

# SUMMARY NOTES ON THE 9<sup>th</sup> SESSION OF THE EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES

11-15<sup>th</sup> July 2016, Geneva

The summary notes are reports of the most important UN meetings on indigenous rights and are issued twice a year. They are only available in an electronic version and sent by mail.



## 1. Background information

This 9<sup>th</sup> session of EMRIP took place in Geneva, at the Palais des Nations, from the 11<sup>th</sup> to the 15<sup>th</sup> of July. The study conducted for this session was on indigenous health, with a particular focus on youth and children. The current EMRIP members are:

- Mr. Alexey Tsykarev, from the Russian Federation
- Mrs. Erika Yamada, from Brazil, Vice-Chair
- Mr. Edtami Mansayagan, from the Philippines
- Mr. Albert Kwokwo Barumé, from the Democratic Republic of the Congo, Chair
- Mr. Chief Wilton Littlechild, from Canada.

Under one of the major points discussed was the review of the mandate of the EMRIP, in order to consider and better address indigenous peoples' claims and issues at the international level.

## 2. Details

*Monday, 11th July*

The welcoming remarks for this EMRIP session were presented by **Mr. Ambassador Negash Kebret Batora, Vice-President of the Human Rights Council (HRC)**. He spoke about the importance of the Sustainable Development Goals (SDGs) in the framework of the 10<sup>th</sup> anniversary of the United Declaration on the Rights of Indigenous Peoples (UNDRIP). It is important to put future strategies in place in order to implement best practices and measures for the UNDRIP, which include the review of the mandate of the EMRIP. **Mr. Alexey Tsykarev, EMRIP member** who chaired the previous session, spoke of the difference between the intentions of the UNDRIP and its concrete applications in the field. He further explained the links between the right to health and land rights, or more broadly, the right to self-determination, with a special focus on indigenous women, youth and children as being the most affected. Also, recent developments have shown that it is of crucial importance to enhance indigenous peoples' participation within the UN system and to push for a resolution within the HRC with the United Nations General Assembly (UNGA) in this matter. The new elected **Chair of the EMRIP, Mr. Albert Kwokwo Barumé**, underlined the importance of the advances made in indigenous peoples' rights through the adoption by Member States of the World Conference on Indigenous Peoples (WCIP) Outcome Document<sup>1</sup>. This document is considered as the first reference for States to be able to put in place national action plans, and in this realm the

---

<sup>1</sup> A/RES/69/2

implementation of the SDGs is of critical importance.

- Follow-up on the World Conference on Indigenous Peoples, including the review of the mandate of the Expert Mechanism

**Mr. Tsykarev** chaired this session, introducing the developments concerning the review of the mandate of the experts and the implications of this mandate review. Currently, EMRIP provides research-based recommendations and studies for the HRC on the rights of indigenous peoples. However, considering paragraph 28 of the WCIP outcome document, it seemed clear that this mandate must be renewed in order to meet indigenous peoples' needs in the international arena. **Mr. Alvaro Pop, current President of the Permanent Forum on Indigenous Issues (UNPFII)**, highlighted the importance of the rights of indigenous peoples and the useful work realized during the mandate's workshop, with the interesting idea that EMRIP should determine the topics on its own. **Mr. Littlechild** expressed concerns regarding the positive impacts for indigenous peoples' rights of the EMRIP studies and questioned how UNDRIP principles could apply to those rights. **Mr. Barumé** enumerated three main points: to improve access to health systems by indigenous persons with disabilities, to create an enabling environment for the Human Rights National Commission in that implementation and to have a constructive dialogue, in particular with the private sector. **Mrs. Yamada** noted the importance of States' replies to EMRIP studies, and of creating a dynamic whereby EMRIP would be more recognized by indigenous organizations in order to enhance their participation in the international processes. **Mrs. Vicky Tauli-Corpuz, Special Rapporteur on the Rights of Indigenous Peoples (SRRIP)**, urged greater emphasis on the coordination among the three existing mechanisms that relate to indigenous peoples' issues today within the UN system, and asked for more cooperation with other UN mechanisms.

The **States** that took the floor to deliver a statement on this agenda item were Australia, Canada, Norway, the European Union (EU) as observer, Guatemala, the Dominican Republic on behalf of the Community of Latin American and Caribbean States (CELAC), the United States of America (USA), the Russian Federation, Chile, New Zealand, Bolivia, Mexico, Malaysia and Peru. **Australia** suggested that the EMRIP provide some recommendations to States to assess their own policies and programs concerning indigenous peoples' rights. The proposal of having seven experts representing the seven regions as defined by the UNFPII – namely Africa / Asia / Central and South America and the Caribbean / the Arctic / Eastern Europe, Russian Federation, Central Asia and Transcaucasia / North America / the Pacific – has been taken up by **Canada** and **Chile**. **Chile** expressed the need for greater gender balance within the mechanism, and also put emphasis on the need for more resources concerning the Secretariat. **Norway** asked for more cooperation within the mechanism through an enhanced dialogue between the States and indigenous peoples. This statement was echoed in the declarations of **New Zealand, Mexico, Bolivia** and **USA**. **USA** further stated that EMRIP should not be able to deal with individual complaints. **Peru** and the **EU** insisted on the importance of a broader recognition of indigenous peoples' rights to an independent mandate, while **Guatemala** emphasized the need for a more comprehensive dialogue between the State and indigenous organizations. The **Dominican Republic on behalf of CELAC** underlined the collective rights of indigenous peoples. **Malaysia** and the **Russian Federation** stressed the promotion of sustainable development for indigenous peoples.

From **indigenous organizations**, the Indian Law Resource Centre (ILRC), the Sami Parliament of Norway on behalf of the Arctic indigenous peoples' organizations and institutions, the Indigenous Media Foundation and Lawyers' Association for Human Rights of Nepalese Indigenous People (LAHURNIP), the Congrès Mondial Amazigh, the Asia Indigenous Peoples Caucus (AIPC), the International Indian Treaty Council (IITC), the Monitoring Mechanism of the IWI Chairs Forum, the Foundation for Aboriginal and Islander Research Action (FAIRA), the Association Tombouctou du peuple Touareg de l'Azawad du Nord du Mali, the Movimiento para la autodeterminación de la Isla de Bio (MAIB), the Consejo de Todas las Tierras Chile, the Indigenous Peoples and Nations Coalition and Indian Council of South America, the Nepal Indigenous Disabled Association jointly with the Indigenous Persons with Disabilities Global Network, the Association des femmes de Kabylie and the Congrès Populaire Coutumier Kanak expressed their views. The **ILRC** raised the issue of a worsening human rights situation concerning indigenous peoples worldwide, and thus referred to the need for a strong body that could achieve the goals of the UNDRIP. In its statement, **the Sami Parliament of Norway** reiterated the same factors by further explaining the need to strengthen institutional cooperation among the SRRIP and the EMRIP. **LAHURNIP** suggested that EMRIP should be able to make recommendations to States to help with the drafting of national action plans. **The Congrès Mondial Amazigh** strongly echoed the previous statement, with an emphasis on the lack of access to justice. **AIPC** briefly introduced a set of recommendations for EMRIP, among which was an increase in EMRIP's resources and to be able to perform country visits. **IITC** indicated the lack of political will by States to implement the UNDRIP, with a wish that EMRIP have an active role in improving those issues. **The Monitoring Mechanism of the IWI Chairs Forum** also pointed out those issues, while **the MAIB, the FAIRA and the Indigenous Peoples and Nations Coalition and Indian Council of South America** expressed a request for stronger recognition of indigenous right to self-determination. **The Consejo de Todas las Tierras Chile** insisted on the importance for EMRIP to have a clear and distinct mandate than other existing indigenous peoples' mechanisms. The **Congrès Populaire Coutumier Kanak** expressed the need for EMRIP to be able to make recommendations within the Universal Periodic Review (UPR) mechanism. The **Nepal Indigenous Disabled Association**, jointly with the **Indigenous Persons with Disabilities Global Network** stressed the multiple difficulties faced by indigenous persons with disabilities nowadays, with an urgent need for more recognition of their special condition. The **Association Tombouctou du peuple Touareg de l'Azawad du Nord du Mali** expressly asked the SRRIP and the EMRIP mechanism to draw more attention to the situation of indigenous peoples in North Africa, by inviting them to perform a country visit. The **Association des femmes de Kabylie** reminded us of the repression suffered by indigenous peoples in this region, while the State does not comply with its obligations.

As concluding remarks, **Mr. Littlechild** advised the EMRIP to prepare an annual report on the world's situation on the goals of the UNDRIP, by compiling the recommendations received over the past 5 years for a first report. **Mr. Tsykarev** reiterated the need for EMRIP to be more independent in the choice of its thematic studies, and also to provide better access to the studies with translation to more official UN languages – which made the transition to the next agenda item.

- Follow-up to the World Conference on Indigenous Peoples; briefing and discussion on

the consultation process to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them

**Mrs. Claire Charters** introduced the history of indigenous peoples' participation within the UN system by asking how to reinforce this participation nowadays. **Mr. James Anaya** questioned whether it would be possible to create a new category of indigenous participation, considering that the existing framework does not allow much flexibility in terms of creating an enabling environment for more participation. **Mr. Tsykarev** underlined the crucial need to facilitate the access by indigenous peoples to other UN bodies on issues affecting them. **Mr. Sammie Eddico, Ambassador to the Permanent Mission of Ghana**, expressed hope for reaching consensus to enable indigenous peoples' participation in an effective way with the UN mechanisms.

The **States** that delivered a statement on this matter were Finland, Sweden, New Zealand, Guatemala, USA, Canada, Brazil, Chile, Australia, Algeria and the Russian Federation. **Finland** highlighted the need for States to continue to provide resources to the UN Voluntary Fund of Indigenous Peoples (UNVFIP) while **Sweden, Australia, New Zealand** spoke of indigenous peoples' right to participate in the different UN organisms on issues affecting them. **USA and Algeria** reinforced those issues by proposing to put in place a new observer category for indigenous peoples within ECOSOC. **Canada, Chile and Brazil** expressed the view that accreditation rules have to be revised. **The Russian Federation** regretted that among the existing possibilities of participation, few of them were effectively used. **Guatemala** pointed out the need for more collaboration in the context of climate change.

The **indigenous organizations** that took the floor under this agenda item were the Congrès Mondial Amazigh, the Sami Parliament, the IRLC, the MAIB and the Indigenous Peoples and Nations Coalition and Indian Council of South America. The **Congrès Mondial Amazigh** underlined the existing requirements for indigenous peoples' participation within UN mechanisms – to be an NGO with ECOSOC status – and that they have to change. **IRLC** and the **Sami Parliament** brought up the need to have more flexible accreditation rules in order to keep indigenous peoples within the discussions. **MAIB and the Indigenous Peoples and Nations Coalition and Indian Council of South America** underlined the crucial point that indigenous peoples are nations, and as such, advocated for recognition of their self-governance, which is of concern for the accreditation processes.

As concluding remarks, **Mr. Barumé** also insisted that indigenous peoples are Nations and peoples that existed before modern societies, and as such, need for recognition of their forms of organizations. **Mrs. Yamada** expressed the need for States to engage nationally with indigenous peoples to facilitate their participation. **Mrs. Tauli-Corpuz** reminded us that the objective remains the implementation of UNDRIP and the ILO Convention 169, while **Mr. Karl Bauer** and **Mrs. Charters** stressed the need to reach consensus with more engagement from all parties, making arrangements with the existing governance systems and showing greater flexibility to facilitate the process. According to **Mr. Anaya**, the starting point is the acceptance of indigenous peoples' collective rights. **Mr. Littlechild** went further on this point by taking into consideration the time lapse for a worldwide recognition of indigenous peoples. **Mr. Eddico** finally spoke of the need to continue those discussions.

Tuesday, 12<sup>th</sup> July

- Panel discussion on the promotion and protection of the rights of indigenous persons with disabilities

This panel discussion aimed at drawing attention to the situation of indigenous persons with disabilities, a group that is the most excluded and exposed to discrimination, not only within States but also within communities. As moderator of this session, **Mr. Mansayagan** spoke of recent developments that took place in this regard, together with other international agencies such as ILO. He summarized the main issues: to consult with the concerned persons to strengthen their rights, to provide to them more access to services, to enable a social environment, to gather indigenous views on the matter, to have a guarantee of collective as well as individual rights and to have more research on the matter. **Mrs. Catalina Devandas Aguilar, Special Rapporteur on the Rights of Persons with Disabilities**, introduced the situation of indigenous persons with disabilities. There is a crucial lack of access to services and an urgent need for empowerment and capacity-building, since those people suffer an intersectional form of discrimination. There is a double challenge: on the one hand, to increase indigenous peoples' participation within persons with disabilities networks, and on the other hand to include more indigenous persons with disabilities in the discussions on the rights of indigenous peoples. The aim is to avoid assimilation processes, enhance community-land services and implement good practices. **Mrs. Olga Montúfar, from the Fundación Paso a Paso**, explained that the lack of data regarding indigenous persons with disabilities did not allow the creation of initiatives. Raising awareness of the situation of indigenous persons with disabilities is of great importance, and the first step is to harmonize the process around the movement of indigenous persons with disabilities. She further commented on the struggle faced by indigenous women and girls with disabilities and the multiple discrimination that they face. **Mrs. Pratima Gurung, from LAHURNIP**, raised the question of identity for an indigenous person with a disability. She explained that natural disasters, in the context of Nepal, increased the number of persons with disabilities and the lack of access to community services. Thus, measures have to be taken in order to ensure better protection of those persons, in particular regarding women and girls. **Mrs. Tauli-Corpuz** explained the tensions within the existing international framework of the rights of persons with disabilities, that are individual on the one hand, and indigenous peoples' rights that are collective on the other hand. The balance between the two has still to be found and advocacy has to be promoted in order to preserve both, for the good of indigenous persons with disabilities. **Mrs. Doreen Demas, from the Indigenous Persons with Disabilities Global Network**, advocated more access of indigenous persons with disabilities within the international fora. For instance, and at a very practical level, such participation is not facilitated since few of the UN organisms organize events that provide a concrete access to indigenous persons with disabilities. Her suggestion would also be to include within EMRIP members an indigenous person with a disability.

During the Q&A session that followed, interactive dialogue took place between the panellists and the participants. Most of the questions focused on how to effectively enable participation by indigenous persons with disabilities in the international system, considering both elements of advocacy and technical access. Furthermore, some questions raised the matter of the issuance of guidelines, so as to implement best practices for indigenous persons with

disabilities. It is also important not to forget that indigenous persons with intellectual disabilities were mentioned as group of people that should be of greater concern. The answers from the panellists made reference to the SDGs and how to make sure that no one is left behind. One of the main ideas is to work in closer cooperation with the networks of indigenous peoples on the one hand and persons with disabilities on the other hand.

Returning to the voice of the experts, **Mr. Littlechild** spoke of the existing barriers within the current system to enable such cooperation. He proposed that this issue be a permanent agenda item in EMRIP's sessions. **Mrs. Yamada** pointed out the need for States' collaboration in order to realize concrete and valuable steps for indigenous persons with disabilities, by providing more data information on their situation. **Mr. Tsykarev** commented on the labour market and how to make it accessible to indigenous persons with disabilities, since otherwise it leads to a loss of economic empowerment.

The **States** that took the floor were the EU, USA, Canada, Venezuela, Australia, New Zealand, South Africa, Bolivia, Guatemala and Ecuador. The **EU** emphasized the need to focus more on the issue, while **USA** asked whether it is possible to provide more solutions in this matter and enhance the global network on indigenous persons with disabilities. **Canada, Bolivia, Venezuela, Guatemala, New Zealand, Ecuador, Australia and South Africa** presented their country initiatives that promote the rights of indigenous persons with disabilities and provide more inclusion to them in their respective social systems.

The **indigenous organizations** that made a statement were the AIPC, the Association culturelle ATH Koudhia de Kabylie d'Algérie and the First Peoples Disability Network Australia. **The AIPC** praised the audience for a larger recognition of the rights of indigenous persons with disabilities, since there are many examples of cases in Asia where such people suffer discrimination. **The Association culturelle ATH Koudhia de Kabylie d'Algérie** stressed the lack of political will to implement the measures that should be taken for persons with disabilities. **The First Peoples Disability Network Australia** underlined the negative impacts of the colonization process, notably on indigenous peoples' mental health and the disabilities it provoked among the community. They asked for recognition of such a process and more inclusion in education for indigenous children with disabilities.

From the **others organizations**, the **Leuphana University of Lüneburg** highlighted the discriminatory policies committed by the States in regard to indigenous persons with disabilities.

As closing remarks, **Mr. Barumé** recalled the unique situation of indigenous persons with disabilities, and the need to reverse the negative practices regarding it. Finally, **Mr. Mansayagan** expressed the crucial need to work hard in order to make best practices on the rights of indigenous persons with disabilities a reality.

- [Study and recommendation on the right to health and indigenous peoples, with a focus on children and youth](#)

**Mr. Barumé** introduced EMRIP's study on the right to health. The right to health is interlinked

with many others, such as the right to development, land rights, the right to water, etc. Due to the lack of recognition of land rights, and poor access to services, indigenous peoples' health is severely affected. Among the most vulnerable are indigenous persons with disabilities, women, youth and children. Among the recommendations submitted to States, the main ones refer to: the enforcement of the legal frameworks to strengthen indigenous peoples' right to health; to provide enough resources to indigenous peoples to fund their initiatives; to create a plan to implement the Paris Agreement; to ensure access to health care and services that are culturally appropriate and to allow traditional practices within the communities. Regarding the recommendations given to indigenous peoples, the study focused on: strengthening advocacy efforts in order to have a wider recognition of the right to self-determination; to obtain the Free, Prior and Informed Consent (FPIC) for all projects related to health; to take steps within the communities to protect women, youth, children and persons with disabilities and to promote traditional practices. Concerning the recommendations given to international organizations: WHO and UNFPA should appoint a focus group on indigenous health issues, along with other international organizations such as the World Bank, and guidelines should be created in order to develop best practices. **Mr. Tsykarev** underlined several other aspects on indigenous health, including sexual reproductive health within the communities, which is still a taboo subject, and restrictions regarding access to alcoholic drinks. Access to information remains a basis, and more resources have to be deployed for this.

The **States** that reacted to the study were USA, Ecuador, New Zealand, Finland, Venezuela, the Russian Federation, Australia, Chile and Bolivia. **USA** raised the issue faced by many young persons, especially in Alaska, of drugs and alcohol, and the existing policies put in place to face it. **Ecuador** presented its legal framework to guarantee territorial and social equality and thus protect the various cultures. **New Zealand, Finland and Venezuela** recognized their need to keep working on access to health care and health services for indigenous peoples, so that it is the same as in the rest of the population. The **Russian Federation** expressed the need to work harder to reach the most remote areas and provide health care in them, while **Australia and Chile** reminded us that culture was a critical aspect of indigenous medicine. **Bolivia** advocated for the promotion of traditional medicine among the communities.

The **indigenous organizations** that made a statement were the Lipam Apache Women Defense group, the Assemblée des arméniens d'Arménie occidentale, the IITC, the New South Wales Aboriginal Land Council, the Maskwacis Cree, the AIPC, the Asian Indigenous Peoples Pact (AIPP), the Edfu Foundation, Maloca Internationale, the Ogiek Peoples Development Program, the Association Espoir pour les Jeunes Batwa, the Indigenous World Association, the Moonfish Dance Company, Arafura Dance Association & East Arnhem Regional Council, Harikar, the Congrès Mondial Amazigh, the First Peoples Disability Network, the Wayuu Indigenous Women's Force, the Wayunkera Indigenous Women's Initiative and the CRIT, the Human Rights and Development Organization for Poters, the Red nacional de casas de las mujeres en México, the Toumast Union of Civil Society Organizations of Amazigh Libya and the Pueblo Indígena Ete Ennaka. **The Lipam Apache Women Defense group** invoked the numerous land dispossessions and health troubles related to those dispossessions in its community, in particular regarding their effect on women. The **Assemblée des arméniens d'Arménie occidentale** wanted to draw attention to the genocide committed on their communities, while the **New South Wales Aboriginal Land Council** underlined the loss of identity due to loss of

their land, and the health issues provoked by it. This statement was further defined by **IITC**, which used as an example the extractive industries that used strong contaminating elements in their operations, which have terrible effects on the health of indigenous peoples. The **Maskwacis Cree** reiterated the importance of preserving community wellness, and the **AIPC** emphasized communicable diseases and the lack of access to hospitals. **AIPP** noted that a lot of indigenous peoples in Asia were stateless, and thus had no access to public health services. The **Indigenous World Association, Edfu Foundation, the Moonfish Dance Company, Arafura Dance Association & East Arnhem Regional Council, and the Congrès Mondial Amazigh** highlighted that the right to health is deeply linked to the right to self-determination. The **First Peoples Disability Network and the Toumast Union of Civil Society Organizations of Amazigh Libya** stressed the many difficulties faced by indigenous persons with disabilities and the systematic barriers to enjoyment of their rights. **Maloca Internationale** spoke about the importance of traditional medicine and the need for the 'western' medicine to recognize its benefits. The **Ogiek Peoples Development Program** underlined concerns over the practice of vaccination campaigns carried out by many States and organizations, without the FPIC of the communities nor follow-up on its previous application. The **Association Espoir pour les Jeunes Batwa and the Human Rights and Development Organization for Poters** wanted to draw attention to the poor conditions of the Batwa and their complete lack of access to health services, while **Harikar** exposed the traumas suffered by the peoples of Iraq in conflict areas. The **Wayuu Indigenous Women's Force, the Wayunkera Indigenous Women's Initiative and the CRIT** expressed the crucial link between indigenous peoples' right to health and their right to water. The **Red nacional de casas de las mujeres en México** regretted the introduction of 'western' medicine and also raised the issue of indigenous migration, which has an effect on indigenous peoples' health. The **Pueblo Indígena Ette Ennaka** stated that more attention should be given to pregnant women.

The **other organizations** that expressed their views were the New Zealand Human Rights Commission, the Leuphana University of Lüneburg, Cultural Survival, OXFAM Australia, FIAN international, the Pan-American Health organization and the University of Brasília. The **New Zealand Human Rights Commission** recognized the inequalities in access to health care among the Maori people and the non-Maori, while the **Leuphana University of Lüneburg** underlined sexual violence committed against women and girls and said that it requires particular attention. **Cultural Survival** discussed the link between environmental degradation and increasing health problems among indigenous peoples, and **OXFAM Australia** pointed out the increasing needs of indigenous peoples in this country for better access to health services. **FIAN international** brought up the large-scale development projects, such as dams, that deeply affect indigenous peoples, both their territories and their health. The **Pan-American Health Organization** brought up the work that is being done in terms of having an intercultural focus to respect traditional practices. The **University of Brasília** suggested that more indigenous students should study medicine, in order to be able to transfer knowledge to the communities and create a link to traditional practices.

The **experts** closed this agenda item by highlighting the main points of the discussion. **Mr. Tsykarev** recognized the link between the need to raise awareness among the private sector and indigenous health and indigenous traditional medicine, since the private sector has a direct effect on indigenous peoples' lands. **Mrs. Yamada** said that special attention should be given

to women and children, and asked for more respect for the FPIC concerning health care. **Mr. Mansayagan** expressed the idea that indigenous peoples require more complex health care than the rest of the population, and the way to solve this issue is wider recognition of the right to self-determination. **Mr. Littlechild** emphasized the role played by the World's Indigenous Games and the place that they could have in a broader recognition of indigenous persons with disabilities if those games also allowed their participation. **Mr. Barumé** finally summarized all the interventions by recalling the link between historical traumas and the dangerous sanitary conditions that we observe today. He further described the links between the various forms of contamination – air, soil, water, land, etc. – and the effects on indigenous health.

*Wednesday, 13<sup>th</sup> July*

- Human rights of indigenous peoples in relation to business enterprises

**Mr. Littlechild** underlined the various aspects related to indigenous peoples' right to health and business enterprises. As the previous session demonstrated, indigenous health is closely linked to respect of their land rights, which are most often violated by the private sector and the States in order to develop large-scale development projects and extractive industries. Public policies have to focus on a strengthening of indigenous peoples' autonomy and self-determination when it comes to dealing with the private sector. A major tool is respect of the FPIC.

The **States** that expressed their views under this agenda item were Australia, Brazil, Ecuador, Indonesia, Venezuela, Bolivia and South Africa. **Australia** supported the UN guiding principles on Business and Human Rights and wanted to highlight its willingness to help indigenous enterprises to prosper. **Brazil** presented its national framework to regulate transnational enterprise activities in relation to indigenous peoples' rights, and stated that the main focus should be the UNDRIP. **Ecuador and Venezuela** recognized the need to have a greater balance between indigenous peoples and transnational corporations, along with **South Africa**, which stressed the need for more discussions at the national level on this matter and on its regulatory gap. **Bolivia** reminded us that it is the States' duties to make transnational corporations respect Human Rights within their borders, while **Indonesia** assured us that the enterprises operating within the country respected the Human Rights of their communities.

From the **indigenous organizations**, AIPC, AIPP, the New South Wales Aboriginal Land Council, LAHURNIP, the Organización Mapuche Consejo de todas las tierras, the Bureau d'études scientifiques et techniques, the Arctic Indigenous Caucus and Inuit Circumpolar Council, the Australia Indigenous Leadership Centre, the Maskwacis Cree, Maloca Internationale, The Indigenous Peoples Alliance of The Archipelago, the Pueblo Guarani de Hipólito Yrigoyen – Argentina, the Moonfish Productions Aboriginal Corporation and Northern Land Council, the Congrès Mondial Amazigh, the Congrès Populaire Coutumier Kanak, the Association Tartit du Burkina Faso, the CRIT and the Association Culturelle Adrar Ath Koudhia Kabylie Algeria. **AIPC, AIPP, the Bureau d'études scientifiques et techniques, the Maskwacis Cree and the Congrès Mondial Amazigh** advocated for more implementation and respect for the right of FPIC of their communities, and stronger multilateral cooperation between the private sector, the States and the communities. The **New South Wales Aboriginal Land Council** insisted on

the possibility of creating an economic sustainable environment for the communities that face many barriers from the States. **LAHURNIP** echoed the previous statement by using the example of a dam construction in Nepal, and exposed the situation where Human Rights defenders are being persecuted and killed in that regard. The **Organización Mapuche Consejo de todas las tierras** underlined the serious degradation of the environment related to the activities of extractive industries and their consequences upon indigenous health and food security. The **Arctic Indigenous Caucus and Inuit Circumpolar Council** asked for more transparency in that area, and also asked that the benefits be shared with the communities. **The Australia Indigenous Leadership Centre** asked to have policies that would help indigenous peoples to develop their own businesses. **Maloca Internationale** recalled the necessity of saving traditional medicine from transnational corporations, and the **Pueblo Guarani de Hipólito Yrigoyen – Argentina** invited the experts to take note of the situation of the community on the ground and the violation of their rights. The **Moonfish Productions Aboriginal Corporation and Northern Land Council** presented the preservation of Aboriginal lands of the North of Australia, and the need for investment in Aboriginal knowledge to promote sustainable development of those lands. The **Congrès Populaire Coutumier Kanak** stated that the approach to indigenous peoples' rights was an occidental one, and that those rights have significance within indigenous views at both rational and irrational levels. The **Association Tartit du Burkina Faso** warned of the consequences of terrorism on indigenous peoples' economic survival, and the **Association Culturelle Adrar Ath Koudhia Kabylie Algeria** asked their States to allow indigenous peoples to enjoy their culture and respect their FPIC. The **CRIT and the Indigenous Peoples Alliance of the Archipelago** reiterated that the private sector and extractive industries were denying indigenous peoples' access to water and natural resources, leading to serious Human Rights violations.

From the **other organizations**, the Autonomous University of Madrid, Faculty of Law, FIAN International and the Structural Analysis of Cultural Systems took the floor. **The Autonomous University of Madrid, Faculty of Law** proposed that transnational companies should provide clear information on their activities and their risks, while **FIAN International** wanted to draw attention to the genocide that is going on with the Guarani-Kaiowá people in Brazil as a result of the illegal exploitation of their land by agribusiness. The **Structural Analysis of Cultural Systems** warned of the negative impacts tourism can have on communities, threatening their traditional way of lives and considering indigenous peoples as 'exotic'.

As concluding remarks, **Mr. Littlechild** expressed the need for EMRIP to be more involved in these discussions, and asked States to ensure a greater respect of indigenous rights of self-determination and FPIC. The most relevant element remains that sustainable economies, produced by the communities and for the communities, has to be the next step to be implemented. **Mrs. Yamada** also spoke of the violence committed against indigenous peoples in their homelands for the access to natural resources, and called the States to play a more important role in relation to business enterprises. **Mr. Tsykarev** noted the importance for indigenous peoples to have access to entrepreneurship, and to have a deeper discussion on what the FPIC means on the ground. **Mr. Mansayagan** noted the colonization process and excess development of societies, which included deprivation of indigenous homelands.

- [The Sustainable Development Goals and the rights of indigenous peoples](#)

**Mrs. Yamada** introduced the concerns of indigenous peoples' representatives during the 8th last session, and the need to strengthen indigenous peoples' voices in the context of the SDGs. Since indigenous peoples are mentioned in only 2 targets, their participation in the decision-making processes is more critical every day. The SDGs is a multidimensional issue, dealing with the right to self-determination, the right to development, the right to freely exercise economic and social development by making sure that no one is left behind. **Mr. Pop** expressed his concerns about the implementation of the SDGs, and the concepts that surround 'inclusion' under the umbrella of the SDGs. He further stated that there is a need to have more gender balance within those processes and to change the perspective of the development model.

The **States** that delivered a statement under this agenda item were Canada, Brazil, Australia, and Ecuador. **Canada** presented the launch of the review of this process within the country that mainly addresses climate change and environmental issues. **Ecuador** presented its national plans to reduce inequalities and poverty, and to enforce education within the communities. **Brazil** insisted on the importance of the integration of indigenous peoples and the fight against the consequences of climate change. **Australia** made the point that the government was working with indicators in order to achieve the goals.

The **indigenous organizations** that took the floor under this agenda item were the Assemblée des Arméniens d'Arménie Occidentale, AIPC, IITC and Tebtebba, the Congrès Mondial Amazigh, the Khmers Kampuchea Krom Foundation, AIPP, Derecho, Ambiente y Recursos Naturales, the Sengwer Indigenous Peoples Programme, the Pastoralist Information and Development Organization, the Congreso del Estado de Jalisco and KMS. The **Assemblée des Arméniens d'Arménie Occidentale** spoke of the cultural genocide of its people in Armenia, while the **Congrès Mondial Amazigh** highlighted the importance of preserving the education of the children and future generations in the Amazigh language, and to have more States policies. **AIPC, and IITC with Tebtebba** recalled the important role of indigenous peoples in data collection and the need to create a specific indicator to see concrete outcomes of the SDGs on the ground. **AIPP** mentioned the continuous threats on indigenous lands and the different targets that have indigenous communities concerning the SDGs. The **Khmers Kampuchea Krom Foundation** asked the governments to take Khmer people into consideration in national development plans, while the **Sengwer Indigenous Peoples Programme and also the Pastoralist Information and Development Organization** claimed the importance of empowerment of the communities and the consequences of land eviction in Africa. **Derecho, Ambiente y Recursos Naturales** referred to land issues and the constant lack of respect of indigenous peoples' land rights, while **the Congreso del Estado de Jalisco** supported the idea that it was necessary for indigenous peoples to fully achieve their rights, and above all the right to self-determination. **KMS** asked EMRIP to give back original names to the Khmer territories.

From the **others organizations**, the Leuphana University of Lüneburg and the Universal Esperanto Association took the floor. The **Leuphana University of Lüneburg** underlined the need to maintain water access to indigenous communities in order to preserve their traditional knowledge, and the **Universal Esperanto Association** wanted to highlight the links between biodiversity and linguistic diversity through the preservation of different cultures.

**Mrs. Yamada** closed the agenda item by reminding us that the SDGs should enforce wellness for indigenous peoples, which would presuppose a wider recognition of their land rights. The other crucial elements to take into account in the SDGs process are issues over water, languages and diversity.

*Thursday, 14th July*

- Best practices and strategies for implementation of UNDRIP

**Mr. Littlechild** introduced this agenda item, by reminding us about the questionnaire that was sent to indigenous organizations. **Mrs. Tauli-Corpuz** presented her report on her various visits to indigenous communities worldwide. The most urgent issues concern Human Rights violations, especially in regard to the rights of women and young girls. The challenges concerning climate change remain large, and environmental degradation is still responsible for too many serious situations among indigenous communities. It is necessary to have more guidelines within the international system that include indigenous peoples' rights as a permanent issue within the international agenda. **Mr. Pop** summarized the happenings during UNPFII this year, which had indigenous peoples' rights in the context of conflict resolution as a thematic. He claimed that the States' efforts were still inefficient and that a lot still needs to be done in order to hope to properly achieve the goals of the UNDRIP. **Mr Binota Moy Dhamai, President of the UN Voluntary Fund for Indigenous Peoples (UNVFIP)**, introduced the importance of the Voluntary Fund for the participation of indigenous peoples in the decision-making processes. He called on States to increase their level of contributions in order to enhance the dialogue between indigenous peoples and States. He further noted that, through the Docip, the Voluntary Fund was also providing training to indigenous peoples for capacity-building and empowerment.

The **States** that issued a statement under this agenda item were Canada, USA, Australia, Venezuela, Guatemala, Algeria, New Zealand and South Africa. **Australia, Canada and USA** noted the need to strengthen the dialogue between States and indigenous peoples. **Algeria** asked more visibility in the international arena of indigenous peoples' rights mechanisms in order to enhance cooperation with other stakeholders. **New Zealand** and **Venezuela** evoked the need for more recognition of the right to FPIC, as much as an engagement in different ways with the communities, which can be done through education, for example. **Guatemala** introduced its initiatives for indigenous peoples within the country, such as promoting indigenous languages, and **South Africa** expressed its support for the implementation of UNDRIP and presented some initiatives in that direction.

The **indigenous organizations** that took the floor were the Monitoring Mechanism of the IWI Chairs Forum, the Council of Indigenous in Today's Vietnam, the New South Wales Aboriginal Land Council, the Indigenous Peoples Development Services, the Saami Council, the Toumast Union of Civil Organizations of Libyans Amazigh, the Sami Parliament of Norway, the Elders Council of the Shor People, the Consejo de Todas las Tierras Mapuche, the Alifuru Council, the Indigenous World Association, the National Congress of American Indians Native Americans Rights Fund, the Otomi People from the Toltec-Olmec and Teotihuacan Lineage, the Moonfish Aboriginal Corporation, East Arnhem Regional Council, and Arafura Dance Association, the

Congrès Populaire Coutumier Kanak and Acal el Hajeb. **The Monitoring Mechanism of the IWI Chairs Forum** presented the recent developments that occurred in New Zealand in the monitoring of the implementation of UNDRIP, not only best practices but also the concerns regarding the lack of recognition by the government of tribal forms of governance. The **Council of Indigenous in Today's Vietnam** wanted to draw attention to the situation of indigenous peoples in Vietnam, and their lack of accessibility to public services, mainly due to a situation of continuous persecution. The **New South Wales Aboriginal Land Council and the Indigenous Peoples Development Services** expressed that the recognition of the right to self-determination is crucial, especially dealing with indigenous peoples' culture. The **Saami Council** discussed the importance of fishing traditions in Finland and Norway, and that when fishing agreements are signed between both countries, they should take this cultural component into consideration. The **Congrès Populaire Coutumier Kanak, the Moonfish Aboriginal Corporation, East Arnhem Regional Council, and Arafura Dance Association, the Indigenous World Association, the Consejo de Todas las Tierras Mapuche, the Alifuru Council, the Elders Council of the Shor People and Acal el Hajeb** asked for global respect of their rights of self-determination as peoples, and underlined a growing disconnect between State's discourse and the reality on the ground. The **Toumou Union of Civil Organizations of Libyans Amazigh** lamented the lack of opportunity for its people to have a place to express their views within the existing mechanisms. The **Sami Parliament of Norway** talked about best practices, along with the Sami Parliament of Finland and the Saami Council, to develop cross-border initiatives in order to reduce the tensions that borders create among the Sami people. The **National Congress of American Indians Native Americans Rights Fund** asked the UN to initiate more efforts to make this implementation a reality on the ground, and to increase the negotiations around climate change issues. The **Otomi People from the Toltec-Olmec and Teotihuacan Lineage** urged intervention for cultural preservation, since some communities in Mexico are being persecuted and massive Human Rights violations are occurring.

From the **others organizations**, the New Zealand Human Rights Commission and the Leuphana University of Lüneburg took the floor. The **New Zealand Human Rights Commission** recognized that progress in the implementation of UNDRIP was still slow, and that the cultural identity of the people was often not taken into account. The **Leuphana University of Lüneburg** echoed the previous statement by insisting on the importance of cultural specificities for the implementation of UNDRIP.

**Mr. Littlechild** summarized this session by highlighting that States require ongoing support for the implementation of UNDRIP, and more examples of best practices regarding the right to FPIC. It is also clear that indigenous peoples are still not recognized in all of their particularities, which requires more attention on the part of the international community as a whole and consideration of higher standards to address those issues.

- Follow-up to thematic studies and recommendations

**Mr. Tsykarev** recalled the importance of language and culture in the context of the right to self-determination, and further commented on the repatriation of cultural and ancestral remains that are of great concern of the communities these days. A new dynamic to promote indigenous languages and culture at the international level is necessary, and follow-up is critical

for continuing best practices.

The **indigenous organizations** that made a statement under this agenda item were the New South Wales Aboriginal Land Council, the International Public Organization Foundation for Research and Support of Indigenous Peoples of Crimea, the Tartit du Burkina Faso, FAIRA, the Elders Council of the Shor People, AIPC, the Congrès Mondial Amazigh, Indigenous Peoples and Nations Coalition, Bharat Munda Samaj, the Kvenland Association, IITC, Comunidad Atacamena de Chunchuri and the Indigenous World Association. **The New South Wales Aboriginal Land Council** asked for more access to remedies and judicial systems for the Aboriginal people in Australia. The **International Public Organization Foundation for Research and Support of Indigenous Peoples of Crimea** urged the international community to pay more attention to the physical and mental well-being of the Tartar peoples of Crimea, who are subjected to constant threats. **Tartit du Burkina Faso** discussed drug traffic and the eviction from the homeland, with the serious consequences it causes. **FAIRA** underlined the lack of recognition of Aboriginal people in Australia, and asked for a concrete application of the right to participation in the decision-making processes. The **Elders Council of the Shor People** expressed recognition of the indigenous Russian speaker's fellows of this year, stating that it is their duty to be able to participate in future decision-making processes. **AIPC** recalled the need to have a constructive dialogue with all stakeholders, while the **Congrès Mondial Amazigh** noted the importance of indigenous education for the next generations. The **Indigenous Peoples and Nations Coalition** asked for more international cooperation. **Bharat Munda Samaj and Kvenland Association** condemned an ongoing cultural assimilation process that continues to concern culture and languages. **IITC** insisted on the creation of an ad hoc working group to follow-up with the repatriation of remains. The **Comunidad Atacamena de Chunchuri** also spoke on this point, underlining the need for more involvement by national authorities on this matter. The **Indigenous World Association** demanded that the private sector stop conducting auctions of indigenous peoples' ancestral objects.

The other organization that took the floor was the **Leuphana University of Lünenburg**, which stated the need to respect the right to FPIC of indigenous peoples concerning their right to enjoy their culture.

**Mr. Tsykarev** finalized this discussion noting that the participants stressed marginalization, discrimination, and lack of access to education in their mother tongue.

- Proposals to be submitted to the Human Rights Council for its consideration and approval

**Mr. Barumé** opened the discussion by presenting the recent developments in that area.

The **States** that delivered a statement under this agenda item were Indonesia, USA, Australia and Bolivia. **Indonesia** and **Australia** claimed that the government is committed to facing the continued challenges, and **USA** recognized EMRIP's efforts in facilitating the discussion sessions on those current issues. **Bolivia** suggested that EMRIP conduct a study on collective rights and present positive examples of their application.

The **indigenous organizations** that took the floor were the Ochapowace Nation, the Indigenous Peoples Development Services, the Association Culturelle et Scientifique de Khenchelo, AIPC, the Movimiento indígena del Nicaragua, the Aboriginal Rights Coalition, the Elders Council of the Shor people, IITC, the Moonfish Aboriginal Cooperation, East Arnhem Regional Council, and Arafura Dance Association and the Congrès Populaire Coutumier Kanak. The **Movimiento indígena del Nicaragua** noted that women clearly need more empowerment, even within the indigenous rights movement, and expressed recognition at the inclusion of Mrs. Yamada as new expert. The **Aboriginal Rights Coalition** warned about Budget restrictions on indigenous organizations and representations within the international system, and the crucial importance of indigenous advocacy at the UN. The **Ochapowace Nation** suggested that EMRIP should conduct a study on the situation of genocide suffered by indigenous peoples worldwide. The **Indigenous Peoples Development Services, AIPC and IITC through a joint statement**, regretted that the space for indigenous peoples' rights defenders was shrinking more and more, and urged EMRIP to be seriously concerned with it. The **Association Culturelle et Scientifique de Khenchelo and the Elders Council of the Shor people** would like to convince governments to respect their promises regarding indigenous peoples. The **Moonfish Aboriginal Cooperation, East Arnhem Regional Council, and Arafura Dance Association** stated the need for bilingual education within the communities, while the **Congrès Populaire Coutumier Kanak** recalled the importance of protecting Mother Earth.

At the close of this session, **Mr. Tsykarev** stated the need for EMRIP to take steps to protect defenders of Human Rights.

*Friday, 15<sup>th</sup> July*

· Adoption of the report

In his concluding statement, **Mr. Barumé** expressed his desire that EMRIP take note of the discrimination faced by indigenous peoples in the area of business and Human Rights. Concerning the discussions of the week, the proposals are as follows:

- On the review of the mandate:

- (1) EMRIP should have more independence and autonomy from the HRC to conduct its studies;
- (2) EMRIP mechanism should have UNDRIP as its main working basis;
- (3) an enhanced cooperation with the SRRIP / UNPFII and EMRIP should take place;
- (4) country visits should be performed under request;
- (5) the number of the experts should be revised to seven, in order to represent the seven regions as defined by UNPFII;
- (6) EMRIP should issue an annual global report on the implementation of UNDRIP;
- (7) more cooperation and interaction with the HRC should be implemented
- (8) EMRIP should contribute to the work of the Working Group on Business and Human Rights
- (9) cooperation and interaction should be enhanced with the international Human Rights system in general
- (10) cooperation should be strengthened with national human rights institutions
- (11) more resources should be allocated to support EMRIP and its Secretariat for its activities

- Concerning indigenous peoples' participation within the UN system:
  - (1) participation should be enhanced
  - (2) the HRC should urge UNGA to allow more indigenous peoples' participation in meetings on issues affecting them
  - (3) the HRC and UNGA should continually support the work that is being done within the system, together with the experts
  - (4) EMRIP will report to UNGA on the implementation of paragraph 8 of the WCIP outcome document
    - On indigenous persons with disabilities
      - (1) To make the discussions fully accessible to the indigenous persons with disabilities
      - (2) encourage the States to provide more information on indigenous persons with disabilities during the UPR process
    - On the 2030 Development Agenda and the SDGs:
      - (1) important to ensure indigenous peoples' participation within the implementation of the SDGs
    - On the implementation of UNDRIP:
      - (1) for its 10<sup>th</sup> anniversary, to allow EMRIP to carry out a study on good practices of implementation
      - (2) to ensure that defenders of Human Rights have the necessary conditions for the enjoyment of their rights
      - (3) to contribute to the UNVFIP
      - (4) the recommendations issued during the UPR process should be included in EMRIP's recommendations for follow-up
    - On indigenous peoples' rights, business enterprises, and international financial institutions
      - (1) to ensure dialogue among States and indigenous peoples with the aim to observe the legal obligations of UNDRIP and ILO Convention n°169
    - On the webcasting of EMRIP' sessions
      - (1) resources should be allocated in order to be able to webcast the sessions, in order to reach a broader audience.

**The three proposals** for the next EMRIP's study would be the following:

- (a) The rights of indigenous peoples and individuals engaged with the promotion and protection of human rights and fundamental freedoms;
- (b) Discrimination facing indigenous peoples in business and access to financial services, with specific reference to indigenous women entrepreneurs;
- (c) Article 8 of the UNDRIP, including the right of indigenous peoples and individuals not to be subjected to forced assimilation and destruction of culture

**Mr. Littlechild** underlined the advances made in those matters and thanked EMRIP's members for the long-standing work they have performed together. **Mr. Tsykarev** expressed the hope that this renewed EMRIP mandate would make the implementation of UNDRIP a reality and also expressed his deepest respects to Mr. Littlechild. **Mrs. Yamada** and **Mr. Mansayagan** also underlined their great respect for the work realized by Mr. Littlechild.

### **3.Steps forward**

Regarding steps forward, the official EMRIP report will be issued and available in the six official UN languages the 1<sup>st</sup> week of September.

During the Human Rights Council, the discussions over indigenous peoples' rights will be held the second week of the discussions, between the 19<sup>th</sup> and the 23<sup>rd</sup> of September – tentatively.

This year's interactive dialogue will have as topic 'causes and consequences of the violence committed against indigenous women and girls, including people with disabilities' .

Concerning the resolutions submitted to the Human Rights Council, there will be one on the renewal of the mandate of the SRRIP and the general one concerning indigenous peoples' rights, that contains the adoption of EMRIP's study. There is for the time being no indication if there will be any resolution on the revision of EMRIP's mandate.

*For any question related to this note,  
please contact [claire@docip.org](mailto:claire@docip.org)*

## Short summaries

- **Monday 11th July 2016**

*1. Launch of the 2016 State of the World's Minorities and Indigenous Peoples, organized by Minority Rights Group International*

**Mr. Carl Soderbergh, Director of Policy and Communications from Minority Rights Group International** explained the context and the content of the 10<sup>th</sup> edition of the publication of State of the World's Minorities and Indigenous Peoples- 2016, which focused on culture and heritage. The topic can follow the EMRIP Report on Culture. He explained the content by chapter and the Peoples under threat survey, which is an early warning indicator. **Mrs. Erika Yamada** explained that, as National rapporteur of Indigenous Peoples in Brazil, she performed many visits to different places where Agribusiness, business, and large-scale development projects are affecting the daily lives and culture of indigenous peoples. **Mr. Daniel Kobei, from the Ogiek People's Development Programme**, talked about the link between indigenous peoples and land to preserve culture, and about amicable composition processes relating to land tenure. **Mr. Zuhair Lazgeen of Quick Impact Projects** spoke about the situation of Iraq's Yazidi minority and the arabisation of indigenous peoples in Iraq. **Mrs. Andrea Carmen, IITC Executive Director**, showed a presentation on repatriation, with a specific case concerning a restitution process with the Swedish government by presenting the latest recommendations of UNPFII – namely recommendations 12 and 47.

*2. Indigenous peoples: strengthening the mandate of the EMRIP, organized by Geneva for Human Rights*

The introduction, realized by **Kenneth Deer, Mohawk representative and Coordinator of the Indigenous Caucus in Geneva**, presented the review of the mandate and the recent developments, followed by a brief presentation on the existing mechanisms linked to indigenous peoples within the UN system and their respective complementarities, by **Adrien-Claude Zoller, President of Geneva for Human Rights**. The side-event focused on the challenges of a revised EMRIP mandate, with **Lola Garcia-Alix from the IWGIA** introducing the report on the State of the World of Indigenous Peoples, which refers to a dissemination of indigenous organizations and the need for more alliances among them, in order to become more empowered and visible at the international level. **John B. Henrikssen, International Representative of the Sami Parliament of Norway**, emphasized the quantity of complaints received by the SRRIP, and expressed the need to create an advisory body for the implementation of the UNDRIP, with the aim of complementing both mandates. **Ms. Karla General, for the IRLC**, clearly spoke of the crucial need in the international fora of more recognition of the right to self-determination of indigenous peoples. Her proposal would be to extend the mandate to 7 experts, corresponding to the 7 indigenous regions as defined by the UNPFII, with a broader and more enriching mandate to reinforce Indigenous Peoples' rights. During the Q&A that followed, the most outstanding issues concerned a deeper relationship between EMRIP and the UNDRIP, through the possibility of performing a follow-up on existing recommendations and more cooperation among the Indigenous Peoples' rights mechanisms.

· **Tuesday, 12<sup>th</sup> of July**

*1. Economic empowerment for indigenous peoples, organized by the Permanent Mission of Australia*

**Mr. Bruce Martin, Managing Director of the Regional Development Corporation** explained the current tensions existing under Australian law regarding indigenous peoples' land rights. The Native title is the weakest form of land tenure because indigenous peoples' interests are secondary to mining and other extractive activities and land use. It does provide a right to negotiate on benefits packages. **Mr. John Quinn, Ambassador and Permanent Representative of Australia to the UN in Geneva** commented on Australia's policy of creating different mechanisms to include a minimum level of indigenous workers in government projects, since it is the government's responsibility to create leverage to improve the economic situation of indigenous peoples. **Mr. Littlechild** underlined that economic empowerment is the way to fully achieve the right to self-determination. The UNDRIP has two clusters of rights in that regard: one is to maintain and develop indigenous peoples' economic systems and the other one is to improve economic conditions of indigenous peoples. **Mrs. Tauli-Corpuz** expressed that once indigenous peoples' territories have been recognized, support must be given to develop those in the way that is desired by the indigenous peoples, in order to allow them to establish their schools and engage with the dominant economy to reinforce their communities. During the Q&A that followed, the issues were raised regarding the discrimination faced by indigenous peoples when they try to create their own businesses and the lack of access to economic participation in local markets.

*2. Indigenous knowledge as a source of power, identity and sense of community, organized by Incomindios*

This event was moderated by **Mrs. Karmen Ramírez Boscán, indigenous leader of the Wayúu community in Colombia**. She first discussed the importance of traditional knowledge for the cultural survival of the communities, with a particular emphasis on the role of indigenous women within the communities. **Mr. Aboubacar Albachir, from the Association for the Social Development and Promotion of Human Rights TUNFA**, outlined the importance of preserving the cultural properties of the community and how it strengthens community ties. He further emphasized the crucial role of education within the communities regarding this issue. **Mrs. June Lorenzo, member of the Indigenous World Association**, insisted on the importance of making sure that future generations will have access to preserved traditional knowledge. **Mrs. Munda Kaushalya from the Munda tribes** highlighted the important indigenous culture that is still alive in India and the need to have more initiatives to preserve it and to pass it to future generations. This goes along with the preservation of indigenous lands and resources, and a broader notion of indigenous ethics. **Mrs Martinez-Espinoza Maby Yised, from the Consejo Regional del Tolima (CRIT)** highlighted the current difficulties faced by young generations to preserve ancestral knowledge, due to the use of the new technologies, and the need to promote indigenous traditional knowledge to preserve it. The Q&A that followed stressed the difficulty of promoting indigenous traditional practices on the one hand, and on the other hand the need to raise awareness of them in order to form an efficient link

between the ancestral and the modern, without losing any traditional values but still adapting to current challenges.

· **Wednesday 13<sup>th</sup> July**

*1. Informal consultation on the review of EMRIP's mandate, organized by the Permanent Missions of Guatemala and Mexico*

**Mexico and Guatemala** introduced the resolution that will be submitted to the HRC for the review of EMRIP's mandate. The involvement of the UNDRIP in this mandate is crucial, as much as the preparation of thematic reports and the possibility for EMRIP to have a constructive dialogue between the States and indigenous peoples. Furthermore, EMRIP should be able to provide technical assistance in the context of the follow-up of previous recommendations, and the number of experts should be revised to seven, representing the seven regions of the UNPFII. EMRIP should also be able to receive more cooperation from other international organisms, to hold more intersessional meetings and to receive more resources to help the Secretariat. **IITC** reiterated that the other resolution that will be discussed during the next HRC will be the mandate of the SRRIP, and that it was important to drive the discussion around the complementarity among the three mechanisms. **FAIRA** underlined the strong relationship between the EMRIP, the OHCHR, and the HRC and stated that all indigenous peoples' rights should appear in one way or another in all human rights treaties. **Guatemala** added that one of the criteria of EMRIP's selection could be the relevance of indigenous background and gender. **Brazil** suggested that the scope of the mandate should be exclusively based on the UNDRIP, that EMRIP should be able to issue an annual report on its implementation, and to provide technical assistance to the private sector in the matter of indigenous peoples' rights. Cooperation among the SRRIP/UNPFII/EMRIP should be enhanced, as well as with the Working Group on Business and Human Rights. **Mr. Tsykarev** reacted by emphasizing first of all that some of those proposals were already in place, but that they were in line with those of EMRIP. **Bolivia** agreed with strengthening EMRIP's mandate with the Working Group on Business and Human Rights, and **FAIRA** further expressed the need to have more cooperation with the UPR process and the recommendations concerning indigenous peoples' rights. **New Zealand** thanked Brazil for the proposal and agreed that more assistance in the implementation of the UNDRIP was needed. **Mr. Barumé** expressed his opinion that it was important to have more links with the national Human Rights Commissions and to create more links with the HRC. **Mrs. Yamada** supported FAIRA's declaration on the strengthening of the follow-up of UPR recommendations. The **IRLC** insisted on the importance of having a mechanism that can effectively monitor the UNDRIP and indigenous peoples' sovereignty over the natural resources. The **Arctic Indigenous Caucus and Inuit Circumpolar Council** regretted the poor outcomes after the WCIP and warned that the SRRIP's mandate should keep its independence. The **Indigenous Peoples and Nations Coalition and Indian Council of South America** did not agree with Brazil's proposal and proposed that the revision of EMRIP's mandate should be about the implementation of indigenous peoples' rights and not limited to the scope of the UNDRIP. **USA** expressed its support of the process, with reserves regarding the challenge presented by the possibility of EMRIP engaging in country specific situations. Even though the proposal to merge both mandates of SRRIP and EMRIP has been rejected, EMRIP should still be able to make some recommendations to the SRRIP. The **National Congress of American Indians** wanted to

support IRLC's declaration.

*2. Environmental Health within the context of the Convention on the Rights of the Child and the SDGs, organized by the IITC and AIPP*

**Mrs. Kaushalya Munda, research & Monitoring Officer Project RISHTA from North East India** underlined the reluctance of indigenous peoples to use the new electronic health system established by the government. She stressed the effectiveness and importance of traditional medicine. **Mr. Phnom Thano, from the Inter Mountain People Education and Culture in Thailand Association (IMPECT)**, explained the two main problems for young indigenous peoples: lack of knowledge of traditional treatment and denial of access to institutionalized healthcare because they don't have a national ID. The health education system in Thailand is a central curriculum based in the capital, which does not address the daily life and environment of indigenous peoples. Traditional knowledge is not transferred to next generations. **Mrs. Andrea Carmen, IITC Executive Director of the Yaqui Nation**, highlighted that, in June 2015, the Committee of the Rights of the Child recognized a violation of environmental health as a violation of the rights in CRC. Thus, the CRC has not been ratified by USA. She reminds us that article 29 of UNDRIP, which discusses environmental health and reproductive rights, does not discuss storage or disposal of hazardous material on indigenous peoples' lands. **Mr. Benjamin Schachter, Associate Human Rights Officer from the OHCHR** raised environmental concerns and that Human Rights is going forward. Human Rights mechanisms have a major role in implementation. The Convention says that we have to protect the environment in order to protect Children's rights. States have a clear obligation to find a remedy for the impact of this Convention on health.

*3. The recurrent and indefinite detention of Indigenous Peoples with disabilities, organized by First Peoples Disability Network*

**Mrs. Doreen Demas**, an indigenous person with disability rights advocate, underlined the need for a holistic approach in understanding and addressing the large number of factors that affect a person who commits a crime and recommended holistic interventions in order to achieve justice for indigenous persons with disabilities. A statement read on behalf of **Mrs. Christine Cowan, Kāpō Māori Aotearoa New Zealand** reported marginalization and the negative impacts of institutionalization. Issues included access to services, own-language information, and low employment rates. **Mr. Damian Griffis, CEO of the First Peoples Disability Network Australia** presented a range of social factors affecting disability in Aboriginal communities, also encouraging a holistic approach. He described an irregular, piecemeal 'system' and a failure by the government and service providers to meet the needs of Aboriginal persons with disabilities. **Mr. Scott Avery, Policy and Research Director, First Peoples Disability Network Australia** expressed concern for the emerging issue of the criminalization of disability in Australia. Some Aboriginal persons with disabilities are detained indefinitely in the criminal system. He presented a research work coordinated by FPDN that included 3 community organizations and six universities. The report lists a range of issues and recommendations addressing the life trajectory of persons with cognitive and psychiatric impairment.

*4. Indigenous Perspectives on the Right to Health, organized by the OHCHR Indigenous*

**The English speaking fellows group** introduced their work on the accessibility of the right to health. They explained that the best practices concerning health have a deep connection with territories, more precisely with the water and the land. They elaborated on the lack of food, justice and access to health services suffered by Indigenous Peoples, enhanced by the impacts of climate change. Added to that, inaccessibility to traditional medicine is increasing since there is no recognition of indigenous land rights. Furthermore, their concerns raise the issue of psychological traumas provoked by the loss of homes due to evictions from their homelands. One of the possible solutions would be to continue fighting for a broader recognition of the right to self-determination, and also to be able to use traditional knowledge for cultural preservation and better health care. **The Russian speaking fellows group** presented the status of access to health care of the different communities represented in Russia, with significant lack of access to remedies concerning health. The different peoples of Russia are trying to organize themselves, jointly with regional and local governments, in order to implement better access to health care within remote communities. The practice of traditional medicine remains strong for the peoples, and recommendations were made to the Russian government to implement best practices. **The French speaking fellows group** presented the different questions that surround the topic of health, especially regarding peoples in remote areas that are more frequently subjected to extractive industries and the related environmental problems. Those problems have a direct effect on the health of the communities and severely affect their food security. One of the major problems concern the lack of information regarding the possibilities of health care in those remote areas, and a lack of government response in such cases. **The Spanish speaking fellows group** stressed that the current economic development model was based on extractive industries, particularly in Latin America, and it seriously affects indigenous health. Health centres are created to address indigenous peoples, where indigenous women were often subjected to national health care plans without their FPIC.

*5. Monitoring of the UNDRIP and the World Conference on Indigenous Peoples: progress, barriers and challenges for the Amazigh People*

**Mr. Mohamed Dabouz** spoke of the situation in the Mzab region, and more specifically in the indigenous village of Ghardaïa. After a quick synopsis of the evolution of events following the declaration of independence from Algeria, he noted that hundreds of Mozambique detainees were still imprisoned and were victims of mistreatment; two detainees were dead following the treatment inflicted upon them in prison. Mohamed Dabouz especially noted the case of Dr. Feckar and of Salah Dabouz. **Mrs. Kamira Nait Sid** denounced the repression that the Kabyle population were subjected to and presented a brief description of the facts since the « black spring » of 2001, during which 126 young people were killed and 2,000 others injured. Kamira Nait Sid also condemned the fact that those who fought for the rights of the Kabyle people were systematically arrested by the Algerian authorities and any activity exercised within the framework of Kabyle culture was repressed. The speaker noted that even though the Kabyles have always acted peacefully, this situation is about to change. The speaker demanded quick actions by international society to guarantee the right to self-determination by the Kabyle Peoples; failing that, it is very probable that the Kabyles will take up arms. **Mrs. Amina Amharech** also denounced the violations of Human Rights suffered by the Amazigh population in Morocco, especially noting that defenders of these rights were victims of violent

repression (quick and unjust trials, murder). Amina Amharech testified to the difficulties encountered in transferring the Tamazigh language to younger generations and denounced the failures of the Moroccan education system in this regard. She also denounced the plundering of lands and the fact that the government deliberately tried to sow discord between the tribes. **Mr. Sifaw Twawa**, not speaking any of the working languages, did not speak. **Mr. Attaye Ag Mohameda** discussed the situation of the Touareg People in Mali. He noted that a peace process is in progress, but he explained that is not being followed (the number of victims continues to grow, arrests continue) and therefore, in this state, there is little chance of success. **Mrs. Kamira Nait Sid** denounced the absence of recognition of the Amazighs and the repression they are subjected to in Algeria, Libya, Morocco, Mali and Tunisia. The governments of these countries deny any form of existence of the Amazighs. **Mr. Belkacem Lounès**, expert member of the Working Group on the rights of indigenous peoples of the African Commission on Human and Peoples' Rights (CADHP). Belkacem Lounès noted some historic elements of the Declaration on the Rights of Indigenous Peoples and pointed out how infrequently they are applied in practice. He recommended, within the framework of a revision of MEDPA's mandate, that its members make field trips to establish the recognition by the UN of the rights of Indigenous Peoples and to put some pressure on the States. Belkacem Lounès also underlined the role and strategic importance of other international bodies, especially of the European Union.

· **Thursday, 14<sup>th</sup> July**

*1. Regional analysis of the implementation of the ILO Convention 169 in Latin America, organized by Derecho, Ambiente y Recursos Naturales – DAR, and the Coordinadora Indígena de la Cuenca Amazónica – COICA*

The side-event was chaired and led by **Mr. Ricardo Pérez Bailón, a representative from Derechos, Ambiente y Recursos Naturales** that is committed to contributing to good governance, sustainable development and the promotion of the rights of Indigenous Peoples of the Amazon. The aim of the side-event was to present their study on the current situation of the Peruvian management of natural resources and a possible control mechanism that would enhance the participation of Indigenous Peoples within this process. The presentation started by demonstrating the new developments initiated by the government, which are diminishing the impact of the Convention 169 formerly being ratified by Peru. The government has passed a new law packet, known as Law 30230, which eliminates legal obstacles, reduces international environmental standards and circumvents the free, prior and informed consent of indigenous peoples in order to increase the country's competitiveness in the international trade market. Moreover, fines for the violation of environmental standards are suspended and replaced by corrective measures, which in turn lead to more pollution and lower water quality standards. The study proposes four mechanisms to increase the participation of Indigenous Peoples in the natural resource management. First of all, the legalisation of indigenous surveillance. As the state has limited capacities to monitor the entire country, local systems of governance should be implemented, which allow civic participation in environmental monitoring. This in turn would lead to better protection of the territory, the ecosystem and biodiversity. Secondly, a permanent indigenous round table should be created that would institutionalise the participation of indigenous people and would allow a mechanism of consultation in UNASUR (Union of South American Nations). This would prevent decisions without previous consultation

of Indigenous Peoples, enable Indigenous Peoples to participate with a right to speak, allow them to stay informed about the agenda of proposals from government bodies and other institutions and to propose initiatives to the general secretary and remit observations and recommendations. Thirdly, there should be a forum on participation within the National Bank of Economic and Social Development of Brazil (BNDES) that should take place twice a year. In this forum, representatives of any indigenous community, on whose territories projects of the bank are carried out, should be allowed to participate. Moreover, specific policies have to be developed in order to ensure respect of free, prior and informed consent. Finally, the participation of Indigenous Peoples within International Climate Funds, such as the one of the United Nations Conference on Climate Change (COP), should be increased to make sure that support also comes from the indigenous communities affected by the extraction. Hence, a participation within these funds is essential. A group of indigenous representatives, experts (such as members from the Expert Mechanism on the Rights of Indigenous Peoples) and members from the board of these funds should revise the guiding instruments of the fund.