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**Human Rights Council**

Expert Mechanism on the Rights of Indigenous Peoples

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Item 7 of the provisional agenda

**United Nations Declaration on the Rights of Indigenous Peoples**

**Article 31 of the United Nations *Declaration on the Rights of Indigenous Peoples* and the World Indigenous Nations (WIN) Games**

GE.14-07991 (E)



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## **I. Introduction**

1. This CRP is an update of the ongoing developments to date to realize the first WIN Games. During the 1998 session of the United Nations Working Group on Indigenous Populations (WGIP), Conference Room Paper 2 (UN Doc. No. E/CN.4/Sub.2/AC.4/1998/CRP.2) was prepared by WIN Sports Incorporated for then President Wilton Littlechild on a proposal to hold the WIN Games. This concept enjoyed very wide support by Indigenous Peoples and others. Therefore, work has continued in many different international fora. It has been recently announced that the 1<sup>st</sup> World Indigenous Peoples Games will be held in 2015. It is noteworthy that at a meeting held in Brazil from November 9<sup>th</sup> to 16<sup>th</sup>, 2013, the Mato Grosso Declaration was adopted to support this development. At this time, it was decided to change the name from “WIN Games” to “the 1<sup>st</sup> World Indigenous Peoples Games.”.

## **II. International overview**

### **A. Historical background**

2. The first Indian Summer Games were held in 1971 that included 13 events and over 3000 athletes participating in mainstream and traditional sports at Enoch Cree Nation. In 1972, the first Western Canadian Native Winter Games were held on the Kainai territory in Treaty No. 7. These two Games were a prelude to the North American Indigenous Games that were established in 1990 pursuant to the 1977 Resolution adopted at the World Conference on Indigenous Peoples in Kiruna, Sweden. This historical background is detailed in the WGIP’s Conference Room Paper 2 (UN Doc. No. E/CN.4/Sub.2/AC.4/1998/CRP.2).

### **B. Updated highlights**

3. From November 5<sup>th</sup> to 9<sup>th</sup>, 2008, the first WIN Games International Sports Congress was held in Winnipeg, Canada. At that conference, the following events were highlighted as significant developments leading up to the organization of the first WIN Games.

- 2<sup>nd</sup> World Summit on Physical Education, Magglingen (2005),
- 2<sup>nd</sup> International Conference on Sport and Development, Magglingen (2005);
- International Charter of Traditional Sports and Games, UNESCO (2004);
- 1<sup>st</sup> International Conference on Sport and Development, Magglingen (2003),
- Committee on the Rights of the Child, General Comment No. 11 (2003);
- World Sports Forum on Sport, Magglingen (2003);
- World Sports Forum, Lausanne (2001 and 2002);
- World Conference on Women and Sport, Paris (2000);
- World Health Organization Geneva Declaration on the Health and Survival of Indigenous Peoples (1999);
- 1<sup>st</sup> World Summit on Physical Education, Berlin (1999);
- World Sports Forum, St. Moritz (1998) and;

- World Forum on Physical Activity and Sport, Quebec (1995).

4. At all of the above conferences, the WIN Games was profiled in an effort to garner further support for these Games.

#### **1. UN Permanent Forum on Indigenous Issues**

5. The health and well-ness benefits of Indigenous traditional games and sport has been recognized and promoted by the UN Permanent Forum in numerous session reports. This is captured in the Permanent Forum's 5<sup>th</sup> Session Report in 2006 (UN Doc. No. E/C.19/2006/43/E/C.19/2006/11) as follows:

90. The Permanent Forum welcomes the report on the Magglingen Commitment for Physical Education, outcome of the Second World Summit on Physical Education, held in Magglingen, Switzerland, on 2 and 3 December 2005, and the Magglingen Call to Action 2005, outcome of the 2<sup>nd</sup> Magglingen Conference on Sport and Development held in Magglingen, Switzerland, from 4 to 6 December 2005 (see E/C.19/2006/CRP.1). The Permanent Forum supports and fully agrees with the recommendations and urges all stakeholders to contribute to sport and development.

6. Below, additional references in support of Indigenous traditional games and sport by the Permanent Forum are set out.

7. 2nd Session in 2003 (UN Doc. No. E/2003/43/E/C.19/2003/22)

- 100. The Forum recommends that the United Nations and Member States recognize the cultural rights of indigenous peoples which include the rights to organize oneself freely and to administer one's own cultural, sports, social and religious institutions...

8. 3rd Session in 2004 (UN Doc. No. E/2004/43/E/C.19/2004/23)

- 17. The Forum recognized that:
  - (i) Education should include sport and physical activities and physical education.

29. The Forum recommends that Governments hold sports and athletic games involving indigenous sports.

9. 4th Session in 2005 (UN Doc. No. E/2005/43/E/C.19/2005/9)

- 46. Sport and physical education are an essential element of quality education, and promote positive values and skills which have a quick but lasting impact on young people. Sports activities and physical education generally make school more attractive and improve attendance.

- 102. Special emphasis should be placed by States on the involvement of city and local government authorities in engaging and supporting young indigenous people to achieve the Millennium Development Goals at the local level. Priorities for local authorities should include the creation of local youth councils with the participation of indigenous youth in decision-making, the provision of meeting spaces for young people to gather and coordinate projects, develop youth leadership, support for youth

artistic and cultural expression, **promotion of sport for development and peace** and access to information and communication technologies. [Emphasis added.]

10. 7th Session in 2008 (UN Doc. No. E/2008/43/E/C.19/2008/13)
- 16. The recommendations set out below must be implemented in accordance with the principles and rules of the United Nations Declaration on the Rights of Indigenous Peoples,<sup>3</sup> especially in accordance with its articles 19 (the principle of free, prior and informed consent), 29 (the right to conservation and protection of the environment and the productive capacity of their lands or territories and resources), **31 (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 seed, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts) and 32 (the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources).** [Emphasis added.]
  - 116. The Permanent Forum notes the proposed Celebrate Life through Sports and Culture within the World Indigenous Nations (WIN) Games and Sports, to be held in Winnipeg, Canada, in August 2012. The Forum encourages indigenous peoples, nations and Member States to support the continuing development of sports, traditional games and cultures.

## 2. Convention on the Rights of the Child

11. To ensure that the right to play as contained in the UN Convention on the Rights of the Child applies to Indigenous children and youth, WIN Sports advocated for the right to play to ensure it is included in the manner reflected in General Comment No. 11 of the Committee of the Rights of the Child (paragraph 63).

12. Furthering a rights-based approach on the recognition of traditional games and sports was accomplished through its inclusion in article 31 of the UN Declaration on the Rights of Indigenous Peoples. This approach was also taken in the negotiations of the proposed American Declaration on the Rights of Indigenous Peoples. Article 31 of United Nations Declaration on the Rights of Indigenous Peoples states:

a) 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.

b) In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights

**3. UN General Assembly's adoption of the *Declaration on the Rights of Indigenous Peoples* on September 13, 2007**

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2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

**4. 14th Session of Negotiations for the Proposed American Declaration on the Rights of Indigenous Peoples in Washington, D.C. adopted by consensus: Article XXIII on Treaties, Agreements and other constructive arrangements, 20 April 2012.**

15. At the 14th Session of the Organization of American States Working Group on the Draft American Declaration on the Rights of Indigenous Peoples, the following version of article XXVIII of the proposed American Declaration on the Rights of Indigenous Peoples was considered (Protection of Cultural Heritage and Intellectual Property, proposal presented on 20 April 2012 by the Delegation of Bolivia):

2. The intellectual property of indigenous peoples includes, inter alia, traditional knowledge, and traditional cultural expressions, which include ancestral designs and procedures, cultural, artistic, **sports and traditional games**, spiritual, technological, and scientific, expressions, tangible and intangible cultural heritage. As well as genetic resources including human genetic resources, knowledge and developments of their own related to biodiversity and the utility and qualities of seeds and medicinal plants, flora and fauna. [Emphasis added.]

**5. The Olympic Games**

16. At the Olympic Games, WIN Sports again participated in establishing an Indigenous national youth leadership conference during the Winter Olympics held in Calgary in 1988. This was followed up with a youth delegation from Canada attending the Atlanta Summer Olympics in 1996.

17. WIN Sports also participated at the Olympic Sport Congress prior to the Sydney Olympic Games in 2000. During the 2010 Vancouver Olympics, an Indigenous National Youth Leadership Conference was also held where the youth delegates were also selected for the opening ceremonies and significant national participation for the torch relay. Of significance at this Olympics was an Indigenous Naming Ceremony for Olympic President Rogge and President Rene Fasil of the International Ice Hockey Federation. The Four Host

Nations played a significant role in the tremendous success of promoting the right of Indigenous peoples to traditional games and sport.

### **III. Conclusion**

18. In conclusion, work continues on the development of a Protocol based on the Protocol of Agreement Between the International Olympic Committee and Special Olympics International (Calgary, 1988) that will set out the respective responsibilities and rights of the International Olympic Committee and WIN Games. Finally, as Ambassador for the Olympic Winter Games in 2010 and the WIN Games, International Chief Wilton Littlechild recently presented at the 13<sup>th</sup> Session of the UN Permanent Forum on Indigenous Issues and the World Summit on Ethics in Sports for Peace and Development, both held in May 2014 in New York, the announcement of the upcoming 1<sup>st</sup> World Indigenous Peoples Games to be held in Brazil in 2015. Prior to the Brazilian Indigenous Games held in 2013, a 2<sup>nd</sup> International Sports Congress was held in Mato Grosso with delegates from 14 countries from November 9<sup>th</sup> to 16<sup>th</sup>, 2013. This resulted in the adoption of the Mato Grosso Declaration and the official announcement of the 1<sup>st</sup> World Indigenous Peoples Games.

## Annex

# Mato Grosso Declaration

### MATO GROSSO DECLARACION

Our ancestors from time immemorial have held war dances and traditional games that strengthen our bodies, our souls, our spirituality and culture, and at the Kari Oca Indigenous Summit, in 2012 in Rio de Janeiro, agreed that the First World Indigenous Peoples Games be held.

Indigenous peoples, tribes and nations' representatives are in assembly /gathered in Cuiabá on November 8-16, 2013, (for the XII Indigenous People Games, together with the 300 tribes of Brazil.

Guided by the purposes and principles of the World's Indigenous Peoples' sports and traditional games as a celebration of life and spirituality.

Affirming the well-being, survival and dignity of indigenous Peoples recognized in the United Nation Declaration on the Rights of Indigenous Peoples, and considering Article 31 of the United Nations Declaration on the Rights of the Indigenous Peoples, from Convention 169 of the International Labor Organization, in accordance with the United Nations Charter and other international norms and standards.

Believing in the richness of our cultural diversity, the values of our languages, physical activity sport and traditional games, arts, dance, song and ceremony, connects our relationship to mother earth, the environment: the air, the water and the sacred fire.

Desiring to continue our contribution to human kind we solemnly call upon all, at this world conference from all the four directions of our Mother Earth, to positively act for peace and development.

1. The indigenous people, our brothers and sisters, to work very hard on unity, so we may build on the strength of our peoples, tribes and nations for physical, mental, cultural and spiritual well-being.
2. The States and governments to join us in partnership and mutual respect in implementing our right to self-determination through sports and traditional games as well as the manifestations of our traditional knowledge and cultural expressions. According to this, the Inter Tribal Committee (ITC) shall be a reference to the works regarding these matters, articulating to build a process to gather technical support and financial contribution.
3. The sports Ministries, corporations and industries to share in the promotion and protection of mother earth and its resources.
4. The civil societies throughout the world, the physical education, the sports games, recreational communities, associations and organizations to be included to support a collective and inclusive effort.



## MATO GROSSO DECLARACION

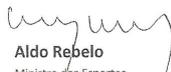
5. We agree to introduce to the world the "First World Indigenous Peoples Games" as an initiative of indigenous people to ensure that this happens.

Therefore, we the Indigenous Peoples, tribes and nations, and all Peoples, including children, youth, women, persons with disabilities and elders may benefit from our joy of effort, for a full and meaningful participation which will build a better world for us all.

In conclusion, we the Indigenous Peoples thank the Brazilian government for supporting the indigenous Peoples Games in this land called Brazil, as well as the upcoming "First World Indigenous Peoples Games" in 2015.

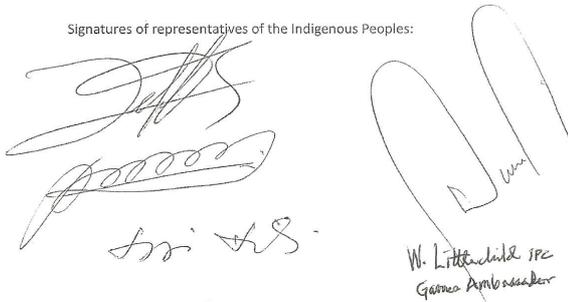
Around this great Cuiabá land and river and giving full trust and support mandated to the Inter Tribal Committee (ITC), this document is endorsed and supported by:

Cuiabá, Mato Grosso, Brazil on November 13, 2013

  
**Aldo Rebelo**  
Ministro dos Esportes

**Marcos Terena**  
Articulador dos Jogos mundiais dos Povos Indígenas

Signatures of representatives of the Indigenous Peoples:

  
W. Littenchild ITC  
Games Ambassador