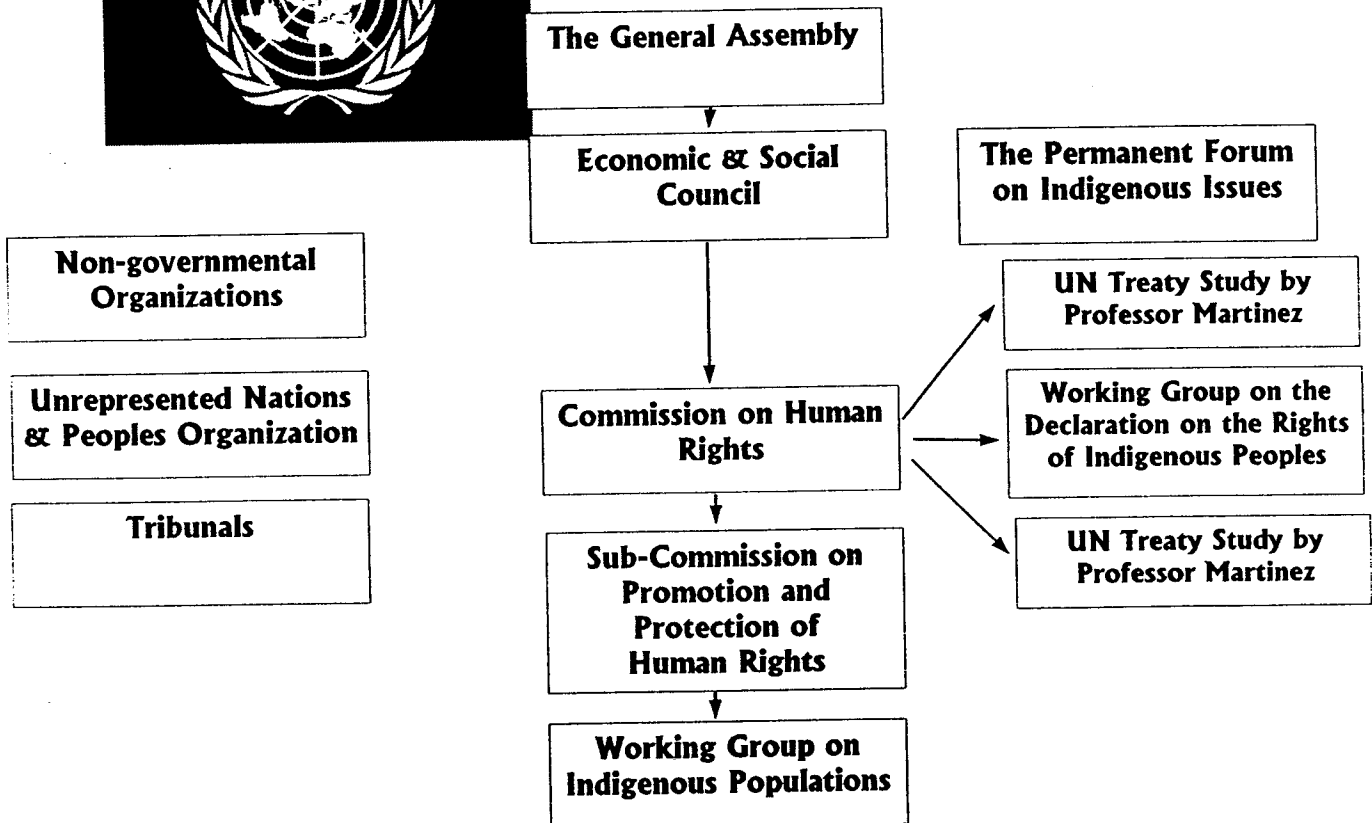


# AMERICAN INDIAN LAW ALLIANCE

NGO in Special Consultative Status with the Economic and Social Council of the United Nations



## The United Nations



### Background on the Working Group on Indigenous Populations

The Working Group on Indigenous Populations is a "working group" established by the Sub-Commission on Human Rights in 1982. In addition to Indigenous Populations, there are two other working groups of the Sub-Commission including the Working Group on Communications and the Working Group on Contemporary Forms of Slavery. The Working Group on Indigenous Populations meets each year prior to the Sub-Commission on Human Rights meetings which are held in August. To date, all of the Working Group's meetings have been held at the United Nations in Geneva, Switzerland. The Working Group is comprised of five members from the five regional groups of the United Nations. These groups are: 1) Africa, 2) Asia, 3) Eastern Europe, 4) South America and 5) Western Europe and Other States (including the United States).

Under the mandate establishing the Working Group on Indigenous Populations in 1982, it has had two objectives:

- 1) to review developments pertaining to the human rights of Indigenous populations; and
- 2) to develop standards concerning the protection of Indigenous rights (in other words, to draft the Declaration on the Rights of the World's Indigenous Peoples).

Under the first objective, at the annual meeting in Geneva at the United Nations, the Working Group hears oral statements and accepts written documentation referred to as interventions on the "developments" on Indigenous territories from around the world. These developments relate to any information that Indigenous representatives feel need to be submitted to the United Nations on any range of topics dealing with the human, social, cultural, linguistic, and collective rights of our peoples. In the past few years, the Working Group has selected specific themes for each annual meeting. These have included health, language, education and land.

### **The Working Group and the Draft Declaration on the Rights of the World's Indigenous Peoples**

In establishing the mandate of the Working Group, the Commission on Human Rights acknowledged the special needs for human rights protections for the world's Indigenous peoples. As a result, the second part of the mandate of the Working Group was to develop standards concerning the protection of Indigenous rights. This has taken the form of a document entitled the Declaration on the Rights of the World's Indigenous Peoples. The Draft Declaration, as it is known, consists of 45 articles, each addressing a specific issue of Indigenous rights including everything from cultural patrimony to treaties, land and resources to health, spirituality to economic development. Although the Draft Declaration was written by the five regional members of the Working Group, it was done in consultation with literally thousands of Indigenous peoples from around the world. From 1984 through 1994, Indigenous delegates traveled to the Working Group in order to specifically comment on the language contained in the draft. In 1994, the Draft Declaration, as prepared by the members of the Working Group in consultation with Indigenous peoples, was completed. It has now begun its approval process through the United Nations. The chart shown on the next page shows the United Nations hierarchy through which the Draft Declaration must proceed. In 1994 the Sub-Commission on Human Rights passed the Draft Declaration without comment to the Commission on Human Rights. The Commission on Human Rights then established the Open-Ended Inter-Sessional Working Group on the Draft Declaration on the Rights of the World's Indigenous Peoples (we're not kidding – that's what it's called). The Inter-Sessional can be viewed as a committee appointed to discuss the specific language of the Draft Declaration. In October of this year, the Inter-Sessional will hold its Fifth Session.

Many controversies now surround the progress of the Draft Declaration through the approval process. The first was the participation of Indigenous peoples in the Inter-Sessional Working Group. Generally speaking, any committee of the Commission on Human Rights would only be open to nation state members of the United Nations and those non-governmental organizations with special Economic and Social Council status. However, at the urging of Indigenous nations and peoples, a special process was established to permit participation of Indigenous peoples from around the world. Under this special process, the Teton Sioux Nation Treaty Council, the American Indian Law Alliance, and the Haudenosaunee, to name a few, are approved to participate<sup>1</sup> and have sent delegations to the Inter-Sessional each year. The other main controversy is, of course, the language of the Draft Declaration. Many nation states oppose the standards for human and collective rights established in the Draft Declaration and the Inter-Sessional is the first real opportunity for them to express this opposition. This has delayed the approval process, especially since most Indigenous delegations have agreed that the language should stand as drafted by the Working Group in consultation with Indigenous peoples, nations and organizations.

This is a brief overview of the process and the Draft Declaration. The American Indian Law Alliance, the Teton Sioux Nation Treaty Council and the Haudenosaunee have been involved in this work for many years. We have faithfully prepared reports on the various meetings of the Working Group and the Inter-Sessional. Some of these are available on our web site at [www.americanindianlawall.org](http://www.americanindianlawall.org). If you do not have internet access or would like copies of reports from years not on the internet, please contact the New Mexico office of the American Indian Law Alliance at 505-341-4230.

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<sup>1</sup> Since the establishment of this process in 1994, the American Indian Law Alliance has now applied for and received non-governmental organization status with the economic and social council of the United Nations.