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Agenda item 4 of the provisional agenda

Ongoing priorities and themes

**REPORT OF AN EXPERT WORKSHOP ON
INDIGENOUS PEOPLES AND MIGRATION: CHALLENGES AND OPPORTUNITIES**

Geneva: 6-7 April 2006

**Submitted by the Secretariat of the Permanent Forum on Indigenous Issues (SPFII)
International Organization for Migration (IOM)**

Summary

The Expert Workshop on Indigenous Peoples and Migration, cosponsored by IOM and the Secretariat of the United Nations Permanent Forum on Indigenous Issues (UNPFII) and hosted at IOM headquarters in Geneva, marked the first expert-level meeting on the nexus between indigenous issues and migration.

The meeting brought together over 30 participants, including representatives and experts from several of the socio-cultural regions of the world including Africa, the Arctic and Europe, Asia, Central and South America and the Caribbean, and the Pacific as well as representatives from international agencies and observers from Member States.

At the end of the two-day meeting, participants agreed on a number of recommendations covering three main areas: state responsibility, information sharing and the role of international organizations and United Nations agencies in addressing the nexus between indigenous peoples and migration. In addition, participants made recommendations for the attention of the September 2006 UN High-Level Dialogue on International Migration and Development to be held in New York. These recommendations address, *inter alia*, the need to recognize the broad impact of indigenous peoples' migration on society, including positive as well as negative effects, and the urgency of strengthening the implementation of existing laws to protect indigenous migrants.

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I. INTRODUCTION

1. In recent years international attention to the link between migration and development has grown, reflecting an increasing recognition of the far-reaching development implications of migrant flows for both home and host communities. Migration, whether international or internal, presents both opportunities and challenges for migrants themselves, the communities from which they leave, those through which they may transit and those in which they ultimately settle. The positive and negative effects of migration can be extensive, and may endure even in cases where migrants choose to return to the communities from which they initially migrated. When migration is forced, rather than voluntary, the negative ramifications are often more severe.

2. Increasing awareness of the significance of international migration and its link with development led the United Nations General Assembly in 2003 to recommend that a High Level Dialogue be held in 2006 to discuss the multidimensional aspects of international migration and development in order to identify appropriate ways and means to maximize its development benefits and minimize its negative impacts. The General Assembly recommended that the high-level dialogue have a strong focus on policy issues, including the challenge of achieving internationally agreed development goals, including the Millennium Development Goals.

3. Migration is a very complex global phenomenon and neither its dynamics nor its consequences are the same across all population subgroups. For example, there is strong age-selectivity in migrant flows. The complexity of migrant pools, and in particular the different administrative categories in which Governments and international organizations may place them (for example those with regular and irregular status; skilled or unskilled workers; permanent settlers or temporary migrants; students, asylum seekers or refugees), suggests that a comprehensive migration policy should address the particular circumstances of all groups of migrants (GCIM, 2005).¹ The membership of the International Organization for Migration (IOM), the principal international organization on migration issues, has taken up the topic of Migration and Development at various meetings and workshops, including most recently at a special panel on the topic held during the International Dialogue on Migration at the 2005 session of IOM's governing body and a workshop on Mainstreaming Migration into Development Policy Agendas, held in February 2005.² The Global Commission on International Migration (GCIM) also reiterated the importance of integrating migration into national, regional and global strategies for economic growth in its report released October 2005 (GCIM, 2005). In addition, the *Compendium of Recommendations on International Migration and*

¹ *Migration in an Interconnected World*, Report of the Global Commission on International Migration, p.7.

² See International Dialogue on Migration No. 8, *Mainstreaming Migration into Development Policy Agendas*, IOM, 2005.

Development: the United Nations Development Agenda and the Global Commission for International Migration Compared,³ released by the United Nations in February 2006, clearly indicates that while States thus far have made a number of commitments and recommendations related to international migration, there are a number of areas where much work still remains to be done.

4. Recognising the particular issues of indigenous peoples with respect to migration and the dearth of information in this regard, the United Nations Permanent Forum on Indigenous Issues (UNPFII) adopted a special recommendation at its third session in 2004⁴, noting that:

Given the large number of indigenous migrants within and beyond national borders and the particular vulnerability of indigenous women migrants, as well as the lack of adequate data and attention to their problems, the Forum recommends launching a new initiative involving various stakeholders, including the Inter-Agency Support Group, the United Nations International Research and Training Institute for the Advancement of Women and the International Organization for Migration (IOM), in order to face this urgency. The Forum recommends, as a first step, the convening of a workshop on the theme “Migration of indigenous women” in order to highlight the urgency and scale of the issue, including the alarming trend of trafficking indigenous women within and across national borders, and the development of recommendations and guidelines for addressing the problems faced by indigenous migrant women. Participants to the workshop should be a selected number of members of the Forum, relevant United Nations departments, agencies, funds and programmes, and experts from indigenous organizations, NGOs, intergovernmental organizations, Governments and academia. The objectives of the workshop should be:

- (a) To underscore the urgency and scale of the issue;
- (b) To highlight and address the lack of reliable data on the issue and to promote the systematic collection of data (of both quantitative and qualitative nature) by relevant United Nations and other intergovernmental entities, Governments, NGOs, indigenous organizations, and academia;
- (c) To review and analyse existing data;
- (d) To provide a report, including recommendations, to the Forum

5. The *Expert Workshop on Indigenous Peoples and Migration: Challenges and Opportunities* was organized jointly by IOM and the Secretariat of the UNPFII in response to this call. The meeting was attended by over 30 participants, including representatives and experts from several of the socio-cultural regions of the world including Africa, the Arctic and Europe, Asia, Central and South America and the Caribbean, and the Pacific as well as representatives from international agencies and observers from Permanent Missions of States based in Geneva.

6. As IOM is the leading international organization for migration and has had over 55 years of experience on migration and development issues, it was appropriately placed

³ United Nations, Department of Social and Economic Affairs, Population Division.

⁴ Paragraph 12, document E/2004/43.

to provide core substantive direction and input to the Workshop, including liaison with its field offices to identify and select experts on migration and/or indigenous peoples. IOM also hosted the meeting at its Headquarters in Geneva and provided the administrative support required to carry the meeting to a successful conclusion.

7. The meeting was opened by Mrs. Ndioro Ndiaye, Deputy Director General of IOM. Ms. Patience Stephens, Social Affairs Officer, Division for Social Policy and Development, United Nations Secretariat, also made an opening statement on behalf of the Secretariat of the Permanent Forum on Indigenous Issues. The Workshop was chaired by Ms. Michele Klein Solomon, Acting Director of Migration Policy and Research & Communications at IOM and Mrs. Ida Nicolaisen, Vice Chair of the United Nations Permanent Forum on Indigenous Issues. The full list of participants and the agenda appear in the annexes.

II. PRIMARY CONCERNS AND OBJECTIVES ADDRESSED IN THE WORKSHOP

8. In her opening address, Mrs. Ndioro Ndiaye, Deputy Director General of IOM, highlighted the main concerns and objectives of the workshop. She noted the workshop's significance, given that the topic of indigenous peoples and migration had not been consistently discussed within the same framework. She added that there is a broad intersection of issues which affects both migrants and indigenous peoples and that the convening of the Expert Workshop on Indigenous Peoples and Migration was an opportunity to inject indigenous issues and concerns within the upcoming United Nations High-Level Dialogue on International Migration and Development this September. These points were also highlighted by the two moderators of the meeting, Mrs. Ida Nicolaisen, Vice Chair of the United Nations Permanent Forum on Indigenous Issues and Ms. Michele Klein Solomon, Acting Director of Migration Policy and Research & Communications at IOM, and also by Ms. Patience Stephens, Social Affairs Officer, who spoke on behalf of the Secretariat of the UNPFII. The opening statements emphasized that the nexus between indigenous peoples and migration has hardly been addressed in a systemic manner in the international development dialogue. The primary goal of the Expert Workshop was to map out the area and identify the key issues relating to the migration of indigenous peoples.

9. The key concerns and purposes of the meeting were also highlighted in a concept paper prepared in advance of the meeting. The paper notes, that although there is a growing body of information on global levels, trends and patterns of migration, the dynamics of indigenous peoples' migration and the extent to which indigenous populations and their communities are affected by migration are not well known. This information is crucial in devising migration policies that are comprehensive and that address the needs and perspectives of all segments of the population. The following broad areas were identified for participants to address:

a. Indigenous peoples as voluntary migrants

10. A principal issue in this regard was to ascertain the main reasons why indigenous peoples migrate on a voluntary basis, and what impact this has on the individuals who migrate and the communities they leave behind. The goal was also to address how indigenous peoples fare at their destinations and to assess what means of data collection can help to more effectively capture this information.

b. Indigenous peoples as forced migrants and displaced peoples

11. Many indigenous communities have encountered displacement or forced migration occasioned by various causes, including military conflict, land dispossession, natural disasters, and others. The Workshop goal in this regard was to identify the circumstances under which such displacement/forced migration occurs and the impact that this has on indigenous communities.

c. Impact of migration of indigenous peoples on indigenous communities

12. Perhaps the most important development consequence of the migration of indigenous peoples is the effect on home communities. The Workshop sought to address how households and communities deal with the emigration of their members, how migration is viewed within indigenous communities, and how families fare when key family members migrate temporarily or permanently.

d. Impact of migration of non-indigenous populations on indigenous communities

13. Although discussed in less detail than the previous three areas, the Workshop also sought to analyze the impact of the movement of non-indigenous populations into indigenous territories, with a view to determining effective survival mechanisms. Migration into indigenous peoples' communities is often associated with the threat of loss of control over land and other natural resources. It was considered important, in this context, to examine the social, economic and cultural effects of temporary and permanent migrant labour flows associated with business development, especially exploration of petroleum, natural gas, agriculture, water resources and logging as well as other economic ventures.

14. In addition to these areas, a number of specific questions were proposed for the consideration of participants in the Workshop. With respect to understanding the concept of indigenous migration, for example, under what conditions do indigenous populations migrate? Do indigenous peoples fall under the standard administrative classifications of migrants or are there other categories that need to be considered? Do indigenous peoples

have the opportunities to move that are often available to non-indigenous peoples? Are the traditional “pull and push factors” for migration as relevant to indigenous populations as they are to non-indigenous groups or are indigenous peoples, given the value they often place on their land and community, less likely to move? With respect to the opportunities and challenges that indigenous peoples face when they migrate, participants were urged to consider what unique circumstances indigenous migrants face and how these differ depending on the motive for migration. How do the unique language and cultural identities of indigenous peoples and their strong attachment to community values and land affect their status as migrants? How do more vulnerable groups of women, youth and children fare in the context of indigenous migration? With regard to indigenous communities as the destination of non-indigenous migrants, questions raised included: what are the effects of immigration, with its attendant disruption of local indigenous production patterns and lifestyles? What examples of successful and positive immigration of non-indigenous populations into indigenous communities are there, and under what circumstances have they occurred? In all discussions participants were requested to pay special attention to the family and especially the gender context.

III. HIGHLIGHTS OF THE DISCUSSION

Primary Features of Indigenous Migration

15. It became clear very early in the discussion that because the topic of indigenous peoples and migration has seldom been addressed, the applicability of traditional migration terminology and concepts to this area needed to be clarified. Questions were raised at the outset, and throughout the course of the meeting, about the applicability of the concept of voluntary migration in the context of indigenous peoples. Many participants felt that because of the attachment of indigenous peoples to their land, their migration was often forced, rather than voluntary. As a result, the migration of indigenous peoples is often associated with conflict and the loss of rights.

16. Many participants alluded to the fact that it is difficult to consider as wholly voluntary migration processes that are spurred by poverty, lack of education or disparities in employment opportunities, while recognizing the relevance of migration concepts and terminology on these questions. Participants also acknowledged that some types of migration, such as migration to escape extreme poverty, nonetheless involve an important element of free will and choice.

17. The often involuntary nature of most indigenous peoples’ migration means that when opportunities to return arise, many migrants seek to go back. Yet return migration is often not possible because land that was previously occupied by indigenous communities has been lost.

18. Many participants raised the issue of considerable “cross-border” migration, which is significant for many indigenous populations. It was stated that in Colombia, for example, 50 per cent of all indigenous peoples live in border areas and there is considerable movement back and forth across borders. Cross-border movements are also significant in the Mekong region in Asia, and in Africa where indigenous peoples of the same origin are separated by colonial border demarcations. When indigenous peoples move across borders for contacts with communities, they are often subject to arrest, abuse and deportation.

Factors Contributing to the Migration of Indigenous Peoples

19. Participants addressed a number of specific factors contributing to the migration of indigenous peoples under both forced and voluntary scenarios. They noted that forced migration from indigenous communities has involved a number of factors, many related to the loss of land. Globalization, economic development and modernization often result in indigenous lands being taken over for business development. In addition, indigenous peoples’ territories are increasingly being designated as protected areas (e.g., with the objective of preventing deforestation), often resulting in displacement of entire indigenous communities whose traditional ways of living are incompatible with the terms of the protective legislation. Limited investment in the protection of indigenous peoples’ lands from factors such as soil erosion and vulnerability to flooding has left many indigenous communities exposed to natural environmental disasters which may lead to forced migration.

20. One participant noted that when indigenous peoples migrate voluntarily, it is often a result of structural economic factors. Several other participants agreed, noting that poverty, associated with limited opportunities for education and gainful employment, especially among the youth, are important “push factors” in indigenous communities. The volatility of agricultural prices, which can result in reduced and unstable revenues and increased poverty, was cited as an important cause of voluntary emigration. In addition, demographic factors can contribute to the pressure to migrate. High rates of disease and mortality, especially among mothers and young children, have become increasingly unacceptable to indigenous peoples who see migration as a way to improve opportunities for health and survival.

Indigenous Peoples and Migration: Opportunities

21. *With respect to personal and professional development of indigenous migrants:* Whether migration is forced or voluntary, participants recognized that a number of opportunities that do not exist in indigenous communities may become available to those who migrate. For example, participants noted that migrants often have better opportunities to improve their standard of living in their destination communities than they had in their home communities. Despite often serious obstacles to integration and frequently more limited access to employment opportunities than local populations and non-indigenous migrants, indigenous migrants have opportunities to gain new knowledge

and new technologies. In addition, employment and earnings potential are often better than those in home communities. Participants also recognized the improvement in opportunities to obtain better health and education, which are areas in which indigenous communities have received few outside investments. While indigenous peoples may have rich training or craft skills in their home communities, opportunities for entrepreneurship are typically only available outside the indigenous community.

22. *With respect to benefits for the indigenous community:* Beyond the individual gains resulting from voluntary migration, participants noted the potential gains to indigenous communities resulting from indigenous peoples' migration. Remittances can significantly improve conditions in origin communities and help to raise the standard of living of families back home by reducing poverty. Indigenous diasporas may also positively influence their home indigenous communities through skills transfer and the sharing of empowering ideas. Indigenous peoples' own community-based organizations can and should become further engaged in the migration discourse, including in exploring and promoting the positive links between development and migration. For instance, community organizations of indigenous peoples may help to further the impact of remittances from their internal or international migrants so that they are of benefit throughout the whole community. Additionally, the value put on community organization by most indigenous peoples may also aid in the transfer of skills circulating throughout the entire community.

23. *With respect to increased global knowledge of indigenous peoples:* Migration may contribute to the enhancement of the status of indigenous peoples globally. When they do migrate out of their communities, indigenous peoples can promote their indigenous social and cultural capital in their destination countries or communities, at the same time furthering international attention to, and knowledge and interest in, indigenous peoples. The opportunity for enhanced status of indigenous peoples can be further heightened by growing solidarity among different groups of indigenous peoples in foreign lands. Increased international knowledge of indigenous peoples and their lands may also promote positive tourism to indigenous communities. Access to media in destination communities may allow indigenous migrants to revitalize their home indigenous communities through use of the internet, theatre, literature, television, printed media and radio. In increasing national and international awareness of indigenous peoples through migration, indigenous migrants may also encourage increased governmental consultation with indigenous communities on national laws and projects which may impact their lands. In essence, voluntary indigenous migrants may offer opportunities to their home communities that may not have otherwise occurred.

Indigenous Peoples and Migration: Challenges

24. A number of different aspects of the challenges associated with indigenous peoples' migration were addressed by participants. These challenges may be divided into

those related to the decision to migrate, those related to life in destination communities, and those related to home communities.

25. *With respect to the decision to migrate:* Participants recognized that migration often involves a number of considerations and decisions, such as how much the move will cost, how to travel, who to stay with or contact in the destination community and how to fund the move. Indigenous peoples are often poorly prepared to make these decisions because as a group with a lower likelihood of migrating than others they tend to have fewer contacts in their destination communities and may have few avenues to obtain accurate information. Because of their limited access to official channels of migration, including the documentation often required to obtain visas, and other travel documents indigenous peoples are more likely to become undocumented migrants. Participants also noted that indigenous peoples, especially women, are thus more likely to be the victims of trafficking. Often, those who are trafficked are unaware of the risks involved in their decision to migrate.

26. *With respect to migrants' home communities:* Various participants noted the tendency for migration to disrupt family and community ties in home communities. Those who migrate out often initiate a cycle of continued migration. One participant noted that in Guatemala, for example, the migration of indigenous men to cities to find work has resulted in the subsequent migration of indigenous women seeking to be reunited with their husbands. In addition, migrants returning to their home communities often experience problems of reintegration. Not only are those who migrate often considered to no longer be indigenous as a result of having emigrated from their indigenous communities (e.g. according to governmental policies), but they may also be unable to integrate back into their communities because their newly-acquired education, skills, attitudes and lifestyles are not readily compatible with traditional ways of living. A poignant observation by one participant was that although remittances are often associated with an improved standard of living for recipients, they can generate inequalities and foster societal friction.

27. *With respect to life in destination communities:* Participants shared the view that there is a tendency for indigenous migrants to be discriminated against in destination communities. Indigenous migrants' limited skills in areas valued by destination communities, as well as their unique languages and cultures, make them prone to marginalization. When they do find jobs, these are often not protected by labour laws (e.g., because the jobs are in informal sectors). Further, when indigenous peoples move into urban areas, they often move into jobs with employer-employee relations that are not familiar and thus expose them to exploitation, abuse and discrimination. Participants recognized indigenous women migrants as being particularly vulnerable to discrimination on the triple basis of their often irregular migration status, their gender and their ethnicity. Indigenous migrant women are particularly vulnerable to rape and other forms of sexual exploitation. Discrimination and marginalization, one participant noted, force many indigenous migrants to hide their identity in order to be accepted. Several participants

noted that many Governments are not interested in working to integrate indigenous migrants, and various systems and institutions in destination communities are not prepared to deal with indigenous migrant needs. The health sector, in particular, was cited as being generally unprepared to handle the needs of indigenous peoples. One participant indicated that indigenous women's reproductive rights are often compromised when they migrate, adding that in some countries pregnant indigenous migrants are expelled or refused entry.

IV. CROSS-CUTTING ISSUES

28. Participants noted certain cross-cutting issues in the indigenous peoples and migration nexus. Perhaps foremost among these was the lack of relevant data. There is a serious dearth of data with respect to indigenous peoples and migration and there is a pressing need to address this gap. Participants noted the absence of adequate gender disaggregated data. Other participants, however, pointed out that there is rich ethnographic data available on many indigenous peoples and this provides some valuable information on the cultural context of migration.

29. Participants recognized that addressing the indigenous peoples and migration nexus in an effective way requires recognizing that indigenous migration affects the collective rights of indigenous communities, and accordingly has consequences for entire communities. Attention was also drawn by a participant to the need to understand and better relate to local terminologies and indigenous concepts of migration and development.

30. Participants acknowledged that indigenous peoples are by no means one homogeneous group. For example, clear differences were cited in the nature and intensity of the experiences of indigenous migrants in various world regions. However, participants also noted strong similarities. Some causes of indigenous migration, such as land loss or conflict, for example, were similar across most indigenous communities. There also appear to be similarities with respect to indigenous migrant experiences, such as discrimination or access to opportunities for personal and professional development.

31. Governance was also identified as a cross-cutting issue. Good governance is necessary to ensure that States protect the human rights of migrants, indigenous peoples, and particularly indigenous migrants.

32. Recognizing that indigenous women migrants may bear a triple burden in the migration process, participants felt it necessary to ensure gender mainstreaming in addressing issues related to indigenous migrants. Specifically, it is necessary to take into

account different gender perspectives and, in particular, to recognize the potential for indigenous women and girls to be exploited in the migration process.

33. Participants generally agreed that it is essential to involve indigenous peoples in studying, designing and implementing programmes which address or may result in indigenous migration. Indigenous peoples need to be included in order to help inform and determine policies which may impact their land, and ultimately their migration.

V. PROTECTING INDIGENOUS MIGRANTS: APPLICABLE FRAMEWORKS

34. Participants identified an overarching need to institute and enforce policies and programmes to protect indigenous peoples in the face of the challenges presented by migration. It was noted by many that there are a number of existing frameworks which protect the rights of indigenous peoples. In addition to ILO Convention No. 169 of 1989 concerning Indigenous and Tribal Peoples in Independent Countries, there are many international instruments on the protection of human rights and prevention of discrimination which are applicable to indigenous peoples. Experts noted that humanitarian law, international customary law and refugee law are also applicable with respect to the treatment of indigenous peoples.

35. The main issue, as noted by many participants, is not the absence of international law, but the weakness in its implementation at the national level. Weak implementation of international law at the national level has made it difficult for indigenous peoples to access legal services and to seek legal recourse when needed. This is further complicated by the fact that indigenous migrants may not be aware of their rights under international law due to lack of access to relevant information, and thus they do not make full use of international compliance mechanisms relating to international law or seek recourse under national law with reference to relevant international standards. Some participants were of the view that existing frameworks and mechanisms which are not specific to indigenous peoples but extend to indigenous peoples – such as those provided under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the various human rights Special Rapporteurs, and treaty body committees – should have stronger roles in enforcement and oversight, so that these frameworks and mechanisms may be effectively utilized by indigenous peoples when needed.

36. It was also noted that though certain international instruments offer protection to indigenous peoples and indigenous migrants, these instruments often do not provide adequate protection to indigenous peoples (for example, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, while applicable to seasonal workers, does not contain any express provisions regarding agriculture, a sector where indigenous peoples may traditionally work), resulting in a

need to go beyond these general instruments to specifically address and adequately protect the rights of indigenous peoples.

37. Additionally, it was noted that inter-ministerial coordination bodies sometimes lack convergence of views on indigenous issues and migration, thus further hindering protection of indigenous migrants.

VI. CONCLUSIONS AND RECOMMENDATIONS

38. The conclusions and recommendations emerging from the discussions at the Workshop are presented below in four broad categories. While the first three are related to the longer term, the fourth is addressed specifically for consideration of the forthcoming High Level Dialogue on International Migration to be held in the United Nations General Assembly in New York in September 2006.

1. State responsibility

- States should note the requirement under customary international law and applicable international legal instruments to protect and respect the human rights of both their own nationals and migrants (irrespective of their legal status).
- States are encouraged to implement their existing obligations under international law at the national level. In particular, countries that have ratified CEDAW should actively work to protect indigenous women migrants.
- States are also encouraged to consider extending national labour laws to cover the informal and agricultural sectors in which some indigenous peoples traditionally work.
- In addition, States are encouraged to promote and provide opportunities for temporary migration to prevent uprooting by permanent migration, taking into account the importance of return. For example, it was noted that Guatemala and Mexico have an agreement to better address the migration of indigenous peoples between the two countries.
- States should be aware that development plans may lead to the encroachment of indigenous lands by extractive industries, thus forcibly displacing indigenous communities.
- It was recommended that States recognize the right of indigenous migrants to return to their home communities, while also considering the notion of restitution for indigenous communities who were forcibly displaced from their lands.

- Government policies and actions can play an important role in changing the negative perceptions sometimes associated with indigenous peoples.

2. Information sharing

- Participants identified the need for indigenous groups to collectively organize in order to share data, best practices and lessons learned relating to migration.
- Indigenous peoples should play a central role in formulating development policies and programmes which may affect their migration. Ideas on capacity-building projects could be shared, including designing development projects **by** indigenous peoples **for** their indigenous communities and lands. These projects can include the input of indigenous diasporas.
- The idea of having case studies on indigenous peoples and migration was proposed, with such studies being led by indigenous leaders or experts on indigenous issues and migration.
- Diversity of actors in the migration and development of indigenous peoples was stressed. The need to involve indigenous youth was particularly emphasized.
- While noting that processes are as important as objectives, participants recommended that indigenous peoples should have input on policies and projects which may affect their lands and thus their migration or displacement.
- The sharing of information on migration issues is important. Indigenous leaders should therefore be responsible for ensuring that information acquired is disseminated throughout their communities.

3. Role of International Organizations and United Nations Agencies

- Participants suggested that existing mechanisms of the United Nations and other international organizations should be considered for addressing indigenous peoples and migration before proposing the establishment of new mechanisms.
- Participants stressed the need for further interagency cooperation and collaboration on indigenous peoples and migration, particularly in assisting with providing data and resources for case studies. Organizations and agencies may be able to assist States by providing legal advice on implementing international law, and also with issues such as land and birth registrations.
- Participants suggested creating a task force within the Inter-Agency Support Group on Indigenous Issues to specifically address migration issues of indigenous peoples. This Task Force could conduct or commission studies on

indigenous peoples and migration, and promote capacity building projects specifically geared towards indigenous peoples.

- It was also recommended that collaboration between the various human rights Special Rapporteurs relevant to indigenous peoples and migration be encouraged.

4. Recommendations for the upcoming United Nations High-Level Dialogue on International Migration and Development

- First and foremost, special attention should be paid to indigenous peoples in the migration and development debate. Given that indigenous peoples are closely tied to their communities, their migration often has a broader impact than on individual migrants alone. In particular, it should be noted that indigenous migration affects the collective rights of indigenous communities, and accordingly has consequences for entire communities.
- International law concerning the migration and indigenous peoples' nexus should be effectively implemented. It should also be recognized that a diversity of actors, including indigenous leaders, should be involved in efforts to address the indigenous peoples and migration nexus.
- Participants suggested that States not limit their discussion of migration to economic and social consequences, but include discussions on the cultural impact of migration too.
- Finally, the positive potential of indigenous migration for development and sustenance of indigenous communities should also be highlighted and further explored.

Annex 1: List of Participants

JOINT IOM/SPFII EXPERT WORKSHOP INDIGENOUS PEOPLES AND MIGRATION 6-7 April 2006

Mr. Finn ANDERSEN, ILO Geneva

Ms. Kerstin BARTSCH, Research Officer, International Migration Law, IOM, Geneva

Mr. Christoph BIERWIRTH, Senior Liaison Officer (Human Rights), Division of International Protection Services, Geneva

Ms. Ingeborg BREINES, Director, UNESCO Liaison Office, Geneva, Switzerland

Mr. Arturo CABRERA, Permanent Mission of Ecuador, Geneva

Ms. Christine CHAN, Human Rights Trainer, Human Rights Education Institute of Burma (HREIB), Geneva

Mr. Eduardo CHIHUAILAF, Third Secretary, Permanent Mission of Chile, Geneva

Mr. Binota Moy DHAMAI, Assistant General Secretary, Indigenous Peoples Forum, Bangladesh

His Excellency, Juan Carlos FAIDUTTI, Ambassador, Permanent Mission of Ecuador, Geneva, Switzerland

Ms. Domenica FAIDUTTI, Permanent Mission of Ecuador, Geneva, Switzerland

Ms. Brigitte FEIRING, ILO Geneva

Ms. Denise GLASSCOCK, Gender Officer, IOM Geneva

Ms. Martha Yolanda GOMEZ, Sociologist, Coordinadora Programa de Iniciativas de Paz, IOM, Bogota

Ms. Ann-Kristin HAKANSSON, Barents Council Indigenous Secretariat, Sweden

Ms. Luz Helena IZQUIERDO, Advisor to Minister of Justice and Interior, BOGOTA, Colombia

Ms. Meera JHAVERI, Intern, Division of International Protection Services, UNHCR, Geneva

Ms. Patricia JIMENEZ, Coordinator, DoCip, Indigenous Peoples' Center for Documentation, Research & Information, Geneva

Ms. Graciela JOLIDON, Legal Officer and Specialist on Equality and Indigenous Peoples, ILO Geneva

Mr. Alex JULCA, Economic Affairs Officer, United Nations Secretariat, Department of Economic and Social Affairs, New York

Ms. Stefania KIRSCHMANN, Intern, WGCI, IOM Geneva

Ms. Michele KLEIN SOLOMON, Acting Director, Migration Policy and Research & Communications, IOM Geneva

Mr. David MARTIN-CASTRO, Associate Expert, OHCHR

Mr. Victor MONTEJO, Anthropologist – Congressman, Guatemala

Ms. Amy MUEDIN, Programme Specialist, IOM New York

Ms. Chloe NAHUM-CLAUDEL, ILO Geneva

Mrs. Ndioro NDIAYE, Deputy Director General, IOM Geneva

Ms. Ida NICOLAISEN, Vice-Chair, UNPFII, Nordic Institute of Asian Studies, Copenhagen, Denmark

Ms. Gallianne PALAYRET, Permanent Mission of France, Geneva

Mr. Marcelo PISANI, Architect / Deputy Chief of Mission, IOM Bogota, Colombia

Ms. Jacqueline POLLOCK, Director, MAP Foundation, Thailand

Mr. Navin K. RAI, Lead Social Development Specialist, Quality Assurance and Compliance Unit, The World Bank, Washington DC

Ms. Nelly RAVAGLIA, Intern, DoCip, Indigenous Peoples' Center for Documentation, Research & Information, Geneva

Mr. Fredy RIVERA VELEZ, Profesor Investigador, FLACSO Ecuador

Ms. Emilie SENDRANE, Intern, Permanent Mission of France

Ms. Patience STEPHENS, Social Affairs Officer, Division for Social Policy and Development, Department of Economic and Social Affairs, United Nations, New York

Ms. Nathalie STUEWER, Third Secretary, Permanent Mission of Canada, Geneva

Mr. Lee SWEPSTON, ILO, Geneva

Mr. Mauro TORRES, Health Expert, Movimiento Nacional por la Salud y la Seguridad Social, BOGOTA, Colombia

Ms. Anne-Marie TUPUOLA, Research Fellow, Centre for Psychiatry, Wolfson Institute of Preventive Medicine, Queens Mary's School of Medicine & Dentistry, United Kingdom

Mr. Charles UWIRAGIYE, Executive Director, Cultural Conservation Act (CCA), KIGALI, Rwanda

Annex II

JOINT IOM/SPFII EXPERT WORKSHOP INDIGENOUS PEOPLES AND MIGRATION

6-7 April 2006

Agenda

9:30-10:00

REGISTRATION OF PARTICIPANTS

10:00-10:30

OPENING REMARKS

Welcome address: What are the goals of this workshop?

Ms Ndioro Ndiaye, Deputy Director General, IOM

Ms. Patience Stephens, Social Affairs Officer, Secretariat of UNPFII

Addresses by Moderators:

Michele Klein Solomon, Acting Director, Migration Policy, Research and Communications, IOM

Ida Nicolaisen, Vice-Chairperson of the UNPFII

10:30-11:30

**SESSION I: EXPLORING THE NEXUS BETWEEN
INDIGENOUS PEOPLES AND MIGRATION: INDIGENOUS
PEOPLES AS VOLUNTARY MIGRANTS**

What are the primary opportunities and challenges relating to the voluntary migration of indigenous peoples?

- Addressing the issues that indigenous peoples may face as voluntary migrants, with attention to the gender perspective - i.e. legal documentation, access to information and consular services, language and other cultural issues, integration, etc.

Speaker: Indigenous expert

Speaker: Technical/substantive expert

Speaker: Indigenous expert

Speaker: Agency representative

11:30-1:00

Discussion/Q&A

1:00-3:00

LUNCH BREAK

3:00-4:00

**SESSION II: EXPLORING THE NEXUS BETWEEN
INDIGENOUS PEOPLES AND MIGRATION: INDIGENOUS
PEOPLES AS FORCED MIGRANTS AND DISPLACED
PEOPLES**

What are the primary issues and challenges relating to the involuntary migration of indigenous peoples?

- Addressing the specific consequences of such migration for indigenous peoples, including from a gender perspective, and formulating responses to alleviate such consequences, while also looking at ways to prevent forced migration of indigenous peoples.

Speaker: Indigenous expert

Speaker: Technical/substantive expert

Speaker: Indigenous expert

Speaker: Agency representative

4:00-5:30

General Discussion/Q&A

<u>FRIDAY, 7 APRIL</u>

10:00-10:30

Summary from previous day

10:30-11:30

SESSION III: INDIGENOUS PEOPLES, MIGRATION AND DEVELOPMENT

How can indigenous peoples effectively use migration for their own development?

- **Impact of migration of indigenous peoples on home communities**

Addressing the impact on home communities of the emigration of its members, including effects on the household, women, and youth, and on social organization, poverty, survival of indigenous cultures, etc., and highlighting examples of contributions of indigenous migrants to development of their communities of origin.

- **Impact of migration of non-indigenous peoples on indigenous communities**

Addressing the consequences of migration of non-indigenous populations into, or near, indigenous communities. In particular, examine the social, economic and cultural effects of temporary migrant labour flows associated with business development, especially exploration of petroleum, natural gas, agriculture, water resources and logging and other economic ventures. Examine the gender impact of such migration.

Speaker: Indigenous expert

Speaker: Technical/substantive expert

Speaker: Indigenous expert

Speaker: Agency representative

11:30-1:00

Discussion/Q&A

1:00-3:00

LUNCH BREAK

3:00-5:30

SESSION IV: THE WAY FORWARD: RESPONDING TO THE CHALLENGES AND OPPORTUNITIES OF INDIGENOUS PEOPLES AND MIGRATION: CONCLUSIONS AND RECOMMENDATIONS

How can the United Nations System, other international, regional and national organizations and indigenous communities collaborate more effectively on issues relating to the nexus between indigenous peoples and migration? What are the areas for future exploration and/or collaboration?

In this Working Session, participants will collaborate to identify concrete areas for further exploration and/or action relating to the following four topics (in each case with specific attention to gender issues and data collection needs):

- Indigenous peoples as voluntary migrants
- Indigenous peoples as forced migrants and displaced peoples
- Impact of migration of indigenous peoples on indigenous communities
- Impact of migration of non-indigenous peoples on indigenous communities

Co-moderated by IOM and UNPFII

5:00 – 5:30

WRAP-UP and CONCLUDING REMARKS

Speaker: IOM moderator

Speaker: UNPFII moderator

