

THE IHRC/CIDH 2005 BRAIN TRUST
“The Morphing Information Age: for better...or worse?”
A three-day thematic meeting prior to WSIS Phase II
convened 6-8 May 2005 as guests of the
University of California Los Angeles,
Los Angeles, California, USA

RECOMMENDATIONS AND SUGGESTIONS

Being respectfully submitted chronologically to the United Nations Permanent Forum on Indigenous Issues, the UN Working Group on Indigenous Populations, WIPO, and the World Summit on the Information Society, Phase II

Preamble

Strongly supporting the two distinct mandates of the United Nations' Working Group on Indigenous Populations (Independent Expert Studies with/concerning Indigenous Populations), referencing particularly the Draft Declaration on the Rights of Indigenous Peoples, E/CN.4/Sub.2/1994/2/Add.1 (1994) *Part IV, Article 19*, that “*Indigenous Peoples have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives, and destinies, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions*” and *Article 33* that “*Indigenous Peoples have the right to promote, develop and maintain their institutional structures and their distinctive juridical customs, traditions, procedures and practices, in accordance with internationally recognized human rights standards*”; and the United Nations' Permanent Forum on Indigenous Issues whose distinct mandate is to examine Indigenous issues within the UN system; and

Particularly noting and encouraged by *Article 38* that “*Indigenous Peoples have the right to have access to adequate financial and technical assistance, from States and through international cooperation, to pursue freely their political, economic, social, cultural, and spiritual development and the for enjoyment of the rights and freedoms recognized in this Declaration*”; and

Welcoming the UN General Assembly Resolution 56/183 (21 December 2001), which created the World Summit on the Information Society; and

Emphasizing the need for active links with all the Millennium Development Goals, highlighting in particular MDGs 1, 2, and 3; and

Drawing attention to the importance of including the private sector and civil society for the implementation and successful outcomes of WSIS Phase 1 and II; and

Recognizing that WSIS and its Programmes of Action and Recommendations will extend the positive results of the International Year for the Culture of Peace, continue the momentum of the Decade of Human Rights Education (see ECOSOC E/23 December 2003 Report of the Global Forum of Indigenous Peoples and the Information Society, para. 20.20 that Indigenous People “*have the right to participate*

in all manner of Media and Information, Communication, Technology in Mainstream ICT Systems, national and internationally, in order to further strengthen our social and economic development strategies”, and para. 28.28 that Indigenous Peoples “are interested in producing multi-media education materials to assist in environmental education”, enhance and serve as a motor for the 2nd Decade of Indigenous People and the 3rd Decade Against all Forms of Racism, and encourage the launch of the UN Decade of Education for Sustainable Development; and

Affirming the importance of cross-UN Agency collaboration, especially the leadership of the ITU, UNESCO, and WIPO, for the effective implementation and monitoring of the actual achievements gained through WSIS; especially in the area of concern expressed in the Draft Declaration on the Rights of Indigenous Peoples E/CN.4/Sub.2/1994/2/Add.1 (1994) Part IV, Article 24 that Indigenous Peoples “*have the right to their traditional medicines and health practices, including the right to the protections of vital medicinal plants, animals and minerals*”, and Article 29 that Indigenous Peoples “*are entitled to the recognition of the full ownership, control, and protection of their cultural and intellectual property. They have the right to special measures to control, develop, and protect their sciences, technologies, and cultural manifestations, including human and other genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, and visual and performing arts*”; and

Encouraged by the ECOSOC E/23 December 2003 Report of the Global Forum of Indigenous Peoples and the Information Society and the continuation of the Office of the High Commissioner for Human Rights and the High Commissioner for Human Rights, Her Excellency, Louise Arbour’s commitment to the fullest inclusion of Indigenous Peoples in the preparation and participation for WSIS; expressing particular concern that attention be drawn to *para 36.36* which acknowledges that precedent World Summits and Conferences utilize the unqualified term “Indigenous Peoples”; and

Appreciating Her Excellency’s opening session remarks at the 2004 United Nations’ Working Group on Indigenous Populations, in which she made a profound commitment to Indigenous Peoples around the world; and

Re-affirming the central role of the Universal Declaration of Human Rights, particularly noting Articles 1, 2, 7, 12, 15, 17, 18, 19, 26, and Article 27, the full International Bill of Rights, and the Draft Declaration on the Rights of Indigenous Peoples E/CN.4/Sub.2/1994/2/Add.1 (1994) Part IV Article 16 that states that Indigenous Peoples “*have the right to have the dignity and diversity of their cultures, traditions, histories and aspirations appropriately reflected in all forms of education and public information; that States shall take effective measures, in the consultation with the Indigenous Peoples concerned, to eliminate prejudice and discrimination and to promote tolerance, understanding and good relations among Indigenous Peoples and all segments of society*”, and Article 17 that states Indigenous Peoples “*have the right to establish their own media in their own languages; that they also have the right to equal access to all forms of non-indigenous media; that States shall take effective measures to ensure that State-owned media duly reflects indigenous cultural diversity*”; and

Bearing in mind that the Draft Declaration on the Rights of Indigenous Peoples E/CN.4/Sub.2/1994/2/Add.1 (1994) does not nullify any of the rights contained in the Universal Declaration of Human Rights but rather particularizes the rights for Indigenous Peoples (see DDRIP, Article 7 a, d, and e); and

Noting in particular the urgent need to respect and promote the inherent rights and characteristics of Indigenous Peoples; and

Holding as key to the issues of the World Summit on the Information Society is Article 12 of the Draft Declaration on the Rights of Indigenous Peoples E/CN.4/Sub.2/1994/2/Add.1 (1994); and

Appreciatively acknowledging the preparatory achievements of WSIS as stated in the WSIS Information Sheet that each Phase of the Summit marks the culmination of many years of consultations and negotiations among Member States, UN experts, the private sector, and non-governmental representatives, who review vast amounts of information and share a broad spectrum of experiences in issues related to the Information Society. These consultations and negotiations took place prior to the Summit itself and constitute a vigorous Preparatory Process; and

Considering the importance of the Ottawa Meeting held 14 -18 March 2005 which reads: *“at the Global Forum on Indigenous Peoples and the Information Society held under the auspices of Phase I of WSIS in December 2003, Indigenous perspectives were integrated in the Declaration and Plan of Action and the United Nations Permanent Forum at its Third Session in May 2004 recommended that the UN system continue its advocacy work on Indigenous connectivity in preparation for Phase II of WSIS, taking account of the outcomes of the Global Forum on Indigenous Issues and the Information Society. The Permanent Forum applauded and supported the decision taken by WSIS to establish multi-stakeholder portals that allow communication between Indigenous Peoples at the national level”*; and

Welcoming the fact that Indigenous Peoples are organizing themselves for political, economic, social, and cultural enhancement, and in order to bring an end to all forms of discrimination and oppression wherever they occur, appreciates the inclusion of Indigenous Peoples in the September 2005 Geneva Preparatory Conference via WEBcam; bearing in mind that the first Preparatory Meeting (Prep-Com-1) of the Tunis Phase of the World “Summit on the Information Society, held in Hammamet, 24 - 26 June 2004, confirmed that one of the three areas of focus on the Tunis Phase will be *“Follow-up and implementation of the Geneva Declaration of Principles and Plan of Action by stakeholders at national, regional ,and international levels, with particular attention to the challenges facing the Least Developed Countries”*. This will involve a serious undertaking to take stock of the implementation by governments and all other WSIS stakeholders of the WSIS Plan of Action;

And finally thanking the Chairman and the Secretariat’s Executive Director of the World Summit on the Information Society who at a recent meeting in Geneva, Switzerland during the Commission on Human Rights promised the President of IHRC/CIDH that WEBcams will be installed and accessible in the rooms at the WSIS September Preparatory Conference in Geneva to enable the BRAIN TRUST and others to participate via the WEBcams internet systems.

RECOMMENDATIONS AND SUGGESTIONS

Therefore, the 2005 IHRC/CIDH BRAIN TRUST, held 6-8 May 2005 at the University of California Los Angeles, respectfully offers its commitment to assist in the implementation of the following specifically-focused Recommendations and Suggestions which were developed by the 2005 BRAIN TRUST Focus Groups addressing the following two topics:

TOPIC I: Indigenous Peoples and the International and Domestic Protection of Traditional Knowledge.

The BRAIN TRUST Focus Group worked from the principle that Indigenous Wisdom is to be honored as a great resource in the process of Indigenous Peoples attaining their deserved respect. Encouraged by reports from the World Intellectual Property Organization that in the previous three years there has been an increased inclusion of Indigenous Peoples in the WIPO decision-making process affecting Indigenous Peoples, the TRUST recommends that Traditional Knowledge Keepers participation be enhanced by the following recommendation:

Form A Council of Traditional Knowledge Keepers, its numbers and representational structure to be decided by Indigenous Peoples themselves. This *Council of Traditional Knowledge Keepers* needs to ensure the ever-greater inclusion of Traditional Knowledge Keepers in the WIPO process of protecting Intellectual Property Rights of Indigenous Peoples. The *Council of Traditional Knowledge Keepers* will be charged with the following:

- 1) To document the pre-existing Intellectual Property Laws relating to Traditional Knowledge and Knowledge held by Indigenous Peoples;
- 2) To develop a means to protect the Intellectual Property rights of each and every Indigenous nation, giving recognition to their own Intellectual Property, on their own nation's terms;
- 3) To create a DVD (and other media) to educate Indigenous People about their Intellectual Property rights in layperson's terms, creating new DVDs when necessary to keep pace with the WIPO policies;
- 4) To organize Indigenous community leaders and Indigenous community organizations to disseminate the DVD (and other media) at the grassroots level;
- 5) To engage Indigenous Law Schools and other Indigenous educational institutions both to assist in the educational process; and
- 6) To link with Indigenous Law Schools and other Indigenous educational institutions to participate in the monitoring of Intellectual Property Law Protections, other international laws, and their adherence; decisions need to be made by the Indigenous nations themselves.
- 7) To keep apace with developing technological, monitoring means;
- 8) To create a cooperative of Indigenous People(s) to finance the above activities through grassroots support;
- 9) To develop a mechanism for monitoring the cooperative.

TOPIC 2: National/International Mechanisms to Protect the Lives and Responsible Freedoms of Journalists/Media/Educators, and the Use of Internet as a Tool for Democracy or Despotism.

The BRAIN TRUST Focus Group, both as a goal for WSIS Phase II and in the global community at large, recommends **(a)** the creation of “Communications Safe-Zones” and **(b)** an “Information Communication Technology Corps”.

(a) The following further suggestions have been made concerning the establishment of “Communication Safe-Zones” where journalists, news-gathers, educators, and their families have the right, as stated in *Article 3* of the Universal Declaration of Human Rights, “*to life, liberty, and security of person*”.

“Communication Safe-Zones”

- 1) As a first step, create a non-commercial, grassroots WEBSITE that will enable and expand the work of journalists. Further, that this grassroots WEBSITE can be linked to other NGOs (i.e. *Media Action International, Reporters without Borders, PEN International*, etc);
- 2) Define the parameters of an Internet “Communication Safe-Zones” to serve as portals to the WEBSITE. These Safe-Zones could perhaps be further protected by utilizing UN guidelines and other international norms for protecting freedom of expression, especially during times of crisis or violence;
- 3) Declare “Communication Safe-Zones” as internationally-recognized sanctuaries for journalists, members of the media, and educators, and their families in crisis or when under threat, to serve also as a firstline Alert System;
- 4) Make available high-tech equipment, software, and use-training to “Communication Safe-Zones” with concrete, practical commitments to their equipment maintenance and software updating;
- 5) Reconfigure software on a regular basis to maintain the integrity of the WEBSITE, to protect against hackers and saboteurs, and to provide for the privacy and confidentiality of the WEBSITE’s users;
- 6) Provide cell phones, and cell phone service, as an additional resource, giving access to: text messaging, instant messaging, fax, and other evolving modalities.
- 7) Those using “Communication Safe-Zones” will agree to abide by a style of reporting, communication, and educating, perhaps utilizing established models like that of the Code of Ethics published by the Society of Professional Journalists.

(b) It is suggested that a multi-stakeholder group be established to enable and expand media literacy among educators in the use of the Internet and related communication media via the creation of an “Information Communication Technology Training Corps”;

“ITC Training Corps”

- 1) These suggestions will enable educators to turn to the Internet for vital information materials whose access and dissemination would otherwise be prevented. The “ITC Training Corps” would have within its mandate the preservation of cultural and intercultural rights and to promote greater respect and understanding among people.
- 2) Convene a number of Brain Trusts as a matter of priority, each with a particular task:
 - (a) to carefully examine the implications and impact of the commodification of Information and how it threatens and negatively affects the Freedom of Expression of journalists, members of the media, and educators;
 - (b) to develop strategies to eliminate and minimize these threats;
 - (c) to optimize opportunities to utilize the media to promote intercultural understanding;
 - (d) to utilize media to promote greater interfaith tolerance and understanding;
 - (e) to enhance and augment global systems and legal norms for protecting the right to freedom of speech.

Certain other tasks were proposed by the Brain Trust to its co-participants after general focus groups sessions, and agreed to be set in motion for implementation:

- 1) **PSAs** To produce multi-media Public Service Announcements (PSAs for Radio, TV, and the Internet) targeting diverse demographic populations, encouraging individuals and the general public to participate in achieving WSIS goals. A commitment was made to produce at least one by the time of this July’s UN Working Group on Indigenous Populations and perhaps additional PSAs before WSIS Phase II in Tunis in November 2005.
- 2) **Cultural Exchange** To establish a Cultural Exchange Organization, to facilitate a grassroots “Home Stay” exchange for up to 2 months to be placed through the organization’s family-based networking.
- 3) **Academic-based Brain Trusts** To initiate and institute High School, College, and University-based Brain Trusts to encourage intergenerational listening and empowered inclusion of Youth through intercultural respect and understanding.

- 4) **ICT Equity is Good Business** To encourage businesses and business leaders to engage in the collection of new and re-cyclable ICTs and to create the streams of distribution necessary for closing the digital gap in its many forms. A program of ICT equity could be included in a clear reward/recognition system for businesses that are integrating such policies and activities in their strategies for triple bottom-line success. It is also important to demonstrate culture-sensitive strategies as yielding strong fiscal benefits on multiple levels for businesses.

In closing, the seventy-four 2005 IHRC/CIDH BRAIN TRUST participants from twelve universities, colleges and two elementary schools, sixteen NGOs, two UN bodies, and twelve Media organizations, including radio, television networks, internet radio, printed press and a post-production company welcomed to the campus of the University of California Los Angeles and linked to three other cities on two continents via WEBcam interaction, agreed to include the further recommendation of the two Co-Chairs:

to urge the utilization of the “International Year of” and “UN World Conference”s, “Summit”s each year, as **implementation engines** for the goals and Plans of Action of the World Summit on the Information Society, and for the greater protection of the Intellectual Property Rights of Indigenous Traditional Knowledge that is felt to be both an essential Human Right and a matter of equitable respect, as well as being critical for the direction that life itself on this planet may take.

Passed by consensus, 8 May 2005, at UCLA, Public Policy Building.

Thank you for your kind consideration of our Recommendations and Suggestions. Please be assured of our most respectful regards and profound commitment to assisting in the realization of these recommendations and the success of our endeavors together for a world in which dignity for all can exist with its longed-for consequence of global peace.

Signed by the Co-chairs on behalf of the IHRC/CIDH 2005 BRAIN TRUST,

Irene FREDERICKS
WSIS Phase I
The Global Forum of Indigenous Peoples
and the Information Society
Prarieland Communications Systems, Inc.
Representative and Chairperson of two meetings

Wilda SPALDING
President, IHRC/CIDH
Sent IHRC/CIDH Delegates to
WSIS Phase I, Electronic Forum
Sending Delegates, Phase II
Linking WEBhubs to Phase II

Configuration of Attendees: inter-generational, multidisciplinary, and international from 12 Universities and Colleges, 2 Elementary Schools, 16 Non-governmental Organizations, 2 United Nations Bodies (representatives from the Permanent Forum and WIPO), 12 Media Organizations, linking 3 cities and two continents via WEBcam