

## **Arctic Declaration on the World Conference on Indigenous Peoples 2014**

### **The Arctic Preparatory meeting in Nuuk, Greenland**

**October 23. - 24. 2012**

Representatives of Inuit and Sami peoples gathered at Nuuk, Greenland, October 23 – 24, 2012,

*Welcome* the decision of the United Nations General Assembly to organize a high-level plenary meeting of the General Assembly to be known as the World Conference on Indigenous Peoples, to be held in 2014, in order to share perspectives and best practices on the realization of the rights of indigenous peoples, including to pursue the ends of the United Nations Declaration on the Rights of Indigenous Peoples<sup>1</sup>

*Welcome further* the United Nations General Assembly resolution A/66/296<sup>2</sup> of 17 September 2012, concerning the organization of the High-level Plenary Meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, which contains constructive ways of ensuring indigenous peoples' substantive participation in the World Conference process;

*Welcome and support the Inari Declaration* on the World Conference on Indigenous Peoples, adopted by representatives of Sami institutions and organizations in Finland, Norway, Russia and Sweden, in Inari, Finland, 27 - 28 June 2012;

*Urge* Inuit and Sami representatives participating in the process towards the World Conference on Indigenous Peoples, to promote and advocate for an action-oriented outcome of the World Conference, with the aim of achieving full and effective implementation of the rights of indigenous peoples, including the human rights recognized in the United Nations Declaration on the Rights of Indigenous Peoples;

*Encourage* Inuit and Sami representatives participating in the process towards the World Conference on Indigenous Peoples, to advocate for the inclusion of the following provisions and initiatives in the outcome document of the World Conference:

*Reaffirm* that indigenous peoples are free and equal to other peoples, and that indigenous peoples, in the exercise of their rights, including their human rights, shall be free from discrimination of any kind, in particular discrimination that is based on their indigenous origin or identity;

*Reaffirm further* that indigenous individuals and groups are entitled to full enjoyment and effective implementation of all human rights recognized in international law without discrimination, including indigenous women, children, youth, elders and persons with disabilities, and bearing in mind that the

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<sup>1</sup> Resolution A/65/198 of 21 December 2010;

<sup>2</sup> A/66/L.61

rights and freedoms recognized in the United Nations Declaration on the Rights of Indigenous Peoples are equally guaranteed to male and female indigenous individuals;

*Reaffirm* also that traditional knowledge, traditional cultural expressions and genetic resources are integral parts of indigenous peoples' right to cultures, livelihoods and identities, and contribute to sustainable development of resources in indigenous territories;

*Emphasize* that indigenous languages constitute core elements of their cultures, and recognize that indigenous peoples have the right to use their language in all aspects of life;

*Recognize* the urgent need to take decisive and concrete measures to ensure full and effective implementation of indigenous peoples' rights, including the rights recognized in the United Nations Declaration on the Rights of Indigenous Peoples, with a particular focus on land and resource rights, and their right to self-determination;

*Reaffirm* that the rights recognized in the United Nations Declaration on the Rights of Indigenous Peoples constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world;

*Recall* that the United Nations Declaration on the Rights of Indigenous Peoples obliges States, in consultation and cooperation with the indigenous peoples concerned, to take measures, including legislative measures, to achieve the ends of the Declaration;

*Noting* that the ILO Convention no. 169 on Indigenous and Tribal Peoples in Independent Countries remains a relevant international standard in recognizing and protecting the rights of indigenous peoples;

*Welcome* the report of the Secretary-General on the ways and means of promoting participation at the United Nations of Indigenous peoples' representatives on issues affecting them;

*Recognize* that in order to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, it is appropriate to establish a voluntary international mechanism to receive and consider communications from indigenous peoples claiming that their rights to territories, lands and resources, and/or their right to self-determination have been violated;

## **1. Indigenous Peoples' Right to Self-determination**

*Reaffirm* the commitment of all States to fulfill their obligations to promote universal respect for, and observance and protection of all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law;

*Underscore* that respect for the right to self-determination constitutes a pre-requisite for the realization of all other human rights and fundamental freedoms;

*Underscore also* that indigenous peoples' right to self-determination encompasses the right to identify who belongs to the people in accordance with the traditions and customs of the people concerned, compatible with international human rights standard;

*Recommend* that States, in order to fulfill their obligations to guarantee the realization of indigenous peoples' right to self-determination, as a matter of urgency, establish national committees, or other constructive mechanisms, consisting of State and Indigenous Peoples' representatives, with the aim of reaching substantive agreements on the content and scope of indigenous peoples' right to self-determination, as well as on how this right can be effectively implemented;

*Call on* States to facilitate the effective implementation of the right to self-determination, including through the allocation of sufficient financial resources, to be determined through agreement with the indigenous peoples concerned;

## **2. Indigenous Peoples' Rights to Territories, Lands, Waters, Resources and Traditional Livelihoods**

*Recognizing* that control by indigenous peoples over developments affecting their territories, lands, waters, coastal waters and other resources enables them to freely pursue their traditional livelihoods and economic, social and cultural development, including to maintain and strengthen their food security, in accordance with their own aspirations and needs;

*Recognizing also* that States have an obligation to ensure the full and effective implementation of indigenous peoples' rights to continuously pursue their traditional livelihoods, including hunting, fishing, and herding, in accordance with their own traditions and customs;

*Recommend* that States establish national judicial institutions tasked with identifying such lands, waters, coastal waters and other resources to which the indigenous peoples concerned have established ownership and usufruct rights, and to demarcate such lands and resources in order to fulfill their obligations concerning legal recognition and protection of the lands, territories, waters, coastal waters and other resources that indigenous peoples' have traditionally owned, occupied or otherwise used or acquired;

*Recommend further* that States, in cooperation with the indigenous peoples concerned, establish national committees, or other mechanisms, consisting of State and Indigenous Peoples' representatives with the aim of reaching agreements on the content and scope of such indigenous peoples' rights to territories, lands, waters, coastal waters and other resources that are not fully determined by indigenous peoples' property rights to land, such as the scope of benefit-sharing rights and the relationship between indigenous peoples' property rights to land and competing activities, including competing industrial activities;

*Call on* States not to develop or implement agreements on environmental protection in manners harmful to indigenous peoples' traditional livelihoods or in violation of their human rights, including rights to practice sustainably their traditional livelihoods;

### **3. Extractive Industries**

*Reaffirming* that indigenous peoples' rights to land and natural resources require third parties to obtain the free, prior and informed consent before entering their territories;

*Recognizing* that the Arctic is subject to a constantly accelerating amount of industrial activities, and that Arctic indigenous communities and traditional livelihoods are under rapid and increasing pressure from, among others, oil and gas, mining, forestry and wind mill industries, and associated infrastructure developments;

*Underscoring* that existing corporate social responsibility regimes, such as the OECD Guidelines and the Global Impact, fail to ensure that private entities operating in the Arctic conduct themselves in a manner respectful to the rights of the indigenous peoples of the Arctic;

*Recommend* that the Arctic Council adopts, at its Ministerial Meeting in 2015, in close collaboration with the Permanent Participants of the Arctic Council, Sami parliaments and competent Arctic self-governments, a comprehensive long term strategy for sustainable and equitable resource extraction in the Arctic region, to end and prevent uncontrolled, unmanaged and unsustainable industrial practices;

*Recommend further* that the Arctic Council adopts, at its Ministerial Meeting in 2015, an ethical code of conduct, committing private entities operating in the Arctic region not to engage in practices harmful to the environment and to respect human rights, particularly those of the indigenous peoples of the Arctic;

*Recognizing further* that most Arctic indigenous communities are in a vulnerable position vis-à-vis private entities, lacking the resources and capacity to represent themselves adequately in relationship with the industry;

*Call on* States, and other competent governments and parliaments in the Arctic, to ensure that Arctic indigenous communities can adequately represent themselves vis-à-vis the industry, through rendering it mandatory for private entities engaging in industrial activities in the Arctic to fairly and equitably share profits with affected indigenous communities, as well as through other means to promote capacity building;

*Call also* on States to facilitate the implementation of the United Nations Guiding Principles on Business and Human Rights, through agreements with the indigenous peoples concerned;

#### **4. Optional Protocol to the United Nations Declaration on the Rights of Indigenous Peoples**

*Consider* the denial of indigenous peoples' right to self-determination and their rights to territories, lands and resources is the most fundamental violation of their collective human rights;

*Recognize* the urgent need for the establishment of effective international measures to guarantee and monitor the implementation of indigenous peoples' right to self-determination, and their rights to territories, lands and resources, without prejudice to the rights which peoples under colonial or other forms of alien domination or foreign occupation have under existing international procedures;

*Recommend* that the United Nations Permanent Forum on Indigenous Issues, at its 14th session, presents a draft Optional Protocol to the United Nations Declaration on the Rights of Indigenous Peoples, outlining a proposed structure and mandate for an international mechanism tasked with overseeing the implementation of indigenous peoples' rights to lands, waters, coastal seas and other resources, and indigenous peoples' right to self-determination, based on communications submitted by States, or by indigenous peoples;

*Recommend further* that the United Nations General Assembly, following the presentation by the United Nations Permanent Forum on Indigenous Issues at its 14<sup>th</sup> session of a proposal for a draft Optional Protocol to the United Nations Declaration on the Rights of Indigenous Peoples, establishes an inclusive process that allows the United Nations General Assembly, at its earliest convenience, to adopt a resolution establishing an Optional Protocol to the United Nations Declaration on the Rights of Indigenous Peoples, based on the said proposal by the United Nations Permanent Forum on Indigenous Issues;

#### **5. Further measures for the implementation of rights of indigenous peoples**

*Recognize* that States are obliged to take concrete and action-oriented measures to recognize, realize, concretize and substantively implement the rights of indigenous peoples;

*Recommend* that States present annual reports on what measures they have taken to effectively implement the rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples, to be presented to the United Nations Special Rapporteur on the Rights of Indigenous Peoples and other relevant United Nations institutions and processes;

*Recommend also* that those States that have received an official visit by the United Nations Special Rapporteur on the Rights of Indigenous Peoples report annually about what measures they have taken to effectively implement the recommendations made by the Special Rapporteur;

*Recommend as well* that States, in their reports to the United Nations Human Rights Council's Universal Periodic Review, report on what measures they have taken to effectively implement the Expert Advices by the United Nations Expert Mechanism on the Rights of Indigenous Peoples;

*Encourage* those States that have not yet endorsed the United Nations Declaration on the Rights of Indigenous Peoples to join these ranks of States and Indigenous Peoples that have affirmed and are committed to the principles and rights enshrined in the Declaration;

*Encourage further* those States that have not yet ratified or acceded to the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989) to do so;

*Recommend* that States, in consultation and cooperation with indigenous peoples, as a matter of urgency, initiate a comprehensive review of existing national legislation, including constitutional provisions, with the aim of ensuring that national legislation is fully consistent with or exceeding existing international standards concerning the rights of indigenous peoples;

## **6. Culture, Language, Education and Health**

*Recognize* the need to adopt effective measures to guarantee indigenous peoples and individuals the right to the full enjoyment of all human rights and fundamental freedoms as recognized in international human rights law, including their right to culture, language and education;

*Call* on States to cater for an environment that allows indigenous children and youth with a background in indigenous peoples' traditional livelihoods to participate actively in such livelihoods, to ensure the transfer of customs, belief systems, values and traditional knowledge from generation to generation as a pre-requisite for maintenance and evolvement of indigenous cultures, identities and languages;

*Call also* on States to ensure that indigenous youth can participate in decision making processes specifically affecting them, including through providing sufficient resources for such participation;

*Call further* on States to ensure that indigenous children and youth have access to education in and on their mother tongue, and that educational systems are also in other ways accustomed to their cultural identity, background and heritage;

*Recommend* that States facilitate the possibility to develop high quality and culturally appropriate educational and health policies, programs and services for indigenous peoples, which incorporate their needs, histories, identities, values, beliefs, cultures, languages and knowledge, and to secure adequate funding for such policies, programs and services;

*Recommend further* that States facilitate the possibility for indigenous peoples to develop their own academic institutions, research programs, and to develop, with the participation of indigenous peoples, binding standards requiring all research pertaining to indigenous peoples to be conducted in an ethical manner;

## **7. Indigenous Peoples' Cross-border Rights**

*Reaffirming* that indigenous peoples divided by national borders have the right to maintain and develop contacts, relations and cooperation with their own members, as well as with other peoples, across national borders;

*Recommend* that States, in consultation and cooperation with the indigenous peoples concerned, as a matter of urgency, take effective measures to guarantee the exercise and ensure the implementation of indigenous peoples' cross-border rights, including their civil, political, economic, social and cultural rights, through legally binding conventions between the States concerned, and establish judicial mechanisms to monitor the implementation of such conventions;

## **8. The United Nations System and International Cooperation**

*Recommend* that the United Nations General Assembly organizes a comprehensive high-level review of the progress achieved in the implementation of the recommendations adopted at the World Conference on Indigenous Peoples, with the aim to further strengthen the realization of the rights of indigenous peoples, to be held during its 74th session [September 2019 – September 2020];

Request the United Nations to establish, as a matter of priority an appropriate mechanism for considering the ways and means of promoting participation at the United Nations of indigenous peoples' representatives on issues affecting them;

*Recommend further* that the United Nations General Assembly appoints an Under-Secretary General for Indigenous Peoples, with the aim to strengthen United Nations capacity and efforts towards ensuring the full realization of the rights of indigenous peoples, and in order to ensure that these rights are taken into account in all activities of the United Nations;

*Recommend also* that all United Nations agencies and programs engaging in activities impacting on indigenous peoples appoint an officer, or establishes a team of officers, with particular responsibility to ensure that all such activities are responsive to and adapted for the particular situation of indigenous peoples;

Recommend States to review national and international cooperation policies and funding programs with the view to establish effective policies and programs to support and to strengthen capacities at national, regional and global levels for the recognition and implementation of the UN Declaration on the Rights of Indigenous Peoples<sup>3</sup> and ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries<sup>4</sup>;

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<sup>3</sup> Adopted in 2007

<sup>4</sup> Adopted in 1989

Call on the OECD<sup>5</sup> to develop appropriate economic cooperation and development policies and guidelines in support for the rights of indigenous peoples, and to strengthen the content and focus of the Guidelines for Multinational Enterprises in order to protect and uphold the rights of indigenous peoples;

*Call on* States to facilitate the full and effective participation of indigenous peoples' representatives in all UN and other international processes and meetings of relevance to them;

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<sup>5</sup> The Organization for Economic Co-operation and Development