

X-Sender: cwislka@wco.com
X-Mailer: QUALCOMM Windows Eudora Pro Version 3.0.3 (32)
Date: Mon, 31 Aug 1998 19:46:45 -0700
To: cwislka@wco.com
From: Rudolph Ryser <cwislka@wco.com>
Subject: Re: UN-ICJ Model and The Maasai People of Kenya and Tanzania

>>>>

X-Sender: suyash@futures.wharton.upenn.edu (Unverified)
X-Mailer: QUALCOMM Windows Eudora Pro Version 4.0
Date: Wed, 26 Aug 1998 21:06:51 -0500
To: "Rudolph C. Ryser"
From: Suyash Paliwal
Subject: Re: UN-ICJ Model and The Maasai People of Kenya and Tanzania

To:
Dr. Rudolph C. Ryser, Ph.D.
Chair
Center for World Indigenous Studies

From:
Mr. Suyash Paliwal,
Director of the ICJ,
National High School Model United Nations

Re:
Statement regarding the Maasai

Dear Dr. Ryser,

Thank you very much for your response. The essay may be sent at your earliest convenience, but if it is possible for the essay to be sent by the end of September, it would be best. If the essay will be sent in September, please send it to the following address:

Suyash Paliwal,
Director of the ICJ,
National High School Model United Nations
Box 0122
3465 Sansom St.
Philadelphia, PA 19104-6185

Perhaps it would be helpful to you if I provide a brief background to the case itself. The case is simulated, and the events are purely fictional. However, I have taken extreme care to ensure that the facts are accurate. Thus, while the specific combination of the facts may be fictitious, the discrete facts themselves are valid. The simulated case is Kenya v. Tanzania, where the government of Tanzania begins developing a region of land which belongs to the Maasai people. Along with genocide, this is perhaps one of the foremost issues associated with indigenous peoples. The Maasai, in the case, claim that the land constitutes a sizeable portion of their cattle grazing grounds; the government of Kenya supports their claim and takes up their case. The importance of cattle to the Maasai will be a critical element in the deliberations of the Model Court. The Maasai lifestyle, culture, social structure, and in a way, existence as a people depends on their cattle, and the elimination of such a sizeable portion of cattle grazing grounds as being suitable for use would have a sincere and direct impact on the Maasai. This is a crucial aspect which must be clear to all of the Justices.

It might interest you to know that the Cobo definition will not be the only one to enter the deliberations of the Model ICJ. As there is no formal definition, a customarily accepted definition must be identified and applied. This would be established by the existence of many definitions from various sources that all stem from the same understanding of the term "indigenous people." In addition to the Cobo definition, I have incorporated a concept put forward by the World Bank:

Indigenous peoples can be identified in particular geographic areas by the presence in varying degrees of the following characteristics:

(a) a close attachment to ancestral territories and to the natural resources in these areas;

- (b) self-identification and identification by others as members of a distinct cultural group;
- (c) as indigenous language, often different from the national language;
- (d) presence of a customary social and political institution; and
- (e) primarily subsistence-oriented production

I have also included Article 1(a) of the International Labour Organization Convention No. 169:

1. This Convention applies to:

- (a) Tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

While these are not "definitions," per se, they do identify the concept associated with the term "indigenous people." Any information regarding the Maasai pursuant to these definitions would also be very useful to the Court if included in the essay.

In addition, while the nature of the essay would be one of a statement of facts about the Maasai people, an inclusion of the evolution of the term "indigenous people" would be welcome. The Court would be assessing the existence and applicability of a customary definition. To know where the term is coming from would be useful in arriving at that assessment. While the Court will be dealing with matters of a strictly legal nature, to learn of the political context of the term would supplement their experience by broadening their scope to view the issue outside the legal bounds that they would confine themselves to in the deliberations of the Court.

Again, thank you very much. I look forward to reading the essay.

Yours truly,

At 06:36 PM 8/25/98 -0700, you wrote:

>Dear Suyash Paliwal:

>

>Thank you for your inquiry about a definition of "indigenous peoples." Dr.

>Leslie Korn referred your message to me for a reply.

>

>Turning as you have to Dr. Cobo's important study was a good start on the
>definition of the term of reference. We would be happy to prepare a short
>essay for you suitable for use by the Model ICJ. This piece will include
>the evolved use of the term as a term of political art.

>

>We are, of course, pleased that you have been so diligent to address the
>question of "indigenous peoples." What kind of deadline do you have?

>

>Best regards,

>Rudolph C. Ryser, Ph.D.

>Chair

>Center for World Indigenous Studies

>

>At 05:01 PM 8/25/98 -0500, you wrote:

>>To:

>>Ms. Leslie Korn,

>>Research Director

>>Center For World Indigenous Studies

>>1001 Cooper Point Road SW

>>Suite 140-214

>>Olympia, WA 98502

>>

>>From:

>>Mr. Suyash Paliwal,

>>Director of the International Court of Justice,

>>National High School Model United Nations

>>37 E. Wintergreen Ave.

>>Edison, NJ 08820

>>

>>Re:

>>The Maasai People of Kenya and Tanzania

>>

>>Dear Ms Korn:

>>

>>Allow me to extend to you my respectful greetings. My name is Suyash
>>Paliwal. I am part of an organization known as the International Model
>>United Nations Organization (IMUNA), a non-profit organization affiliated
>>with the United Nations. The underlying goal of IMUNA is one of education.
>> We recognize the need, and have taken actions as such, to educate students
>>at the secondary school level of global issues. One of the principal
>>mechanisms of IMUNA is a simulated UN Conference, the National High School
>>Model United Nations Conference (NHSMUN). NHSMUN takes place towards the
>>end of March of each year in New York, NY, with opening and closing
>>sessions at the UN General Assembly Building in New York. All of the
>>delegates attending the conference are secondary school students
>>predominantly from North American nations, with several from overseas
>>nations as well. The goal of NHSMUN is to educate those students of the
>>issues facing our international forum by involving the students in this
>>simulation.

>>

>>My specific involvement with IMUNA and NHSMUN is in the simulation of the
>>Hague World Court. I am the Director of the International Court of Justice
>>for the 1999 NHSMUN Conference. The reason I am requesting your assistance
>>is that one of the cases on the NHSMUN ICJ docket involves the question of
>>the legal rights of indigenous peoples. For the purposes of the simulation
>>I have chosen to incorporate the Maasai people.

>>

>>I am well aware that the Maasai have a distinct culture, language, social
>>structure, and religion. However, one of the relevant issues is that of
>>definition, in that there is no internationally accepted definition of the
>>term "indigenous people." I believe this issue will become involved in
>>deliberations of the simulated ICJ. The following definition may enter as
>>a workable definition:

>>

>>" 10. It may be noted that the United Nations has adopted no
>>official definition of indigenous peoples. The Special
>>Rapporteur of the Sub-Commission, Jose Martinez Cobo, in his
>>STUDY OF THE PROBLEM OF DISCRIMINATION AGAINST INDIGENOUS
>>POPULATIONS writes:

>>

>>"379. Indigenous communities, peoples and nations are
>>those which, having a historical continuity with pre-
>>invasion and pre-colonial societies that developed on
>>their territories, consider themselves distinct from
>>other sectors of the societies now prevailing in those
>>territories, or parts of them. They form at present
>>non-dominant sectors of society and are determined to
>>preserve, develop and transmit to future generations
>>their ancestral territories, and their ethnic identity,
>>as the basis of their continued existence as peoples,
>>in accordance with their own cultural patterns, social

>>

>>institutions and legal systems.

>>

>>"380. This historical continuity may consist of the
>>continuation, for an extended period reaching into the
>>present, of one or more of the following factors:

>>

>>(a) Occupation of ancestral lands, or at least of
>>part of them;

>>

>>(b) Common ancestry with the original occupants of
>>these lands;

>>

>>(c) Culture in general, or in specific

>> manifestations (such as religion, living under
>> a tribal system, membership of an indigenous
>> community, dress, means of livelihood,
>> lifestyle, etc.);

>> (d) Language (whether used as the only language,
>> as mother tongue, as the habitual means of
>> communication at home or in the family, or as
>> the main, preferred or habitual, general or
>> normal language);

>> (e) Residence in certain parts of the country, or
>> in certain regions of the world;

>> (f) Other relevant factors."
>> (E/CN.4/Sub.2/1986/7/Add.4)."

>>I would like the Justices of the NHSMUN ICJ to be clear on the relevant
>>facts. They should have authoritative information regarding the Maasai,
>>their culture, their reliance on cattle, their territorial occupation, and
>>in general, what aspects of the Maasai qualify them undeniably as
>>"indigenous people" under the above definition. Perhaps it would be
>>possible for me to obtain this information from CWIS.
>>The FWDP has proved to be a very useful tool in my research of this topic,
>>and my presentation of this topic in a thorough manner in the simulated
>>case. I believe the Justices of the NHSMUN World Court will leave the
>>Conference with a greater understanding of this issue, and the FWDP has
>>been of great assistance in making that possible. This is why I thought to
>>turn to the CWIS for this information regarding the Maasai. I was
>>wondering if I could obtain a brief statement or fact overview from your
>>organization presenting this information, perhaps a briefing that is some
>>two to three pages in length. A concise, authoritative statement from CWIS
>>to that effect would be invaluable to the simulated ICJ of NHSMUN, and thus
>>would contribute heavily to the educational experience.

>>Please let me know if this might be possible, and if you require any
>>further information from me.

>>
>>Yours truly,

>>Suyash Paliwal
>>Director of the International Court of Justice,
>>National High School Model United Nations
>>37 E. Wintergreen Ave.
>>Edison, NJ 08820
>>(908)-769-0240
>>suyash@wharton.upenn.edu

>>
>>Center for World Indigenous Studies
>><<http://www.halcyon.com/FWDP/cwisinfo.html>>www.halcyon.com/FWDP/cwisinfo.html
>>1-888-286-CWIS
>>cwisfwi@halcyon.com

>>
>>Suyash Paliwal
>>Director of the International Court of Justice,
>>National High School Model United Nations
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>>suyash@wharton.upenn.edu

<<<<

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Olympia, WA 98502 USA
617-643-1918

<http://www.halcyon.com/FWDP/>

Review greenwich material and formulate plan: meet by Oct 2nd

Review list of things to buy from real goods and make decision.

Discuss how LEK can support the personal finance record keeping process. Lek suggests getting data entry support to up date records

Dicuss xipe totec records

RCR: TO DISCUSS
WITH LEK

X-Sender: cwisfwi@mail.halcyon.com
X-Mailer: QUALCOMM Windows Eudora Pro Version 3.0.3 (32)
Date: Thu, 24 Sep 1998 09:34:56 -0700
To: cwislka@wco.com
From: Deanna Notaro <cwisfwi@halcyon.com>
Subject: Announcement: Nobel Institute Fellowships (fwd)
X-MIME-Autoconverted: from quoted-printable to 8bit by mailhub2.ncal.verio.com id JAA02680

>X-Sender: jburrows@mail.halcyon.com
>X-Mailer: QUALCOMM Windows Eudora Light Version 3.0.5 (32)
>Date: Thu, 24 Sep 1998 08:47:09 -0700
>To: cwisfwi@halcyon.com
>From: Margarita Lacabe <marga@derechos.org> (by way of Center For World
Indigenous Studies <jburrows@halcyon.com>)
>Subject: Announcement: Nobel Institute Fellowships (fwd)
>X-MIME-Autoconverted: from quoted-printable to 8bit by mail1.halcyon.com
id IAA00103

>
>
>
>NORWEGIAN NOBEL INSTITUTE FELLOWSHIPS
>2000-2001

>
>The Norwegian Nobel Institute will award a limited number of fellowships in
>its guest researcher program for the spring terms of 2000 and 2001. The
>fellowships are for scholars of any nationality in history, social sciences,
>and international law. Both senior fellowships (for distinguished scholars
>with a substantial record of publication in her/his fields) and general
>fellowships (for scholars in the earlier stages of their post-doctoral
>careers) are available.

>
>Stipends will be given in accordance with the individual needs of the
>approved applicants and the availability of funds. The Institute will also
>cover travel expenses, office equipment, and the purchase of specific
>research materials for the Nobel Institute Library. Fellows must be free to
>devote full time to study and writing and will be expected to spend most of
>the time at the Institute.

>
>In the years 2000 and 2001 the research program of the Norwegian Nobel
>Institute will emphasize two topics. They are (1) general theories about war
>and peace, and (2) topics related to the history of the Nobel Peace Prize
>(which is celebrating its 100th anniversary in 2001).

>
>Contact Grete Haram, Office Manager, or Øyvind Tønnesson, Project
Consultant,
>The Norwegian Nobel Institute, Drammensveien 19, N-0255 Oslo, Norway (fax
>+47 22 43 01 68; email: postmaster@nobel.no), or send a brief project
>description, a c.v., and two letters of recommendation to the above address
>before November 15, 1998.

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>
>To unsubscribe, send a message to the following address:
>hr-law-request@lists.best.com
>with a message saying: unsubscribe
>If you have problems, e-mail rights@derechos.org

>
>
>
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