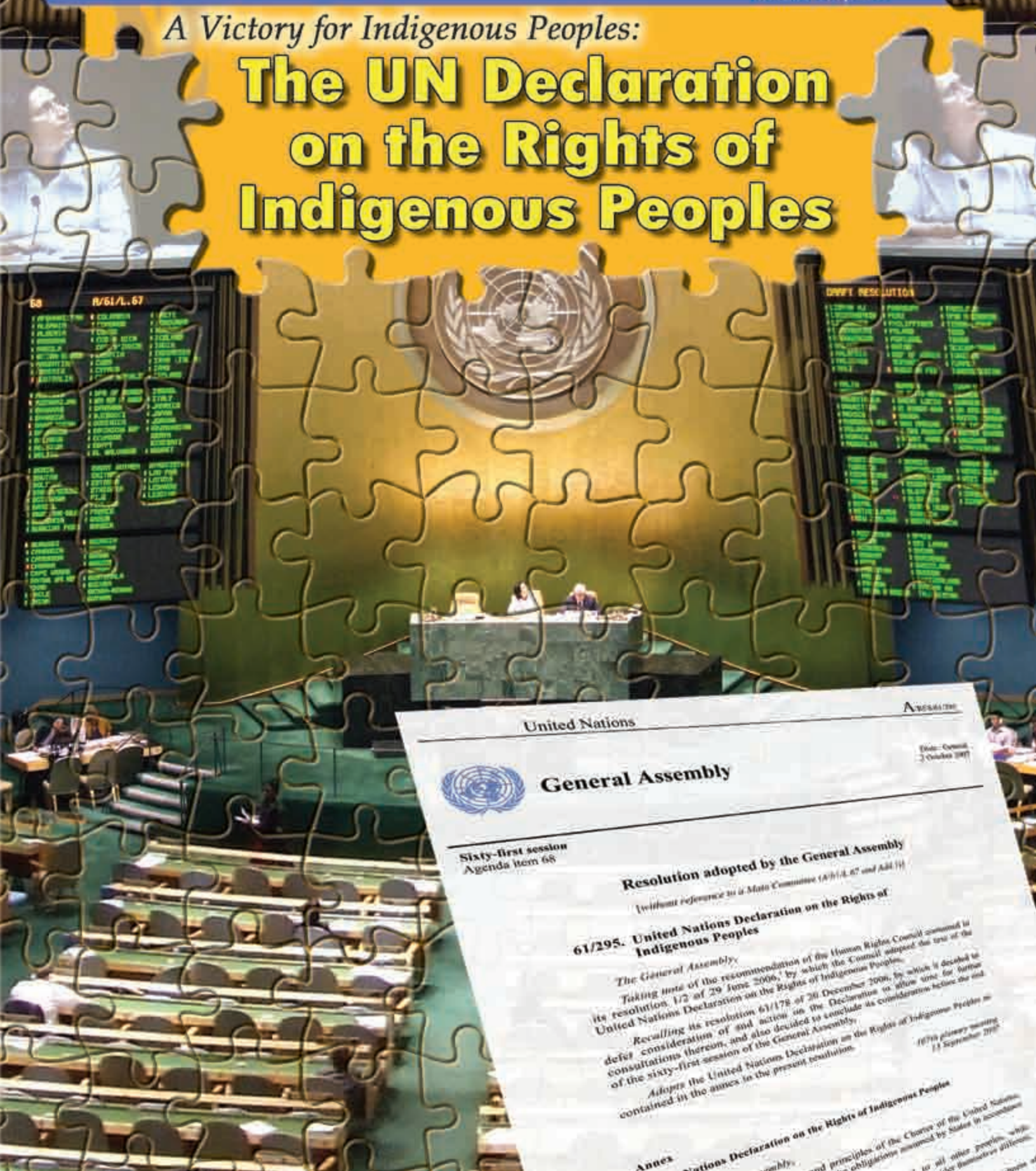


Tebtebba

Volume 10, 2007

A Victory for Indigenous Peoples:

The UN Declaration on the Rights of Indigenous Peoples



United Nations

A/RES/61/295



General Assembly

Sixty-first session
Agenda item 68

Date: 2 October 2007

Resolution adopted by the General Assembly
Without reference to a Main Committee (A/61/L.67 and Add.1)

**61/295. United Nations Declaration on the Rights of
Indigenous Peoples**

The General Assembly,

Taking note of the recommendation of the Human Rights Council adopted at the first of its sessions, 1/2 of 29 June 2006, by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling its resolution 61/178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

Adopts the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution.

(67th plenary meeting,
13 September 2007)

Annex
United Nations Declaration on the Rights of Indigenous Peoples
and principles of the Charter of the United Nations
and obligations assumed by States in accordance
to all other peoples, while
for human rights.



TEBTEBBA

Indigenous Peoples' International Centre
for Policy Research and Education

International Advisory Council (IAC)

Rigoberta Menchu Tum
Winona La Duke
Harrison Ngau
Ole Henrik Magga
Moana Jackson
Don Augusto Willemsen Diaz
Martin Khor
Chandra Roy
Victoria Tauli-Corpuz

Editorial Board

Victoria Tauli-Corpuz
Raymond A. De Chavez
Joji Carino

Editor

Raymond A. de Chavez

Lay-out and Cover Design

Paul Michael Q. Nera
Raymond A. De Chavez

■ How the UN Declaration on the Rights of Indigenous Peoples Got Adopted	4
<i>- Victoria Tauli-Corpuz</i>	
■ Some Relevant Articles of the UN Declaration on the Rights of Indigenous Peoples	24
■ Key Accomplishments of Tebtebba in 2007	26
<i>- Raymond de Chavez and Victoria Tauli-Corpuz</i>	
■ Tebtebba's Proposed Program of Action for 2008	37
■ Making Research Relevant for Indigenous Peoples: International Training on Social Research and Indigenous Peoples	40
<i>- Eleanor Baldo-Soriano and Helen Magata</i>	
■ Indicators Relevant for Indigenous Peoples	44
<i>- Helen Valdez</i>	
■ Engaging the IPs of Cambodia for Community Empowerment	48
<i>- Salvador Ramo</i>	

About the Cover

Governments voting for the UN Declaration on the Rights of Indigenous Peoples on September 13, 2007 during the 61st Session of the UN General Assembly in New York.



■ CBD and Indigenous Women's Training	53
<i>- Ruth Sidchogan-Batani</i>	

TEBTEBBA Issue 2007

Tebtebba Magazine is published annually by Tebtebba Foundation, the Indigenous Peoples' International Centre for Policy Research and Education with address at No. 1 Roman Ayson Rd., 2600 Baguio City, Philippines. Telefax No. +63 74 4439459, E-mail: tebtebba@tebtebba.org, Web Site: www.tebtebba.org.

Philippine Copyright 2001 by the Tebtebba Foundation. **ISSN 1655-4523**. The reproduction and distribution of information contained in this publication is welcome for as long as the source is cited and Tebtebba Foundation is given a publication in which such information is released. The opinions expressed in this publication are the authors' and do not necessarily reflect the position of Tebtebba.

This magazine is published with the support of Evangelischer Entwicklungsdienst (EED).

Editorial Board: Victoria Tauli-Corpuz, Raymond A. de Chavez, Joji Carino
Cover and Lay-out: Paul Michael Q Nera, Raymond A. de Chavez

How the



UN Declaration on the Rights of Indigenous Peoples

Got Adopted



By **Victoria Tauli-Corpuz**
Executive Director
Tebtebba

When the UN Declaration on the Rights of Indigenous Peoples was adopted on 13 September 2007, indigenous peoples who were present at the General Assembly Hall of the UN were ecstatic and very emotional. There could have been no better time to be at the UN Headquarters in New York than this day. More than two decades of work were put by us on this which makes it almost impossible to believe that we finally got the Declaration. But we did.

With the historic adoption of this Declaration which has been drafted and negotiated between independent experts, States and us, indigenous peoples, we deemed it important to disseminate this immediately. In the Philippines, we tried our best to get the Declaration translated into three major Philippine languages - Filipino, Cebuano and Ilocano - since it will not be appreciated very much by our indigenous sisters and brothers if it is just in English.

This article, on the other hand, will present a historical background of work of indigenous peoples within the UN and an account of how this Declaration finally got adopted before the 61st Session of the UN General Assembly ended.

The beginnings of indigenous peoples engagement with the international community

The first attempt of indigenous peoples to reach out to the international community started as early as 1923 with the attempt of Chief Deskaheh, the speaker of the Council of the Iroquois Confederacy, to get the League of Nations to address the Iroquois' dispute with Canada. This was followed in 1925 by W.T. Ratana, a Maori leader, who wanted to bring the violations against the Waitangi Treaty by New Zealand. They were not given an audience by the League but the fact that they sought this was already an assertion that indigenous peo-

ples are subjects of international law. With the establishment of the United Nations in 1945 and with human rights being one of the key foundational elements of its Charter, the justification for indigenous peoples' engagement with the UN was strengthened.

The International Labour Organization was the first multilateral body which managed to adopt a Convention addressing indigenous peoples. This was Convention No. 107 Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries which was adopted in June 26, 1957. Unfortunately, this took a paternalistic and assimilationist approach. Its solution to the indigenous problematique was to integrate indigenous peoples into the dominant society and within the dominant development model. To rectify this, the ILO, with pressure from indigenous peoples, proceeded to revise this and in 1989 it adopted the ILO Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries. This has been ratified by 20 countries, most of which are in Latin America with only two in Asia-Pacific.

ILO Convention No. 169 has already been used in several cases or complaints filed by indigenous peoples against their governments before the Inter-American Court of Human Rights, the Human Rights Committee and the Committee on the Elimination of Discrimination. In the Philippines, the campaign to get this ratified by the government continues. Spain and Nepal are the countries which just ratified this in 2007.

The Martinez Cobo Study and the International Conference on Discrimination Against Indigenous Peoples in the Americas

Meanwhile, indigenous peoples started working on the UN to address their issues. In 1971, the UN Economic and Social Council authorized the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities to undertake a study on the "Problem of Discrimination Against Indigenous Populations."¹ The Special Rapporteur, Mr. Martinez Cobo, came up with a series of partial reports between 1981-83 and the final paper which contains the Conclusions and Recommendations was released in 1986. This report, popularly known as the Martinez Cobo Study, became the major UN reference document on indigenous peoples.

On 20-23 September 1977, the NGO Subcommittee on Racism, Racial Discrimination, Apartheid, and Decolonization held the "International NGO Conference on Discrimination Against Indigenous Populations in the Americas" at the Palais des Nations in Geneva. Around 400 persons participated of which 100 of these were delegates of 60 indigenous nations and peoples coming from 15 countries in the Americas. Observers from 38 mem-



Chief Deskaheh, Council of the Iroquois Confederacy.

ber states of the UN took part, as well as UN agencies like the UNESCO and the ILO. This was the first major event which took place in the UN with a massive participation of indigenous peo-

pated in drafting the UN Declaration on the Rights of Indigenous Peoples. The WGIP provided the opportunity for us, indigenous peoples, to come together not just to make statements at the Working Group but to consolidate our own movement at the global level.

From Asia, the first indigenous peoples represented in 1982 were the Igorots of the Cordillera Region in the Philippines and the Jummas of the Chittagong Hill

representative of Tebtebba.

It was in 1985 when the UN-WGIP decided to work on a "Draft Declaration on Indigenous Rights." In the process of drafting the Declaration, substantial dialogues between us, the experts and the states took place. This became the global forum where we discussed extensively our worldviews, justified why our rights to our ancestral lands, territories and resources should be respected, that we as distinct peoples have the right of self-determination, and why free, prior and informed consent has to be part of the Declaration, among others.

There were several Chair-Rapporteurs of the WGIP, but the one who stayed on the longest when the draft was being made, was Madame Erica-Irene Daes. The drafting finished in 1993 and was submitted to the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities. The Draft consisted of

ples. This conference came up with a Declaration which called on the UN to set up a body which will address the violations of indigenous peoples' rights. This echoes a recommendation made by the Martinez Cobo study.

Tracts in Bangladesh. The Igorot who participated in 1982 was Joji Carino. After the Cordillera Peoples' Alliance was established in 1983, it participated in most of the sessions. Personally, my participation was in different capacities.

The UN Working Group on Indigenous Populations (UNWGIP)

The UN Working Group on Indigenous Populations² (UNWGIP) was established in 1982 and held its yearly session until 2006. This was an expert body which consisted of five independent experts, none of which were indigenous. Year by year the number of indigenous representatives participating in this body increased and at its peak, the number reached 600. This body was mandated to review developments concerning indigenous peoples and to work towards the development of international standards on indigenous peoples' rights. Since then, indigenous representatives occupied this space and actively partici-



First as a representative of the Cordillera Women's Education and Resource Center, then as the Chairperson of the Cordillera Peoples' Alliance and finally as a

19 preambular paragraphs and 45 operative articles. This body adopted the Draft in 1994 and submitted it to the Commission on Human Rights.

UN Working Group on the Draft Declaration

Since the WGIP is not an intergovernmental body but is just an expert body, the Draft it made had to be negotiated between governments before this can be finalized as a text that is agreed upon by States. Thus, the Commission on Human Rights set up the “Working Group established in accordance with Commission on Human Rights resolution 1995/32 of 3 March 1995” to further elaborate and negotiate the Draft.³ Since the name of this Working Group was too long, we called it the Working Group on the Draft Declaration (WGDD). This Open-ended Intersessional Working Group had its first session from 20 November to 1 December 1995 and completed its work at its 12th Session in February 3, 2006. The first Chair-Rapporteur was Ambassador Jose Urutia of the Government of Peru. He only stayed for the 1995 session and Luis Enrique Chavez Basgoitia, also from the Government of Peru, took over.

When this body first met in 1995, it had to work out its procedures. The first issue it discussed was whether indigenous representatives were allowed to have a voice in the meetings. The initial view of the States was “No” because this was now an intergovernmental process. We rejected this view and walked out of the process with the threat not to come back unless they agreed that we have an equal voice as the governments. The Indigenous Caucus made a statement saying that any Declaration on the Rights of Indigenous Peoples which would come out of the UN will only have legitimacy if we, who are the subjects of the rights, were part of the drafting process.

The States who were members of the UN Commission on Human Rights met and agreed that they would let us have a voice in the negotiations. So in all the sessions, we were allowed to speak in equal terms as the States.

When the negotiations started, the indigenous caucus position was that we would only push for the original draft as adopted by the Sub-commission. So year in and year out, we went to the meetings and asserted that the original paragraphs should be adopted and we gave the justification why this was so in each article being discussed. In November 1997, two articles were provisionally adopted. These were Article 5 (indigenous individual has the right to a nationality) and 43 (all rights and freedoms are equally guaranteed to male and female individuals). As these referred to individual rights, there was no controversy.

The pace was so slow as indigenous representatives kept asserting the “no change” stance, which meant that the WGDD could only adopt the Sub-Commission text. The States, on the other hand, started raising issues with the original text. For instance, the US refused to accept the term “indigenous peoples” without qualifying this by saying the use of the term “cannot be construed as having any

implications as to rights under international law.” This is language from the ILO Convention 169 and also the Durban Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Most of the articles were unacceptable to some States as these referred to collective rights which they thought were against International Human Rights Law which are basically about individual rights. Thus, they questioned whether we had the right to self-determination (Article 3), whether our rights to lands ter-



Steering Committee of the Global Indigenous Peoples Caucus meeting with government representatives for a briefing on the negotiations on the UNDRIP, September 2007.

ritories and resources were part of our right of self-determination, among others. One of their fears was that with the right of self-determination, indigenous peoples can justify secession which would damage State Sovereignty and Territorial Integrity. We questioned the validity of their positions using existing international human rights law.

Proposals for Changes in the Draft

By 2002, eight years after the WGDD started its work, some friendly governments led by Norway came up with a proposal to include a reference on territorial integrity which comes from the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. This can allay the fears of States. Some governments were comfortable with this proposal while others were not. Indigenous representatives had divided views. Some were of the view that by accepting this, we were already going against the “no change” position of the Caucus.

Others thought that if we would not move to accommodate some changes, the negotiations would come to an end and we would lose our chance of getting a UN Declaration on our rights.

We were also made aware that the Commission on Human Rights could not continue to support a process which does not seem to have prospects of ending with an outcome. In fact, in 2000, the CHR made a decision (2000/19) which set five years as the specific time-frame for a working group to finish its task.

The WGDD had been going on for eight years already, so we had to work harder to come up with agreements.

By this time, some of us in the caucus decided that a “no change” position was untenable and so we had to show some flexibility. Since the only position put forward had been a global caucus position, the regions asserted that they would like to also present their own positions. The Arctic and Asia indigenous peoples’ caucuses came out to say they can consider some changes as long as these would not undermine the most fundamental rights such as self-determination and rights to land, territories and resources. With the regions becoming the center of decision-making, the global caucus was not anymore used by some indigenous representatives to impose the “no change” position.

During the 61st Session of the Commission on Human Rights, the International Indian Treaty Council (IITC) initiated a process to call for a recess of the WGDD. Without consulting the regional caucuses, it sent a letter to the President of the Commission on Human Rights, Ambassador Makarin Wibisono (Indonesia), dated March 15, 2005 asking the Commission to adopt the Sub-Commission Text and if this was not possible, then they would support the CHR to call:

*for a pause or recess in this process in order to take effective steps that would make the chances of success much greater. This recess will provide the Commission on Human Rights, beginning at this session, with the opportunity to establish, in full consultation with Indigenous Peoples,...*⁴

I was present at the Session where the IITC was pushing for this, although they did not inform me of what they were up to. I found it unacceptable that a major step such as this was being taken by a group of indigenous persons without bringing it to the attention of the other regions. If it was presented before the indigenous caucus during the previous WGDD and there was a chance to discuss it, then this would have been a different story. I thought this was political suicide for indigenous peoples as many governments who were against the Declaration would jump on this and support it. So I sent out an alert to other indigenous colleague and, together with the Saami Council led by Mattias Ahren, mobilized to get other views from indigenous peoples in other parts of the world. The result of this was a joint letter addressed to the President of the CHR stating that what was sent by the IITC was just one view. Many other indigenous peoples’ organizations from other parts of the world do not agree that a recess should be called because this would bring a lot of uncertainty on the future of the Declaration. This was distributed widely to all the governments. The IITC tried to get a State to sponsor a resolution on this but they did not succeed. Several organizations, like the Grand Council of the Crees



and the Inuit Circumpolar Conference, sent their joint letter to the President of the CHR protesting against this proposal. In the end, the proposal was killed.

Human Rights Council Adopts the Declaration

Between 2003 to 2005, there were already movements towards revisions in some articles. In 2006, the Commission on Human Rights ended its existence and was replaced by the Human Rights Council. The WGDD held its 11th and last session in December 2005 and it requested for an extension in 2006 so it could complete its work. The Chairman came up with a draft which we would be working on when we come back the next year. The last day of the WGDD-extended 11th session was February 3, 2006. There was still no complete agreement on the full text but most of the articles were

brought before the First Session of the Human Rights Council.

To prepare the ground for a favorable vote at the Human Rights Council, indigenous representatives started lobbying states during the 2006 session of the UN Permanent Forum on Indigenous Issues (UNPFII) which was held the last two weeks of May. I was already the Chair of the Forum by that time and we came up with a strong recommendation that the Human Rights Council and the UN General Assembly, during its 61st session, adopt the Declaration. The Human Rights Council had 47 member states so we had to lobby each and every-

one of these states. we tried our best to talk with the governments. The Philippines, whom I was expecting to vote "yes" abstained in spite of our efforts to convince them.

On 29 June 2006, the Declaration, through Human Rights Council Resolution 2006/2, was



adopted through a vote: 30 voted yes, 2 voted against (Canada and Russia) and 12 abstained.⁵ This was the first major victory for us.

For this we expressed our thanks first to indigenous peoples, of course, because we did not lose hope that this would happen one day. We also thanked the governments who voted "yes" and those who played key roles in convincing other governments to vote "yes." Among these were Peru, Mexico, Guatemala, Norway and Denmark.

The Chair of the 1st Session of the Human Rights Council was Ambassador Luis de Alba of the Government of Mexico. His government sponsored a meeting in Patzcuaro, Michoacan, Mexico in September 2005 which brought governments and indigenous peoples together to bridge their differences. This was through the work of Xothchil Galvez, the head of the National Commission on Indigenous Peoples' Development of Mexico. She is an



Celebrating the Adoption by the Human Rights Council of the UNDRIP, June 2006.

more or less acceptable to most States and indigenous representatives. The Chairman was then asked to complete the text and have this circulated before it was

the European Union. We were not sure about Asia and Africa. The burden of lobbying States from the regions rested with the regional caucuses. So in Asia,



indigenous person. Through the whole HRC session, she was also there lobbying other governments to vote “yes.” We also thanked Luis Enrique Chavez, the Chairman-Rapporteur, who was able to bring the WGDD to a successful conclusion with a text on the Declaration. Finally, we thanked the support NGOs like the International Work Group for Indigenous Affairs (IWGIA) which accompanied us in this whole journey.

Back to the Philippines

When I came back from the HRC session, Tebtebba together with other organizations of indigenous peoples, held an activity to celebrate the International Day of the World’s Indigenous Peoples. This was held from 7-9 August 2006 at the SEAMEO-INNOTECH in Diliman, Quezon City, Philippines. We invited representative of indigenous peoples’ organizations from all over the country, representatives of government agencies, NGOs, the UN and other multilateral bodies such as the European Union and the Asian Development Bank and members of Congress. I told the

account on how the Declaration was adopted by the HRC and discussed the contents of the Declaration. We also shared the Second Decade of the World’s Indigenous Peoples Programme of Action. The abstention of the Philippine government was decried by the indigenous participants. A strong request was put before the government agencies and the members of Congress to push the government to vote “yes” when the Declaration is put for adoption by the General Assembly.

On August 9, the Chair of the Philippine Commission on Human Rights (CHR), Honorable Purificacion Quisumbing invited me to meet with government agencies whom she invited. She was present at the HRC shortly before the Declaration was adopted and promised me that when we were back home, she would organize a meeting with the various government agencies to discuss the Declaration. This meeting was attended by the members of the Commission on Human Rights, representatives of the Department of Foreign Affairs (Section on the UN and Other International Organizations), Office of the Solicitor General (OSG), National

Commission on Indigenous Peoples (NCIP), among others. The OSG, which penned the legal opinion on why the Philippines should abstain, explained their position. The Department of Foreign Affairs also spoke up. Chair Quisumbing demolished the arguments made by the OSG and all the Commissioners spoke up to say that the Philippine Government should vote for its adoption at the General Assembly.

In the meantime, the National Commission on Indigenous Peoples prepared an *en banc* resolution asking the Philippine Government to adopt the Declaration. This was presented to me as the Chair of the Permanent Forum at the gathering we organized. According to the then Chair of the NCIP, Janette Cansing Serrano, they were going to work on this. A few months later, there was a budget hearing in Congress for the NCIP. Just before their turn came, the Department of Foreign Affairs budget was being heard. She invited several Party-List representatives, Rafael Mariano and Riza Hontiveros, to question the DFA on why they abstained during the adoption of the Declaration in Geneva. They asked them to explain why their budget should be approved when they were going against a Declaration which was consistent with the Indigenous Peoples’ Rights Act (IPRA), a legislation passed by the Philippine Congress. A short recess was called and the DFA had a caucus among themselves. They came back and committed that they would vote “yes” when the Declaration would come up for adoption at the General Assembly. Serrano reported this to me so I was assured that there would be no problems during the GA, as far as the Philippines was concerned.

61st Session of the General Assembly: September – December 2006 session

The HRC-adopted Declaration was brought before the 61st Session of the General Assembly, in particular, in its September to December 2006 session. The Global Indigenous Caucus held strategy meetings to discuss the lobbying activities. There were apprehensions about the fact that this would be brought before the Third Committee (Social, Humanitarian and Cultural Committee) of the General Assembly. This was the Committee which could reopen the Declaration and amend it. The Human Rights Council wanted the resolution on the adoption of the Declaration to immediately go to the Plenary without passing through the Third Committee. In the end, this was still brought to the Committee.

The date for the discussion of the Declaration was set for November 28, 2006. There was news that the Africans were not happy with the Declaration and that they might table an amendment to the resolution of Peru and other co-sponsors calling for the adoption of the Declaration. They claimed that it was the first time for most of them to see the Declaration so they needed time to discuss this among themselves and also in the capitals. This made the co-sponsoring governments and the indigenous caucus worried. Indigenous representatives tried to get to the African governments to talk with them but they were not interested. They had the view that this was a negotiation between member-states of the UN and not between them and non-state actors.

Before November came, some of us paid visits to the Permanent Missions of Asian gov-

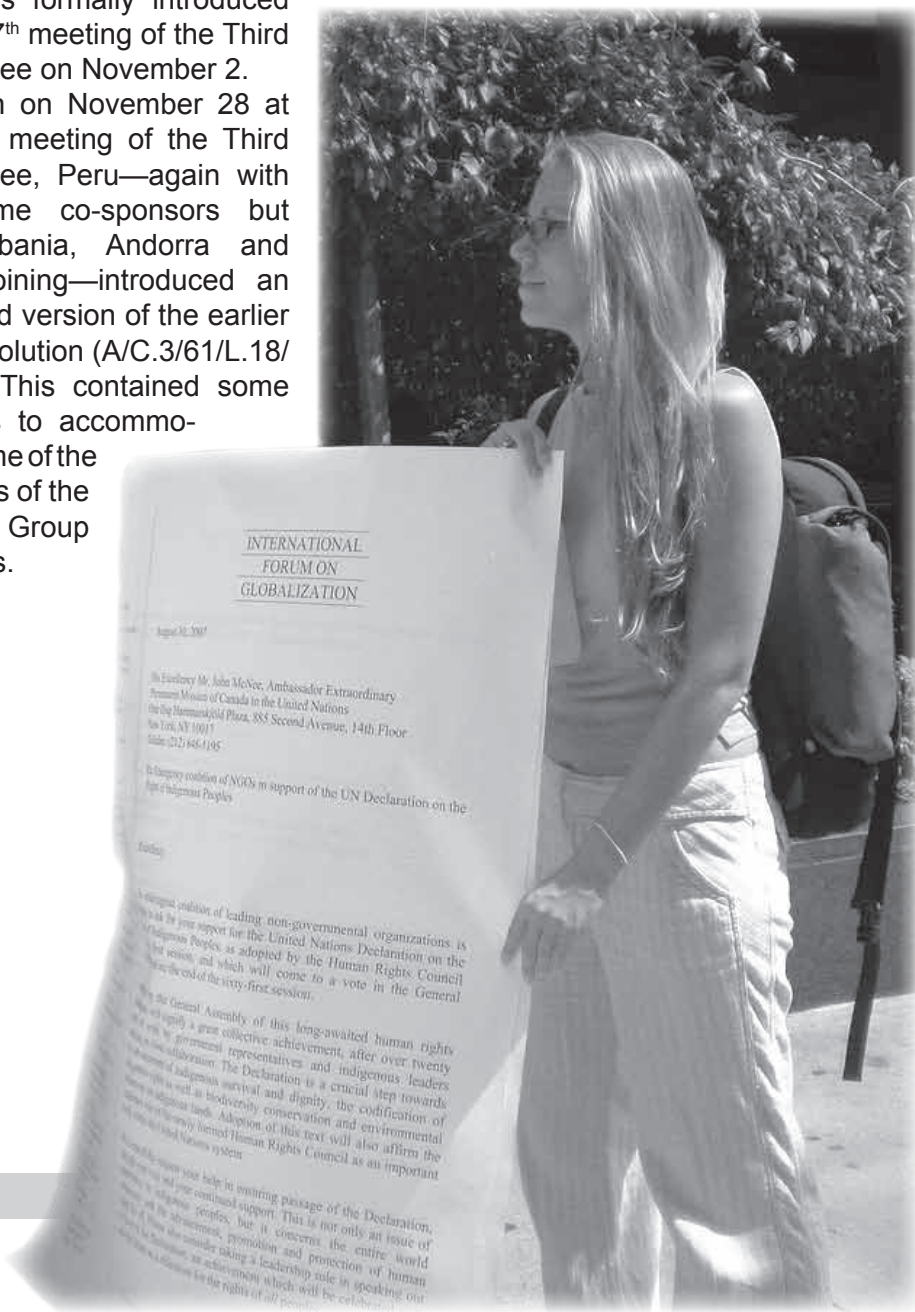
ernments like that of China, the Philippines and Indonesia to ask how they would respond to the African position. It was obvious to us that if Africa will, indeed, table a resolution it would be difficult for Asian countries to oppose them. We were advised that we should work hard to clarify with the Africans their doubts and encourage them to support the adoption.

In a document dated October 31, 2006, the government of Peru and a number of co-sponsors tabled a draft resolution A/C.3/61/L.18.⁶ This resolution called on the General Assembly to adopt the UN Declaration on the Rights of Indigenous Peoples, as adopted by the Human Rights Council on June 29, 2006. This was formally introduced at the 37th meeting of the Third Committee on November 2.

Then on November 28 at the 53rd meeting of the Third Committee, Peru—again with the same co-sponsors but with Albania, Andorra and Malta joining—introduced an amended version of the earlier draft resolution (A/C.3/61/L.18/Rev.1). This contained some changes to accommodate some of the concerns of the African Group of States.

Deferral of the Adoption of the Declaration

In spite of this, though, Namibia, on behalf of the Group of African States still presented an amendment to the amendment (resolution A/C.3/61/L.57 - Peru's resolution.). This was to "defer consideration and action on the United Nations Declaration on the Rights of Indigenous Peoples to allow time for further consultations." Peru then withdrew its resolution. Then at the 57th Meeting on December 3, the Chairman of the Committee presented the Draft Resolution to be presented to the General Assembly which reads:



Draft resolution II

Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, in particular the principles of self-determination of peoples, respect for the territorial integrity of States and good faith regarding the fulfillment of the obligations assumed by States in accordance with the Charter,

Taking note of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006,¹ by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

Recognizing that the situation of indigenous peoples varies from country to country and from region to region,

1. *Expresses its appreciation* to the Working Group of the Commission on Human Rights for the work done in the elaboration of a draft declaration on the rights of indigenous peoples;
2. *Decides* to defer consideration and action on the United Nations Declaration on the Rights of Indigenous Peoples to allow time for further consultations thereon;
3. *Also decides* to conclude its consideration of the Declaration, as contained in the annex to the present resolution, before the end of its sixty-first session.

The Africa group also released a Draft *Aide-Memoire* in November 9 which contained their concerns with the Declaration and this included, among others, definitions of indigenous peoples; self-determination; rights to lands, territories and resources; establishment of distinct political and economic institutions; and national unity and territorial integrity. On the basis of these concerns, they proposed that a deferment on action on the Declaration for one year be taken to allow time for these to be addressed.

On November 28, 2006, the draft Namibia Resolution to defer the adoption was passed through a vote at the Third Committee. Eightytwo (82) voted "yes," 67 voted "no" and 25 abstained.⁷

This was a terrible day for indigenous peoples. This was not what we expected at all. We thought that because this was one of the two standard-setting instruments adopted by the Human Rights Council in its First

Session, the General Assembly would adopt it without much fanfare. We could not imagine that the General Assembly would decide this way.

Obviously, we were wrong with our projection. The various regions came up with statements condemning the Africa States for their action. As Chair of the Permanent Forum, I also came up with a statement during the International Human Rights Day, December 10, stating that there was nothing to be celebrated because the General Assembly failed in its responsibility to recognize indigenous peoples' rights when it deferred the adoption of the Declaration.

Those who voted with the Africans from Southeast Asia were Brunei, Indonesia, Myanmar, Singapore and Thailand. Indonesia behaved strangely because it voted "yes" at the HRC but voted with the Africans for the deferral. This time, the Philippines abstained.

Role of the African Commission on Human and Peoples' Rights

The co-sponsoring governments for the adoption and the indigenous peoples had to recover from this defeat and start picking up the pieces again. As the resolution of Namibia still says that the Declaration should still be adopted before the end of the 61st Session of the GA which was on September 17, 2007, there was still time to repair this damage and still attain the objective of getting the Declaration adopted. One of the things which should be done was to change the position of the African Group of States. While there might be a possibility to win the votes if we worked hard on those who abstained on the Namibian Amendment, this was going to be a high risk proposition.

The Africans were able to get the Assembly of Heads of State and Government of the African Union to concur with the resolu-

tion passed at the GA. Because of this, the African Commission on Human and Peoples' Rights (ACHPR) prepared an Advisory Opinion which responded to the concerns raised in the Aide-Memoire of 9 November 2006. This was given to the governments with the hope that this would allay some of the concerns raised and will help lead towards the adoption of the Declaration. This was the result of the work of the African Commission Working Group of Experts on Indigenous Populations/Communities. This Working Group had done a study on the concept of indigenous populations in the African Continent and the report on this was adopted by the ACHPR in its 34th Ordinary Session in November 2003.

The ACHPR advisory opinion tackled the concerns one by one. I will not go into all of these but just to give an example, this is what it said on the concern on the lack of definition of indigenous populations:

From the studies carried out on this issue and the decisions it has made on this matter, the ACHPR is of the view that a definition is not necessary or useful as there is no universally agreed definition of the term and no single definition can capture the characteristics of indigenous populations. Rather, it is much more relevant and constructive to try to bring out the main characteristics allowing the identification of the indigenous populations and communities in Africa.⁸

In spite of this, the Africa Group prepared their amendments which they released in May 2007. There were around 36 changes which would effectively mangle the whole Decla-

ration. Indigenous peoples condemned these as discriminatory. There was not much movement between January to May except for this.

The African Indigenous Peoples' Caucus decided that the Experts of the African Commission Working Group on Indigenous Populations, together with a few indigenous representatives⁹ should go to New York to lobby the African delegations based there. With the support of IWGIA, this trip materialized on April 28 – May 4, 2007. They were able to visit many Permanent Missions of the African countries and a roundtable was also held where they had a discussion with African and other governments.

6th Session of the Permanent Forum on Indigenous Issues

Before the 6th Session of the Permanent Forum in May 2007, there were some regions which held their preparatory meetings for the session. Asia was one of these which held their meeting in Cambodia in April 2007. In this meeting, we discussed the situation regarding the Declaration and tasked each of the representatives from all the countries who attended to do their share of the work in terms of lobbying their governments. We specifically made a resolution addressing the President of Indonesia as AMAN, the national federation of indigenous peoples' organizations in that country, would hold their General Assembly. They would like to present their own resolution and the regional resolution to the President. Among the countries singled out for special attention were Indonesia and Thailand because they voted "yes" to the Namibia

Amendment. Laos, Cambodia and Vietnam were also included as they were absent during the HRC adoption in Geneva.

Indigenous peoples renewed their lobbying efforts and during the 6th Session of the UN Permanent Forum on Indigenous Issues in the last two weeks of May, strategy meetings were held. The African indigenous representatives were urged to do more work with their governments so that in the next round they would vote for the Declaration. The aim was still to get the GA to adopt the UN Human Rights Council Text.

The Permanent Forum invited the President of the 61st Session of the General Assembly, Ambassador Sheikhha Haya Rashed Al Khalifa (Bahrain), the President of ECOSOC, and the President of the Human Rights Council, H.E. Ambassador Luis de Alba (Mexico), to speak at the opening plenary session. This was an opportunity to get their commitments for the adoption of the Declaration before the indigenous representatives who were in the session. In my opening statement as the elected Chair



Ambassador Sheikhha Haya Rashed Al Khalifa, President of the 61st UNGA.



for the 6th Session of the Forum, I appealed to the member states of the ECOSOC, especially to the African Group of States, to support the adoption.

Many of the indigenous representatives who intervened also said the same. Some of the States who co-sponsored the resolution for adoption at the Third Committee spoke up to say that they would do all they can to make sure that this happens. The Forum reiterated its 2006 recommendation that the Declaration be adopted before the 61st Session ends as this will be an important framework for the work of the Forum. While the Forum was meeting, the indigenous peoples continued lobbying with the governments. The Arctic representatives, for instance, met with the European Union and the Pacific caucus met with the Pacific States. There were dinners organized by the Quakers of Canada which brought the indigenous representatives and the African Group of States and the Asian States together.

Some of the regional coordinators of the Caucus met with the President of the General Assembly to express our concern about the fate of the Declaration and to impress on her that she should do all she can to ensure that this be adopted during her Presidency. If this happens, the indigenous peoples will forever remember her. She told us that since nothing has moved in relation to the informal consultations held so far, she was going to appoint a facilitator to try once more to bring together governments, informally, to agree on the changes. The Secretariat of the Forum helped set up the meeting with the President and also the press conferences where we did not only talk about the Forum issues, but also to appeal to govern-

ments to support the adoption.

Appointment of Ambassador Davide as the Facilitator

There were a lot of speculations on who would be appointed as the facilitator. Guatemala told us that President was considering Bahamas or Singapore. This did not look good as these countries were not interested at all in the Declaration. But it seemed nobody really liked to be in this position. By June 6, the President came out with a letter appointing Ambassador Hilarion Davide of the Philippines to be the facilitator. He was instructed to conduct informal consultations and then to come back with a report on July 15.

In the meantime, the Steering Committee of the Indigenous Peoples' Caucus requested Les Malezer, who was chairing the Global Caucus, to make provisions to stay in New York from June until the Declaration is adopted. We needed a person who can be an anchor in New York to monitor developments and to constantly speak with the States. He agreed to do this and so he based himself there by mid-June 2007. We agreed that some of us would try to be in New York for some days or weeks to be with him and to help him.

Since the facilitator was the Philippine Ambassador, as a member of the Steering Committee from Asia and from the Philippines, I scheduled some meetings with him and his technical expert, Ivy Banzon, from the Philippine Permanent Mission. I flew to New York at the end of June to help Les Malezer. There was an information that some of the co-sponsors were asking what my position as the Chair of the Permanent Forum was and some members of the Steering

Committee felt that I had to go to New York to meet with some of them. So instead of going to Salekhard, Russia where the Permanent Forum was having a meeting, I had to make a decision to reroute and fly to New York instead. Les Malezer and I met with several delegations on a one-on-one basis. We met with Mexico, Guatemala and Libya. I met with Ivy Banzon who briefed me about the results of the consultations Ambassador Davide held with various groups.

Amb. Davide met with the African group of States, then com-



Les Melezer, Chair of the Global Indigenous Peoples Caucus.

plained them with the co-sponsors and they also held meetings with Canada, Australia and New Zealand. The indigenous peoples asked that he also hold a meeting with them. Davide invited the indigenous caucus to a meeting he was holding with governments. When they were all in the room, the Russian Federation

complained that non-state actors were in the room. So, as per General Assembly ruling that if a member state complains, then a decision has to be made to let these non-state actors leave. After this government meeting, Davide still met with the indigenous caucus to brief them on the situation.

I had to go to Geneva to attend the ECOSOC Functional Commissions Meeting which was scheduled July 10. The Permanent Forum on Indigenous Issues is a subsidiary body of the ECOSOC so it takes part in the meetings of the Functional Commissions.¹⁰ The Chair of this meeting was Ambassador Davide as he was one of the Vice-Presidents of the ECOSOC. After the ECOSOC session, I scheduled to meet with him. I and Mattias Ahren, a Saami from Sweden who is the co-coordinator for the Arctic Indigenous Peoples' Caucus, went to meet him. He told us about his own assessment of the situation and he said that he was finishing his report to the President of the General Assembly. His conclusion was that there was no consensus that can be reached. However, he said that States cannot complain anymore that they were not heard as he spent time hearing their concerns and discussing these with them.

The situation so far was that the position of the co-sponsors was still to stick with the Human Rights Council text, that the Africans were still pushing their 36 amendments and that Canada, Australia, New Zealand, Russia, Colombia, Guyana and Surinam (we call them the Group of 7) would present their own proposal which was to reopen the discussion around several themes. So he would say in his report that this was the situation and that

he would propose a way forward which was to agree on a few amendments. He posed questions which should be asked to judge whether the amendments were acceptable.

- Does it represent a genuine effort to address the various concerns?
- Does it build on, and not undermine, the efforts and achievements of the process at the Commission on Human Rights and Human Rights Council?
- Does it preserve the purpose for the Declaration for indigenous peoples?
- Will it ensure that the Declaration does not fall below existing human rights standards?

In July 16, he submitted his report to the President of the General Assembly, thus ending his role as a facilitator. The Group of 7 met with him after the submission to present their amendments, requesting that these be included in his report. He said that his report was already submitted so he would just send these as an annex. By this time, we got the impression that the Africans no longer wanted to be seen as the bad guys so they were reaching out to the co-sponsors to see what they can work on. This was a major development in the process.

The Strategy of the Global Indigenous Caucus Steering Committee

The Global Indigenous Caucus Steering Committee¹¹ continued to hold electronic discussions on what the next steps should be. We already received word that there were ongoing informal negotiations between the co-sponsors (led by Mexico, Peru and Guatemala) and the leaders



IFG-organized rally in support of the UNDRIP, 30 August 2007.

of the African Group of States (Namibia and Botswana). So the developments around this was what we were closely monitoring. While the official position of the Caucus was still to push for the adoption of the Human Rights Council text, there were several of us who were open to see the amendments and to judge whether these were acceptable or not. We felt that the best chance that we would get the Declaration was to bring the Africans on board. It would be very difficult to bring the Middle East countries and the other Asian countries to support the adoption if the Africans would vote against it. To do this, we had to show good faith that we were willing to accommodate some of their amendments. But we still kept counting the possible votes we would get in case we insisted that the Human Rights Council text be adopted.

There were a few voices within the Caucus suggesting that maybe we should drop the plan to get this Declaration adopted by the General Assembly. We can just settle with the Human Rights Council version and implement it together with the 30 States who voted for it. The Gen-

eral Assembly can just note the existence of this Declaration and then it was up to indigenous peoples to use it as they wish. Matthias Ahren of the Saami Council wrote a long email stating his vehement disagreement with this option because there are 192 member-states of the General Assembly and only 30 voted for this in the HRC. Its legitimacy as an international instrument will be very compromised if this was the route we would take.

We were also monitoring the moves of Canada, Australia, New Zealand and Russia as they were doing their own moves to undermine the process and the Declaration. They submitted their amendments dated August 13, 2007 which were on 13 articles.¹² Like the amendments of the African Group of States, these were totally unacceptable to the indigenous peoples caucus. One example of this was their proposal to change Article 26 (right to lands, territories and resources) to say that indigenous peoples "... may have rights to the lands, territories and resources which they have traditionally owned, occupied or used."

The Group of 7 were not be-

ing consulted anymore by the co-sponsors as their concentration was with the Africans. We also agreed with this move as we did not see any possibility of these countries changing their position to vote against the Declaration. We still might get Guyana and Surinam as the Latin American indigenous peoples were lobbying them. The indigenous peoples from Canada went all out to condemn their government who still took the hardline position in spite of the fact that it was a minority government and the opposition in the Parliament made a stand to support the Declaration. We were not clear on what the US was doing but what we heard was that it was not actively lobbying. We surmised that Canada was already doing the work, so why should the US bother?

We decided that most of us should be in New York by the last week of August to monitor the developments and to make recommendations to the regional caucuses based on the possible amendments which will be agreed upon by the co-sponsors and African states.

To get the involvement of NGOs based in the United States, I worked closely with the International Forum on Globalization of which I am the co-President, to work on this. The IFG organized a meeting in Washington in August where Les Malezer and I met with almost 20 representatives of international NGOs based in Washington. It was in this meeting where we planned that we would hold a rally on August 30 before the Permanent Missions of Canada, Australia and New Zealand. This was to shame them publicly for their opposition to the Declaration.

This mass demonstration, which was organized by the International Forum on Globaliza-

tion, took place in August 30 and we managed to get a group of around 50 persons who went to the Canadian Permanent Mission, the New Zealand Mission—which was just in front of the UN Building—and the Australian Mission on 42nd Street. The indigenous persons and NGO representatives from these countries spoke in these rallies. A joint letter from the NGOs¹³ were brought to the missions and at the Australian Mission, the Deputy Permanent Representative came down to receive the statement. Rainy Bluecloud, a young Mohawk activist who was hired by IFG, anchored this activity. Most of the indigenous representatives present in New York took part in this historic demonstration.

On 27 August 2007, the Steering Committee met for updates and to plan out what we would do while we were in New York. During this period, continuous negotiations were already taking place between Mexico, Guatemala and Peru on one hand, and the African Group of States represented by Namibia and Botswana on the other. We were being updated by Mexico, Guatemala and Peru on the developments and we set a meeting with them on August 29 to get the latest situation.

On August 30, just before the rally took place, I met Enrique Javier Ochoa Martinez, the lead Mexican negotiator, on the way to the UN. I asked him what the situation was and he said they stayed up late the night before because they could not yet come to an agreement on the Preamble Paragraph which says “*Recognizing* that indigenous peoples have the right **on an equal basis with others** freely to determine their relationships with States in a spirit of coexistence, mutual benefit and full respect.” The UK was not happy with this as they

see it as recognizing that others also have collective rights. So I suggested that they strike this out as the essence of this has been said in other parts of the Declaration. He said that he would suggest this and he would inform us if they already have agreed. I assured him that the caucus would not mind this. By 2:00pm, while we were in the rally, he called up and said that they finally agreed and there was now a text which they can present to us the next day.

The Global Indigenous Peoples Steering Committee prepared a very comprehensive account of what happened in the meeting with the co-sponsor group on the 29th of August and on the 31st. This report was sent to all the regional caucuses. Instead of recounting what happened, I will quote most parts of this report as this was a report of the body I was part of.

**Report of the Global
Indigenous Peoples’ Caucus
Steering Committee, 31
August 2007**

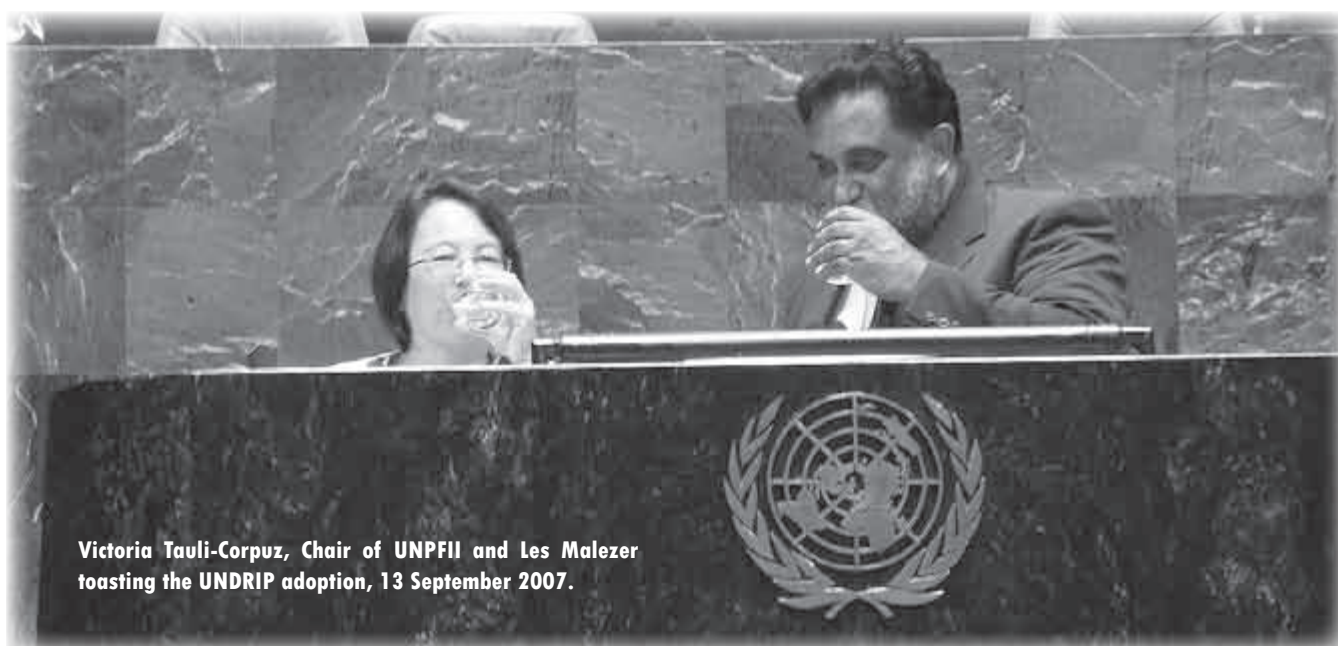
Developments this week
“On Tuesday, August 29, the co-sponsors met with the Steering Committee to report on their negotiations with the African Group. They reported that this has been a very difficult process, but that they were now very close to an agreement, however, a few details still need to be resolved. They did not provide the Steering Committee with any of the language being discussed, and did not go into any details as to what the emerging agreement looked like. They assured us that the provisions on land, territories and resources, self-determination, free prior and informed consent and treaties remained intact but they have to agree to the inser-

tion of a reference to state territorial integrity in the Declaration text. The co-sponsors thanked the indigenous peoples for putting a lot of pressure on the African States as this has definitely helped in bringing them to negotiate with them.

They further explained that they had no option but to enter into negotiations on the actual Declaration text as it is evident that it would be impossible to reach an agreement with the African Group if they did not consider some amendments to the Declaration text. Further, the co-sponsor group deemed it too risky to try to push the Declaration as adopted by the Human Rights Council through the General Assembly against the opposition of the African Group. To do so would seriously jeopardize the adoption of the Declaration and would ensure that very unfavorable amendments would be presented on the floor during the debate at the General Assembly. Hence, in the co-sponsor group’s assessment it was necessary to enter into text negotiations with the African Group.

The Steering Committee responded by expressing its gratitude for the co-sponsors’ efforts to reach an agreement on the Declaration. The Steering Committee further stated that it would not be in a position to comment on any agreement until they had been provided with the actual agreed text. The states responded that they would provide the Steering Committee with the agreed text as soon as a formal agreement with the African Group had been reached.

The co-sponsors further said that the momentum to have a Declaration adopted is strong at this time. An agreement between the co-sponsors and the Africa Group has to be reached



**Victoria Tauli-Corpuz, Chair of UNPFII and Les Malezer
toasting the UNDRIP adoption, 13 September 2007.**

in the next few days as the opposing states—predominantly Canada and New Zealand—are trying very hard to stop the coming into being of such an agreement. Pressure from the opposing states is reaching the heads of states of some of the co-sponsors. The forthcoming Asia-Pacific Economic Cooperation (APEC) meeting on 4-7 September 2007, which will be held in Australia and attended by heads of states from the CANZUS (Canada, Australia, New Zealand and the US) group will be a fertile ground for such lobbying thus, the urgency of finalizing the agreement. The opposing states demanded to be included in the negotiations and that their proposed language (see attachment) also be considered. The co-sponsors expressed the opinion that if the deliberations on the Declaration are extended beyond the General Assembly's 61st session, it would no longer be possible to keep Canada, New Zealand, et. al.—nor their proposed amendments—out of the negotiations. The outcome of such a process could only, in the co-sponsors' opinion, be a seriously diluted Declaration.

The co-sponsor group also

informed the Steering Committee that an agreement with the African Group would include a pact to jointly vote down any amendments on the floor of the General Assembly, coming from Canada, or other opposing nations.

The Chair of the Steering Committee distributed a document containing the amendments to the Declaration that he foresaw might be included in a negotiated agreement between the co-sponsor group and the African Group. Since these amendments were not confirmed, the Steering Committee decided not to distribute the document. It was considered better to wait for an official text before circulating the agreement in the regions.

Nevertheless, the Steering Committee discussed and analyzed the amendments, as foreseen and presented by the committee Chair. The Steering Committee quickly concluded that of the envisioned amendments, the one that caused the most concern was the inclusion of a reference to territorial integrity in Article 46. The committee understood that it would be nearly impossible to avoid a reference to territorial integrity in the

Declaration. It is evidently too important to many African (and also Asian) states. Some committee members, however, thought that the proposal was discriminatory, and potentially could be harmful to indigenous peoples and the rights in the Declaration. Other committee members did not see any problem with the proposed language as this is standard language in most international instruments and this is balanced and safeguarded with several clauses in the various parts of the Declaration.

Given that an agreement between the co-sponsor group and the African Group was imminent, the Steering Committee recognized that it would be very difficult, probably impossible, to influence the text amendments at this stage. Some committee members thought that the language on territorial integrity, if it had to be included, should be stated in a way that was more consistent with texts that already exist in international law. The committee decided to make an attempt to craft language on territorial integrity to be handed over to Mexico for use in the final negotiations with the African Group.

Two paragraphs with suggested wording along those lines were drafted to present to the co-sponsors without delay.

On the evening of August 29, the Chair of the Steering Committee together with the Chair of the Permanent Forum, and also regional member of the Steering Committee, Victoria Tauli-Corpuz met with the co-sponsors and presented the committee's suggested wording for improvements on the language on territorial integrity.

The Co-sponsor/ Africa Agreement

On the afternoon of August 30, the government of Mexico informed the Steering Committee that the co-sponsor group and the African Group had reached an agreement on the Declaration. On August 31 the co-sponsors met with the Steering Committee and presented the text of the negotiated agreement, which contained nine changes to the Declaration as passed by the Human Rights Council.

Committee members first expressed gratitude to the co-sponsors for all their efforts and for being able to successfully reach an agreement with the African Group. The Steering Committee stated that indigenous peoples in the seven regions would now study the agreement, and come back to the co-sponsors with their position. Since time is short, it was decided that the committee would meet with the co-sponsors after the regional consultations and report back indigenous people's positions on the Declaration with the negotiated changes.

Responding to questions and concerns from members of the Steering Committee, the co-sponsors offered the following information about the agreement:

- In their view this is the final document. The African Group has committed to not come forward with any further request for additional amendments to the Declaration and has agreed to vote against any amendments made on the floor.

- The co-sponsors were satisfied that they had managed to reach an agreement with the African Group that includes amendments to very few of the provisions in the Declaration, in particular compared to the long list of amendments that the African Group initially wanted to see included in the Declaration. The co-sponsors further stated that they were very pleased to present an agreed Declaration that leaves all—in their opinion—the most central articles in the Human Rights Council Declaration intact. These include the articles on self-determination; lands, territories and natural resources; free, prior and informed consent; treaties; and preambular paragraphs recognizing inherent and equal rights of Indigenous peoples.

- The co-sponsors stated that even though technically speaking it is not a closed document, that in their view it would not be possible to open up the negotiated text for any further amendments without other interested parties—such as opposing states like Canada, New Zealand and the Russian Federation—also being invited to the negotiating table.

- They further stated that the agreement must be seen as an integrated whole or “package.” This means that if the co-sponsor group would go back to the African Group and attempt to re-negotiate the language on territorial integrity, the African Group would instantly respond by wanting to open up the articles on lands and natural resources for negotiation, which are unchanged from the Human Rights Council text. Hence, in the co-sponsor group's opinion, it is not a viable option for indigenous peoples to try to further amend the agreed changes as presently drafted. Their interest now is to know whether indigenous peoples can accept the Declaration or not with the newly negotiated changes.

- They repeated what has always been the case: that the co-sponsors will not go ahead and push for adoption of a Declaration that indigenous peoples do not want. They said that this amended text should be analyzed from a political lens than from a legalistic lens.

- If a Declaration that enjoys the support of the African Group is presented to the UN General Assembly, the co-sponsor group is certain that the vast majority of Asian, Eastern European and Caribbean states will also support the Declaration. Western Europe and Latin America's votes have already been secured. If the indigenous peoples of the world support the adoption of the Declaration as agreed to by the co-sponsors and the African Group, the co-sponsors believe it will be adopted by the UN General Assembly with overwhelming majority. (Currently there are 67 co-sponsors plus the 53 countries of the African Group which adds up to 120 votes. This is a clear majority as there are a total of 192 members of the General Assembly).

Discussions regarding changes to Article 46 and “territorial integrity”

The co-sponsors were well aware that many indigenous peoples have argued for many years against the inclusion of a provision upholding state territorial integrity in the Declaration. They explained that they understood that this might be the most difficult provision for indigenous peoples to accept in the newly negotiated text. They also once again expressed that an agreement with the African Group would not be possible without this inclusion.

Members of the Steering Committee again asked the co-sponsors why their suggested wording on territorial integrity had not been included in the final agreed changes. The co-sponsor group responded that it was not possible to include the language on territorial integrity submitted by the Steering Committee, because it would have led to the African Group insisting on opening up the land and resource articles for changes. They were also asked if the opening phrase of Article 46 which says “Nothing in this Declaration may be interpreted as implying...” would affect all the rights in Declaration. The co-sponsors said that in existing international law, territorial integrity is clearly tied to the exercise of the right to self-determination and therefore would not be construed as affecting other rights. They further added that the reference to the Vienna Declaration and Programme of Action in the preamble would reaffirm this.

In further discussions, members of the Steering Committee responded to concerns expressed for indigenous peoples’ territorial integrity by affirming that in their view Article 26 left intact in fact recognizes indig-

enous peoples’ territorial integrity over lands they have traditionally owned and occupied. Article 37 on treaties further affirms these rights. They also agreed that the reference to the Vienna Declaration and Program of Action will be an additional safeguard clause.”

Feedback from Indigenous Peoples’ Organizations from the Regions

This letter quoted above was sent to all the members of the various regional caucuses which came with the Amended Text of the Declaration (9 changes) which highlighted the changes from the HRC Text; the Canada/New Zealand/Russia/Colombia Proposals (20 changes, Aug. 13, 2007); and the original Africa Proposed Amendments (36 changes, May 2007). These additional attachments were sent for them to compare what was finally agreed upon with the earlier proposals. The instruction was that they should send back their position not later than September 4, at 12 noon, New York time. The regional coordinators were in charge of sending out the information and receiving the responses from their regions. Then the Steering Committee would meet on Sept. 5 to consolidate the results. I prepared one for Asia, as I was the only one left again in New York after Joan Carling of the Cordillera Peoples Alliance, who stayed for the first week, had to leave. Different modes were adopted. I mainly sent this through email and asked my office in the Philippines to call those who were not responding. The North American caucus and Latin America did conference calls in addition to the emails.

The time given was short because we already knew that the

Declaration would be presented before the General Assembly on 13 September 2007. By September 5, we would have to inform the co-sponsors if the indigenous caucuses agreed with the changes. Then this had to be translated into the six UN languages. All the caucuses,¹⁴ except the North American caucus (mainly the US groups), had a consensus that they accepted the amendments. The few indigenous organizations in the US who did not accept the changes said they would not block the consensus. All the Asia indigenous peoples’ organizations from 11 countries which I emailed replied positively that they would accept the amendments. The Steering Committee met in September 5 to get the regional reports.

The next day, 6 September, we held a press conference at the UN Press room. Those who spoke were Les Malezer, the Chair of the Global Caucus and the Co-coordinator for the Pacific, Joseph Ole Simmel the Co-coordinator for Africa and I, as the Chair of the Permanent Forum and the Co-coordinator for Asia. Before the press conference, I also consulted with my colleagues in the Permanent Forum whether they agreed with the changes in the text. Most of them emailed back saying they did; and so I stated in the press conference that it was not just the Asia indigenous peoples’ organizations who supported the amended text but also most of the members of the Permanent Forum.

We met with the co-sponsors on 7 September to inform them of the consolidated position. We also looked at the draft resolution that they were going to present. This was a simple resolution saying that it takes note of the HRC adoption of the Declaration and

then calling on the General Assembly to adopt the Declaration (revised version) annexed to the resolution. They assured us that the Africans would not put any amendments nor would the Canadians. It would be put to a vote but they were confident that we would get the majority.

**The Historic Day,
September 13, 2007**

Between the 7th to the 12th of September, we spent the time preparing our regional caucus statements. I prepared the Asia Indigenous Peoples' Regional Caucus Statement and my own statement as the Chair of the Permanent Forum. The co-sponsors suggested that I, as the Chair of the Forum, and Les Malezer should speak before the General Assembly when the Declaration is adopted. I suggested this to Elsa Stamatopoulou, the Chief of the Secretariat of the Forum. She said this was a difficult challenge because it was not the practice of the GA to allow non-state members to speak, especially if this was a UN body. Anyway, she said that she would do what she can. She wrote the General Assembly Secretariat who finally answered after a few days saying that we can speak, but only after all the governments have spoken. There would be a recess called for the formal session and the GA would go into informal session. Then Les and I can speak.

On this day there were many indigenous representatives who came from Canada and the US to witness the event. The Secretariat of the Forum arranged with the GA Secretariat that the regional coordinators and other indigenous representatives would have a seat at the main floor of the GA



**Victoria Tauli-Corpuz and Les Malezer
during the 61st UNGA Session.**

Hall. The others would be at the Public Gallery. Some of those involved in the drafting of the Declaration from the beginning were there. These were Professor James Anaya of the University of Arizona and Tim Coulter of the Indian Law Resource Center, among others. John Henriksen of the Saami Council was also present. He was the one who recommended at an early stage of the WGDD that a reference on territorial integrity be included as the States would never accept a Declaration without this. He was vilified by other indigenous organizations for this proposal but it turned out that he was right after all. Many Chiefs from Canada were present which included Phil Fontaine, the Grand Chief of the Assembly of First Nations.

From the side of the Philippine government, I communicated with Mr. Eugenio Insigne, the Chair of the National Commission on Indigenous Peoples in the Philippines, to ensure he would come. We spoke before I left for New York and I encouraged him to come to New York to attend the session when the Declaration would be adopted. He arrived exactly on the morning of September 13 and he was able to enter the GA Hall just as the session was starting.

The agenda item on the Declaration was the 6th and last item for that day. However, by 11:00am, the rest of the agenda items were done, so the President opened Agenda Item 6. The Resolution was presented by Luis Enrique Chavez, the Chairman-Rapporteur of the WGDD, who was now based in the Permanent Mission of Peru in New York. He mentioned the additional co-sponsors for the resolution (A/61/L.67). The original co-sponsors were Belgium, Bolivia, Costa Rica, Cuba, Denmark, Dominican Republic,

Ecuador, Estonia, Finland, Germany, Greece, Guatemala, Hungary, Latvia, Nicaragua, Peru, Portugal, Slovenia and Spain. He added the following; Andorra, Armenia, Austria, Croatia, Cyprus, Fiji Republic, Lithuania, Luxembourg, Malta, Nauru, Italy, Panama, Serbia, South Africa, Switzerland, TFYR-Macedonia.

After this, the President said that the statements in explanation of vote would be made before the vote is cast. Australia, through Robert Hill, spoke first and said that Australia was not able to participate in the negotiations of the text and was deeply disappointed that no such meeting was convened. He said Australia would vote "no." John Mcnee of the Government of Canada followed and stated that "By voting against the text, Canada put on record its disappointment with both the substance and the process." Rosemary Banks, the Permanent Representative of New Zealand said that "the provision on lands and resources could not be implemented in New Zealand.

it was unable to support a text that included provisions that were so incompatible with its democratic processes, legislation and constitutional arrangements." It had to vote against it. The next speaker was Robert Hagen of the United States who also said it would vote "no," followed by Russia who surprisingly abstained from voting. Benin came next and said they would vote "yes." Colombia, whom we were expecting to vote "no," abstained.

When the President announced that the vote would be taken at around 12 noon, Guatemala raised its flag and asked who was calling the vote. She said it was the US, Australia and New Zealand. Surprisingly Canada did not join the group.

The Assembly then proceeded to vote and the recorded vote was 143¹⁵ in favor, 4 (Australia, Canada, New Zealand and USA) against and 11¹⁶ abstained. There were 34¹⁷ who were absent. Thirtyeight (38) member states took the floor afterwards to explain their vote and this included the

Philippines. Mr. Insigne spoke on behalf of the Philippines and said that his "[D]elegation's expression of support was premised on the understanding that the right to self-determination shall not be construed as encouraging any action that would dismember or impair territorial integrity or political unity of a sovereign or independent State. It was also based on the understanding that land ownership and natural resources was vested in the State."

Then I was asked by the President to read my statement as the Chair of the Forum and Les Malezer to read his statement as the Chair of the Global Indigenous Peoples' Caucus.

For those of us who were there, this historic day will never be forgotten. What needs to be done next is to discuss how this UN Declaration on the Rights of Indigenous Peoples would be implemented to make the lives of indigenous peoples of the world a life of dignity and pride. 🌐

13 October 2007



Endnotes:

¹ U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities, Study of the Problem of Discrimination against Indigenous Populations, U.N. Doc. E/CN.4/Sub.2/1986/7 & Add. 1-4 (1986).

² This was established on the basis the Economic and Social Council (ECOSOC) resolution 1982/34.

³ By resolution 1995/32 of 3 March 1995, the Commission on Human Rights decided to establish an open-ended intersessional working group of the Commission on Human Rights with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to resolution 1994/45 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (now the Sub-Commission on the Promotion and Protection of Human Rights) entitled "Draft United Nations declaration on the rights of indigenous peoples" for consideration and adoption by the General Assembly within the International Decade of the World's Indigenous People. This decision was endorsed by the Economic and Social Council in its resolution 1995/32 of 25 July 1995.

⁴ IITC Et. Al., Letter to the U.N. Commission on Human Rights, March 15, 2005.

⁵ 30 yes votes by regions were as follows: Asia (9)
– China, Indonesia, India, Japan, Malaysia, Pakistan, Sri Lanka and South Korea: Africa (4)
– Cameroon, Mauritius, South Africa and Zambia: European Union (7)

– Finland, France, Germany, Netherlands, Poland, Romania, United Kingdom: Latin America and the Caribbean (7)

– Brazil, Cuba, Ecuador, Guatemala, Mexico, Peru, Uruguay): Eastern Europe (2) Azerbaijan and Czech Republic; and Switzerland also voted yes.

Abstained:

Algeria, Argentina, Bahrain, Bangladesh, Ghana, Jordan, Morocco, Nigeria, the Philippines, Senegal, Tunisia, Ukraine

⁶ This was co-sponsored by Armenia, Bolivia, Congo, Croatia, Cuba, Democratic Republic of the Congo, Denmark, Ecuador, Estonia, Fiji, France, Greece, Guatemala, Haiti, Hungary, Latvia, Liechtenstein, Lithuania, Mexico, Panama, Paraguay, Peru, Poland, Portugal, Slovenia, Spain and the former Yugoslav Republic of Macedonia: When this was introduced in 2 November, Bosnia-Herzegovina, Cyprus and Finland joined as co-sponsors.

⁷ The ones who voted yes on this were 47 countries from Africa, 21 from Asia, 2 from Eastern Europe, 8 from Latin America and the Caribbean and 4 from the Western Europe and other Groups.

⁸ Paragraph 10 of the Advisory Opinion of the African Commission on Human and Peoples' Rights on the United Nations Declaration on the Rights of Indigenous Populations.

⁹ This group was composed of the following; Dr. Albert Barume, DRC as facilitator of the group, Dr. Naomi Kipuri, Kenya, Joseph Ole Simel, Kenya, Adele Wildschut, South Africa, Liberate Nikayenzi, Burundi, Hassan id Balkassm, Morocco.

¹⁰ Some of the Functional Commissions of the ECOSOC include the Commission on the Status of Women, the Commission on Sustainable Development, the Commission on Statistics, Commission on Population and Development, UN Forum on Forests, Commission on Social Development.

¹¹ The members of this Steering Committee were the same ones in the HRC process.

– Africa: Adele Wildschut (South Africa) and Joseph Ole Simmel (Kenya);

– Asia: Vicky Tauli-Corpuz (Philippines) and Devasish Roy (Bangladesh), Joan Carling is an alternate if Devasish is not around;

– Arctic: Mattias Ahren (Sweden) and Dalee Sambo (Alaska) with Hjalmar Dahl (Greenland);

– Latin America: Hector Huertas (Panama), Jose Carlos Morales (Costa Rica), Azalene Kaingang (Brazil) and Adelfo Regino (Mexico);

– North America: Andrea Carmen (USA) and Chief Ed John (Canada), alternate Celeste MacKay (Canada);

– Pacific: Les Malezer (Australia) and Mililani Trask (Hawaii);

– Russia: Mikail Todishev.

The support NGOs who sat in the meetings of the Committee were Lola Alix Garcia (IWGIA), Jennifer Preston (AFSC), Miriam Anne Frank (NCIV), Marie Leger (Rights and Democracy), Paul Joffe.

¹² These were Articles 3, 4, 10, 11, 19, 26, 27, 28, 29, 30, 31, 32(2), 46.

¹³ These NGOs included the International Forum on Globalization (IFG), International Service for Human Rights, Amnesty International, Amazon Watch, Rainforest Action Network, Center for International Environmental Law (CIEL), etc.

¹⁴ The regional caucuses of the indigenous world is divided into seven. This is the division made by the Permanent Forum. So these are: Africa, Arctic, Asia, Eastern Europe, Latin America, North America, Pacific.

¹⁵ **Yes:** Argentina, Armenia, Austria, Bahamas, Bahrain, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland,

Portugal, Qatar, Republic of Korea, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syria, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, United Arab.

¹⁶ **Abstain:** Azerbaijan, Bangladesh, Bhutan, Burundi, Colombia, Georgia, Kenya, Nigeria, Russian Federation, Samoa, Ukraine.

¹⁷ **Absent:** Chad, Côte d'Ivoire, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gambia, Grenada, Guinea-Bissau, Israel, Kiribati, Kyrgyzstan, Marshall Islands, Mauritania, Montenegro, Morocco, Nauru, Palau, Papua New Guinea, Romania, Rwanda, Saint Kitts and Nevis, Sao Tome and Principe, Seychelles, Solomon Islands, Somalia, Tajikistan, Togo, Tonga, Turkmenistan, Tuvalu, Uganda, Uzbekistan, Vanuatu.



Some relevant articles of the

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

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

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

UN Declaration on the Rights of Indigenous Peoples

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Key Accomplishments of TEBTEBBA in 2007



By Raymond de Chavez and Victoria Tauli-Corpuz

A. POLICY ADVOCACY FOR THE PROMOTION, PROTECTION AND RESPECT OF INDIGENOUS PEOPLES RIGHTS AND DEVELOPMENT

1. *The Historic Adoption of the UN Declaration on the Rights of Indigenous Peoples*



- **Adoption by the UN General Assembly of the UN Declaration on the Rights of Indigenous Peoples in 13 September 2007;**
- **More active lobbying with Asian, African and Latin American governments;**
- **Engaging more actively with the Philippine Government to get their support for the Declaration;**
- **Helping unite the indigenous peoples' caucus (Asia and Global caucuses) on various issues around the Declaration;**
- **Widely disseminating information on the adoption within the Philippines, Asia and globally.**

Tebtebba played a key role, together with several indigenous organizations, in lobbying for the adoption of the UN Declaration on the Rights of Indigenous Peoples by the UN General Assembly in its 61st Session. Its adoption on 13 September 2007, after more than two decades of painstaking negotiations and lobbywork by indigenous peoples, is a historic milestone in finally having

governments recognize indigenous peoples rights. The newly-created Human Rights Council earlier adopted the UNDRIP on June 29, 2006

Its Executive Director, Victoria Tauli-Corpuz who is also the current Chairperson of the UN Permanent Forum on Indigenous Issues, actively participated in several strategy sessions with key indigenous organizations and with friendly governments, such as Mexico, since January 2007. The strategy sessions were aimed at, among others, identifying steps in convincing governments, specifically the African block which had earlier called for the deferment of the Declaration's adoption in 2006, to finally vote for its passage. She was also instrumental in explaining and convincing Asian governments to vote for the adoption. These included convincing the Philippine government—the Department of Foreign Affairs, the National Commission on Indigenous Peoples and the Commission on Human Rights—to support the Declaration. She also lobbied with the UNGA President, H.E. Sheikh Haya Rashed Al Khalifa, and lobbied and arranged meetings with Ambassador Hilarion Davide, the Philippine representative to the UN, who was appointed by the the UNGA President to hold informal talks among governments. The Declaration was finally passed with 143 votes in favor, 4 against and 11 abstentions.

The personal account of the historic adoption has been published in a Tebtebba Philippine publication on the UNDRIP, together with local translations of the Declaration in Pilipino, Ilokano and Bisaya in October 2007. In recognition of the significant role played by Victoria Tauli-Corpuz, she was given a recognition, in December 2007, by the Philippine government's National Commission on Indigenous Peoples (NCIP).

2. Popularization of the International Day of the World's Indigenous People, the UN Declaration on the Rights of Indigenous Peoples and the Programme of Action of the 2nd Decade of the World's Indigenous People



- Convening a region-wide (Cordillera) activity to celebrate August 9, the International Day of the World's Indigenous Peoples and nation-wide (Philippine) activity to celebrate the adoption of the Declaration and further discuss the Decade Programme of Action.

In 2007, Tebtebba continued its thrust in helping popularize and institutionalize August 9 as the International Day of the World's Indigenous People. It helped organize a regional gathering on August 8-9, 2007 in the Cordilleras—the “Regional Consultation-Dialogue on the 2nd Decade of the World's Indigenous People”—to commemorate August 9. The activity also drafted a regional Programme of Action for the 2nd Decade of the World's Indigenous People (2005-2015) based on the National Programme of Action that was adopted by indigenous peoples from the Philippines in 2006. This was also an important occasion to discuss the UNDRIP among the 120 indigenous participants from 35 indigenous organizations in the region. The activity was co-organized with the Cordillera Peoples Alliance, the Episcopal Diocese of North Central Philippines, and the EED Task Force on Indigenous Peoples Rights.

On October 21-22, 2007, following the Declaration's passage, another gathering—“Celebrating the Adoption of the UN Declaration on the Rights of the Indigenous Peoples and

Strengthening Partnerships for its Implementation”—was co-organized by Tebtebba in Quezon City, Philippines. The activity celebrated the Declaration's passage by discussing how the Declaration can be used by indigenous peoples to help assert their rights and entitlements. It was also an opportunity to identify common actions by indigenous organizations on issues confronting them such as those concerning discrimination, biofuels, extractive industries, human rights violations, the ADB review of its safeguard policies. A proposal to finally organize a multilateral body that will oversee the implementation of the Declaration and the National Programme of Action of the 2nd Decade of the World's Indigenous People was also supported.

In both activities, dialogues were conducted with government agencies and UN bodies and multilateral agencies to identify areas of cooperation and bring indigenous concerns to the respective government bodies.

3. The Philippine Follow-up Visit and Asia Consultation of the UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People



- Organizing the follow-up visit of Stavenhagen to the Philippines, the national consultation with him and the Asia-wide consultation between him and the indigenous peoples of Asia.

In January 2007, Dr. Rodolfo Stavenhagen, the UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, conducted a follow-up visit

to the Philippines upon the invitation of several indigenous organizations, including Tebtebba. This was an unofficial visit since the government declined to invite Dr. Stavenhagen, citing several reasons. Nevertheless, the visit pushed through with several indigenous organizations sharing their situations. In general, the human rights situation of indigenous peoples have worsened since his official visit in December 2002.

After the Philippine visit, Tebtebba also helped organize an Asia-wide consultation with Dr. Stavenhagen in Cambodia in February. Tebtebba made an Asia Indigenous Peoples Situationer that was presented during the consultation.

The results of these meeting by the UNSR were presented during the 6th Session of the UNPFII in May 2007 and the Human Rights Council in December 2007. The Asian governments raised some issues regarding the release of the Asia Report by the Special Rapporteur considering that he did not do official visits to the countries. However, the SR justified his work by invoking the request made to him by the Chair of the UNPFII.

4. Helping raise the visibility of specific issues of indigenous peoples at the global level and supporting the efforts to bring these to the attention of and action by the Treaty Bodies of the UN Human Rights Council.

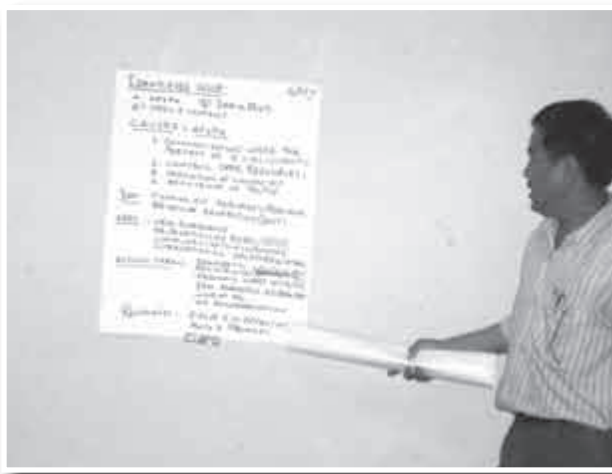
- **As a result of the Tebtebba-supported training-workshops on “Indigenous peoples rights and International Human Rights Law in India and the Philippines,**

indigenous organizations of Northeast India and Mindanao, made and presented submissions to the Committee on the Elimination of Racial Discrimination (CERD);

- **AMAN (National Federation of Indigenous Peoples’ Organizations in Indonesia) also made a submission to CERD on the issue of oil-palm plantations which contained the report prepared by Victoria Tauli Corpuz on Oil Palm Plantations for the Permanent Forum.**

Due to the training-workshops done by Tebtebba on “Indigenous Peoples’ Rights and International Human Rights Law” several indigenous organizations and their support groups managed to prepare reports on the gross human rights violations taking place in their communities. These were shaped as submissions to the CERD and as a result of these, the CERD made recommendations to the governments of the Philippines, Indonesia and India on what they should do regarding these submissions. The Philippines was asked to make a report on how the free, prior and informed consent of the Subanon in Canatuan, Siocon, has been obtained and respond to the claims by the indigenous peoples of the irregularities. The Philippine government was also asked to present a full-report to the CERD as the last report was in 1997.

The Indonesian government was asked to review the Kalimantan Oil Palm Mega-Project and to respond to the complaints raised by the Dayak in Kalimantan. It was also asked to respond to the recommendations presented by CERD.



B. SHAPING AND INFLUENCING THE AGENDA AND SUBSTANCE OF VARIOUS UN BODIES AND PROCESSES RELEVANT FOR INDIGENOUS PEOPLES

5. *The UN Permanent Forum on Indigenous Issues (UNPFII)*



- Tebtebba and other indigenous organizations lobbied for the adoption of the theme “Indigenous Peoples’ Lands, Territories and Resources” for the 2007 session. This provided an opportunity for indigenous peoples to raise the most crucial issues they face;
- Prepared documents for the Asia Indigenous Peoples’ Preparatory Meeting for the UNPFII which elaborated on the theme as far as it applies to the Asian context;
- Prepared for the one-half day session on Asia where the UNSR presented his report on his Asia-wide consultation;
- Convened Asia Regional Seminar on Indicators and the Global Seminar and prepared Asia and Global reports which

were submitted to the Forum;

- Organized side-events during the Sessions to present results of key activities undertaken by Tebtebba.

The UNPFII is a key arena of Tebtebba’s engagement with the UN. The Permanent Forum is an advisory body of the UN Economic and Social Council (ECOSOC) “with a mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights.” It provides expert advice on indigenous issues to the Council and the UN as a whole, and raises awareness within the UN, on issues concerning indigenous peoples. Its current chair is Victoria Tauli-Corpuz, Tebtebba’s Executive Director.

In 2007, Ms. Tauli-Corpuz was voted by indigenous organizations in Asia to be the Asian representative to the Permanent Forum for the second time. Her term will be from 2008-2010.

The Forum is a very important venue for popularizing Tebtebba’s analyses and perspectives on key issues along the mandated areas of the Forum. Since the annual sessions are attended by an average 2,000 indigenous representatives from all over the world, it provides a very big opportunity to strengthen relations with indigenous organizations and networks, develop new ones, and identify areas of collaboration.

The theme of the 6th Session of the UNPFII, held from May 14-25, was on Territories, Land and Natural Resources. Tebtebba organized two side events on “Data Disaggregation and Indicators” and on “Indigenous Women, Lands, Territories and Resources.” Both side events were well-attended. Tebtebba also made several interventions in different agenda items up for discussion such as those on Data Collection and Disaggregation, on Asian Indigenous Women, on Indicators. Tebtebba submitted, as official document, the report on the Asia Workshop on Indicators held in October 2006. Tebtebba also actively participated in the Asia Caucus and helped organize the Asia Reception.

6. Indicators Relevant for Indigenous Peoples, the Convention on Biological Diversity and the Millennium Development Goals

Participants of the International Experts Seminar on Indicators in a community visit in Ifugao, March 2007.



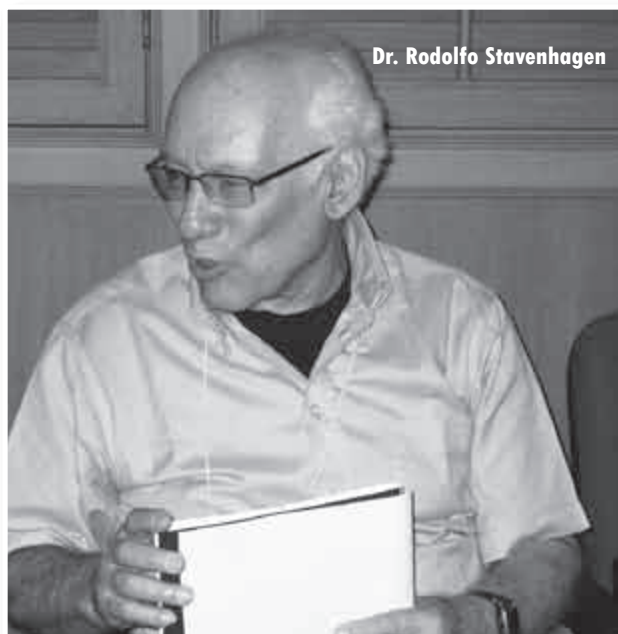
- Took the lead in organizing, fund-raising and report making of the Asia and Global Seminars on Indigenous Peoples and Indicators of Sustainability, Well-being and Poverty.
- Participated in the Africa Seminar on Indicators and the thematic Seminar on Indicators and Sustainable Customary Use of Resources.
- Established partnerships with the development and foreign ministries of Norway, Spain, Sweden and generated resources from them for the indicators work. Resources were also generated from the UN Permanent Forum on Indigenous Issues.

Work on indicators was identified by Tebtebba as a major priority in 2006, as it deals with the identification of a set of indicators that are relevant for indigenous peoples that can be used to monitor the implementation of the Convention on Biological Diversity (CBD) and the Millennium Development Goals (MDGs). Since there were two bodies, the Convention on Biological Diversity and the UN Permanent Forum on Indigenous issues, who are undertaking similar initiatives, Tebtebba helped bring together these two bodies to do the work jointly. This happened in Asia and Africa.

Regional workshops in Asia, Latin America and Africa were held in 2006 and 2007. These led to the March 7-9, 2007 at the International Seminar on Indicators Relevant to Indigenous Peoples, the Convention on Biological Diversity and the Millennium Development Goals which was held in Banawe, Ifugao, Philippines. The expert seminar was attended by over 70 indigenous experts, advocates and government representatives and multilateral bodies from Asia, North America, Africa, Latin America, the Arctic and the Pacific to identify a set of indicators that can be proposed to the CBD and governments for adoption.

The results were presented during the 6th Session of the UNPFII. As a follow-up to this initiative, Tebtebba has identified the Philippines and India as pilot studies for testing some of these indicators. Initial meetings have been conducted with the National Commission on Indigenous Peoples and with the National Statistical Coordination Board to conceptualize the pilot studies. There will also be a Global Technical Workshop which will be held in 2008 to refine the results of the previous seminars.

7. Participating in the Human Rights Council processes for the establishment of an expert mechanism on indigenous peoples and ensuring the continuing existence of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples.



Tebtebba participated in conceptualizing and lobbying for the establishment of the HRC expert mechanism on indigenous peoples. The discussion on this was influenced by Tebtebba along the lines of ensuring that the expert body will have an advisory and coordinating role. The resolution on this was adopted at the UN Human Rights Council session in December 2007. This will consist of 5 experts, three chosen by the Human Rights Council and the other two will be the Special Rapporteur and a representative of the UN Permanent Forum on Indigenous Issues.

We are also engaged in pushing Professor James Anaya to be the next Special Rapporteur. Stavenhagen's term has ended and we want to make sure that the next rapporteur will equal or surpass his record.

8. Sustaining, deepening the work on Multilateral Environmental Agreements (MEAs) and raising the level of awareness and capacities of indigenous peoples to influence government implementation of key MEAs



1. The Convention on Biological Diversity and the Indigenous Peoples Capacity Building Project on the Implementation of the Convention on Biological Diversity

- Held capacity building workshops in the Philippines (Asia-wide for indigenous women) and Kenya (for Africa indigenous women);
- Developed resource and training materials.

Tebtebba continues to sustain its work on the Convention on Biological Diversity (CBD). It helped

set-up and coordinates the work of two working groups under the International Indigenous Forum on Biodiversity (IIFB) - the WG on Communication, Education and Public Awareness (CEPA) and the WG on Indicators. The IIFB is the formation of indigenous peoples that actively participate in the CBD processes. It identifies priorities and actions on how best to influence the CBD in ensuring the recognition of the key role that indigenous peoples play in biodiversity conservation.

Tebtebba participated in the different meetings of the Working Groups of the CBD such as those the Working Group on Article 8j and Related Provisions and the Working Group on Access and Benefit Sharing, both in October.

2007 is also the last year of the 2-year Indigenous Peoples Capacity Building Project on the Implementation of the Convention on Biological Diversity. This project aims to build indigenous peoples full and effective participation in decision-making about CBD policies, programmes and projects affecting them—including free, prior and informed consent and equitable benefit-sharing arising from the use of their resources and traditional knowledge; and strengthened implementation of government commitments under the CBD. It will enter into the 2nd phase in 2008.

In 2007, two regional workshops were held: the Africa Indigenous Women's Workshop on Biodiversity, Traditional Knowledge and Women's Rights in July 2007 in Kenya; and the Asia Workshop on Gender and Environment: Indigenous Women and the Implementation of the Convention on Biological Diversity in August in Baguio City, Philippines.

2. The UN Framework Convention on Climate Change (UNFCCC)

- Participated actively in the 13th Conference of Parties of the UNFCCC by speaking in various side events and holding a side-event, itself;
- Participated in the strategy sessions of the International Indigenous Peoples Forum on Climate Change;
- Strengthened partnerships with various indigenous networks and NGOs.

The UNFCCC is the international convention dealing with global warming. While Tebtebba has been involved way back in 2000 in the UNFCCC, its participation has not been proactive and consistent. It was in 2007 that Tebtebba decided to actively engage with the UNFCCC process, with the 13th Conference of Parties Meeting in Bali, Indonesia from December 2-14, 2007. Its participation also leverages on the research undertaken by the UNPFII Chairperson on the impacts of biofuels on indigenous peoples, which was an official document submitted during the 6th Session of the UNPFII. The theme of the Forum for 2008 will also deal with climate change.

Tebtebbaco-organized a side event with the UNPFII and AMAN, the national federation of indigenous organizations in Indonesia, on the impacts of climate change mitigation and adaptation on indigenous peoples which was well-attended. The COP was also an important venue for Tebtebba to be updated on the current negotiations and issues being discussed. Tebtebba's representatives, Victoria Tauli-Corpuz and Joji Carino, were also invited to several side events where they shared indigenous perspectives on climate change. These included side-events organized by the Center for International Environmental Law (CIEL), the

CIFOR (International Center for Forests), the World Bank, etc.

Tebtebba also played a key role in raising questions on the World Bank's forestry partnership facility which was supposed to have been launched in Bali. This fund aims to provide financing to developing countries for avoiding deforestation as a means to mitigate climate change. However, the concept and operationalization of the fund did not involve any consultation with indigenous peoples and the implications on their access and control over their forests, among others. As a result, the WB downgraded the launching to an announcement of the fund and committed to a process of consultation with indigenous peoples. Tebtebba will help in organizing an Asia-wide consultation in 2008.

It was also a good occasion to strengthen ties with AMAN and other indigenous networks such as the Inuit Circumpolar Council, the Athabaskan Arctic Council, and the International Indigenous Forum on Climate Change. Working relationships with NGO formations, such as the Third World Network, the Durban Group, whose expertise on climate change issues were likewise revitalized.

C. CAPACITY BUILDING OF VARIOUS INDIGENOUS PEOPLES' ORGANIZATIONS AT THE COMMUNITY, NATIONAL AND REGIONAL LEVELS AND NETWORKING WITH OTHER ORGANIZATIONS

9. Reinforcing capacities of indigenous women's organizations and networks



- Strengthening the Asia Indigenous Women's Network and its member organizations through training workshops, and training of trainers;
- Enhancing relationships with the Africa Indigenous Women's Organization, the ENLACE in Latin America and the FIMI (Foro Internacional Mujeres Indigena);
- Published the Asian Indigenous Women's resource kit.

Reinforcing indigenous women's capacity to organize, strengthen their existing organizations and communities, and better articulate their issues has been given due priority by Tebtebba in 2007. Several Training of Trainers were held in the Philippines and with partner-indigenous organizations in the Chittagong Hill Tracts of Bangladesh.

In Nueva Vizcaya, northern Philippines, Tebtebba through its gender desk, conducted several indigenous women's Training of Trainers (ToTs) on the members of the indigenous organization Dapon and on the communities in Malabing Valley on November 10-11, 2007. This is in support of the Dapon's health program in different communities in the province. This was attended by an estimated 28 indigenous women and is the first in a series of training that will continue till 2008. Earlier, a series of meetings in April to identify further training needs, were held with indigenous Subanen women organizations in Siocon, southern Philippines. This is in preparation for the setting up of a regional indigenous women's organization, which Tebtebba is supporting.

In the Chittagong Hill Tracts, Bangladesh, Tebtebba is providing much-needed support to the gender component of a capacity building program among indigenous groups. This is in partnership with the Hill Tracts NGO Forum.

As mentioned in the earlier sections, Tebtebba co-organized an Asia Workshop on Gender and Environment with the Asian Indigenous Women's Network (AIWN) in August. This was participated in by 34 indigenous women from Thailand, Cambodia, Vietnam, Bangladesh, India, Nepal, China, Indonesia, East Timor, and the Philippines. The capacity building seminar was aimed at linking indigenous women's rights advocacy and their important role in helping implement environmental agreements such as the Convention on Biological Diversity.

Tebtebba continues to help strengthen AIWN, where its Secretariat is based and whose convenor is Victoria Tauli-Corpuz. A major undertaking was the finalization and printing of the Asian indigenous women information kit—Indigenous Women of Asia. This project, supported by Canada-based Rights and Democracy and AMAN, started in 2005. This was formally launched in November 26, 2007 during the AIWN Basic Journalism Training and Writeshop. In 2007, the AIWN website www.asianindigenouswomen.org was also launched in September. And from November 25-30, 2007, Tebtebba organized a writeshop on basic journalism to help build capacities of select indigenous women to write news and feature articles. The participants from five countries will form to pool of writers for the AIWN magazine and the website.

10. Support for indigenous peoples' organizations



- Undertook a scoping visit and orientation training seminars with indigenous peoples in Cambodia;
- Continuing partnership with the indigenous peoples of the Chittagong Hill Tracts in Bangladesh with Tebtebba still acting as the Project Holder for the CHT Capacity Building Project;
- Funding the participation of indigenous representatives in key regional and global processes and helping strengthen local organizing and research efforts.

Key indigenous organizations from Bangladesh, Indonesia, Cambodia and the Philippines were supported by Tebtebba in several forms and levels. In Cambodia, Tebtebba established linkages with several indigenous communities and NGOs working with indigenous peoples, mainly in Siem Reap. It conducted a scoping meeting and community visits in July with the support of SADP (South East Asian Development Program) to get first hand information on the situation of indigenous peoples in northern Cambodia and identify training needs. An orientation training on indigenous peoples rights was held on November 5-9 with 35 indigenous participants and advocates, mainly coming from eight provinces in the north.

In Bangladesh, Tebtebba continues to help in the implementation of the CHT Capacity Building Project with the local indigenous organizations such as Adivasi Forum and Trinamul. Tebtebba provides support for the research and gender component of the project. In the Philippines, it has

helped Dapon with several training on indigenous peoples rights and in its campaign against mining corporations that threaten to destroy indigenous lands and livelihoods. Together with Subanen indigenous organizations and support groups, it also filed a submission against the mining company TVI in the Committee on the Elimination on Racial Discrimination (CERD).

Through the Ford-funded project “Building the Local-Global-Local Nexus of Indigenous Peoples’ Actions,” Tebtebba has supported indigenous organization to engage in key global processes that will be useful in strengthening their capacities to undertake lobby and advocacy work and in articulating their issues and demands in these

fora. These processes include the Convention on Biological Diversity, the UN Framework Convention on Climate Change, the UN Permanent Forum on Indigenous Issues, to name a few. It has also supported community initiatives on the ground, such as researches, translation of UNDRIP to local indigenous language, training on indigenous peoples rights and the UNDRIP, and local indigenous women’s conference. In 2007, Tebtebba has supported the following indigenous organizations, networks and communities: AMAN, Indonesia; AIWN; SADP, Cambodia; AIDSESP, Peru; SEYNEMIN, Colombia; FAIRA, Australia; KAMP, Philippines; Moyon Women’s Association of North East India; Hmong Women’s Network in Thailand; CIR, Brazil; WOMANKIND of Kenya.

D. UNDERTAKING RESEARCH AND HELPING BUILD CAPACITIES OF INDIGENOUS PEOPLES TO DO RESEARCH ON THEIR OWN SITUATIONS AND ON CRUCIAL ISSUES

11. *Research on agreements, laws, policies and programmes on indigenous peoples; and development with identity*



Research on national accords, laws, policies and programmes on indigenous peoples and on development with identity were undertaken and the following are the various stages of implementation:

1. *Assessment on the National Implementation of the 1st Decade of the World’s Indigenous People (1995-2005)*

Started in 2006, the research aims to conduct an analysis on government’s implementation of the programs and priorities of the 1st Decade of

the World’s Indigenous People. This was a joint research between Tebtebba and Nepal-based ICIMOD (International Centre for Integrated Mountain Development) and funded by the International Fund for Agricultural Development (IFAD). Case studies and national consultations were undertaken in 10 Asian countries (five for Tebtebba, namely, Philippines, Indonesia, Cambodia, Vietnam, Thailand). The results of the assessment is currently being prepared as a 2-volume publication.

The research opened new areas of linkages for Tebtebba and the International Peoples’ Global Research and Education Network (IPGREN). IPGREN is a loose network of indigenous researchers all over the world organized by Tebtebba. Tebtebba was able to link with indigenous organizations or support organizations specifically in the Mekong area (Cambodia and Vietnam) and strengthened working relations with existing partners such as IMPECT of Thailand and AMAN of Indonesia.

2. *Decade (1997-2007) Assessment of the Chittagong Hill Tracts (CHT) Peace Accord*

The research project aims to undertake an evaluation on the implementation of the 1997 Chittagong Hill Tracts Peace Accord between the Government of Bangladesh and the PCJSS

(Parbatya Chattagram Jana Samhati Samiti). The research is currently in the inception stage with a scoping exercise set for January 2008.

3. Indigenous peoples movement and Grassroots (initiatives) work on Development: The case of the Pancur Kasih and the PK Credit Union of West Kalimantan, Indonesia

The research project aims to document the good practices of the Pancur Kasih (PK) movement and the PK credit union of West Kalimantan, Indonesia and draw lessons from its experiences. The PK credit union is a successful cooperative organized and run by indigenous Dayaks. This is in partnership with Pancur Kasih and Institut Dayakologi. Several inception meetings have been held in 2007 and a scoping meeting is scheduled for January 2008.

4. Impact Evaluation on the Implementation of IPRA

This research project aims to assess the implementation of the Philippine Indigenous Peoples Rights Act (IPRA) of 1997. The research will be undertaken in partnership with the academe (University of the Philippines) with the support of the government's National Commission on Indigenous Peoples. A scoping exercise was held on July 27-28, 2007 with the research implementation targeted for 2008. This was attended by several indigenous organizations, NGOs and the NCIP. The project proposal for this has to be finalized and submitted for funding support. It is targeted that this will take off in 2008.

5. Indigenous Peoples Development with Identity

This is a project that seeks to come out with elements of what development with identity is for indigenous peoples. It will also look into case studies of indigenous communities asserting their rights over their lands, territories and resources towards a development that truly reflects their particular perspectives, needs and aspirations. The results would then be used as basis for dialogues and advocacy work by indigenous peoples among governments, UN bodies and agencies and multilateral agencies.

The first phase involved a workshop among steering committee members in Bangkok, Thailand held on November 24-25, 2007. The workshop was a venue to share the concept of the project and kick start the discussions on indigenous vision on development with identity. The steering committee is composed of indigenous experts and advocates. In 2008, a bigger meeting to deepen discussions will be organized, as well as a series of dialogues and roundtable discussions with civil society, governments, UN bodies and agencies, and multilateral bodies.

6. International Training on Social Research and Indigenous Peoples (ITSRIP)

As early as 2000, with the formation of the Indigenous Peoples Global Research and Education Network (IPGREN), training on research work for indigenous peoples was identified as a felt need. On October 25-November 6, 2007, this training—International Training on Social Research and Indigenous Peoples (ITSRIP)—was finally held in Baguio City, Philippines. In the main, the training aimed to arm indigenous researchers with the necessary skills to undertake research based on their particular issues and situations.

The training was participated in by indigenous researchers from eight countries (Bangladesh, Cambodia, India, Indonesia, Nepal, Philippines, Thailand, Vietnam). The participants were members of IPGREN and researchers who have partnered with Tebtebba in previous researches (such as in the Assessment of the Implementation of the 1st Decade of the World's Indigenous People) or will be involved in the ongoing research activities such as in the Pancur Kasih and the CHT Peace Accord Evaluation.



E. PUBLICATIONS AND DOCUMENTATION

The following are some of the publications that Tebtebba released in 2007:

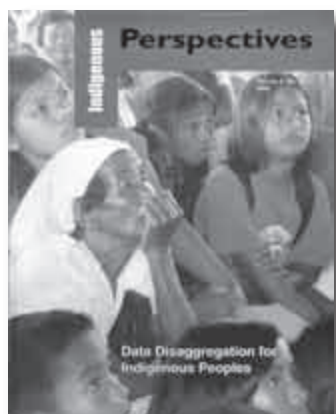


- **Good Practices on Indigenous Peoples Development** – Collection of different case studies in Latin America and Asia showing good practices of IFAD-funded projects on indigenous education, economic development, ecotourism. This is co-published with the UNPFII.

- **UN Declaration of the Rights of Indigenous Peoples** – The Declaration in the local Philippine languages (Pilipino, Ilokano and Bisaya) as well as a first-person account of Ms. Victoria Tauli-Corpuz on the approval of the Declaration in September 2007.



- **CBD Series No. 4** – Roundtable Discussion on Sui Generis Protection and Indigenous Peoples – Results of the 2006 Philippine Roundtable Discussion on Sui Generis Protection attended by several indigenous organizations and advocates that discussed culturally-appropriate and alternative forms of protection of traditional knowledge and indigenous resources.



- **CBD Series No. 5** – Malaysia National Workshop on Indigenous Peoples and the CBD – Results of the Malaysia National Workshop held in 2006.



- **Indigenous Perspectives: Data Disaggregation for Indigenous Peoples** – Results of the breakthrough 2006 pilot study on data collection and disaggregation among indigenous communities in Nueva Vizcaya, northern Philippines.



- **Indigenous Women of Asia** – An information kit on Asian indigenous women, this is a collaborative effort between AIWN, AMAN of Indonesia and Rights and Democracy of Canada.



- **Tebtebba Magazine 2006** – A report of the achievements of Tebtebba in 2006.

TEBTEBBA's Proposed PROGRAM OF ACTION for 2008



I. POLICY ADVOCACY FOR THE PROMOTION, PROTECTION AND RESPECT OF INDIGENOUS PEOPLES RIGHTS AND DEVELOPMENT

- Popularization of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)
 - i. Forums, Filmshowing and Dialogues on the implementation of the UNDRIP
 - ii. Popular education material on the Declaration
- Working towards the implementation of the Programme of Action of the 2nd Decade of the World's Indigenous Peoples and institutionalization of August 9 as the International Day of the World's Indigenous People
 - i. Formation of the Philippine Multisectoral Network for the implementation of the Declaration and the POA of the 2nd Decade

II. CAPACITY BUILDING OF VARIOUS INDIGENOUS PEOPLES' ORGANIZATIONS AT THE COMMUNITY, NATIONAL AND REGIONAL LEVELS AND NETWORKING WITH OTHER ORGANIZATIONS

- Phase 2 of the Indigenous Peoples Capacity Building Project for the Implementation of the CBD
- Support for indigenous peoples' organizations
 - i. Capacity building among indigenous organizations in Cambodia
 - ii. Support for the 3rd phase of the CHT Indigenous Peoples Capacity building project
 - iii. Continuation of the project "Building the Local-Global-Local Nexus of Indigenous Peoples' Actions"
- Training on Indigenous Peoples Rights and International Human Rights Law (IPR/IHL) and the UNDRIP
- Finalization of IPR/IHL module and resource kit
- Education material on the CBD and Indigenous Peoples

III. INDIGENOUS WOMEN AND THE ASIAN INDIGENOUS WOMEN'S NETWORK (AIWN)

- Trainors Training on Indigenous Women's Rights; CBD, Climate Change and Indigenous Women
- Publication of AIWN magazine
- Preparatory actions towards the 3rd Asian Indigenous Women's Conference
- Finalization of the gender module and resource kit
- Strengthening participation of Asian indigenous women in the CBD and the UN Framework Convention on Climate Change (UNFCCC) processes

IV. SHAPING AND INFLUENCING THE AGENDA AND SUBSTANCE OF VARIOUS UN BODIES AND PROCESSES RELEVANT FOR INDIGENOUS PEOPLES

A. 7th Session of the UNPFII: April 22-May 2

- Side events related to the 7th Sessions theme on Climate Change and Indigenous Peoples:
 - i. Climate Change and Biodiversity
 - ii. Climate change and Indigenous Women
 - iii. Strategy meeting – indigenous actions on climate change
- Briefing Papers on Climate Change Mitigation and Adaptation Measure on Indigenous Peoples
- Asia Regional Preparatory Meeting for the UNPFII – February 2008 in Nepal

B. Convention on Biological Diversity

- Participation in key meetings of Article 8j, Access and Benefit Sharing and the Conference of Parties of the CBD
- Work for an Indigenous Peoples Day on Biodiversity and Climate Change

C. Climate Change

- Participation in the COP 14/MOP4 of the UN Framework Convention on Climate Change - December 2008
- Side events on climate change and indigenous peoples
- Capacity building on indigenous peoples and climate change
- Briefing papers on IPs and climate change
- Organize an Asia Regional Summit on Indigenous Peoples and Climate Change
- Asia Regional Consultation on the World Banks' Forestry Partnership Facility - to be organized by Tebtebba

D. UNEP

- UNEP Strategy Paper on Indigenous Peoples
- Participation in key meetings of UNEP

E. Human Rights

- Human Rights Council and the Expert Mechanism on Indigenous Peoples
- FPIC – Publication of the book FPIC and Indigenous Peoples
- Monitoring of FPIC policies of International Financial Institutions and Multinational Corporations
- Research on FPIC and the Malampaya oil wells in the Philippines
- Engagement with the safeguards policy review of the ADB
- Support for engagement with treaty bodies such as CERD, CEDAW, etc.

F. Indicators Relevant for Indigenous Peoples

- Pilot Studies on Indicators in the Philippines and India
- Engagement with relevant government agencies in the Philippines such as the NCIP and the NSCB
- Publication of the Source Book on Indicators Relevant to Indigenous Peoples
- Technical Working Group meetings to review and finalize the set of indicators identified in the International Experts Seminar on Indicators in 2007
- White paper on IPR, IPRA and FPIC for the Philippines

V. UNDERTAKING RESEARCH AND HELPING BUILD CAPACITIES OF INDIGENOUS PEOPLES TO DO RESEARCH ON THEIR OWN SITUATIONS AND ON CRUCIAL ISSUES

- Decade (1997-2007) Assessment of the Chittagong Hill Tracts (CHT) Peace Accord, Bangladesh
- Indigenous peoples movement and Grassroots (initiatives) work on Development: The case of the Pancur Kasih and the PK Credit Union of West Kalimantan, Indonesia
- Impact Evaluation on the Implementation of IPRA
- Indigenous Peoples Development with Identity
- Research on the Impacts Climate Change Mitigation and Adaptation Measure on Indigenous Peoples

VI. TRAINING INSTITUTE ON INDIGENOUS PEOPLES

- Formation of pool of trainers on IPR/IHL, the Multilateral Environmental Agreements (MEAs), among others
- Schedules of training of the institute on on MEAs, IHL/IPR, research, gender, community organizing, leadership training, campaigns
- Development of key modules and resource book on IPR/IHL, the MEAs, indigenous women

VII. PUBLICATIONS AND DOCUMENTATION

- 2-volume Book on Assessment on the National Implementation of the 1st Decade of the World's Indigenous People (1995-2005)
- Book on Free, Prior and Informed Consent
- Indigenous Perspectives Journal - 2 volumes
- Sourcebook on Indicators Relevant for Indigenous Peoples in English, Spanish and French
- Publications on Indigenous Peoples Development with Identity
- Revamp of the Tebtebba website
- AIWN magazines – 2 volumes
- Modules and resource books – draft design and layout

Making Research Relevant for Indigenous Peoples:

International Training on Social Research and Indigenous Peoples



By **Eleanor Baldo-Soriano**
and **Helen Magata**
of the Research Desk

Researchers play an important role in the education, information and advocacy for indigenous peoples programs. The results of these researches determine the kind and quality of policies that lawmakers recommend for indigenous peoples communities. Sadly though, many of the same researches do not present accurate, non-biased and non-judgmental representation of the indigenous community.

As a result, the indigenous community serves as mere subject to be documented, analyzed, measured and even judged to researchers who are not cautious and who do not value indigenous perspectives.

In 2002, Tebtebba launched the Indigenous Peoples Global

Research and Education Network (IPGREN) that produced outputs on the state of researches and education efforts on indigenous peoples in Ecuador, Guatemala, South Africa, Kenya, Bangladesh, India, Indonesia and Philippines. Through indigenous peoples' development researches and assessment activities, IPGREN expressed the need for a training on research as its priority activity.

Thus, on October 25 to November 6, 2007, the International Training on Social Research and Indigenous Peoples was organized and conducted by Tebtebba, in partnership with the Social Science Research Institute (SSRI) of the University of the Philippines Baguio (UPB), with Prof. Charita de los Reyes as Convenor. The SSRI prepared the training design in consulta-

tion with Tebtebba who provided the indigenous perspective and ensured that the approaches and methodologies were integral to the conduct of the training.

The training was guided by the following objectives:

- To build the capacity of indigenous peoples to conduct intelligible researches relevant to indigenous development that will enable them to better articulate their issues and perspectives and reinforce their proactive engagement on various processes locally and abroad;
- To initiate the development of training modules on "Social Research and Indigenous Peoples;"
- To promote indigenous peoples' perspectives integral to the conduct of the trainings, research and its issues, including indigenous discourses on Research Ethics, indigenous con-

cepts of development and other evolving issues;

- To strengthen and expand the current pool of indigenous researchers of IPGREN and consolidate IPGREN as a network.

Twenty-eight (28) enthusiastic participants from seven Asian countries: Bangladesh, Cambodia, India, Indonesia, Nepal, Philippines, Thailand and Vietnam were taught concepts and methods on the research cycle. The 13-day training conducted at the Asian Institute of Management (AIM) Igorot Lodge at Camp John Hay, Baguio City, Philippines, was divided into four modules.

Module 1: Introduction to Social Research aimed to orient the participants on the various research processes and frameworks, including a discussion on Decolonizing Social Research towards an Indigenous People's Paradigm of Research which was delivered by Dr. Narcissa Paredes-Canilao. United Nations Permanent Forum on Indigenous Issues (UNPFII) Chairperson and Tebtebba Executive Director Victoria Tauli-Corpus discussed the Ethics and Politics of Research on Indigenous Peoples during the second day of the training.

The conceptual aspects of research, particularly on formulating the research problem and constructing theoretical and conceptual frameworks, and review of literature were discussed in Module 2: Conceptualizing Social Research. It was also during this module when the participants began working, individually or in groups, on research topics that were to be built up throughout the training. Prof. Gladys Cruz and Prof. Arellano Colongon, Jr. guided the participants in formulating their research problems. The participants also had a chance to use the resources of the Tebtebba Library for their session on

Review of Related Literature.

Quantitative and qualitative research methods were discussed and demonstrated in Module 3: A Menu of Social Research Methods. Dr. June Prill-Brett shared her expertise on ethnographic methods. Prof. Jennifer Josef facilitated the participants as they conducted mock focused group discussions during her session. It was also in this module when the participants were welcomed to UPB's computer center for the session on computer aided statistical analysis facilitated by Prof. Liezl Astudillo.

Participants then went through intensive coaching sessions with the SSRI's live-in and on-call coach, Prof. Bienvenido Tapang, Jr., whom the participants affectionately call as "Lolo Ben" (Grandfather Ben).

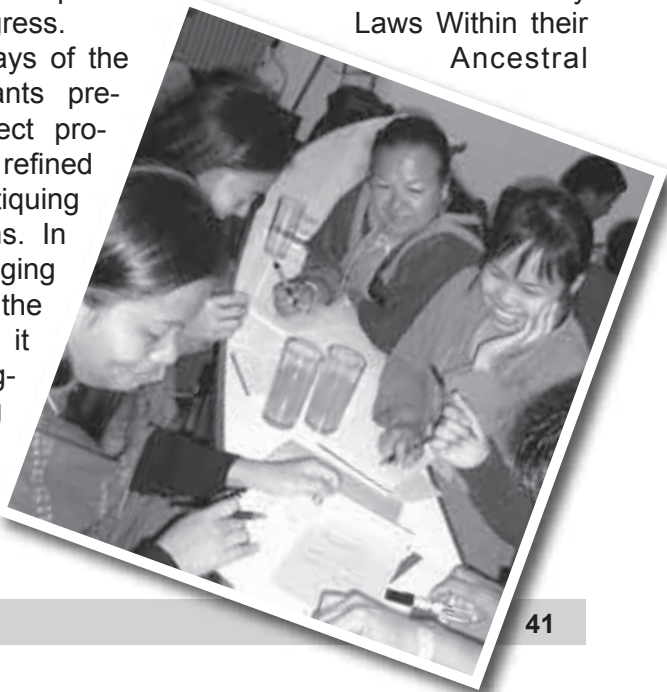
Throughout the training, and for each session that had a workshop, the participants presented their outputs on a plenary, for feedback and critiquing from both fellow participants and faculty trainers from the SSRI. The faculty trainers, including UPB College of Social Sciences Dean Raymundo Rovillos and UPB Institute of Management Director Erlinda Castro-Palaganas, sat through the plenary and spent time to coach the participants with their works in progress.

On the last two days of the training, the participants presented research project proposals that have been refined from the feedback, critiquing and coaching sessions. In the context of the changing Vietnam economy and the challenges with which it presents to the indigenous peoples, Truong and Au from Vietnam gave a well reviewed research proposal with the problem

statement: "Access to Market of the People of Chi Lang District, Lang Son Province." The Bangladesh group of Dipujjal, Aney, Rumi and UK Mong, coming from their own experiences in the Chittagong Hill Tracts and the historic signing of the Peace Accord in 1997 entitled their research proposal as "A Case Study on UNDP's Development Program of CHT Indigenous Peoples towards Development and Confidence Building."

To determine the actual trend in the drop out rate among indigenous students, Dawang and Mee-na from Nepal proposed to find the "Leading causes of Discontinuing School by Students from Grade 1-10 of Five (5) Schools in Solukhumbu District in Nepal." At a macro level, research in the context of institutionalized education was also the direction of Lorna from the Philippines in her proposal "Data Trend Analysis on the Status of the Department of Education: Division of Ifugao for the school year 2004 – 2007."

Juliet, Abdulani, and Ernesto of the National Commission on Indigenous Peoples (NCIP) – Philippines, proposed to conduct "A Study of the Land Conflict Resolution Mechanism of the Three (3) Major Ethnic Tribes Through the Use of Customary Laws Within their Ancestral



Domains/Lands.” Conflict management was also the focus of Rogelio and Melody from the Philippines, with their topic “Timuáy System: A Resource-Based Conflict Management of Erumanen ne Menuvu in Central Mindanao”

Intending to document the good practices of an indigenous movement that successfully sustained itself for the last twenty years, Clarry and Evy of Indonesia worked on the research topic “Indigenous Peoples Movement and Grassroots work on Development: The Case of the Pancur Kasih Foundation of West Kalimantan, Indonesia.” The other Indonesia group of Chatarina and Eusabinus worked on the same topic but in a different dimension, looking into “The Role of Pancur Kasih Credit Union (PKCU) Towards Economic Empowerment of Dayak Indigenous Peoples (IPs) in West Kalimantan, Indonesia.”

Another group of participants from the Philippines, Noel and Glenda, were interested on the “Persistence of IP Healing Rituals

amidst Modern Health Delivery System in the Case of the Dibabawon Tribe of Kapalong, Davao del Norte.” On the same vein, India’s Key Thaipei and G. Chin Khan Muan, prepared a proposal in “Indigenous health knowledge and practices among the Poumai and Zo communities of Northeast India.” Similarly, Ornanong and Rasamee of Thailand also wanted to study indigenous health with their proposal “Promotion of Health Knowledge and Practices Among the Lisu Community of Thailand.”

On the other hand, Sandra of the Philippines, wanted to find out the “Perceptions and attitudes of ISCAF Students on the Teaching-Learning of Ifugao Indigenous Songs and Folklores.” Nok Ven of Cambodia presented an interesting topic with the objective of identifying and documenting the customary practices governing the protection of the sacred sites of the indigenous peoples in Ou Raing District, Mondolkiri, Cambodia. His research proposal was entitled “Studying the Significance of the “Sacred” Sites of the Bunong Indigenous People in Ou Reang District, Mondolkiri, Cambodia”

Other significant details and sections of the participants’ proposals were further refined after each presentation. The participants were very attentive in taking note and responding to the comments that were given regarding their presentations. The topics that the participants chose were also very significant in terms of the situation of indigenous peoples in their own countries. A great sense of heart for indigenous peoples issues was noted from the participants since the beginning, as shown in personal visions that they had expressed for the situation of indigenous peoples in their country. Most, if

not all, of the participants have considered the training as an opportunity and were very thankful for their being part of the activity. It was also the first time for many of the participants to be in the Philippines or in Baguio City. By the end of the training, the participants had formed good friendships with each other.

The Training did not only provide an opportunity for the participants to enhance their capacities in research. It tightened the working relationship and camaraderie of Tebtebba with its partners, as well. Before the training ended, plans were under way for the Bangladesh and Indonesia group to maintain a two-way communication and coordination with Tebtebba in line with activities geared toward pursuing their researches as full blown projects. Scoping workshops were planned to be conducted by early 2008 for Bangladesh’s CHT Accord Assessment and Indonesia’s PKCU book project.

During the training’s closing ceremonies, the participants gave testimonials of their mostly positive experiences. Many shared a broadening of perspectives and insights, and deeper understanding of indigenous peoples issues from other countries. An awarding ceremony of sorts was conducted where Sumurong, a Philippine-based participant from Indonesia, and seemingly the oldest of the participants, received the most awards.

Ms. Victoria Tauli-Corpuz, in her closing remarks, thanked the participants for their time and also gave appreciation to the UP trainers and to the Tebtebba staff, who served as coordinators and secretariat for the training. According to Ms. Tauli-Corpuz, this is the first training of its kind that Tebtebba did, that was very focused on skills and the politics

The Training did not only provide an opportunity for the participants to enhance their capacities in research. It tightened the working relationship and camaraderie of Tebtebba with its partners, as well.

behind it, and which she thinks is worthwhile to pursue in the future.

The training was a “dream-come-true” for Ms. Tauli-Coprux and Dean Rovillos. IPGREN, although still a loose network, was put up with objectives of training indigenous peoples to do research and where indigenous peoples are able to share their own experiences and views and further develop their skills and knowledge. Although there have been previous difficulties in looking for researchers, the more crucial issue was to have indigenous peoples do research. This comes from the principle that enhancing the capacities of indigenous peoples for research is also a means of strengthening indigenous peoples globally, where as researchers, there is more confidence to engage with governments or other institutions in terms of suggesting policies based on facts and analysis based on indigenous perspectives. There will also be no need to bring in non-indigenous researchers when research regarding their issues is required. When external assistance is necessary, indigenous peoples must ensure that they are co-authors on work that is done on them. Ultimately, the interest is that from the training, there is an ability to generate reports from indigenous peoples that they will be able to use in dealing with their own issues.

Knowledge gained from the training was hoped to be used by the participants in advancing the lives of their people especially in asserting their right to self determination. Ms. Tauli-Coprux reminded the participants that the training was not a “one shot deal” that ends after the two weeks when the training was conducted. She challenged the participants that their attendance

to the training also requires corresponding action and that she looked forward for the participants to pursue their proposals. She mentioned the possibility of having a presentation of findings after one or two years and the possibility of holding similar trainings yearly.

Included among the planned off-shoots of the training is a module on how to develop indigenous peoples as researchers. It is also hoped that the participants can be involved in developing a module in their own language and in training their own people, as well as disseminating it widely – in order to “multiply the number of people” who are capable of doing research. Further plans after the research training also included the development of a listserve where the participants and trainers can interact with each other and for continuing support especially in the area of research.

Finally, the participants were invited to be part of IPGREN, and were encouraged to work with their own academic institutions. It is acknowledged that working closely with the academe brings about learning opportunities for both sides, like an intercultural dialogue – where people are able

to share and open their minds. It is not just the end product but also the process of trying to understand each other, considering the different countries and experiences where each comes from. For his own closing remarks, Dean Rovillos also recognized the value which the training had given to UP, especially with the involvement of the academe with marginalized groups. He saw the event as an opportunity for UP to interface with indigenous peoples and civil society organizations to make UP’s existence relevant—as part of UP’s engagement with the world which is life-giving to the discipline. Good social scientists cannot be detached from the people. It was a great opportunity for the faculty to be exposed to indigenous peoples from Asia, getting a glimpse of their culture and issues. One of the participants said, they have not only opened their minds but also their hearts during the training. They have not only become researchers, they have also become friends. 🌍



INDICATORS relevant for INDIGENOUS PEOPLES



By **Helen Valdez**,
Indigenous Peoples Capacity
Building Project for the
Implementation of the CBD

Tebtebba identified work on indicators relevant for indigenous peoples as a major priority since 2006. This continuing task is in support of the identification and development of indicators relevant for indigenous peoples in monitoring the implementation of the Convention on Biological Diversity (CBD) and the Millennium Development Goals (MDGs).

Indigenous peoples' representatives have been participating in the CBD process through the International Indigenous Forum on Biodiversity (IIFB) since 1996 to push for the recognition of their rights in the implementation of the Convention. With the Conference of Parties' (COP) Decisions VI/26 and VII/30 adopting the CBD Strategic Plan, 2010 Biodiversity Target and monitoring framework, the IIFB formed a Working Group on Indicators which proposed the convening of an International Experts Seminar on Indicators at the 4th meeting of

the Ad Hoc Open-Ended Working Group Article 8j and Related Provisions (WG8j). Decision VIII 5G of the 8th meeting of the COP in March 2006 recognized the need for a structured technical process to guide further work of WG8j in the development of indicators for assessing the status and trends of traditional knowledge, innovations and practices and progress towards the 2010 biodiversity target. The same decision also welcomed the IIFB Working Group on Indicators initiative and invited Parties, UN agencies, donors and other bodies to support this technical process.

Similarly, the United Nations Permanent Forum on Indigenous Issues (UNPFII) has identified adequate collection and disaggregation of data on indigenous peoples a priority at its first session in 2002. In 2005, the 4th Session of the UNPFII called on the UN system to use and further refine existing indicators to be

more culturally sensitive and responsive to indigenous peoples realities and aspirations. Reports reaching the UNPFII revealed that some MDG processes may lead to the loss of lands and resources for indigenous peoples and may displace them from their ancestral lands and livelihoods. "MDGs and Indigenous Peoples," a technical report of the Inter-Agency Support Group on Indigenous Issues (IASG) observed that statistics often fail to reflect the situation of indigenous peoples or these remain hidden in national averages. The International Labour Organization (ILO) in its "Ethnic Audit of select Poverty Reduction Strategy Papers" concluded that the absence of indicators that reflect indigenous peoples own perceptions of poverty and wealth is a key challenge in overcoming ethnic poverty and social exclusion. The UNPFII decided to address these challenges and gaps on indicators development across the areas of its mandate such as health, human rights, economic and social development, environment, education and culture. It also welcomed COP8 Decision VIII 5G and the IIFB Working Group on Indicators initiative and called for inter-agency collaboration at its fifth meeting in May 2006.

Preparations for the International Experts Seminar on Indicators

Tebtebba brought together the two initiatives on indicators towards a longer-term process. It started providing coordination and secretariat functions for this global process and co-organized thematic and regional workshops involving indigenous and non-indigenous experts in 2006.

It organized and provided

secretariat work, and together with the Coordinating Committee of the IIFB WG on Indicators at its meeting held January 8-10, 2007 in Chiangmai, Thailand, prepared for the international experts seminar. This meeting finalized the venue, dates, objectives and activities, detailed programme, and identified conference documents. They also established a Technical Working Group (TWG) to help systematize the results of the preparatory workshops and forward these to the international seminar. Using reports from the concluded preparatory workshops, the Coordinating Committee members charted the next steps towards systematizing the proposed indicators. A brief, final run through the details of the international seminar was also organized and held on March 4 in Manila, Philippines.

In between these meetings, updates were provided electronically to members of the IIFB Working Group on Indicators containing developments leading to the international seminar.

Tebtebba, together with the Forest Peoples Programme, also convened the TWG meeting on February 1-2, 2007 in Gloucestershire, UK which was attended

by eight of its 11 members. The TWG's task was to summarize, synthesize and analyze the reports of the preparatory workshops and produce a paper containing the core issues/domains and proposed indicators for discussion and decision at the international seminar. Their work focused on indicators relevant for indigenous peoples contained in COP8 decision VIII 5G:

- Traditional knowledge, innovations and practices;
- Customary sustainable use (Article 10c);
- Maintain goods and services from biodiversity to support human well-being (biodiversity and the achievement of the MDGs; and,
- Effective participation of indigenous and local communities in the CBD processes at all levels.

From the reports of all the regional and thematic workshops, the TWG distilled twelve global core themes identified by indigenous participants as central to indigenous peoples' well-being and sustainability. These were further considered by the Coordinating Committee which proposed a number of indicators for discussion at the international seminar.



Global Core Themes and Issues:

- ☐ Security of rights to territories, lands and natural resources
- ☐ Integrity of indigenous cultural heritage
- ☐ Respect for identity and non-discrimination
- ☐ Culturally-appropriate education
- ☐ Fate control or self-determination
- ☐ Full, informed and effective participation
- ☐ Health
- ☐ Access to infrastructure and basic services
- ☐ Extent of external threats
- ☐ Material well-being
- ☐ Gender dimensions
- ☐ Demographic patterns of indigenous peoples

The International Experts Seminar on Indicators

A major activity of Tebtebba in 2007 was the International Experts Seminar on Indicators Relevant for Indigenous Peoples, the CBD and the MDGs. This was organized by Tebtebba and the IIFB Working Group on Indicators in collaboration with the Secretariat of the CBD and sponsored by the Protected Areas and Wildlife Bureau of the Department of Environment and natural Resources of the Philippines, the Agencia Espanola de Cooperacion Internacional (AECI) of the Government of Spain, the Royal Norwegian Embassy and Swedbio. It was held in Banaue, Ifugao, Philippines from March 5-9, 2007 hosted by the government of the Philippines and the local government of the municipality of Banaue. A total of 80 experts from 38 countries representing indigenous communities, academe, governments, non-government organizations and intergovernmental organizations who have been engaged in the development of indicators and with experience in customary sustainable use, food security, traditional knowledge, indicators, statistics and other relevant CBD issues participated.

It was formally opened in the afternoon of March 5 followed by a community visit the next day. On the third day, the plenary consisted of inputs on the CBD strategic plan, 2010 target and monitoring framework, regional and thematic workshop reports. Expert's papers were presented in parallel sessions. Using the output of the TWG as the working paper, the final two days were devoted to small groups discussions to select, refine and prioritize indicators for the CBD.

Regional groups also addressed indicators for effective participation of indigenous and local communities in CBD implementation under Goal 4 of the CBD Strategic Plan.

Lobbying for Testing, Adoption and Use of Indicators

Reports of the International Seminar on Indicators Relevant for Indigenous Peoples, the CBD and the MDGs were submitted to the Secretariat of the CBD. These consisted of a summary report and a full report which became an Official Document (UNEP/CBD/WG8J/5/8) and Information Document (UNEP/CBD/WG8J/5/INF/2) of the 5th meeting of WG8j respectively. In this meeting in Montreal, Canada from October 15-19, 2007, the Parties recommended that the COP at its 9th meeting adopt a decision to include the testing of indicators for status and trends of traditional knowledge, innovations and practices by Parties at the national level, noting that the proposed indicators contained in the report of the International Experts Seminar on Indicators Relevant for Indigenous Peoples, the CBD and the MDGs.

Likewise, Tebtebba submitted the report of the Asia Regional Workshop on Indicators Relevant for Indigenous Peoples, the CBD and the MDGs to the 6th Session of the UNPFII held on May 14-25,



2007 in New York. Supporting this submission, the Coordinator of the IIFB WG on Indicators, Joji Carino of Tebtebba, delivered a statement outlining the highlights of the Asia Regional Workshop and the International Experts Seminar on Indicators Relevant for Indigenous Peoples, the CBD and the MDGs. In response, the UNPFII invited the organizations involved in the indicators process to continue their work and urged governments, indigenous peoples organizations, UN agencies and academe to collaborate and the UN Statistical Division to support the efforts. The Permanent Forum also invited universities and technical experts to address the need for guidelines and survey instruments that are culturally sensitive.

Sustaining the efforts at the Permanent Forum, Tebtebba consolidated the indicators relevant to indigenous peoples and the MDGs based on the issues and indicators proposed at the regional and thematic workshops and at the international experts seminar. This was submitted to the UNPFII for consideration at its next session.

Indigenous peoples will be following these up at the 7th Session of the UNPFII from April 21 to May 2 and at COP 9 from May 19-30, both in 2008.

Building Capacities and Partnerships

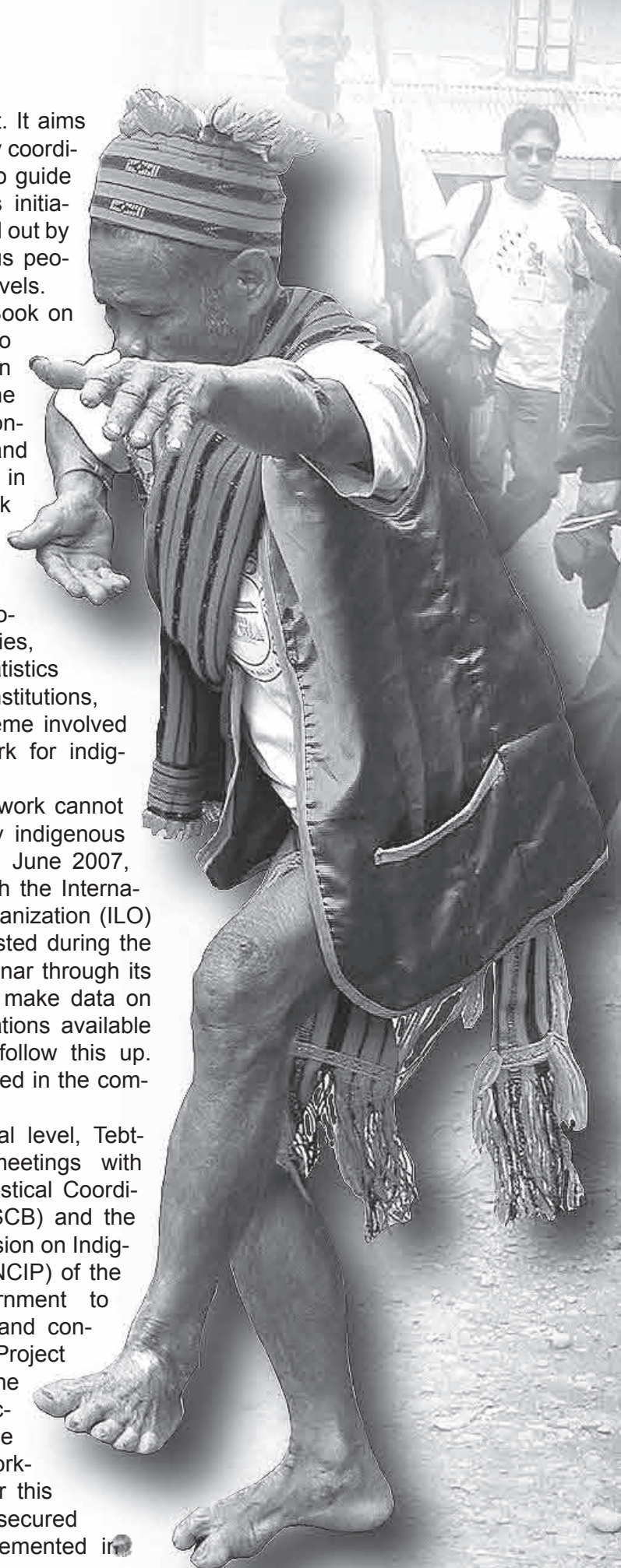
Results of completed activities on indicators are difficult to synthesize to present a global summary with comparable outcomes. An International Technical Seminar on Indicators is planned in 2008 as an important next step to advance the global work on indicators for indigenous peoples well-being and sustain-

able development. It aims to frame a broadly coordinated approach to guide various indicators initiatives being carried out by and for indigenous peoples at different levels.

A Resource Book on Indicators will also be published in 2008 as one of the outputs of the concluded activities and additional guide in furthering the work on this indicators process. This can be used by indigenous peoples, UN agencies, governments, statistics and/or research institutions, NGOs and academe involved on indicators work for indigenous peoples.

This gigantic work cannot be carried out by indigenous peoples alone. In June 2007, Tebtebba met with the International Labour Organization (ILO) which was requested during the international seminar through its representative to make data on traditional occupations available in the future to follow this up. This will be pursued in the coming years.

At the national level, Tebtebba initiated meetings with the National Statistical Coordination Board (NSCB) and the National Commission on Indigenous Peoples (NCIP) of the Philippine Government to forge partnership and conceptualize a Pilot Project on Indicators in the Philippines as recommended by the Asia Regional Workshop. Funding for this pilot project was secured and will be implemented in 2008.



Engaging the IPs of **CAMBODIA** for Community Empowerment



By **Salvador Ramo**,
Local Advocacy Unit

“Land grabbing in Cambodia has become a dramatic example of a trend that is also discernible in other Asian countries... [I]ndigenous communities are losing their lands at an alarming rate as a result of economic concessions, illegal land transfer, and widespread Government corruption. This dynamic is mounting in the densely indigenous-populated provinces of Ratanakiri and Mondulhiri, where the dispossession of indigenous lands has resulted in increased rates of poverty and forced migration. This critical situation is fostered by the insufficient legal development of the indigenous land provisions of the Land Law, including the lack of a procedural framework for land demarcation and titling... The Special Representative of the Secretary-General for Human Rights in Cambodia has repeatedly called attention to the seriousness of the situation, and has recommended that until the adoption of the sub-decree on collective ownership of indigenous lands, a moratorium on land sales affecting indigenous peoples should be considered by relevant authorities (E/CN.4/2006/110, para. 82 (h)).”

This is an excerpt of the report of the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people, Dr. Rodolfo Stavenhagen, to the UN Permanent Forum on Indigenous Issues in May 2007. This part of the report highlighted the issues and concerns of indigenous peoples in Cambodia.

The prevailing situation of indigenous peoples in Cambodia and the realization that something could be done to make things better, is the challenge that Tebtebba has taken in its continuing effort to strengthen local indigenous communities, particularly in the assertion of indigenous peoples' rights.

Who are the indigenous peoples of Cambodia?

According to the data of the Cambodia NGO Forum, there are approximately 150,000 indigenous peoples in Cambodia who have occupied 4,000,000 hectares of remote upland evergreen and dry deciduous forests. AIWN et.al.¹ estimates the indigenous population in the country to 101,000 or 0.9 per cent of the total population of 11.4 million as of 1998. ILO (International Labour Organization) data puts it at 3.4 per cent of the national population.

In one training on Indigenous Peoples Rights co-organized by Tebtebba and held in Phnom Penh in November 2007, the participants identified 23 indigenous peoples' groups scattered all over Cambodia.

Table 1: Indigenous Peoples Groups in Cambodia

IP Group	Where they are found
1. Kui	Siem Reap, Battambang, Kratie, Stung Treng, Kompong Thom, Oddor Meanchey, Preah Vihear, Bantey Meanchey
2. Kroeng	Ratanakiri, Stung Treng, Mondulakiri
3. Tampoun	Ratanakiri, Mondulakiri, Stung Treng
4. Bunong / Phnong	Ratanakiri, Kratie, Stung Treng
5. Suoy	Kompong Speu, Pursat
6. Chornng	Koh Kong
7. S'och	Krong Preah, Sihanukville
8. Kraol	Kratie, Ratanakiri
9. Sam Re/ Por	Poa Sat, Battambang, Preah Vihear
10. Charai	Ratanakiri
11. Brao	Ratanakiri, Stung Treng, Battambang
12. Mil	Kratie (Sambor District)
13. Mon	Stung Treng
14. Thmon	Ratanakiri
15. Kha	
16. Khaol	
17. Kaveth	Stung Treng, Ratanakiri
18. Kachak	Mondulakiri, Ratakiri
19. Rodae	Ratanakiri
20. Ro-ang	Ratanakiri
21. Kachrouk	Ratanakiri
22. Koun	Strung Treng
23. Ro Kheh	Stung Treng

The Indigenous Peoples of Cambodia, a brochure published by the Cambodia NGO Forum, found the indigenous peoples in Cambodia as "traditionally subsistence farmers who depend heavily on a range of forest resources. Natural resource management is regulated by animist beliefs in maintaining balance between nature, humans and ancestral spirits" (*Cambodia's Indigenous People*, NGO Forum).

The situation of indigenous peoples in Cambodia

"Rapid economic development, in-migration, logging and land encroachment are increasingly alienating these indigenous peoples from traditionally owned lands and natural resources. As a result many indigenous peoples are struggling to cope with these increasing external pressures which are threatening their livelihoods" (*Cambodia's Indigenous People*, NGO Forum).

The Gross National Product shows a growing trend of prosperity. But nothing is mentioned to show the equitable sharing of this wealth. The vast majority of the population remains poor and marginalized, including large portions of indigenous peoples and communities. The situation of some sectors may have worsened. Social services like water, sanitation, health, education, among others remain wanting, although a thorough study is needed to determine the extent of deprivation for the marginalized, excluded and vulnerable sectors of Cambodia including its indigenous populations.

In the local level, there is yet a need to enrich and consolidate village, commune and district level data and analysis of the situation. During the Indigenous Peoples' Rights Training, local organizers and community representatives presented issues and concerns of community people, largely reflecting and validating the findings of the UN Special Rapporteur and national NGOs like the Cambodia NGO Forum. Interestingly, the issue of mining and the anticipated adverse impacts that it would bring to remote indigenous villages is an emerging concern. This is in addition to the already serious issues of land grabbing and land alienation—the result of the government program on economic land concessions, land conversion, logging and dam building, among others.

¹ Portrait of the Indigenous Women of Asia, AIWN, AMAN and Rights and Democracy, 2007.

The policy environment and governance

The Royal Government of Cambodia recognizes and protects indigenous peoples collective ownership systems through provisions for collective land title in the 2001 Land Law. "However, not a single indigenous community has received ownership title to its collective property and the interim legislative provisions for protecting tenure security for indigenous communities are not being applied" (*Indigenous Peoples of Cambodia*, NGO Forum).

Other laws such as the Forestry Law of 2002, Manual on Indigenous Peoples and Participation in Commune Development Planning Process 2003 and National Policy for Indigenous Peoples Development 2004 provide spaces for indigenous peoples to constructively engage the government. A Decentralization Law has also been promulgated to provide policy guidance at the local level.

In addition, the Royal Government of Cambodia is a signatory to the Convention on Biodiversity and had voted for the adoption of the UN Declaration on the Rights of Indigenous Peoples in 2007.

However, there is yet a need to make an analysis of the policy environment and how it impacts indigenous peoples.

There is also a need to conduct a study on various other international instruments which the government had signed, how the government is complying to its commitments and how mechanisms can be used to favor the struggles of the people including indigenous peoples. An analysis of the policy environment can provide guidance to define appropriate strategies as well as opportunities for positively engaging the state and its various agencies.

Given these opportunities, however, governance and leadership is dominated by a majority party while the existence of an opposition party is nominal. Government positions are determined by the party in power through patronage, specially in the disposition of key positions of government. There are allegations of widespread graft and corruption particularly in granting economic concessions to big investors, clearing of forests, mining grants and plantation business contracts.

The participants to the Indigenous Peoples

Rights training provided a glimpse of the public perception about governance and political leadership in the country, as follows:

Economic development comes in conflict with the assertion of indigenous peoples rights. Meanwhile, there is increasing poverty and the gap between the rich and the poor is getting wider. There are very few jobs for the poor. Education in the rural areas is poor, while health care, which is expensive, is paid for by the people.

Obedience and compliance to government programs is invoked for development projects done in the communities. But for whose development? Apparently, development favors only the big, rich and powerful companies, whose rights are protected by the government. They allow foreigners to buy land.

Government leaders give a lot of promises, but they do not ask the people nor listen to them, but only those whom they favor. Local authorities ignore the people and dismiss their complaints by saying "we are just following the orders of national authorities."

Forest officers who implement the law have their own vested interests which run counter to the interests of the community. Forest agents working on indigenous lands do not bother to identify themselves.

While many laws do not serve the cause of justice, there are a lot more laws which are not properly implemented like the Land Law and Forest Law. Understanding of the local people on these laws is low and people think that getting a stamp or signature of the local official is enough or compliance of the law itself. Legal document for land claims is required for recognition.

The national trend of exploiting the natural and human resources of the country is geared towards the global market as determined by big and powerful countries of the World Trade Organization. This can be surmised from documents and plans for the development of the Mekong Region wherein smaller countries provide the cheap raw materials and cheap labor, while favoring big and medium players in terms of profits.





The people and civil society

There are more than 2,000 NGOs undertaking various initiatives and advocacies on various issues for the marginalized, excluded and vulnerable sectors of society, including indigenous peoples. The state of the peoples mass movement rely on the campaigns and initiatives of NGOs and leader representatives rather than on the strength and sustenance of community organizations.

Some NGOs are involved in grassroots capacity building at the village level, taking into consideration the indigenous perspectives. A national indigenous organization, composed of representative leaders and spokespersons, is being established. Regional (Asia) and international NGOs are increasingly involving indigenous peoples and their organizations in campaigns to engage and influence policy making and programs at the international, regional and country levels.

Empowering the grassroots and facilitators for change

The communities and the people in the villages are the main actors in addressing the various issues they face.

But they remain unorganized and focused on their day-to-day activities of survival. They could hardly cope with the complexities of the issues they face. Their usual strategies and actions to confront these issues can no longer match the sophistication and the resources employed by powerful players. The initiatives of local communities to confiscate chain saws used for cutting the trees or confront local forest agents to stop the destruction of forests for example is no longer sufficient. National campaigns geared to influence policy making or even doing international campaigning would be useful to support a n d c o m - p l e - m e n t g r a s s - r o o t s initiatives.

Many indigenous peoples have been weakened and disempowered to defend and even assert their rights, and the support of strong advocates groups for community capacity-building for example is useful.

Development workers and facilitators for change, mostly from NGOs, provide strong support systems for advocacy, but they need to put in more efforts at arousing, organizing and mobilizing people at the grassroots level. They need to transfer skills to the people, while building their own capacity.

The Indigenous Peoples Rights training provided them the opportunity to evaluate their strengths and weaknesses.

Indigenous perspective in organizing and development work

Community organizing and development work from an indigenous perspective is not common, even for those who conduct community organizing work, in Cambodia and elsewhere. It is the kind of development work that moves towards “strengthening their own indigenous systems and elaborating what and how development should be pursued in their territories.”² This is called self-determined development. This is the added value and contribution of Tebtebba in its involvement in the development process in communities and in training community facilitators in Cambodia. This engagement would hopefully contribute to the effort to come up with a community empowerment program which organizers could use in doing organizing work in indigenous communities.

The effort of Tebtebba to assist in the capacity-building program of community organizers in Cambodia is in partnership with Cambodian NGOs who are facilitating a national level community-based network known as the Community Peace Building Network. Along with the Southeast Asia Development Program, a Cambodia-based NGO, which is directly supporting community networking at district level with large indigenous populations, 22 community organizers will be trained, in 2008, to help strengthen communities and eventually organize community-level people's organizations. These people's organizations will be able to send

representatives to participate in the networks. The community organizers will also help communities better understand their rights, especially with respect to ownership and management of natural resources.

A one-year training course is planned to build the capacity of the 22 community organizers, plus two community organizers from Ratanak province and five staff of NGOs involved in overseeing and facilitating the community organizers.

References:

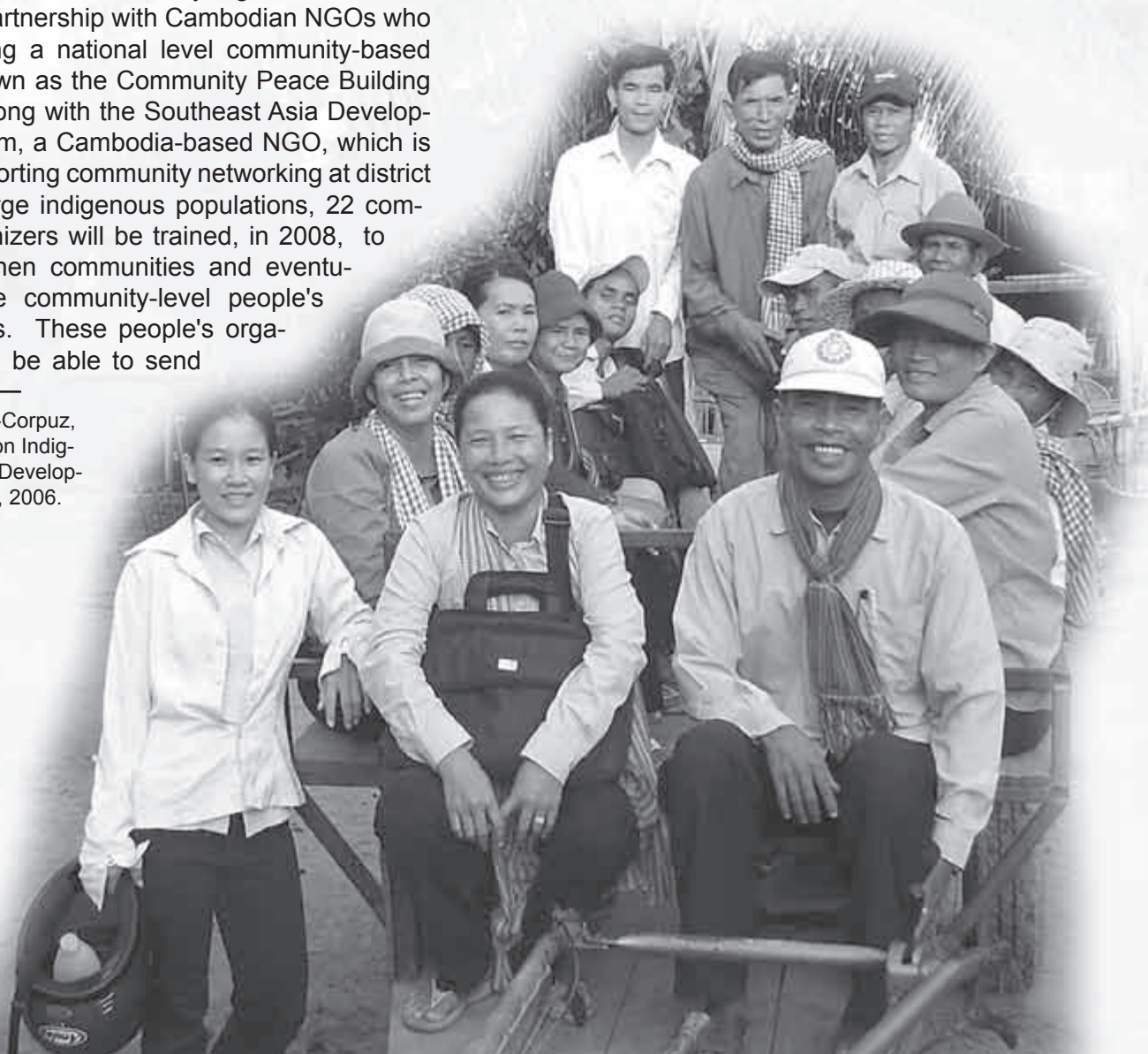
UNSR Dr. Rodolfo Stavenhagen, **Report on the Situation of Indigenous Peoples in Asia to the UN Permanent Forum**, May 2007, New York, (E/CN.4/2006/110, para. 82 (h)).

AIWN, AMAN, Rights and Democracy, **Portrait of the Indigenous Women of Asia**, 2007.

Cambodia's Indigenous People, NGO Forum.

Good Practices on Indigenous Peoples Development, Tebtebba, 2006.

² Victoria Tauli-Corpuz, *Good Practice on Indigenous Peoples Development*, Tebtebba, 2006.



CBD *and*

Indigenous Women's Training

On August 15 to 19, 2007, the Project Team of Tebtebba's Indigenous Peoples Capacity Building Project on the Implementation of the Convention on Biological Diversity (CBD) with the Gender Unit of Tebtebba conducted a regional "Workshop on Gender and Environment/Indigenous Women and CBD Implementation" at AIM, Camp John Hay in Baguio City, Philippines. Training participants include indigenous women who are members of the Asian Indigenous Women's Network (AIWN) representing nine countries: Bangladesh, Indonesia, East Timor, Philippines, China, Thailand, India, Cambodia and Vietnam. The training, which was both conceptual and orientational, aimed to locate indigenous women's conservation practices and experiences in the Convention and Biological Diversity as well as provide synthesis of the processes and dynamics of the Convention. More specifically, the objectives of the training were to explore dimensions of gender and environment; to understand the CBD and role of indigenous peoples; and to strengthen indigenous women's capacity for policy advocacy at all levels with the AIWN as the main mechanism for such.

Recognizing the intimate relationship of indigenous peoples and the environment as well as the vital role that indigenous women play in the conservation and sustainable use of biodiversity, the Convention on Biological Diversity was borne out of the Earth's Summit in Rio de Janeiro in 1992. The CBD has been ratified by 188 parties and entered into force in 1993. Since then, considerable development of interest to indigenous peoples have taken place in the framework of the CBD.

The training likewise presented, in a simplified manner, the CBD processes over the years including the development of indigenous participation.



By **Ruth Sidchogan-Batani**
Gender Unit Volunteer

The input on locating indigenous peoples in environment and biodiversity takes on a historical presentation where Joji Cariño, the resource person for the training and Tebtebba's policy advisor, puts emphasis on "agriculture as the very system where it has been proven that 90 per cent of human history, the humankind was living with nature." With the rising dominance of western scientific knowledge, however, this dependence on nature has been reversed. This time, the philosophy of "mastering nature" became the rule rather than the exception. Knowledges and practices of indigenous peoples and local communities in the use and conservation of nature was therefore challenged. Today, there is the increasing need of exploring and putting the main agenda, the role of human cultural diversity in the conservation of biological diversity. As highlighted in the training, among indigenous peoples, lands and resources, laws and institutions and knowledge on culture and biological diversity can not be approached in a compartmentalized manner. Identity is closely linked with resources.

In a poster presentation session, the role of women in pushing forward the biodiversity agenda with the following themes was facilitated: assertion of homegrown natural resource management systems, customary laws governing resources, protection of forests, continuing access and control over resources, protection of resources from extractive industries and ecotourism.



Article 8[j]

Among the salient provisions of the CBD, is Article 8(j) which has direct impact on the resources and rights of indigenous peoples. Article 8(j) concerns prior, and informed consent and calls on the respect and protection of knowledge, innovations and practices of indigenous and local communities; the wider the application of these with prior, and informed consent of knowledge holders and equal sharing of benefits. The article likewise recognizes the vital role that women play.

Back to back with the training was the AIWN Coordinating Council Meeting, where the participants managed to present country updates complemented by an international situationer presented by the Victoria Tauli-Corpuz, the AIWN convenor and current Chairperson of the UN Permanent Forum on Indigenous Issues (UNPFII). As an offshoot of the CBD training, the AIWN meeting made a resolution to take on the task of educating indigenous women on the CBD by coming up with a trainer's pool and a working module on Women and Environment in 2008.



Tebtebba Publications 2007



Good Practices on Indigenous Peoples Development

English
2006
6x9 in.
274 pages
Shipping weight: 430 gms.
Php 350.00
US\$ 17.00



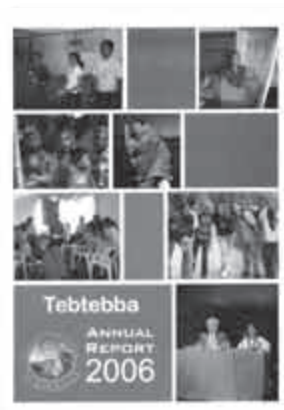
Indigenous Perspectives: Data Disaggregation for Indigenous Peoples

English
2006
8x10 in.
117 pages
Shipping weights: 250 gms.
Php 80.00
US\$ 10.00



UN Declaration of the Rights of Indigenous Peoples

English
2007
5.5x8.5 in.
144pages
Shipping weight: 200 gms.



Tebtebba Magazine 2006

English
2006
8.5x11.5 in.
30 pages
Shipping weight:
100 gms.
Php 35.00
US\$ 5.00



CBD Series No. 4 Roundtable Discussion on Sui Generis Protection and Indigenous Peoples

English
2006
5.3x8.2 in.
132 pages
Shipping weight: 200 gms.
Php 150.00
US\$ 10.00



CBD Series No. 5 Malaysia National Workshop on Indigenous Peoples and the CBD

English
2007
6x8.2 in.
92 pages
Shipping weight: 170 gms.
Php 150.00
US\$ 10.00



INFORMATION KIT: Portrait of the Indigenous Women of Asia

English
2007
9x12 in.
Shipping weight:
230 gms.



Celebrating a well-deserved victory....