Council, that in 1993 the U. N. begin publication of a comprehensive annual report on the "State of the World's Indigenous Peoples."

23. Two U. N. meetings of individual experts previously had indigenous experts serve as rapporteurs and government officials as chairs (note 12), but the August 1992 planning session involved governments and U. N. agencies in their political capacities.

24. *Report of the Preparatory Committee for the United Nations Conference on Environment and Development*, General Assembly official records, 46th session, supplement no. 48, U. N. doc. A/46/48 (New York, 1991). A more detailed account of indigenous participation at Rio can be found in Barsh, "Indigenous Peoples' Role in Achieving Sustainability," *Green Globe Yearbook 1992* (1992), 25-34.

25. UNCED Preparatory Committee decision 2/7 (5 April 1991). The term *local communities* was inserted during the negotiations as a means of keeping the scope of this principle open-ended and flexible. It might include traditional fishing villages and peasant communities, as well as indigenous or tribal peoples *sensu stricto*.

26. UNCED Preparatory Committee decision 3/5 (4 September 1991).

27. Compare paragraph 2 of UNDP Governing Council decision 1991/12: "[I]n many countries, indigenous people form a large and particularly vulnerable part of the population, and at the same time possess valuable knowledge of natural resources and ecosystems which, if strengthened and respected, could make a significant contribution to national development."

28. Proposed by the Nordic Sami Council and the aboriginal-controlled government of the Northwest Territories (Canada), partly in response to the efforts of animal-rights groups to stop hunting and trapping.

29. Proposed by the government of Venezuela. The term *habitats*, as opposed to *territories*, was resisted by some indigenous participants in the negotiations, but Venezuela insisted, expressing its view that this referred to the ecosystem as a whole. Compare articles 7(4) and 13(2) of ILO convention no. 169: "total environment."

30. Proposed by Colombia to acknowledge that indigenous peoples have an interest in improving their physical quality of life in addition to preserving "traditional" structures. Indigenous negotiators preferred to refer to *environmentally sound* rather than *sustainable* development, feeling that the latter word implies growth, which they felt was incompatible.

31. For example, the "habitat protection" principle originally in (c) refers to activities "that the indigenous people concerned consider to be socially and culturally inappropriate," giving indigenous peoples an implicit veto over development projects. On the other hand, there was an unsuccessful attempt to insert a strong land rights clause in what is now 26.3(a)(v). As adopted, this merely calls for creation of national dispute resolution (land claims) mechanisms.

32. The proposal for a U. N. council of indigenous peoples was included in an earlier (November 1991) UNCED secretariat draft of this chapter but was deleted for tactical reasons before the document was issued. Some indigenous organizations hoped to build broader political support for the idea before engaging in a public battle for adoption. Norway, New Zealand (Aotearoa), and Denmark (Greenland), through indigenous people on their official delegations, played a central role in promoting the adoption of principle 22, chapter 26 of *Agenda 21* and the references to indigenous peoples in many other places in the final texts.

33. This was an initiative of Bolivia, developed in cooperation with the Inter-American Development Bank, ILO, UNDP, UNESCO, and indigenous organiza-

tions. It will have its seat at Washington, D. C. as part of the Organization of American States headquarters, although its board is autonomous. Bolivia was also a critical broker in the adoption of principle 22 at Rio.

34. The Spanish-language acronym (from "Declaracion de los derechos de los pueblos indigenas") may be preferable to the English, and it would certainly be in keeping with the fact that Spanish and English are the two official working languages of the WGIP.

35. If it goes to the commission, the draft could be amended or sent to a working group of governments for redrafting, before adoption. An effort to bypass the commission is therefore being considered, based on the precedent of the Declaration on the Right to Development, which was successfully presented directly in the General Assembly in 1986, by Yugoslavia, after the commission failed to agree on the text. Barsh, "The Right to Development as a Human Right: Results of the Global Consultation," *Human Rights Quarterly* 13:3 (1991): 322-38.

36. U. N. doc. E/CN.4/Sub.2/1992/33, Annex I, paragraph 1. An earlier version used the key phrase "freely determine their relationship with the States in which they live, in a spirit of coexistence with other citizens." Indigenous organizations argued this was too restrictive, because it implied being part of existing states. The current text is balanced by a provision (paragraph 4) that subjects indigenous peoples' rights to self-determination to the same limitations as apply to other peoples. Australia surprised many diplomats by defending this controversial part of the draft declaration at the General Assembly's current session. "Statement by the Australian Permanent Deputy Representative Mr. Richard Rose," Third Committee (agenda items 91 and 92), 7 October 1992 (typescript in the author's possession).

37. Governments are less sensitive to draft provisions on the "right to autonomy" (paragraph 23), the right to determine the structure and membership of "their own autonomous institutions" (paragraph 24), and "the right to participate fully at the State level, through representatives chosen by themselves," in any decisions that may affect them (paragraph 22). These provisions contemplate a kind of federalism in which indigenous territories enjoy internal autonomy and share power at the national level as well.

38. For some of the background on this debate, see Barsh, "Indigenous Peoples: An Emerging Object," note 3. During negotiations in 1988-89 on convention no. 169, the ILO secretariat dubbed this "the people/ations issue."

39. For example, the reports cited in note 12.

40. This brief history is based on the author's experiences as part of the negotiating team. In 1989, the General Assembly deferred action on the indigenous year and declared 1992 the International Year of Space, resulting in a single scientific conference.

41. U.N. doc. A/45/PV.69 (11 January 1991), p. 41. The resolution was adopted by a vote of 150 to 0, with 4 abstentions (Antigua and Barbuda, Dominica, Grenada, and Guyana). When the next session of the General Assembly took up the question of coordination and activities for the Year, indigenous organizations persuaded the Caribbean states to join in a consensus—albeit restating, for the record, their concerns.

43. "Statement by the Representative of Papua New Guinea, New York, 6 November 1991, Sixth Committee of the Forty-Sixth General Assembly of the United Nations, Item 128." Typescript, with errors not corrected. These remarks are especially interesting in view of the secession of Bougainville from Papua New Guinea in the summer of 1991.

APPENDIX A

Annex to General Assembly Resolution 46/128

**Programme of activities for the International Year
for the World's Indigenous People**

I. Activities at the international level

*A. United Nations observances to set the general tone
for activities under the International Year*

- (a) A formal opening-day ceremony by the Secretary General in New York, during the forty-seventh session of the General Assembly;
- (b) Messages of support by heads of State or Government, executive heads of United Nations bodies, as well as chairpersons of the principal committees;
- (c) A formal day of observance during the forty-ninth session of the Commission on Human Rights at Geneva;
- (d) Issuance of slogan cancellations by the United Nations Postal Administration, paraphrasing "indigenous people/indigenous rights"/International Year for the World's Indigenous People, 1993;
- (e) Design of a symbol by an indigenous artist for use in connection with activities during the International Year.

*B. Projects and activities to be undertaken by the
Department of Public Information of the United Nations Secretariat,
in cooperation with the Coordinator
and in consultation with indigenous organizations*

- (a) Production in all languages and dissemination of a poster highlighting the global diversity of indigenous people, and of a public service announcement using the same design as the poster for placement in international magazines, as space is donated;
- (b) Publication of the Universal Declaration of Human Rights in local languages;
- (c) Production and wide distribution of special programmes in the radio series of the Department of Public Information of the Secretariat, aimed at general and non-indigenous audiences;
- (d) Production in all six official languages of an illustrated brochure on the Year, intended for use by United Nations information centers, non-governmental organizations, schools, the media and the general public.

C. Activities of the United Nations system

(a) Increasing the coordination, cooperation and technical assistance by the United Nations agencies and bodies for the solution of problems faced by indigenous communities in areas such as human rights, the environment, development, education and health. In this connection, it is recommended that United Nations operational agencies explore possible new areas of cooperation, in particular technical and financial assistance;

(b) Funding of concrete projects for indigenous communities, reflecting the wishes of indigenous people, that can have a direct benefit to the community;

(c) Increasing publicity, especially to indigenous communities, on the work of the United Nations in areas related to the objectives of the Year;

(d) Increasing awareness of the existence of relevant international legal instruments related to the objectives of the Year, and promoting their widespread ratification and implementation;

(e) Establishing networks of indigenous organizations and communities for the sharing of information and experience in particular fields, such as health care, bilingual education, resource and environmental management;

(f) Contracting or secondment of indigenous organizations and persons with relevant expertise in carrying out projects for the benefit of indigenous communities throughout the world;

(g) Examining the possibility of holding the next two sessions of the Working Group on Indigenous Populations in the Western Hemisphere and in the Asia/Pacific region;

(h) Promoting an international trade fair of indigenous products;

(i) Providing technical assistance to Governments wishing to make provisions in their legislation for the protection and promotion of the human rights of indigenous people, in particular on questions of land, environmental protection and strengthening of cultural identity, as well as technical and financial assistance for the implementation of such legislation.

II. Activities at the national level

Member States are invited, in conformity with their right to determine freely their own development objectives in the light of their particular situations, to consider adopting the following measures to ensure the success of the Year:

(a) Governments could designate a contact person for the Year in the appropriate ministry and establish national committees composed of governmental, indigenous and non-governmental representatives to prepare a national programme of activities;

(b) Governments could raise public awareness through information and education projects. These might include the publication of books, posters and leaflets by and/or on indigenous people; an educational book about the values, history and aspirations of indigenous people; special programmes on national radio and television; grants and awards for research about indigenous people by indigenous scholars; meetings and conferences;

(c) Governments could promote indigenous initiatives in such areas as radio and television and model projects on education, health, employment, housing and the environment;

(d) Governments could present information, prepared in partnership with indigenous people, about the situation prevailing in the country and the activities initiated during the International Year;

(e) Governments could encourage participation of indigenous people in the preparation and implementation of all activities undertaken in connection with the International Year;

(f) Indigenous organizations and communities could be encouraged to prepare their own programmes of activities and to take such measures as:

(i) Establishing contact points and committees for the Year, with a view to facilitating participation in the organization and implementation of activities carried out at the national level;

(ii) Preparing programmes of information activities, including publications, exhibitions, educational material, meetings, cultural events and training courses. Support for such activities should be sought from international organizations, Governments and non-governmental organizations;

(iii) Indigenous communities could plan demonstration projects in development, environment, health, education or in other areas; support for such activities could be sought from international organizations, Governments and non-governmental organizations.

APPENDIX B

Chapter 26

**Recognizing and strengthening
the role of indigenous people and their communities**

PROGRAMME AREA

Basis for action

26.1. Indigenous people and their communities have an historical relationship with their lands and are generally descendants of the original inhabitants of such lands. In the context of this chapter the term "lands" is understood to include the environment of the areas which the people concerned traditionally occupy. Indigenous people and their communities represent a significant percentage of the global population. They have developed over many generations a holistic traditional scientific knowledge of their lands, natural resources and environment. Indigenous people and their communities shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. Their ability to participate fully in sustainable development practices on their lands has tended to be limited as a result of factors of an economic, social and historical nature. In view of the interrelationship between the natural environment and its sustainable development and the cultural, social, economic and physical well-being of indigenous people, national and international efforts to implement environmentally sound and sustainable development should recognize, accommodate, promote and strengthen the role of indigenous people and their communities.

26.2. Some of the goals inherent in the objectives and activities of this programme area are already contained in such international legal instruments as the ILO Indigenous and Tribal Peoples Convention (No. 169) and are being incorporated into the draft universal declaration on indigenous rights, being prepared by the United Nations working group on indigenous populations. The International Year for the World's Indigenous People (1993), proclaimed by the General Assembly in its resolution 45/164 of 18 December 1990, presents a timely opportunity to mobilize further international technical and financial cooperation.

Objectives

26.3. In full partnership with indigenous people and their communities, Governments and, where appropriate, intergovernmental organizations should aim at fulfilling the following objectives:

- (a) Establishment of a process to empower indigenous people and their communities through measures that include:
 - (i) Adoption or strengthening of appropriate policies and/or legal instruments at the national level;
 - (ii) Recognition that the lands of indigenous people and their communities should be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally inappropriate;
 - (iii) Recognition of their values, traditional knowledge and resource management practices with a view to promoting environmentally sound and sustainable development;
 - (iv) Recognition that traditional and direct dependence on renewable resources and ecosystems, including sustainable harvesting, continues to be essential to the cultural, economic and physical well-being of indigenous people and their communities;
 - (v) Development and strengthening of national dispute-resolution arrangements in relation to settlement of land and resource-management concerns;
 - (vi) Support for alternative environmentally sound means of production to ensure a range of choices on how to improve their quality of life so that they effectively participate in sustainable development;
 - (vii) Enhancement of capacity-building for indigenous communities, based on the adaptation and exchange of traditional experience, knowledge and resource-

management practices, to ensure their sustainable development;

- (b) Establishment, where appropriate, of arrangements to strengthen the active participation of indigenous people and their communities in the national formulation of policies, laws and programmes relating to resource management and other development processes that may affect them, and their initiation of proposals for such policies and programmes;
- (c) Involvement of indigenous people and their communities at the national and local levels in resource management and conservation strategies and other relevant programmes established to support and review sustainable development strategies, such as those suggested in other programme areas of Agenda 21.

Activities

26.4. Some indigenous people and their communities may require, in accordance with national legislation, greater control over their lands, self-management of their resources, participation in development decisions affecting them, including, where appropriate, participation in the establishment or management of protected areas. The following are some of the specific measures which Governments could take:

- (a) Consider the ratification and application of existing international conventions relevant to indigenous people and their communities (where not yet done) and provide support for the adoption by the General Assembly of a declaration on indigenous rights;
- (b) Adopt or strengthen appropriate policies and/or legal instruments that will protect indigenous intellectual and cultural property and the right to preserve customary and administrative systems and practices.

26.5. United Nations organizations and other international development and finance organizations and Governments should, drawing on the active participation of indigenous people and their

communities, as appropriate, take the following measures, *inter alia*, to incorporate their values, views and knowledge, including the unique contribution of indigenous women, in resource management and other policies and programmes that may affect them:

- (a) Appoint a special focal point within each international organization, and organize annual interorganizational coordination meetings in consultation with Governments and indigenous organizations, as appropriate, and develop a procedure within and between operational agencies for assisting Governments in ensuring the coherent and coordinated incorporation of the views of indigenous people in the design and implementation of policies and programmes. Under this procedure, indigenous people and their communities should be informed and consulted and allowed to participate in national decision-making, in particular regarding regional and international cooperative efforts. In addition, these policies and programmes should take fully into account strategies based on local indigenous initiatives;
- (b) Provide technical and financial assistance for capacity-building programmes to support the sustainable self-development of indigenous people and their communities;
- (c) Strengthen research and education programmes aimed at:
 - (i) Achieving a better understanding of indigenous people's knowledge and management experience related to the environment, and applying this to contemporary development challenges;
 - (ii) Increasing the efficiency of indigenous people's resource management systems, for example, by promoting the adaptation and dissemination of suitable technological innovations;
- (d) Contribute to the endeavours of indigenous people and their communities in resource management and conservation strategies (such as those that may be developed under appropriate projects funded through the Global Environmental Facility and Tropical Forestry Action Plan) and

other programme areas of Agenda 21, including programmes to collect, analyse and use data and other information in support of sustainable development projects.

26.6. Governments, in full partnership with indigenous people and their communities should, where appropriate:

- (a) Develop or strengthen national arrangements to consult with indigenous people and their communities with a view to reflecting their needs and incorporating their values and traditional and other knowledge and practices in national policies and programmes in the field of natural resource management and conservation and other development programmes affecting them;
- (b) Cooperate at the regional level, where appropriate, to address common indigenous issues with a view to recognizing and strengthening their participation in sustainable development.

