

*doCip*

## UPDATE N° 104

JANUARY / APRIL 2013

\* \* \*

### TABLE OF CONTENTS

<b>1. Editorial .....</b>	<b>3</b>
<b>2. Permanent Forum on Indigenous Issues .....</b>	<b>4</b>
Report on the Permanent Forum's session .....	4
Opening Session.....	4
Item 3 – The Doctrine of Discovery: its enduring impacts and the right to redress for past conquests (articles 28 and 37 of the Declaration).....	5
Central and South America .....	6
North America.....	8
Africa .....	8
Asia and the Pacific.....	9
Middle East .....	9
Europe, Russian Federation and the Circumpolar.....	9
Combating violence against indigenous women and girls (article 22 of the Declaration) .....	10
Examples of good practices: studies on participatory mechanisms and on land use changes in the Arctic ..	13
Item 4 – Human Rights .....	13
Item 4a – Implementation of the Declaration.....	13
Central and South America .....	14
North America.....	15
Africa .....	15
Asia and the Pacific.....	15
Europe, Russian Federation and the Circumpolar.....	16
Item 4b – Dialogue with the Special Rapporteur on the Rights of Indigenous Peoples.....	16
Central and South America .....	17
North America.....	17
Africa .....	18
Asia and the Pacific.....	18

Middle East ..... 19

Europe, Russian Federation and the Circumpolar ..... 19

Item 5 – Comprehensive dialogue with UN agencies and funds..... 19

Item 6 – Half-day discussion on the rights of IPs to food and food sovereignty ..... 21

Item 7 – Half-day discussion on the World Conference on Indigenous Peoples ..... 23

Item 8 – Half-day discussion on Central and Eastern Europe, the Russian Federation, Central Asia and Transcaucasia ..... 25

Item 9 – Future work of the PF, including issues of the ECOSOC and emerging issues ..... 27

High-level event to commemorate the fifth anniversary of the adoption of the Declaration ..... 28

Closing of the session ..... 31

Abbreviations of indigenous peoples' organisations and NGOs ..... 32

**3. Others..... 34**

## 1. EDITORIAL

The Global Indigenous Preparatory Conference, which will take place on 10-12 June, 2013 in Alta in the Saami territory of Northern Norway, will be the most prominent step on the long road leading to the 2014 UN World Conference on Indigenous Peoples (WCIP). Whereas the WCIP still generates much debate as to the involvement and effective participation of indigenous peoples in the preparation and during the conference, the Alta meeting seems to find a broad consensus among indigenous peoples.

Organised by indigenous peoples themselves and preceded by preparatory meetings in the seven regions defined by the Permanent Forum on Indigenous Peoples, the Alta Conference will stand as a milestone in the history of indigenous peoples at the international level. Not only is the whole process, from organisation to fundraising, led entirely by indigenous peoples, but it also promotes a wide participation of indigenous peoples from around the world. Indeed, each region will appoint 57 delegates who will be invited to participate in the Alta Conference. In addition, observer organisations, whether indigenous or not, will be able to attend this event. Thus, more than 800 persons will gather on this occasion, offering a unique opportunity to define the direction of international negotiations affecting indigenous peoples in the coming years.

This issue of Update summarizes all the interventions of the 11<sup>th</sup> session of the Permanent Forum on Indigenous Peoples, held in New York 7-18 May, 2012. Many topics of great importance were discussed during that session, including the Doctrine of Discovery - origin of the shameless grabbing of indigenous lands and of the violence and discrimination that indigenous peoples have suffered for hundreds of years and that they continue to suffer today in many parts of the world. Also of note is the heated debate on the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) of the World Intellectual Property Organization. For several years, indigenous peoples have denounced the functioning of the negotiations within the IGC, which prevents them from holding a sufficiently effective position in the process. WIPO and the States have been severely reprimanded in this regard, as well as on the mandatory need to take the Declaration on the Rights of Indigenous Peoples into account in the negotiation process and the general functioning of the IGC.

Finally, you will note that for clarity and ease of access, the double numbering of the issues of Update disappears. It was no longer necessary to maintain this system, which was a legacy of an earlier operating process and which could sometimes cause confusion in your research.

\* \* \*

## 2. PERMANENT FORUM ON INDIGENOUS ISSUES

### 11<sup>th</sup> session, New York, 7 – 18 May 2012

This eleventh session focused on the “Doctrine of Discovery: its enduring impact on indigenous peoples and the right to redress for past conquests – articles 28 and 37 of the Declaration”. Also, a dialogue with the World Intellectual Property Organisation drew attention to the need for international decision-making processes to recognize indigenous peoples and to fully respect their right to safeguard and promote their traditional knowledge and resources. A thematic discussion on the right to food underscored the particular vulnerabilities of indigenous peoples, namely due to their loss of control over their lands and resources, and the need for them to assert their food sovereignty. At the high-level event to commemorate the fifth anniversary of the adoption of the Declaration, speakers expressed both serious concern and called for continuous work to improve relations between indigenous peoples and States.

#### Report on the Permanent Forum’s session<sup>1</sup>

##### Opening Session

In his opening invocation, **Tadodaho Sid Hill, Chief of the Onondaga Nation**, asks all present to give thanks to all beings put on earth by the creator for doing their duties.

**Deputy Secretary-General Asha-Rose Migiro** welcomes the indigenous peoples (IPs) and members of the Permanent Forum on Indigenous Issues (PF), calling on them to make the UN more responsive to IPs' aspirations (also **Bienvenu Okiemy**), based on the UN Declaration on the Rights of Indigenous Peoples (the Declaration). The Commission on the Status of Women recently adopted a resolution on indigenous women.

**Thomas Stelzer, Assistant Secretary-General for Policy Coordination and Inter-Agency Affairs**, underscores the need for contributions to the Trust Fund for the PF (also **GA President Nassir Abdulaziz Al-Nasser, CUBA**). States need to create constitutional, legal and policy frameworks that promote and protect IPs' rights and bring about changes on the ground (also **NCAFP, IIWF/Indigenous Youth Network, PAGTP-2012, ECMIA**; the **African Indigenous Caucus** and **Bienvenu Okiemy** for African States and the African Union; **AIDB** for Burundi).

**Edward John, elected Chairperson of the PF**, reports on efforts to promote IPs' participation as part of a human rights-based approach to development. All stakeholders need to effectively address the continued discrimination, marginalisation, extreme poverty and conflicts faced by IPs (also **Asha-Rose Migiro, Thomas Stelzer, Bienvenu Okiemy**). He commends the IPs for their struggle for their survival, rights, self-determination, and development visions.

**Bienvenu Okiemy, Minister of Communication of the Republic of the Congo**, after acknowledging the marginalisation of the country's IPs, emphasises that Congo's law on promoting and protecting the rights of IPs, the first of its kind in Africa, is aligned with the Declaration.

As the session begins, the **Global Indigenous Youth Caucus** object to the dehumanising treatment that grants PF credentials to so many IPs and then, based on space limitation, denies their participation (also **IIWF/Indigenous Youth Network, Moana Jackson**).

#### Members of the Permanent Forum on Indigenous Issues – 2011 to 2013

##### Indigenous nominated experts

Ms. Anna Naykanchina (Evenk, Russian Federation)  
 Ms. Dalee Sambo Dorough (Inuit, United States of America)  
 Mr. Edward John (Tl'azt'en Nation, Canada)  
 Ms. Myrna Cunningham Kain (Miskito, Nicaragua)  
 Mr. Paul Kanyinke Sena (Ogiek, Kenya)  
 Mr. Saul Vicente Vazquez (Zapotec, Mexico)  
 Mr. Raja Devasish Roy (Taungya, Bangladesh)  
 Ms. Valmaine Toki (Maori, New Zealand)

<sup>1</sup> This report is based on oral and written statements presented orally during the debates, as well as on the UNDPI press releases. The official report of this session is UN document E/C.19/2012/13.

**Government nominated experts**

Mr. Alvaro Esteban Pop (Guatemala)  
 Mr. Andrey A. Nikiforov (Russian Federation)  
 Mr. Bertie Xavier (Guyana)  
 Ms. Eva Biaudet (Finland)  
 Ms. Viktoria Tuulas (Estonia)  
 Ms. Megan Davis (Australia)  
 Ms. Paimanach Hasteh (Iran)  
 Mr. Simon William M'Viboudoulou (Congo)

**Item 3 – The Doctrine of Discovery: its enduring impacts and the right to redress for past conquests (articles 28 and 37 of the Declaration)**

**Robert Williams, Professor of Native American Studies at University of Arizona**, explains that at the core of the doctrine of discovery is the colonising principle, implemented in various ways by governments around the world, that gives the State power to extinguish IPs' human rights in their traditional lands, and is reflected in the racist and dehumanising complex of ideas encoded in the language of papal bulls authorising the conquest of the world, which regards IPs as a backward, inferior obstacle to progress (also **Tonya Gonnella Frichner, Victoria Tauli-Corpuz, Moana Jackson, Valmaine Toki, James Anaya**, the **Global Indigenous Peoples'** and **Youth Caucuses**, the **Abya Yala, Pacific, Maori and North American Indigenous Caucuses, Haudenosaunee Confederacy, IPs' Organisations Network of Australia, Wilton Littlechild/TRC-Canada, CONAMAQ, NALEB', ECMIA, CTT, IITC, AH/YP/KF, CADPI/CCPIAN, CONACHA/ADENCH, CONIVE/RMIW/ECMIA, AFN/COO/GCC/AI/CFSC, CNMCIQB-BS, ACC, PCJSS, NSWALC, UMC, CUBA, BRAZIL, GUYANA, NEW ZEALAND, MEXICO**). He underlines IPs' determination to have their human rights prevail, especially through States' implementation of every article of the Declaration (also **Tonya Gonnella Frichner, Victoria Tauli-Corpuz, Fernanda Espinoza, Moana Jackson, Saul Vicente Vasquez, Raja Devasish Roy, Global Indigenous Peoples' Caucus, the North American, Pacific and Asian Indigenous Caucuses, IPs' Organisations Network of Australia, Tonatierra, IIFW/Indigenous Youth Network, UNFPA, ECMIA, PAGTP-2012, KRNS/LAHURNIP/AIPP, AHRC/ATSISJC, CADPI/CCPIAN, ECMIA-NR, NSWALC, NICARAGUA, GUYANA**). The Declaration's principles should also be established through such UN mechanisms as the Universal Periodic Review (UPR) and Committee on the Elimination of Racial Discrimination (CERD) (also **Abya Yala Indigenous Caucus, IUCN, MEXICO, NICARAGUA, PARAGUAY, CHILE**).

**Tonya Gonnella Frichner, Lawyer, Onondaga Nation**, regrets that the US, instead of modelling its relationship with IPs on the tradition of the **Haudenosaunee**, used Supreme Court rulings to enshrine the doctrine of discovery as the juridical basis for domination (also **Raja Devasish Roy, Global Indigenous Women's Caucus, North American Indigenous Caucus, AFN/COO/GCC/AI/CFSC, Tonatierra, ACC**). She urges that treaties, agreements and other constructive arrangements now be evaluated through the prism of articles 3, 28, 37 of the Declaration and international law (also **Saul Vicente Vasquez, North American Indigenous Caucus, PARAGUAY**).

**Victoria Tauli-Corpuz, former PF Chairperson**, explains that during the long colonial history of the Philippines, all non-private lands belonged to the rulers; that is still the case today in the independent Philippines (also **Asian Indigenous Caucus; CTT** regarding Chile).

Because the effects of development threaten the very existence of life, **Fernanda Espinoza, Minister of Heritage, ECUADOR**, promotes the model of “living well” – adopted by Ecuador as an alternative to Western development models (also **NICARAGUA, Bolivian Indigenous Caucus**).

Explaining that “discovery” reflects colonisers' belief in their implicit right to open up the land and take everything on it and within it, **Moana Jackson, Maori lawyer**, says it was and continues to be a crime against humanity (also **Fernanda Espinoza, Victoria Tauli-Corpuz, Global Indigenous Peoples' Caucus, CTT, UMC**). He urges IPs to reclaim the full sovereign authority of their ancestors, and use the power and beauty of who they are to rebuild the damage caused by the doctrine (also **Valmaine Toki, Maori Indigenous Caucus**).

**PF member Megan Davis** makes preliminary comments on the PF study on constitutional and legislative implementation of the Declaration, which draws attention to States and IPs currently undergoing constitutional revision processes that involve recognition of IPs' status and rights.

**PF member Alvaro Esteban Pop** considers how democracy shall work for IPs, who prioritise collective rights over individual ones, and distrust electoral processes as profoundly crony-based – especially in States where IPs' own systems and worldviews are not recognised, and their resources are appropriated by elected politicians (also **ECMIA, IIFW/Indigenous Youth Network**).

Just as in Mexico at the time of the conquest, IPs today are being forced to flee their homes; **PF member Saul Vicente Vasquez** explains that this time, the “conquerors” are multinational corporations that continue to deprive IPs of their territories, resources and cultural heritage (also **Myrna Cunningham Kain, Global Indigenous Peoples’ Caucus, Arctic Indigenous Caucus, ECMIA, PAGTP-2012, NEW ZEALAND**). This lack of care for mother earth has led to the current crises of climate change and food insecurity for millions (also **Global Indigenous Women’s Caucus, IFAD, TUNFA, MEXICO, EUROPEAN UNION [EU]**), but proposed solutions perpetuate the very conditions that have led to them, including more industrialised and genetic engineering agricultural techniques (also **Abya Yala Indigenous Caucus, PAGTP-2012, IITC; Global Indigenous Peoples’ Caucus** emphasising women and girls).

**PF member Raja Devasish Roy** calls for less focus on the doctrine of discovery, and more on its legacies; without constitutional reform that includes substantial provisions on IPs’ rights, the effects of stolen self-government and land rights cannot be undone, or even mitigated (also **Moana Jackson, Valmaine Toki, IPs’ Organisations Network of Australia, NCAFP**).

The **Secretariat of the Convention on Biological Diversity (CBD)** urges development of guidelines for reporting and preventing unlawful appropriation of traditional knowledge and related genetic resources.

The **International Union for Conservation of Nature (IUCN)** recognizes that conservation-based dispossession of IPs’ lands and resources has led to unsustainable management and to IPs’ impoverishment (also the **Purhepecha, Nahua** and **Otomí** peoples; **AIPP** regarding the **Karen** people).

The **UN Population Fund (UNFPA)** informs on its support of traditional medicine and intercultural sexual and reproductive health services for indigenous women and youth.

Reproductive health is at the heart of the struggle against extinction; the **UNFPA Representative to the Republic of Congo** calls attention to IPs’ rapidly decreasing population, high maternal death rate, and lack of understanding of HIV/AIDS in that country.

The **UN Resident Coordinator in Bolivia** emphasises strengthening the capacities of **Guaraní** IPs in the Chaco region, including combating serfdom and forced labour, and supporting indigenous communities that have recovered their freedom (also **UNFPA**).

The **Global Indigenous Peoples’ Caucus** call on the PF to develop models for conflict resolution, restitution, redress and peace-building as on-going work on the doctrine of discovery (also **Tonya Gonnella Frichner, Saul Vicente Vasquez, Raja Devasish Roy, Wilton Littlechild/TRC-Canada, Global Indigenous Youth Caucus, North American Indigenous Caucus, IPs’ Organisations Network of Australia, ECMIA-NR, Tonatierra, CTT, ACC, UMC, NSWALC, AFN/COO/GCC/AI/CFSC, PARAGUAY**). They call for the focus of the 2014 PF session to be on mining and the extractive industries, and recommend a future session on IPs who are criminalised for exercising their rights (also **ECMIA, the Purhepecha, Nahua** and **Otomí** peoples).

The **Global Indigenous Women’s Caucus** say “past conquest” reflects neither the on-going attempts at conquest and colonization, nor IPs’ preservation of their sovereignty and self-determination (also **Moana Jackson, North American Indigenous Caucus, PAGTP-2012, IITC**). They call for States to redress damages resulting from the doctrine of discovery in all its current manifestations, which continue to violate the principle of self-determination (also **Fernanda Espinoza, Raja Devasish Roy, Global Indigenous Youth Caucus, the Pacific, Maori and Arctic Indigenous Caucuses, Haudenosaunee Confederacy, ECMIA, IPs’ Organisations Network of Australia, AMICM/IWF, NCAFP, CTT, CADPI/CCPIAN, BRAZIL, SOUTH AFRICA; FRSCIP for Crimean Tatar; IUCN** for conservation-based violations); this includes cultural and spiritual damage caused by displacement of indigenous women’s leadership roles and their relationship with the environment (also **UNFPA, NICARAGUA**). They urge a PF study, using gender analysis, on impacts of domination and dehumanisation of IPs through legal principles and doctrines, including as regards migration/border issues (also **Moana Jackson, the Global Indigenous Peoples’ and Youth Caucuses, IPACC, NSWALC, AHRC/ATSISJC, ACC, AFN/COO/GCC/AI/CFSC; Maori Indigenous Caucus** for New Zealand).

The **Global Indigenous Youth Caucus** call for a strong, organized effort by States to recover and preserve indigenous languages (also an **indigenous parliamentarian from Venezuela, MAFUN, CYE, UNESCO, CHILE**).

**PAGTP-2012** applaud States’ strong language on treaty rights in the proposed American Declaration on the Rights of IPs, and welcome the appointment of a Special Rapporteur on the Promotion of truth, justice, reparation and guarantees of non-recurrence (also **Wilton Littlechild/TRC-Canada, IITC**).

### Central and South America

The **Abya Yala Indigenous Caucus** regret that in the name of security, military bases are placed in IPs’ territories (also **AIPP, Global Indigenous Peoples’ Caucus**); they call on States to establish a moratorium on extractive activities on indigenous lands (also the **Purhepecha, Nahua** and **Otomí** peoples); establish a system to protect IPs’ traditional knowledge (also **Fernanda Espinoza, Anna Naykanchina, Pacific Indigenous**

**Caucus, SMPFII, PERU, HONDURAS**); recognize and promote the multiplicity of economic models (also **NALEB', PARAGUAY**); and adopt a universal declaration on the rights of mother earth.

**ECMIA** inform that in Latin America the human rights process still faces discriminatory institutional structures.

**IWF/Indigenous Youth Network** recommend that justice authorities be trained on international instruments protecting IPs' rights (also **PARAGUAY**). They call for indigenous youth to participate in decision-making bodies at all levels, including the PF (also **NALEB'**).

A representative of the **Purhepecha, Nahua** and **Otomí** peoples laments that in Mexico, **Nahua** people have been jailed, persecuted or killed for trying to manage their environment on the basis of their traditional knowledge (also **CNMCIQB-BS, CIDOB** for Bolivia; **ECUADOR**). The Mexican Government must respect IPs' governing institutions (also **IPACC** for African States); the right to consultation applies to the community as a whole, and not just to its leaders (also **Mexico's National Commission for IPs' Development**).

**NALEB'** lament that in Guatemala, IPs' self-sufficiency is violated by a model of production that concentrates the lands of many IPs into a few landowners' hands, on the pretext that IPs' own production and food models are backward.

**CADPI/CCPIAN** fear that mainstream society will soon assimilate indigenous youth. They urge creation of a consultative body comprised of all IPs in the world, to work with the UN system at the national level in each country.

**CONAMAQ** call on Bolivia to acknowledge that IPs are being prevented from exercising their rights to autonomy and self-government (also **CIDOB**), and recommend UN sanctions on Bolivia until it grants IPs their share of benefits generated by oil extraction.

On behalf of **CIDOB**, a **Guaraní** woman says that IPs' shared experience of exclusion and humiliation rooted in the doctrine of discovery is what brings them to the PF to assert their rights (also **Global Indigenous Youth Caucus, North American Indigenous Caucus, SMPFII**).

**CNMCIQB-BS** say IPs are determined "to get out from under the table and sit at it" to ensure that all people enjoy development on an equal footing; they call on women in the informal sector and professional women to share experiences with each other.

**CTT** say the doctrine of discovery has been a central impediment to building a sustainable coexistence among IPs and States (also **Mexico's National Commission for IPs' Development**).

While hundreds of applications for mining leases are being filed, an **indigenous parliamentarian of Guatemala** deplores that Guatemala allows the applicant companies to carry out environmental impact studies on their own prospective extraction projects.

An **indigenous parliamentarian from Venezuela** says IPs in Venezuela have now achieved legal and constitutional recognition of their ancestral rights to land as the fundamental basis for developing their distinct ways of life (also **NORWAY**).

**Mexico's National Commission for the Development of Indigenous Peoples** underlines the need to close the gap between non-indigenous Mexicans and the 15.7 million persons identifying themselves as indigenous (also **ECUADOR**).

The **Electoral Tribunal of MEXICO** protects IPs' exercise of their political and civil rights, based on full recognition of indigenous customary law; strengthening indigenous claims; respect for the principles of self-determination of indigenous communities; and the right to consultation.

**HONDURAS** informs on the Government's advocacy in parliament to legally guarantee IPs' rights to bilingual education, health and housing, and use of natural resources (also **PARAGUAY**).

The Government of the North Atlantic Autonomous Region of **NICARAGUA** underlines important reforms that incorporate indigenous worldviews into legislation on violence against women.

**GUYANA** expresses its commitment to mainstreaming IPs' issues into national development priorities.

**COLOMBIA** informs that IPs' languages are constitutionally recognised as official languages in their territories, and IPs have the right to culturally appropriate education and to the jurisdiction of their authorities in their territories.

**ECUADOR** emphasises IPs' participation in State structures (also **indigenous parliamentarian from Venezuela, GUYANA, PERU, COLOMBIA, BOLIVIA, CHILE, BRAZIL, PARAGUAY**); IPs' right to demarcate territories and to collectively hold the land as an ancestral form of territorial organisation (also **Pacific Indigenous Caucus, the Purhepecha, Nahua** and **Otomí** peoples, **CTT, HONDURAS**); and the rights of indigenous children, adolescents and women, including an intercultural gender policy.

**PERU** says the interests of the State, the private sector and IPs must be reconciled, including extraction and redistribution of natural resources.

Responding to **CONAMAQ's** criticism, **BOLIVIA** says free prior and informed consent is enshrined in the Constitution; it guarantees the consultation process of IPs in the **TIPNIS** (Indigenous Territory and National Park of Isiboro Secure).

**BRAZIL** emphasises the recent decision confirming the rights of the **Pataxó Hã-hã-hãe** over their land in Bahia, and supports full rights to IPs in isolation (also **PERU, PARAGUAY**).

**PARAGUAY** is planning to design human rights indicators.

Having acknowledged past failures on indigenous issues, **CHILE** informs on its new institutional design for working with IPs, using disaggregated data on the Millennium Development Goals (MDGs). Regarding the situation of the **Rapa Nui** people, new legislation limits the establishment of persons on Easter Island, taking into account its environmental vulnerability.

### North America

The **North American Indigenous Caucus** emphasise that IPs' cultural and spiritual relationship to their territories long predates claims by Western Christendom to any lands not "under the actual temporal domination of any Christian dominator" (*Inter Caetera* papal bull of 1493) (also **Victoria Tauli-Corpuz, PARAGUAY**).

**ECMIA-NR** say Western marriage has made women subject to men under church- and state-approved legal contracts that disallow their direct ownership and management of property, and extinguish their voices; this is reflected in today's shortage of women with decision-making capacities in tribal governing, judicial, advisory and legislative bodies, as well as in spiritual matters.

**IITC** call for changing the name of the PF to "UN Permanent Forum on Indigenous Peoples" (also **Saul Vicente Vasquez**).

The **Haudenosaunee Confederacy** say that although the doctrine of discovery sets a standard of exploitation that States call "international law", IPs understand that nature's law will prevail: simple, absolute principles based on cooperation rather than competition are vital to the survival of the human species (also **Tonya Gonnella Frichner, Victoria Tauli-Corpuz, Fernanda Espinoza, Global Indigenous Peoples Caucus, CNMCIQB-BS, ECUADOR**).

Although the Indian residential schools tried to "kill the Indian and save the man", sometimes the "Indian" survived: **SMPFII** appreciate that indigenous youth today often look up to the "bad Indians" who have been holding on as best they could to their languages, traditions and beliefs.

**SCAT/TOVAW/LAWD/CNN** call for reparations to IPs such as the **Dineh** and **Hopi**, whose water resources are being threatened; the **Tohono O'odham** at the so-called US-Mexico border, denied, sometimes violently, full access to their sacred sites; and the **Innah** (Apache) of San Carlos, Arizona whose sacred sites are still violated by corporations greedy for minerals and profits (also an **indigenous parliamentarian of Guatemala, ECMIA**). Christian churches and all States must restore dispossessed indigenous lands through enforcement of treaties between the colonial governments and IPs (also **Wilton Littlechild/TRC-Canada, Asian Indigenous Caucus, NALEB', SMPFII, Mexico's National Commission for IPs' Development, GUYANA**).

**Tonatierra** urge integrating the results of the PF study on the doctrine of discovery into the social studies curriculum across all levels of educational services and trainings (also **Global Indigenous Youth Caucus**), as well as into international trade agreements.

**YP/KF** deplore that citizens of the original nations in the Hawaiian and North American islands suffer from torture, deportation, rape, incarceration and slavery.

**NFF** demand reparations to indigenous diaspora Africans in the Caribbean and the USA for past conquests and enslavement.

**AFN/COO/GCC/AI/CFSC** denounce Canada's refusal to fully and effectively implement the Declaration, as well as its laws and policies that continue to misinterpret international law based on the doctrine of discovery (also **Robert Williams; SMPFII** for the USA; **Tinhinan** for Northern Mali).

Remembering Chief Oren Lyons' campaign to discuss "discovery" at the UN, **Wilton Littlechild**, on behalf of **TRC-Canada**, reminds that a central aspect of the colonial project was forcibly removing children from their parents and Christianizing them. TRC-Canada affirms the recommendation by the Special Rapporteur on the Rights of Indigenous Peoples (SRIP) James Anaya that more work is needed to heal the legacies of oppression (also **Valmaine Toki, Global Indigenous Youth Caucus, the Pacific, Abya Yala and San Indigenous Caucuses, ACC, SMPFII, AHRC/ATSISJC, PCJSS, PARAGUAY, CANADA, HOLY SEE**).

Regarding reconciliation, **CANADA** calls attention to its 2010 apology for the suffering caused by the relocation of **Inuit** families in the 1950's, and its honouring of **Métis** veterans.

### Africa

**IPACC** explain that because in Africa IPs were, and are, mainly mobile land users who live from subsistence hunting and gathering or pastoralism, colonisers considered the land empty and available. They applaud the finding of the South African Constitutional Court that annexation of IPs' lands by the colonial State did not extinguish aboriginal title.

**Tinhinan** deplore the Mali Government's repression of **Tuareg** IPs, including sending part of that population to areas lacking water, food and services. NGOs and UN agencies, including the International Fund for Agricultural

Development (IFAD) and Food and Agriculture Organization (FAO), need to help the refugees; **Tinhinan** call for self-determination for the **Tuareg**, and reject all military and terrorist actions in their territory.

**TUNFA** explain that because of new territorial definitions, the **Tuareg** IPs came to be regulated by agreements among neighbouring Saharan States, while sedentary cultures have encroached on the pastoral zone; the national borders of new States disrupted the pastoralists' trade system and interrupted their access to the traditional water sources upon which communal responsibility and social control of grazing lands depends.

The **San Indigenous Caucus** call for close consultation with IPs on all development projects, including extractive resource exploration and exploitation (also **SMPFII**, **FINLAND**; **TUNFA** for the **Tuareg** and **Peul** of Northern Niger; **Anna Naykanchina** for the Arctic).

**SOUTH AFRICA** acknowledges that in its land restitution process, 35 claims by **Khoi** and **San** IPs are still outstanding.

### Asia and the Pacific

The **Asian Indigenous Caucus** call for upholding the *Cariño* doctrine of "native title" in the Philippines; all laws and policies anchored in the colonial Regalian doctrine must be reviewed and reversed in compliance with the Declaration.

Calling for action by the Government to uphold legislation meant to support IPs' communities in India, **ICITP-NEZ** ask the SRIP to assure that article 37 of the Declaration is not being violated (also **CTT** regarding the **Mapuche**).

Besides deploring Nepal's failure to ensure IPs' full participation in the political process, **SMPFII** denounce Nepal's discriminatory prohibition on slaughtering beef, a food important to IPs' rituals.

**PCJSS** call for Bangladesh to initiate effective measures, including a road map with a timeline, to implement the Chittagong Hill Tracts (CHT) Accord, in line with recommendations by former PF member Lars-Anders Baer.

Urging the SRIP to head a UN committee focused on the decolonization of national constitutions and legal systems, the **Pacific Indigenous Caucus** call for demilitarization of Hawaii.

The **Maori Indigenous Caucus** urge New Zealand to obtain the free prior and informed consent of **Maori** before implementing any recommendations from its constitutional review process. The Maori-language original version of the Treaty of Waitangi reflects the fact that Maori have never given their free prior and informed consent to the settlement process (also **Valmaine Toki**).

**NCAFP** call on the PF to clarify which IPs can be designated as "peoples in non-self-governing territories" and thus dealt with under chapter XI of the UN Charter.

**IPs' Organisations Network of Australia** inform that the concept of *terra nullius* was based on colonies' fictional claims to be established on "waste and uninhabited" land (also **Arctic Indigenous Caucus** for the circumpolar region; **IPACC** for Africa); this was replaced in Australia in 1992 with "native title", which leaves IPs with just a few traditional rights analogous to medieval English common law rights to game (also **Pacific Indigenous Caucus**). Because input from IPs was not sought in drafting the national Constitution, which does not recognise IPs and their inherent rights, it is ineffective in protecting IPs' right to freedom from discrimination (also **NCAFP**, **NSWALC**, **AHRC/ATSISJC**).

**NSWALC** say Australia's unilateral top-down approach and policy agenda is not in the best interests of IPs.

**AHRC/ATSISJC** urge States to review their constitutions and laws to ensure the identity and rights of IPs are recognised and protected in accordance with the Declaration (also **Tinhinan**, **Global Indigenous Women's and Youth Caucuses**, **IPs' Organisations Network of Australia**, **NCAFP**, **Wilton Littlechild/TRC-Canada**, **ECMIA**); the PF should commend those States currently reviewing their constitutions (also **IPs' Organisations Network of Australia**).

**AUSTRALIA** underlines its apology to indigenous Australians in 2008, and its work to improve their lives in areas such as education, housing, employment safety and health, particularly with regard to indigenous women (also **ECUADOR**).

**NEW ZEALAND** explains that its constitutional arrangements, partly based on the Treaty of Waitangi, are undergoing a review process that considers the relationship between **Maori** and the Crown; it also calls attention to its "treaty settlements" process that provides for reconciliation between the Government and IPs (also **Valmaine Toki**).

### Middle East

Though **Assyrians** are small in number due to elimination strategies and displacement, **AaidS** call on the PF to include them as IPs of Iraq.

### Europe, Russian Federation and the Circumpolar

Because the Declaration's mandate for redress supersedes the doctrine of discovery, the **Arctic Indigenous Caucus** recommend the PF establish a voluntary international mechanism to review IPs' claims that their rights

to their traditional lands, territories and resources have been violated (also **Robert Williams, Saul Vicente Vasquez, Dalee Sambo Dorough, FINLAND, DENMARK/GREENLAND**).

The **RUSSIAN FEDERATION** says that the land it appropriated to strengthen the economic position of the State resulted in a racial and ethnic mix that has contributed to the life of IPs.

**NORWAY** underlines its Constitutional protection of **Saami** rights, giving Norwegians and Saami the same right to develop their culture and languages.

**ACC** urge the PF to act on the recommendations in the conference room paper on the doctrine of discovery [E/C.19/2012/CRP.2] (also **UMC**).

To build better relationships with IPs, **UMC** urge that the church confess its own participation in the continuing effects of that trauma.

Responding to calls for the Catholic Church to address the impacts of the doctrine of discovery, the **HOLY SEE** say numerous statements on its website express sorrow for its mistakes. The Church has condemned wars of conquest for the purpose of conversion, and any remnants of the doctrine were abrogated by church law in 1983 – it has not been used in the Church for centuries.

**Robert Williams** concludes that the doctrine of discovery, along with the Regalian doctrine and eminent domain in the Philippines, and the principle of *terra nullius* in Australia, led to entire settler populations being invested in perpetuating the racist and unscientific assumptions embedded in those principles (also **Moana Jackson, Valmaine Toki, James Anaya, Global Indigenous Peoples' Caucus, Asian Indigenous Caucus, AFN/COO/GCC/AI/CFSC**). He reiterates the call for States to make it absolutely clear that these principles cannot be used to resist IPs' claims to the full scope of their rights to territories, lands and resources based on their own indigenous law, custom and tradition (also the **North American, Asian and Pacific Caucuses, ACC, AFN/COO/GCC/AI/CFSC**).

**Valmaine Toki** calls for redefining indigenous and State relationships through constitutional transformations, treaties, agreements and other constructive arrangements.

### Relevant documentation for the 11<sup>th</sup> session of the PF

#### Documents submitted for the session

In this summary report, we mention some of the documents submitted to the 11<sup>th</sup> session, where relevant, but not all of them. In particular, the reports submitted to the PF by UN agencies and governments are not mentioned here. All the session's documents have a symbol beginning with E/C.19/2012 and are available on the website of the PF Secretariat at the following address:

<http://social.un.org/index/IndigenousPeoples/UNPFISessions/Eleventh.aspx> .

Other documents relevant to the session's debates include the UN Declaration on the Rights of Indigenous Peoples (see Update 79-80); and UN General Assembly resolutions 65/198 and 66/296 regarding the 2014 World Conference on Indigenous Peoples (see Update 102-103 for resolution 66/296).

#### Statements presented on the floor during the session

All the written statements presented on the floor during the session and collected by doCip are available on our website at [www.docip.org](http://www.docip.org). Chose *Online documentation* in the menu *Documentation Centre*, then chose the *Conferences* mode and select *Permanent Forum* and *2012*: you will find the statements by agenda item. You can also use the Search mode if you look for a particular content and/or author (you can change your Search preferences, under Preferences, in order to be able to use several key words in each query).

The statements are available in their original language. doCip may have unofficial translations for some of them. If you are interested in a particular statement that is not in a language you understand, please ask doCip (giving the author's name, agenda item and conference where the statement was delivered). We will check if translations are available.

#### Combating violence against indigenous women and girls (article 22 of the Declaration)

**Megan Davis** summarises the Expert Group Meeting (EGM) report [document E/C.19/2012/6], appreciated by a very large number of speakers, emphasising States' obligations to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination (also **MEXICO, GERMANY**). She calls attention to indigenous girls – a group often overlooked in international discussions on violence against women – who are at high risk of child labour, trafficking, sexual abuse, violence in situations of armed conflict and militarisation, female genital mutilation, and forced and early marriages (also **Myrna Cunningham Kain, IJWF, Asian Indigenous Caucus, PAGTP-2012**). The EGM report also emphasises environmental violence, such as pesticides and industrial and military waste that cause severe and on-going harm

to indigenous women, girls and unborn generations (also **Global Indigenous Women's Caucus, IITC, North American Indigenous Caucus, PAGTP-2012, NFF; UNFPA** for Latin America). Exacerbating the effects of interpersonal violence against women and girls is the patriarchal division between private and public matters, adopted by many indigenous communities, which prohibits public discussion of interpersonal physical and sexual violence (also **NEW ZEALAND**); this causes chronic underreporting of violence in indigenous communities (also **Eva Biaudet** regarding trafficking). States and UN agencies, with IPs' cooperation, are urged to support mechanisms to monitor the situation of violence against indigenous women and girls, and to present regular reports to the PF (also **Victoria Tauli-Corpuz, Tonya Gonnella Frichner, the Global Indigenous Peoples' and Women's Caucuses, IPACC, ECMIA, AUSTRALIA, MEXICO**). States are urged to implement disaggregated national data collection on socio-economic and well-being indicators (also **Myrna Cunningham Kain, Asian Indigenous Caucus, NWAC/AFN/COO/NAFC/FAFIA/CAEFS/CFSC/GCC/AI**). Instead of imposing strategies that do not reflect IPs' values and knowledge of indigenous communities, States should facilitate, consistent with international human rights law, indigenous women's community-based anti-violence strategies (also **Myrna Cunningham Kain, Global Indigenous Peoples' Caucus, Asian Indigenous Caucus, NWAC/AFN/COO/NAFC/FAFIA/CAEFS/CFSC/GCC/AI**). The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) should conduct a thematic study on human rights violations against indigenous women and girls (also **Victoria Tauli-Corpuz, Global Indigenous Women's Caucus, IPACC**).

Presenting preliminary results of the PF study on violence against indigenous women and girls, **PF member Myrna Cunningham Kain** informs that the study summarises the situation of violence against women in various regions, while emphasising the need for States to cooperate with IPs to adopt appropriate measures to ensure that implementation of their rights fully takes into account indigenous women, who, as women and as IPs, are doubly disadvantaged (also **James Anaya**).

**Victoria Tauli-Corpuz** reports that in a study comparing gender-based violence against indigenous and non-indigenous girls, adolescents and young women, a main risk factor is poverty, which prevents young girls from receiving an adequate education, leading to the early marriages and pregnancies that are at the core of sexual violence and exploitation among indigenous communities (also **PAGTP-2012**). Poverty can also hinder girls and young women from seeking legal redress for gender-based violence (also **ECMIA, EU; KENYA** which has measures in place to counter this).

Although human trafficking can sometimes involve organised crime, **PF member Eva Biaudet** emphasises that traffickers often are relatives. To combat this, she urges not only supporting victims to denounce their exploiters, but also using intervention and accountability mechanisms that do not depend solely on denunciation by the victims (also **Global Indigenous Women's Caucus; PAGTP-2012** calling for a Special Rapporteur on trafficking of indigenous women and girls).

**IITC** deplore current USA and international laws that permit industry, the military, and all levels of government to knowingly dump substances that contaminate indigenous women's breast milk.

**UNICEF** inform on their collaboration with other UN agencies on a study on violence against indigenous girls, adolescents and young women as a substantive input to the March 2013 session of the Commission on the Status of Women (also **UNFPA, MEXICO, ECUADOR; Asha-Rose Migiro, Global Indigenous Peoples' Caucus and IWF** on indigenous women's participation in that meeting).

**UNFPA** call on States and indigenous communities to promote systematic processes of reflection for the empowerment of indigenous women and girls, and their organisations.

The **Global Indigenous Peoples' Caucus** call for sanctions on States that lack a rapid response system to stop violence against women and children; they urge recognition of indigenous identification systems to ensure verified crossing of borders; and they call attention to the indigenous women and girls who were either ignored or expelled from UN meetings after attempting to report incidents of violence against women.

The **Global Indigenous Women's Caucus** recognize that violence against women also traumatises male children; patriarchal social relations do not always necessarily lead to violence against indigenous women and girls, or to oppressive practices. UN agencies and States must build indigenous women's capacities in the prevention of violence and discrimination by providing funding, training and full access to decision-making processes affecting IPs (also **Megan Davis, Myrna Cunningham Kain, Edward John, the Global Indigenous Peoples' and Women's Caucuses, UNFPA, IPACC, ECMIA, Asian Indigenous Caucus, AMICM/IWF, FINLAND**). To eliminate violence against women, States and IPs are urged to implement the Convention on the Elimination of All Forms of Discrimination against Women, the Declaration, and the Convention on the Rights of the Child (also **San Indigenous Caucus, AMICM/IWF, NWAC/AFN/COO/NAFC/FAFIA/CAEFS/CFSC/GCC/AI, ECMIA, FINLAND**).

The **Global Indigenous Youth Caucus** affirm their right to discontinue participation in a mechanism that does not respect indigenous youth.

**IWWF** call attention to the connections among violence against women, colonialism, and militarisation, all of which exhibit expressions of terror, subjugation, torture, sexual violence, forced labour, exemplary punishments and exploitation that generates racism and patriarchy (also **Global Indigenous Women's Caucus**).

Addressing the high rates of sexual violence suffered by disabled indigenous women, the **Indigenous Disabled People's Organisations** say they face further obstacles when trying to access the legal system and obtain justice; IPs with disabilities frequently face greater exclusion. The PF should report on their issues, and include them in the World Conference (also **MEXICO**).

**PAGTP-2012** call attention to the social exclusion of women in central India and the rape of young indigenous women at demonstrations over territorial rights in Panama.

**ECMIA** call on States to tear down all normative and ideological barriers to the participation and empowerment of IPs, including women and girls (also **Global Indigenous Women's Caucus, Indigenous Disabled People's Organisations, Asian Indigenous Caucus, AMICM/IWWF, IPACC, AH/YP/KF, KaF/JAP/BIPF/UCTP/AIWN/JOAS/JMF, ECUADOR, NICARAGUA, FINLAND**).

**AMICM/IWWF** emphasise the need for allocating more resources to the prevention, monitoring and resolution of land disputes where indigenous women are put at risk.

**IPACC** call on the ACHPR to address indigenous women's situation as a distinct group: sexual violence has widely been used as a weapon of war against women in the Democratic Republic of Congo (DRC); gender-based economic pressure in central Africa has led **Batwa** families to keep their girls out of school so they can work at economically crucial pottery-making; indigenous women, especially the young, fear the violent consequences of resisting domestic violence; and a woman must accede to the man's decision on condom use: if she contracts HIV and gets pregnant, she additionally risks an HIV-positive baby (also **San Indigenous Caucus**).

The **San Indigenous Caucus** of southern Africa call attention to alcoholism, which was imposed on them by the apartheid practise of paying workers in alcohol instead of a wage.

The **North American Indigenous Caucus** underline the explicit connections between the doctrine of discovery and domination of men over women (also **PAGTP-2012, ECMIA-NR**); Canada must establish a national inquiry into the disappearance and murder of hundreds of indigenous women and girls there, and fund IPs' equal participation in this (also **NWAC/AFN/COO/NAFC/FAFIA/CAEFS/CFSC/GCC/AI**).

**NWAC/AFN/COO/NAFC/FAFIA/CAEFS/CFSC/GCC/AI** say that marginalising indigenous women not only makes them prey to violent men, it is also used as an excuse for not protecting them (also **ECMIA**).

**AH/YP/KF** urge the USA to combat the systematic violation of indigenous women's reproductive rights, and to uphold IPs' rights to raise their own children in their own culture (also **MEXICO**).

The **Asian Indigenous Caucus** ask the Committee on the Elimination of Discrimination against Women (CEDAW) to investigate violence against indigenous women and girls in the CHT in Bangladesh (also **PAGTP-2012, KaF/JAP/BIPF/UCTP/AIWN/JOAS/JMF**) and among the **Penan** people of Sarawak, Malaysia. They call on the PF to raise awareness about the effects of globalisation, free trade and deregulation on IPs, and to ensure that UN agencies and the private financial sector are educated about IPs' rights, cultural values and sustainable, self-determined development.

**AVSS/ISI/CRA** call attention to the hundreds of thousands of indigenous women domestic workers excluded from labour laws and abused in various ways that grossly violate the Declaration (also **PAGTP-2012**). They call on the PF to study this situation with a view towards conformity with ILO Convention 169 and other human rights and indigenous rights instruments (also **San Indigenous Caucus**).

**KaF/JAP/BIPF/UCTP/AIWN/JOAS/JMF** call attention to the rape and murder of an eleven-year-old **Jumma** girl in the CHT (also **Asian Indigenous Caucus**); they call on the Government of Bangladesh to follow its Constitution and punish the violence against indigenous women.

**NICARAGUA** call for more indigenous women in parliament, in order to facilitate creation of public policies that defend and protect women, and indigenous women in particular.

Responding to comments by **Victoria Tauli-Corpuz**, **KENYA** says distribution of resources can solve its poverty problem; also, the Government's provision for local communities to make decisions on allocation of government funds will impact the poverty of the **Samburu** and **Maasai** IPs. Saying the statistics Victoria Tauli-Corpuz presented on rates of female genital mutilation among the **Maasai, Kisi**, and **Samburu** women are exaggerated, Kenya says it has universally prohibited female genital mutilation.

Informing that **Maori** women are three times more likely than non-Maori women to face assault from an intimate partner, **NEW ZEALAND** explains that measures to combat violence against women include strengthening the responsiveness of criminal justice agencies to victims of domestic violence (also **FINLAND**).

Emphasising the role of men and boys, **FINLAND** says that dismantling stereotypical gender roles based on aggression and control is essential.

### Examples of good practices: studies on participatory mechanisms and on land use changes in the Arctic

**PF member Dalee Sambo Dorough**, introducing a PF study on indigenous participatory mechanisms in the Arctic [document E/CN.9/2012/10], says industrialization is a frightening prospect for IPs in the Arctic, who have sustainably inhabited this region for centuries (also **Arctic Indigenous Caucus, SWEDEN**). She underlines that self-determination and rights to lands, territories and resources must be addressed before political and economic agendas; and these rights must be fully and effectively implemented (also **FINLAND, DENMARK/GREENLAND**). The Laponia Management System principles provide an outline for how to engage States, IPs, and UN mechanisms to uphold IPs' rights (also **Arctic Indigenous Caucus**).

**PF member Anna Naykanchina** says the study on indigenous reindeer herders [document E/C.19/2012/4] was prepared with the direct involvement of the **Saami** and IPs of the Russian Federation (**WRH** praise this study); she emphasises that the future of the reindeer sector requires an undivided landscape that allows reindeer to graze.

Emphasising the relationship between biological and cultural diversity, **UNESCO** advocate for the key role culture plays in sustainable development.

Supporting the recommendations of both studies, the **Arctic Indigenous Caucus**, representing **ICC** and **SC**, suggest that the Arctic Council could be used as a model for other regions (also **RAIPON, SWEDEN, DENMARK/GREENLAND**). They call for an expert group meeting on Arctic development and IPs.

Although Norwegian law and ILO Convention 169 call for compensation for individual reindeer herders, they have to procure it themselves; **SC** inform that IPs lack the funds for such court cases. They call for legal aid to herders, and call on all relevant States to protect their reindeer herders by considering their livelihoods as their protected "property".

Because IPs' survival is at stake, **RAIPON** say conflicting interests on subsoil resources will not be solved until IPs enjoy the right to participate in decision-making and to pursue their own development. Stating that the Arctic's greatest treasure is its people, **RAIPON** urge investment in human capital, especially education and legislation (also **Dalee Sambo Dorough, Anna Naykanchina, WRH**).

In the face of competing demands on the Arctic, **WRH** call for integrated management plans at the national level to secure the sustainability of indigenous herding communities and cultures (also **Anna Naykanchina**).

While prioritizing reduction of greenhouse gas emissions, **SWEDEN** also call attention to shorter-lived "climate forcers" such as black carbon, ozone and methane, which should be limited in order to mitigate climate change.

**FINLAND** informs that recent legislation prohibits measures that impair IPs' opportunities to engage in their culture and related traditional livelihoods.

**DENMARK** and **GREENLAND** note that the Circumpolar Inuit Declaration, which emerged from cooperation among Arctic leaders, addresses development of good practices in resolving the tensions between resource development and IPs' democratic participation in decision-making (also **Dalee Sambo Dorough**).

Regarding comments on its relationship with its reindeer herders, the **RUSSIAN FEDERATION** disputes the study's assertion that small-numbered IPs in Russia are in danger of disappearing altogether, due to inadequate legislation.

In light of the interlinked issues of economics, environment, and rights that face every Arctic State and IPs, **Dalee Sambo Dorough** explains that the Arctic Council's framework may need to be expanded. She acknowledges Russia's Arctic resources, and expresses hope that the study on reindeer herding can lead to resolving some of the issues.

**Anna Naykanchina** informs that the purpose of this study was to show some clear instances of how vulnerable reindeer herding is, rather than presenting a world-wide picture.

## Item 4 – Human Rights

### Item 4a – Implementation of the Declaration

**Dalee Sambo Dorough** recalls the lingering effects of the doctrine of discovery in the drafting processes of ILO Convention 169 and the Declaration, such as non-acceptance of the wording "indigenous peoples", and of IPs' rights as being part of international human rights law. The struggle for recognition of IPs' collective human rights also led to debate about including individual rights in the Declaration, or not. Now States need to acknowledge the centuries of suffering, and to read and implement the Declaration through substantive action in collaboration with IPs to change conditions of socio-economic inequities and achieve IPs' human rights, including to land and resources, self-determination and self-reliance, and participation in decision making (also **CONIVE/RMIW/ECMIA, CISAN, ECMIA, Abya Yala and Pacific Indigenous Caucuses, ECUADOR, CUBA**; the **African Indigenous Caucus** for Africa; **IPACC/PIDP** for the **Batwa Bambuti** IPs in **DRC**;

**CJIRA/CMNA** for Argentina; **HIC** for the **Rapa Nui** IPs in Chile; **CONACHA/ADENCH** for Uruguay; **NCAFP** and **NSWALC** for Australia; **TWA/ISI/CRA** for India; **AAH** for Japan).

**EMRIP Chair Wilton Littlechild** explains that the EMRIP's mandate is to provide the Human Rights Council (HRC) with advice on IPs' rights, mainly through studies and proposals, which can contribute to understanding and realizing the provisions of the Declaration.

The **Board of Trustees of the UN Voluntary Fund for Indigenous Peoples** emphasise that IPs' representation in UN human rights mechanisms is essential to ensuring international attention to their issues; without the Voluntary Fund, the most vulnerable could not participate (also **Pacific Indigenous Caucus**). In view of the strong decrease in donations over the last years, many more contributions will be necessary for the Fund to carry out its mandate.

The Declaration and ILO Convention 169 are mutually supportive (also **Wilton Littlechild**), and the **International Labour Organisation** (ILO) reports on its capacity-building activities on IPs' issues for civil servants at country level, national and regional human rights bodies, and the business sector. The PF should reiterate its support to the UN Indigenous Peoples Partnership (UNIPP), which started work supporting sustainable implementation of the Declaration and ILO Convention 169 (also **UNFPA**, **OHCHR**, **FINLAND**, **DENMARK**).

The SRIP **James Anaya** says the ILO technical programme on IPs should bring its training initiatives to actually developing mechanisms of cooperation between IPs and governments, and other parties. Actual practical application of the right to consultation around specific initiatives that affect IPs' rights is sorely needed.

To enable IPs' direct participation at ILO, **Raja Devasish Roy** enquires about establishing a high level observer status for IPs, taking as a precedent the status of indigenous delegations during the drafting of ILO Convention 169; and about possible linkages between IPs and trade unions, employers' associations and governments in ILO tripartite bodies.

The **Office of the High Commissioner for Human Rights** (OHCHR) is briefing human rights treaty bodies and national human rights institutions to ensure inclusion of the Declaration in their work (also **James Anaya**). It has worked on securing the human rights of IPs living in voluntary isolation in the Amazon basin (also **BRAZIL**, **UNESCO**), and on assessing IPs' rights across Central America.

The **Global Indigenous Peoples' Caucus** recommend that the PF concretely support IPs in their efforts to promote the Declaration in their respective territories, by encouraging local governments to adopt it (also **Pacific Indigenous Caucus**).

The **Global Indigenous Youth Caucus** recommend the PF assist them in raising indigenous youth's awareness of the Declaration. They urge Member States to implement previous recommendations regarding indigenous youth with their full participation, to address the human rights of indigenous youth and children in the UPR, and to honour IPs' right to self-identification.

**GCC/AFN/CFSC/AI/IITC/AIPCCN/UBCIC/COO/T4FN/MPIDO/FPHRC** urge the PF to address the fact that, within international processes on biodiversity, climate change, free trade and intellectual property, consensus-driven procedures are being exploited by States to the detriment of IPs, leaving them no effective means of safeguarding their human rights.

**ILRC** say in the upcoming review process of safeguards policies of the World Bank (WB), protection of IPs' rights needs to be strengthened in line with the Declaration, including through requirements of prior human rights impact assessments focusing on IPs' rights – the PF, SRIP and EMRIP should take an active role in this. ILRC call for a half-day session on the WB at the next PF (also **Asian Indigenous Caucus**).

### Central and South America

**Saul Vicente Vasquez** warns that Latin American indigenous media communicators, who are making efforts to raise IPs' awareness on the Declaration, have been facing numerous abuses, including persecution and murder. States must guarantee IPs' right to communication and information, in line with article 16 of the Declaration, and the security of their communicators.

**CONIVE/RMIW/ECMIA** emphasise the progress of Venezuela in recognizing IPs' rights, including their right to self-identification and to lands.

Underscoring IPs' history of extermination in Argentina (also **ICSA**), **CJIRA/CMNA** express particular concern that IPs' recognized rights to consultation and to communal property are being threatened by a reform of the civil code. Argentina must acknowledge the genocide against its IPs (also **ICSA**), and abide by its international human rights obligations, including the Declaration and ILO Convention 169.

**MEXICO** highlights a constitutional reform that guarantees compliance with international instruments, including ILO Convention 169; efforts to strengthen state-level human rights bodies, to build the capacity of indigenous interpreters in the public administration, and to protect a sacred site of the **Wixárika** IPs.

**PANAMA** recognizes IPs' rights to legally-owned territories (*Comarcas*), ruled in accordance with domestic legislation and IPs' customary laws and institutions. Negotiations to resolve conflicts over mining operations and water resources in the **Ngabe Bugle Comarca (ECMIA** denounce repression and violence against indigenous women and girls) have resulted in a law – elaborated with the SRIP's contribution – prohibiting mining concessions in all *Comarcas*, protecting water resources, and providing for benefit sharing, and for future development to be approved by traditional authorities.

**ECUADOR** says article 57 of its Constitution recognizes IPs' collective rights to their identity, customs, and social organisation; to protection from, and reparation and redress for discrimination; to culturally relevant bilingual education; to their communal lands; and to the jurisdiction of their authorities in their territories.

**BOLIVIA** sees itself as a political laboratory for IPs' rights, and emphasises progress, including decolonization of the justice system. The TIPNIS events have revealed a plot led by formerly powerful social sectors against this process of change. A law on consultation is being drafted with international contributions, including OHCHR.

### North America

**Owe Aku** emphasise the relevance of the Declaration's articles to the struggles of the **Lakota** people for their rights to self-determination and to decision making (articles 1 to 6, 9, 18, 19, 33, 34); against child removal policies (articles 7, 8); for their rights to their educational systems, their language, their sacred places and ancestral remains, and their religious and spiritual practices (articles 11 to 14); for specific protection (articles 21, 22); and to demand accountability for operations of extractive industries that deplete and contaminate IPs' resources, violate human rights and circumvent the law (articles 28, 29).

### Africa

The **African Indigenous Caucus** recall that African governments' perception of cultural diversity as a threat to national unity deprives IPs of their rights. The **Maasai, San, Mbororo, Tuareg, Batwa, Ogiek** and other IPs in the continent continue to face marginalisation and deprivation of their lands. African States must fully recognize IPs, and protect and promote their rights, including to free prior and informed consent (also **IPACC/PIDP** for the DRC). States and transnational corporations must stop stripping IPs from their lands and natural resources.

While noting some progress on the Declaration, **IPACC/PIDP** express deep concern about serious violations of the rights of the excluded, forest-dwelling **Batwa Bambuti** IPs in several provinces of the DRC (also **African Indigenous Caucus**). **IPACC/PIDP** recommend a joint enquiry on these violations of IPs' rights by the UN, the Government, and indigenous and civil society organisations; cancelling the oil concession located in the Virunga National Park, a World Heritage Site; respect for IPs' free prior and informed consent in relation to the establishment of protected areas; and ratification of ILO Convention 169.

**AIDB** recommend that Burundi review its Constitution to ensure fair inclusion of the **Batwa** IPs in the State apparatus and public governing bodies; promote their economic, social and political rights; and ratify ILO Convention 169.

### Asia and the Pacific

The **Asian Indigenous Caucus** urge Asian States to demilitarize IPs' territories, and align their laws with the Declaration (also **TWA/ISI/CRA** for India). The PF, SRIP and other human rights bodies should address the human rights impacts of militarisation and extractive industries on IPs' rights, including free prior and informed consent, land and resources, and self-determination (also **ECMIA, IPACC/PIDP**). The PF should support peace negotiations and implementation of existing agreements between Asian governments and IPs.

The **Pacific Indigenous Caucus** denounce tragic lack of access to healthcare services by indigenous communities in West Papua, and call on the UN Committee on Decolonisation to take into account systems negotiated by IPs to regain their freedom and dignity in a sustainable future.

Global warming is affecting the Pacific now. **KCHS**, in a joint statement of 13 indigenous organisations from the Pacific, urge transition to renewable energy systems. Any relocation of IPs must secure full human rights protections to preserve their indigenous identity and status, including their land and culture rights.

**NSWALC** encourage States, including Australia, to legislatively protect IPs' rights to participate in decision making, guarantee their free prior and informed consent in existing representative structures, and ensure independent and equal participation of indigenous representative bodies at all levels of decision-making. The PF should undertake a study on barriers to IPs' participation in decision-making processes, building on the EMRIP's work; and urge States to review their provisions on racial discrimination against the Declaration's standards.

**HIC** accuse Chile of grabbing indigenous lands without **Rapa Nui** IPs' consent (also **Pacific Indigenous Caucus**) for development that would irreparably harm the Easter Island's environment. They urge withdrawal of all criminal charges against the Hitorangi clan and others, and settlement of related land rights claims; and call for a fully equipped Rapa Nui tribunal.

**CHILE** is pursuing dialogue with the **Rapa Nui** community on solutions to issues of land, migration, and the special status and development of the island. In spite of Chile's invitation, the Hitorangi family has not participated in this dialogue.

Saying new legislation allows for recognition of customary interests in marine and coastal areas, **NEW ZEALAND** affirms its support for the Declaration's principles. **Valmaine Toki** welcomes this, and says realization of IPs' rights in coastal areas remains difficult, and recalls the SRIP's recommendation for New Zealand to consider the connection of **Maori** peoples to certain public conservation lands, and to allow the transfer of ownership of these lands and sites.

#### **Europe, Russian Federation and the Circumpolar**

The **Saami Parliament in Norway** recall the Declaration has binding force, being established on existing human rights norms and principles (also **Wilton Littlechild, NCAFP**). Equality between the Norwegian and Saami peoples needs to be respected, not only regarding linguistic and cultural rights, but also in the resource dimensions of the right to self-determination.

The SRIP visited **SPAIN** to address issues of social responsibility of extractive corporations (**James Anaya** thanks Spain and hopes other States will issue similar invitations). The Spanish strategy for cooperation with IPs, seeking IPs' self-determined development, focuses on IPs living in voluntary isolation; on IPs' right to free prior and informed consent; and on strengthening democratic governance that fully respects cultural diversity.

#### **Item 4b – Dialogue with the Special Rapporteur on the Rights of Indigenous Peoples**

**James Anaya, Special Rapporteur on the rights of indigenous peoples** (SRIP), emphasizes meetings of the three indigenous UN mechanisms with representatives of UNESCO programmes relevant to IPs, including the World Heritage Centre (also **UNESCO; IPs affected by the selection of UNESCO World Heritage Sites** acknowledge this), and calls on IPs to become familiar with the mandates of UN mechanisms dealing with their issues. With the Governments of Peru and Brazil, he addressed consultation mechanisms, and practical dimensions of free prior and informed consent (also **FNS, BRAZIL**). Repeatedly inviting such information during the interactive dialogue, he reminds all IPs that as part of his mandate he receives written information on alleged human rights violations, and where appropriate he communicates his concerns to governments – and sometimes has conducted site visits and issued recommendations, as in Costa Rica with regard to the El Diquis hydroelectric project (**COSTA RICA** hopes that this consultation process will be considered as a good practice). The OHCHR Joint Communications report of Special Procedures Mandate Holders contains all his communications with governments on alleged rights violations. He also visited Argentina (**CJIRA/CMNA** and **ARGENTINA** express thanks) and the USA (**IITC** express thanks), and is planning a visit to El Salvador. He has pending requests for visits to Namibia and Canada, and to several Asian countries (**TWA/ISI/CRA** recommend a visit to India).

Regarding the issue of extractive industries operating in or near IPs' territories, he notes a clear understanding of the negative impacts on IPs caused by projects implemented without proper guarantees or involvement of IPs (also **NORWAY**). However, while many governments underscore the key importance of extractive activities for their economies and many businesses deem that IPs could benefit from their activities, IPs mostly reject such operations in their traditional territories (also **ECMIA, FNS**). There is also a lack of consensus about the State's duties concerning the protection of IPs' rights, and about state regulatory frameworks regarding indigenous rights (also **PF member Paimanach Hasteh, GREENLAND/DENMARK**). To increase common understanding among all stakeholders about the content and implementation of IPs' rights, the SRIP plans to carry out dialogues and consultations with governments, IPs and business enterprises, in order to elicit their views and experiences on the issue, and learn from experiences where IPs are implementing the principles of self-determination and free prior and informed consent in defending their rights (the **Global Indigenous Youth Caucus, Asian Indigenous Caucus, Dalee Sambo Dorrough, NNTC, GREENLAND/DENMARK, NORWAY** welcome this focus). The doctrine of discovery lingers in domestic laws, regulatory regimes and jurisprudence that affect IPs (also **SCAT**); however, the adoption of the Declaration reflects a strong rejection of these doctrines and social attitudes (also **ECMIA**).

A joint statement by **IPs affected by the selection of UNESCO World Heritage Sites** recalls that at the PF's 10<sup>th</sup> session, a large number of groups raised concerns about frequent violations of IPs' right to free prior and informed consent in relation to World Heritage Sites, and drew particular attention to three sites being considered by the World Heritage Committee – Western Ghats (India), Tri-national de la Sangha (Congo/Cameroon/Central African Republic) and the Kenya Lake System in the Great Rift Valley. The World Heritage Committee has not adequately addressed these points of contention. The PF must: continue to engage with UNESCO on the implementation of the World Heritage Convention and insist on compliance with the Declaration and on transparency; engage the ACHPR on these issues; and urge UNESCO to defer all World

Heritage nominations of sites in IPs' territories, pending their adequate involvement and free prior and informed consent, in line with the Declaration.

Recognizing the valuable role played by local communities, including IPs, **UNESCO** requests States to respect IPs' rights and to involve them when nominating, managing and reporting on World Heritage Sites in their territories (also **Wilton Littlechild** for IPs' sacred sites).

### Central and South America

Presenting preliminary findings of a study on the impacts of extractive industries on IPs' territories in Mexico, **Saul Vicente Vasquez** says that in spite of the current financial crisis, extractive operations continue to expand, in particular in IPs' territories, due to the increase in the market price of precious metals, as well as the deregulation of mining legislation. Increasing social processes of resistance have met strengthened repression. The EMRIP, SRIP and PF should examine whether corporate codes of conducts, in particular the International Cyanide Management Code focusing on the safe management of cyanide in leaching of gold, have human-rights based approaches.

**ECMIA** say the unique ways in which indigenous cultures understand the world require special protection (also **CONAMAQ**, **ICSA**, **SCAT**). However, in Guatemala, Colombia and Peru, IPs face forced displacement and killings, and occupation of their territories for hydroelectric and extractive projects, leading to contamination, biodiversity loss, and hunger. IPs have put great hope in Bolivia's constitutional incorporation of the Declaration (emphasised by **BOLIVIA**), but watch with dismay the current conflict between the Amazonian IPs and the State (also **CONAMAQ**).

Young **Maya** representatives of **NALEB'** say indigenous children and young people are the present and the future of a world now in chaos, and wish to be part of the solution and be able to address the problems they face with particular acuity. **James Anaya** will listen to their call.

**CISAN** call on the PF to request from FAO a public report on its programmes for the improvement of IPs' food and their effect on the achievement of related MDGs for IPs.

**CONAMAQ** denounce serious abuses against indigenous rights in Bolivia, including excessive use of police force and denial of the right to administer customary justice.

**CONACHA/ADENCH** denounce that the independent Uruguayan State was built upon the massacre, proclaimed eradication, and appropriation of the lands of the **Charrúa** people. The Charrúa nation is now struggling to reclaim their future. Uruguay must recognize the IPs inhabiting its territory, and ratify ILO Convention 169, in line with the recommendation accepted during its UPR.

Despite centuries of repression, IPs in Argentina continue to produce and share knowledge and philosophies, and to seek spaces for dialogue. **ICSA** recommend that the coca leaf be recognized as part of the rights of the Andean IPs to food sovereignty and to self-development.

**GUATEMALA** emphasises its actions on peace, security and justice, on combating impunity; on empowerment to fight poverty and hunger; and on a tax reform to fund welfare programmes for the most vulnerable populations, including IPs.

**CUBA** call on States to redouble efforts to achieve implementation of the Declaration, the objectives of the Second International Decade of the World's Indigenous Peoples, and ILO Convention 169.

**COSTA RICA** report, as part of conflict resolution processes, on setting up a process of consultation with indigenous communities, as well as a governmental commission with indigenous participation, to follow-up on educational issues of the **Térraba** IPs.

**GUYANA** informs on protection of IPs' collective rights to land and internal self-government under its Constitution and mining and forest acts; representation of IPs at all levels of government; and decision-making mechanisms respecting free prior and informed consent.

Based on its on-going experience, **BRAZIL** stresses the challenge for both IPs and the various branches of the State to put in place participation mechanisms that fully respect IPs' cultural diversity and the variety of their circumstances. **James Anaya** agrees on the need to operationalize the Declaration through such cooperation among governmental agencies and IPs – a very difficult but indispensable task as States must go beyond affirming their support for the Declaration.

### North America

**IITC** report on the International Indigenous Women Symposium on Environmental and Reproductive Health, which underscored the on-going inter-generational traumatic impacts of resource extraction; loss of language and culture; displacement from traditional lands; destruction of life-sustaining resources; and forced removal of children.

**SCAT** says the USA has yet to provide redress to the **Innah** IPs for gross human rights violations, broken treaties and genocide, and confiscation and degradation of their lands, water, and natural resources. States'

mechanisms on land rights usually do not address concerns of IPs, who face extinction because they are deprived of their lands.

**FNS** denounce significant amendments to legislation critical to relationship between Canada and IPs, potentially widening the deviation from international standards. Prioritisation of non-indigenous economic development devalues both IPs' rights and environmental protections, as with tourism and other infrastructures that will have profound impacts on the **Ktunaxa** and the **Musquaem** nations.

### **Africa**

A representative of the **Ibo** people of Nigeria reports on the total justice assessment method; this allows overcoming illiteracy and cultural barriers faced by indigenous persons in accessing justice. Local governments should be empowered to protect and promote human rights.

**FEWF** say the indigenous **Kabindé** people had a treaty with Portugal, who sold them to Angola when oil was found in their territory. Under Angola's rule, they suffer gross human rights violations and face extinction.

**SOUTH AFRICA** is processing legislation to address lack of statutory recognition of the **Khoi** and **San** peoples and leadership, which compounds their loss of land and cultural identity.

### **Asia and the Pacific**

**Valmaine Toki** encourages the region's States to restore to the Pacific IPs their rights to self-determination and to their indigenous decision-making institutions, as set out in the Declaration.

Denouncing India's fight against extremism as merely a pretext, **TWA/ISI/CRA** call for an immediate stop to harassment of indigenous leaders and human rights defenders.

**NPMHR** denounce that the Government of India regards as a potential threat the **Naga** IPs' efforts towards internal reconciliation, as part of their self-determination.

Calling on the PF to address non-implementation of the Declaration in Kanaky (New Caledonia), **UNPK** draw attention to increasing operations of nickel extraction transnational corporations, including severe contamination destroying the largest lagoon in the world, a UNESCO World Heritage Site (also **Pacific Indigenous Caucous**); to assimilationist school programmes; and to the over-representation of the **Kanak** people in prisons – a cause of concern in view of the upcoming referendums on New Caledonia's self-determination.

Emphasising the barriers they faced when trying to have textbooks reflect the situation and history of **Ainu** IPs in Japan, **AAH** urge the Government to abide by the Declaration, in particular article 8, and by the legislature's resolution for recognition of the Ainu as IPs.

**NCAFP** call upon States to report, in collaboration with IPs, on implementation of the Declaration (also **ECMIA**, including ILO Convention 169); and urge IPs to hold States accountable. They deplore Australia's decision to extend the Northern Territory Emergency Response laws without the consent of those concerned and in disregard of its international obligations. They ask for the SRIP's continued monitoring of this.

In Australia, state and territory governments are responsible for legislation on indigenous culture, and some of them fail to recognise IPs' rights to own and control their culture and heritage. **NSWALC** call for Australia to bring all national legislation on indigenous culture and heritage in line with the Declaration. States must regularly report on indigenous culture and heritage, including cumulative impacts of destruction; and engage with IPs in their management and inter-generational protection.

**ATSISJC/AHRC** remind the Australian Government of its commitment to re-setting the relationship with IPs, and request a formal response to the SRIP's recommendations. All States are encouraged to incorporate into their practice the SRIP's recommendations in his thematic reports.

The **Maori Indigenous Caucous** call on the PF to urge New Zealand to carry out the planned comprehensive review of its constitutional arrangements, including recognition of IPs' rights, and to urgently implement changes, with the **Maori** peoples' free prior and informed consent. The Government must fully implement the SRIP's recommendations.

To questions by the **Maori Indigenous Caucous**, **James Anaya** responds that limitations provided for under article 46 are usual in the international human rights system. They do not provide license for States to ride roughshod over the rights affirmed in the Declaration. Also, article 46 might be interpreted to include into the Declaration the responsibilities of all, including of IPs, vis-à-vis humanity and the natural world. The Declaration uses the language of the international human rights system, but its spirit is to build upon IPs' worldviews, so it implicitly incorporates the notion of responsibilities. He encourages IPs to come up with their own, authoritative statements over the important issue of responsibilities.

**VIETNAM** reports on its policy on ethnic minorities, which includes explicitly introducing to ethnic minorities any project that might affect them. Vietnam regrets that several groups have provided negative and groundless information to the PF.

## Middle East

**NCFCE** denounce a relocation plan of the Israeli Government targeting Arab **Bedouin** people of the Negev desert, which violates both articles 8 and 10 of the Declaration, as it was formulated without input from the Bedouin community and does not take into account their cultural traditions. **James Anaya** is urging Israel to consent to a visit to assess the Bedouin people's situation.

## Europe, Russian Federation and the Circumpolar

The **Arctic Indigenous Caucus** warn that Arctic States are actively supporting the accelerating explosion of unsustainable industrial and extractive activities in the Arctic, which threaten **Inuit** and **Saami** IPs' traditional livelihoods. The Arctic Council must adopt a long-term strategy for sustainable resource extraction in the Arctic; and a code of conduct for private entities regarding protection of the environment and IPs' human rights.

**NORWAY** will prepare an annual summary of relevant information regarding the recommendations in the SRIP's report on his 2010 visit to the **Saami** homeland (**James Anaya** welcomes this as a good practice and invites information to follow-up on his country reports).

**GREENLAND** and **DENMARK** emphasise constructive synergies between the PF, EMRIP and SRIP (also **Wilton Littlechild**, **James Anaya**, **Saul Vicente Vasquez**, **BRAZIL**, **FINLAND**).

Responding to **NORWAY** and **GREENLAND/DENMARK** on the usefulness of the UN Guiding Principles on Businesses and Human Rights, **James Anaya** says they need to be complemented by specific understandings of IPs' rights, as undertaken by the EMRIP.

## Item 5 – Comprehensive dialogue with UN agencies and funds

**PF member Valmaine Toki** emphasises work regarding IPs in the World Intellectual Property Organisation (WIPO), including the Inter-Governmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).

**Wend Wendland**, **Director of the Traditional Knowledge Division of WIPO**, says the IGC is elaborating an international legal instrument regarding traditional knowledge, genetic resources and traditional cultural expressions, and urges all those concerned about misuse of indigenous knowledge and genetic resources to participate (also **TF**, **MEXICO**). In the context of WIPO's mandate, intellectual property rights seek to give inventors and creators some say, for a limited period and subject to limitations, over the use of the fruits of their labour. Innovations based on traditional knowledge are generally patentable, but underlying traditional knowledge remains unprotected (also **ECMIA**), and the basic question is whether it should be "protected" in the intellectual property sense. Participants to the IGC are WIPO's Member States, indigenous and local communities, business, and civil society organisations. The draft texts being negotiated contain references to free prior and informed consent and collective rights (**Saul Vicente Vasquez** notes lack of direct reference to human rights standards); indefinite term of protection; customary law; and disclosure of origin in patent applications (**Paul Kanyinke Sena** and the **African Indigenous Caucus** insist on mandatory disclosure). However, IPs' effective participation in negotiations is among unresolved issues (**PF member Simon M'Viboudoulou** enquires on this, supported by the **North American Indigenous Caucus**). Article 31 of the Declaration provides to WIPO overall direction and guidance for technical assistance and capacity building, and for the IGC negotiations.

Addressing indigenous participation in the IGC, **Jennifer Tauli-Corpuz**, **WIPO's Indigenous Property Law Fellow for 2012**, reports on a fast-track accreditation system for IPs and local communities (the **African Indigenous Caucus/IPACC** deem it slow and costly); and availability of travel subsidies through WIPO's Voluntary Fund (also **Valmaine Toki**; **MEXICO** notes that the small amount of funds limits IPs' participation). Before each session, the IPs' caucus are briefed during a preparatory meeting (**TF** recommend longer meetings), while doCip's secretariat services are available to them throughout the sessions. Prior to the sessions, an indigenous panel allows experts to make presentations about IPs' traditional knowledge and genetic resources (**PAGTP-2012** recommend that these panels become a formal part of sessions). During the sessions, indigenous delegates are allowed to take the floor, and can present drafting proposals, which need State sponsorship to remain on the table (**Paul Kanyinke Sena**, **Saul Vicente Vasquez**, **IPCB**, **North American Indigenous Caucus** voice strong objections to this rule). An indigenous expert workshop will be organized prior to an upcoming session, in collaboration with the PF (**TF** and the **Arctic Indigenous Caucus** recommend holding such meetings annually).

**PF member Paul Kanyinke Sena** enquires on improving WIPO's capacity-building and awareness-raising activities (also **FAIRA**, **TF**); on increased efforts to bring African IPs into the IGC (also **African Indigenous Caucus/IPACC**); on having indigenous co-chairs (also **TF**); on WIPO's cooperation with other agencies; and on its work in protecting traditional knowledge and genetic resources in IPs' territories (also **FAIRA**; **Simon M'Viboudoulou** for African IPs).

**Saul Vicente Vasquez** emphasises the study by Erica Daes on indigenous cultural and intellectual property, which warns that intellectual property rights or patents are intrinsically not appropriate (**WIPO** acknowledges this), as they would have the effect of dissolving IPs' identities (also **North American** and **Maori Indigenous Caucuses**, **IITC/IWBN**, **ECMIA**). He enquires about permanent protection of all parts of IPs' intellectual property (also **PAGTP-2012**).

Answering, **WIPO** acknowledges insufficient outreach activities and will try to improve them. **WIPO's** bodies, including the **IGC**, have always had only one chair, but IPs may co-chair the **IGC** drafting and working groups. Member States consider inter-agency cooperation very important. The **IGC's** work is about building a system of intellectual property protection that is adapted to the particular features of traditional knowledge and needs of IPs, who are their holders. The intellectual property system has other protection measures in addition to property rights. There is controversy in the **IGC** over possible beneficiaries other than IPs and local communities (**FAIRA** enquire about this). **WIPO** would welcome involvement by more human rights experts in the **IGC**. Regarding parity of status between IPs and Member States, these are the ones that decide over procedures and that should be persuaded.

The **Global Indigenous Women's Caucus** emphasise indigenous women's responsibility in the protection of IPs' heritage, creativity, and genetic resources (also **IPCB**, **IITC/IWBN**, **PAGTP-2012** for IPs in general). IPs should develop their own legal standards, to be formally recognized and protected by States and the UN, to protect knowledge systems and cultural heritage in accordance with articles 11 and 31 of the Declaration (also **Global Indigenous Youth Caucus**, **IPCB**, **North American Indigenous Caucus**, **IITC/IWBN**; the **Maori Indigenous Caucus** reporting on such efforts by **Maori**). To this end, States and the UN should provide financial support and legal training, and access to decision making for IPs, in particular women, on matters affecting them (also **PAGTP-2012**).

Considering **WIPO** and **IGC** as contemporary manifestations of piracy that magnify the doctrine of discovery, the **Global Indigenous Youth Caucus** denounce promotion of the misappropriation of IPs' knowledge and cultural heritage (also **IPCB**, **North American** and **Maori Indigenous Caucuses**, **IITC/IWBN**). Inadequately designed international policies and standards will affect future generations.

In a joint statement, **IPCB** reaffirm IPs' rights to self-determination and to free prior and informed consent, as well as to their spiritual and cultural relationship with all life forms (also **Global Indigenous Youth Caucus**, **North American Indigenous Caucus**, **IITC/IWBN**). The current rules of the **IGC** violate articles 18, 19, 25, and 26 of the Declaration (also the **Global Indigenous Women's** and **Youth Caucuses**, **African** and **Maori Indigenous Caucuses**, **FAIRA**). The PF should request **WIPO** to amend its rules of procedure to ensure IPs' full and equal participation in all processes that affect them (also **Global Indigenous Women's Caucus**, **African Indigenous Caucus/IPACC**; **Saul Vicente Vasquez** and **IITC/IWBN** highlighting **FAO's** mechanism for IPs' participation in negotiations); without that, it is completely unrealistic for IPs to meaningfully engage in the **IGC** process (also **North American** and **Maori Indigenous Caucuses**, **IITC/IWBN**). The PF should also make it clear to **WIPO** it has no authority to regulate IPs' traditional knowledge and access to such and associated genetic resources, which remain under IPs' control (also **Global Indigenous Youth Caucus**, **North American** and **Maori Indigenous Caucuses**, **IITC/IWBN**, **FAIRA**).

**TF** urge States to retain, in the texts being negotiated, language that acknowledges IPs as the owners of traditional knowledge. This status must be better reflected in the **IGC's** working methods, following examples of the Working Group on the Draft Declaration and the **CBD** working groups on article 8(j) and on access and benefit sharing (also **Global Indigenous Youth Caucus**, **Arctic Indigenous Caucus**, **African Indigenous Caucus/IPACC**, **PAGTP-2012**; **GCC/AFN/CFSC/AI/IITC/AIPCCN/UBCIC/COO/T4FN/MPIDO/FPHRC** for other UN processes). **WIPO** should develop a policy on IPs recognizing their rights to self-determination and to free prior and informed consent, including in negotiations (also **Global Indigenous Women's** and **Youth Caucuses**, **FAIRA**, **IITC/IWBN**).

The **North American Indigenous Caucus** demand that **WIPO** use the proper term "indigenous peoples", in compliance with the Declaration.

The **African Indigenous Caucus** and **IPACC** note that **WIPO** maintains the position that States are the main negotiators at the **IGC**, in procedures that pre-date the Declaration.

The **Arctic Indigenous Caucus** suggest that the PF call on **WIPO** to appoint an indigenous representative to the group of facilitators who conduct technical reviews of the texts being negotiated; and encourage the **IGC** to hold inter-sessional meetings with adequate representation by IPs.

Underscoring the **Maori** struggle to protect their knowledge, the **Maori Indigenous Caucus** say the **WAI 262** Flora and Fauna Claim to the Waitangi Tribunal, seeking recognition that everything in the **Maori** world is part of what they are responsible for, was settled after 20 years of obstructive tactics by the Crown, in a report that fails to recognize the rights and responsibilities claimed by the **Maori** peoples (**Valmaine Toki** encourages **New Zealand** to bear in mind articles 1, 18 and 3 of the Declaration, on self-determination and decision making). **WIPO** must engage in meaningful dialogue with IPs on defining the nature of indigenous knowledge (also **Global Indigenous Youth Caucus**, **FAIRA**).

**FAIRA** underscore that undue delay in the IGC's work has been very costly for the indigenous delegations. States, especially those who seek to exploit IPs' knowledge and genetic resources, must contribute to WIPO's Voluntary Fund. WIPO remains a trade organisation (also **Maori Indigenous Caucus**). Member States' misconception that international human rights standards do not apply in this context must be corrected (also **Global Indigenous Women's and Youth Caucuses, IPCB, PAGTP-2012**). FAIRA enquires on WIPO's acknowledgement of IPs' status in international trading of intellectual property.

**IITC/IWBN** warn that the disproportionate emphasis placed on economic value of IPs' knowledge could destroy their cultural integrity (also **Global Indigenous Women's Caucus**).

Referring to experiences in Peru and Panama, **ECMIA** urge States to develop legislation and procedures to register IPs' knowledge and practices as collective intellectual property, and to support IPs' prior research on them. Intellectual property of IPs' traditional knowledge is closely linked to their territories – this must be respected (also **FAIRA, IPCB**).

**MEXICO** reports on its consultation with IPs, which guides the Mexican delegation in the IGC negotiations. The PF might designate a representative to follow-up the negotiations.

**UNFPA** presents the report on the Inter-Agency Support Group on Indigenous Peoples Issues (IASG) 2011 annual meeting [document E/C.19/2012/11]. Lack of reliable statistical data contributes to IPs' invisibility in poverty eradication and sustainable development policies (also **DENMARK**); and hinders identification of situations of discrimination both within and outside indigenous communities (also **MEXICO**), which affect IPs' enjoyment of their rights. Governments need to strengthen their capacity to collect pertinent and quality data, while taking into account IPs' views and perspectives (also **Global Indigenous Peoples' Caucus**).

Efforts by the **UN Environment Programme** (UNEP) to address increasing degradation of ecosystems and greenhouse gas emissions, from which many indigenous communities are the first to suffer, will include indigenous knowledge holders in sustainable management of ecosystems.

**AFN/GCC/COO/CFSC** object that the CBD Secretariat fails to promote the PF's recommendations in CBD-related processes; and exceeds its authority by providing IASG members with prejudicial information about IPs and organisations that have expressed criticism of the Nagoya Protocol. The PF should underscore the inappropriateness of such actions.

**DENMARK** will continue to advocate for IPs' collective and individual rights in international forums, including on climate change (also **IUCN**). Despite progress within the UN (also **MEXICO**) in dialogue on the Declaration, the IASG fails to report on agencies' policies on indigenous rights and implementation of free prior and informed consent. Denmark wishes that UN agencies take a much more active role in country-level dialogues on IPs' rights (also **African Indigenous Caucus, AIDB, IPACC/PIDP**), and underscores the potential contributions of the UN Development Programme, ILO and UNICEF – who should consider IPs not as vulnerable groups, but as peoples in vulnerable situations and with great potential (also **AIDB** for UN agencies in general).

## **Item 6 – Half-day discussion on the rights of IPs to food and food sovereignty**

**Saul Vicente Vasquez** says IPs' food security depends on food sovereignty. Lack of implementation has led not only to a broad denial of IPs' right to food, but has abrogated their rights to their lands, traditional cultures, social organisation, language, spirituality, and overall identity (also **Olivier de Schutter, IFAD, Joan Carling**), thus denying their collective existence as distinct peoples.

**Olivier de Schutter, Special Rapporteur on the right to food**, says that because IPs suffer from more extreme poverty than non-IPs do, food insecurity is harder on them (also **Global Indigenous Youth Caucus** for children and youth). Large-scale development projects threaten their access to resources, or result in forced displacement without their free prior and informed consent (also **Anna Naykanchina, Raja Devasish Roy, IFAD, Global Indigenous Peoples' and Women's Caucuses, NICARAGUA; Pacific Indigenous Caucus** regarding Rapa Nui; **CIDOB** regarding Bolivia; **AMICM/IIWF** for indigenous women). When communities lose control of their food systems, often a “nutrition transition” occurs: they turn to Western diets, leading to a significant increase in disease, particularly diabetes, cardiovascular disease, and gastro-intestinal cancers. He appreciates the FAO's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, developed with the full participation of IPs, promoting disaggregation of data in order to measure food insecurity in vulnerable groups (also **Jose Graziano da Silva, Marcela Villareal, ECUADOR**). The food sovereignty approach is an alternative to the idea of food security, and is linked to IPs' collective rights; for example, the guidelines on culturally appropriate food and the activities to obtain them regard collectively practised hunting, fishing and agriculture as key parts of cultural identity that must be protected under the Declaration (also **Saul Vicente Vasquez, Raja Devasish Roy, Anna Naykanchina, Global Indigenous Youth and Women's Caucuses, Pacific Indigenous Caucus, Saoudata Aboubacrine, Carlo Petrini, BRAZIL, MEXICO, NICARAGUA, ECUADOR, ARGENTINA**). He applauds Nigeria's decision that the State must intervene when the **Ogoni** people's right to food is threatened by oil companies' activities in that region.

**Jose Graziano da Silva, Director-General of the Food and Agriculture Organization (FAO)**, informs on FAO's commitment to prioritise indigenous issues and increase participation of IPs (also **Saoudata Aboubacrine**).

**Marcela Villareal, Director of Gender, Equity and Rural Employment Division of FAO**, underlines that the FAO Guidelines put tenure rights, which are so central to IPs' food security and food sovereignty, in a context of human rights (also **Olivier de Schutter, Saoudata Aboubacrine, IFAD, IPACC**).

**Saoudata Aboubacrine, International Planning Committee on Food Sovereignty** explains that "food sovereignty" refers to the right of IPs, farmers, fishermen, small producers and herders to produce, trade and consume food according to cultural and spiritual values, traditional knowledge and rituals, unhindered by political, economic or military pressure.

Along with recognition of IPs' lands, territories and resources, **Joan Carling, Secretary General of the Asia Indigenous Peoples' Pact Foundation** calls on States to legally recognize, protect and enhance IPs' sustainable livelihoods and resource management systems (also **Global Indigenous Women's and Youth Caucuses, Pacific Indigenous Caucus, NICARAGUA**).

**Carlo Petrini, NGO Slow Food**, says humanity's future depends on the skills of marginalised groups: the sensitivity and pragmatism of women, the wisdom and memory of the elderly, and IPs' sustainable subsistence economies that reflect their traditional empirical knowledge (also **Raja Devasish Roy, Global Indigenous Women's Caucus, CBD Secretariat, IFAD, the Abya Yala, Pacific and Arctic Indigenous Caucuses, ECMIA, MEXICO, ECUADOR, PERU**).

**BRAZIL** calls on States to ensure food security, which is an essential element of sustainable development, while taking into account the special needs of IPs. Brazil informs on its joint program with UN agencies to strengthen food and nutrition security for indigenous women and children.

Presenting the PF study on shifting cultivation [document E/C.19/2012/8], **Raja Devasish Roy** explains this mode of cultivation: after clearing secondary forests in the dry season, communities leave the cut vegetation to dry, and then burn it. The ash acts both as fertilizer and pesticide, and when the first rains come, seeds of different species are planted in small holes; after harvest, fields are left to regenerate naturally over fallow periods. This system generally includes collective modes of political decision-making and social dispute resolution, as well as community collaboration and safety-net systems that are less prone to gender bias and social hierarchies. States must expressly acknowledge the rights of shifting cultivators to their lands, delineate the lands concerned, and recognise the importance of this mode of cultivation to IPs' identity and integrity (also **Simon William M'viboudoulou, IPABFS**).

As the study's recommendations are also directed at NGOs and universities, **Simon William M'viboudoulou** calls on IPs to become knowledgeable about their cultures and to share this knowledge.

The **International Fund for Agricultural Development (IFAD)** emphasise the need to build on the initiative and assets of rural communities, and acknowledge the PF's and IPs' support in its progress regarding self-driven development by IPs (also **EU**).

The **Global Indigenous Peoples Caucus** say without IPs' traditional access to waters and lands for cultivation and food source sustainability, their right to healthy, natural and sovereign food cannot be achieved (also **IFAD, Saoudata Aboubacrine**).

The **Global Indigenous Women's Caucus** urge the FAO to establish local seed banks managed by indigenous women, and for the UN Framework Convention on Climate Change and the CBD to fully include indigenous women in creating adaptation strategies. They urge the PF to work with CERD and CEDAW on culturally sensitive mechanisms to protect indigenous women's food sovereignty (also **Global Indigenous Youth Caucus**).

The **Global Indigenous Youth Caucus** urge the PF and UN agencies to conduct comprehensive research on impacts of genetically-modified organisms, and recommend greater involvement by indigenous youth in UN mechanisms on the environment.

The **Pacific Indigenous Caucus** urge the USA to sign the Nagoya Protocol, and call on Chile to respect **Rapa Nui** IPs' rights to their traditional seeds, plants, traditional knowledge and practitioners. World Trade Organisation rules that enable it to override State sovereignty must be urgently revised.

The **Arctic Indigenous Caucus** emphasise that food insecurity is related to chronic physical health conditions, mental health challenges, and lower learning capacities. IPs have identified food insecurity as a foundational crisis that impacts their cultures' ability to participate in the opportunities of the emerging new Arctic. To ensure appropriate response to food insecurity, they call for development of standard indicators and methodologies to assess it.

The **Bolivian Indigenous Caucus** say decentralisation of Bolivia's food security programme enhances IPs' ability to build food sovereignty, and emphasise Andean IPs' contribution to food security through breeding apacas and llamas.

**MEXICO** informs on its food security programme supported by FAO using a gender approach; Mexico is prioritising food security and addressing the price of commodities in the work of the G-20.

**NICARAGUA** reports that its rate of malnutrition is halved (thus achieving the first of the MDGs), and informs on its improved access for women to micro-credit and empowerment.

**ECUADOR** says that in the shift from the food security approach to that of local, self-directed food sovereignty, the State's role would be to help avoid brutal effects, such as unemployment or increasing food prices.

As regards the concept of food sovereignty, **ARGENTINA** maintains its reservation, saying no consensus has been reached as yet among FAO and UN Member States; the right to food is an individual right.

## Item 7 – Half-day discussion on the World Conference on Indigenous Peoples

**Edward John** emphasises that equally important to the road to the World Conference on Indigenous Peoples in 2014 (the Conference) is the road back to IPs' communities (also **North American Indigenous Caucus**).

**Myrna Cunningham Kain**, PF focal point for the Conference, recalls that the General Assembly (GA) decided, in its resolution A/RES/65/198, to organize a high level plenary meeting in 2014 to be known as the “World Conference on Indigenous Peoples”, to share perspectives and best practices on the realization of IPs' rights and to pursue the objectives of the Declaration (also **John Henriksen, Hanifa Mezoui, Bolivian Indigenous Caucus**). The PF issued recommendations towards increased and improved participation of IPs in the UN, following adoption of the Declaration (also **Edward John, James Anaya, Pacific Indigenous Caucus, IWA/IITC, AFN/GCC/COO/CFSC, BOLIVIA; Wilton Littlechild** for the EMRIP); it welcomed the idea of a global steering committee (also **NORWAY**), and regional preparatory conferences (also **Dalee Sambo Dorough, GUYANA**). The PF welcomes the appointment by the GA President of Ambassador Luis Alfonso De Alba and of Indigenous International Representative John Henriksen to conduct consultations on the modalities of the Conference, including IPs' substantive participation (also **Hanifa Mezoui, Dalee Sambo Dorough, Eva Biaudet, GCG, the Arctic, Asian, Abya Yala and Bolivian Indigenous Caucuses, IWF, Saami Parliament in Norway, BOLIVIA, PERU, ECUADOR, COSTA RICA, GUYANA, AUSTRALIA, NEW ZEALAND, DENMARK/GREENLAND, NORWAY**).

**Ambassador Yanerit Morgan** of Mexico says Ambassador Luis Alfonso de Alba has acknowledged the importance of including IPs since the beginning of the preparatory process. Mexico hopes to continue cooperating with the PF, EMRIP and SRIP, and discuss the Conference process during their annual meetings (also **Wilton Littlechild**).

**John Henriksen, Indigenous International Representative** of the Saami Parliament in Norway, says the reference to the Declaration in AG resolution 65/198 is a very important one, as this emphasises the inclusive spirit of the negotiations on the Declaration between Member States and IPs (also **Assistants Secretary-General Thomas Stelzer and Ivan Šimonović, IWA/IITC, CUBA, MEXICO**).

**Hanifa Mezoui, Office of the GA President**, emphasises the PF's recommendations to ensure a broad-based interactive dialogue and partnership between States and IPs before, during and after the Conference (also **Eva Biaudet, Abya Yala and Pacific Indigenous Caucus, IWA/IITC, NORWAY**).

**Carlos Batzin, Minister of Culture of Guatemala**, reports on the Government's actions to address the dire conditions and serious human rights violations that **Maya** IPs face, and to enable them to assert their contributions to national identity and development. UNESCO has declared Guatemala the world capital of philosophy. **Edward John** underscores that the recognition of IPs' civilizations and philosophies is important in light of the discussion on the doctrine of discovery, which was premised on the idea that IPs' civilizations were inferior (also **Abya Yala Indigenous Caucus, ICSA**).

The **Indigenous Global Coordinating Group for the World Conference on Indigenous Peoples (GCG)** welcome the support of States and UN funds to ensure IPs' full and effective participation before, during and after the Conference (also **Myrna Cunningham Kain, Arctic Indigenous Caucus, Saami Parliament in Norway, IWA/IITC, DENMARK/GREENLAND**). Among their recommendations (supported by the **Global Indigenous Women's Caucus, Asian Indigenous Caucus, Saami Parliament in Norway**), the GCG say the Conference should be funded both with existing UN budgetary resources and voluntary contributions (also **Arctic Indigenous Caucus, Dalee Sambo Dorough**); all meetings of the Conference should have governmental and indigenous co-chairs (also **Wilton Littlechild, Arctic Indigenous Caucus**); and participation should include Member States, IPs and their governance institutions, UN entities and civil society (also **IWF** for indigenous universities). Prior to the Conference, thematic interactive hearings should be held by the next two GA Presidents to facilitate a concise, action-oriented outcome document (also **Myrna Cunningham Kain, Arctic Indigenous Caucus, Saami Parliament in Norway, GUYANA, NICARAGUA, COSTA RICA, DENMARK/GREENLAND**), to be drafted by a committee comprising representatives of Member States and IPs (also **Wilton Littlechild, Saami Parliament in Norway, Arctic Indigenous Caucus**); the outcome documents of the indigenous preparatory processes should be official documents of the Conference (also **Myrna Cunningham Kain, Arctic Indigenous Caucus, IWA/IITC, DENMARK/GREENLAND**). UN agencies should

prioritise concrete ways to support IPs' participation, including financial support and reports with disaggregated statistics (also **Eva Biaudet, Arctic and Asian Indigenous Caucuses; IWF** for indigenous women). An evaluation of the Second Decade should be included in the Conference, specifically addressing indigenous women, children and youth (also **BOLIVIA, ECUADOR, EL SALVADOR**). All potential donors should contribute to the Voluntary Fund to support IPs' participation (also **Dalee Sambo Dorough, Board of Trustees of the UN Voluntary Fund, Arctic Indigenous Caucus, NORWAY**). Accreditation should be inclusive and allow all IPs to participate in the Conference and preparatory processes in keeping with articles 18 and 41 of the Declaration, on their right to participate in decision making (also **Abya Yala, Pacific and Arctic Indigenous Caucus, Saami Parliament in Norway, IWF, DENMARK/GREENLAND**).

**EMRIP Chair Wilton Littlechild** recalls Bolivia's support of the EMRIP's call for a World Conference on Indigenous Peoples (also **Abya Yala Indigenous Caucus, COICA, BOLIVIA, AUSTRALIA**). He expresses hope that the preparatory processes will allow IPs, States and others to set out a path for the future that considers the Declaration as a framework for reconciliation (also **Deputy Secretary-General Asha-Rose Migiro, Edward John, James Anaya, IWF, the Arctic, Abya Yala and Bolivian Indigenous Caucuses, BOLIVIA, CUBA, ECUADOR, MEXICO, CANADA, AUSTRALIA**). Treaties, agreements and constructive arrangements should be a fundamental theme of the Conference, as they were the reasons IPs first came to the UN. The EMRIP calls for IPs' full, direct and effective participation in all stages of the Conference, including the outcome document (also the **Global Indigenous Peoples Caucus, the Pacific, Abya Yala and Bolivian Indigenous Caucuses, IWA/IITC, IPABFS, COSTA RICA, PERU, BOLIVIA, NICARAGUA, AUSTRALIA, RUSSIAN FEDERATION**). Themes for round tables should include elements of the right to self-determination (also **BOLIVIA**).

The **Global Indigenous Peoples Caucus** underscore an urgent need for clarification of the entire process, and for capacity building to enable IPs to move forward towards full participation in the development of the final outcome document (also the **Global Indigenous Youth Caucus** for youth representatives).

The **Global Indigenous Women's Caucus** supports interactive roundtable meetings (also **Arctic Indigenous Caucus, USA**). They call for the GCG to ensure equal representation of indigenous women and youth.

**IWF** recommend inclusion of indigenous women's themes, such as issues of leadership and capacity building, political participation and gender parity in decision-making processes, as well as violence against indigenous women and economic empowerment.

The **Global Indigenous Youth Caucus** urge inclusion of indigenous youth and children's issues in the whole Conference process; and for adequate assistance, in partnership with doCip, with language differences for indigenous youth before, during and after the Conference.

The **Abya Yala Indigenous Caucus** emphasise that the Conference must discuss pluri-national states and the "Living well" paradigm, as alternatives to the nation-state and climate change crises, and to the green economy proposal (also **COICA, BOLIVIA, ECUADOR, GUATEMALA**).

The **North American Indigenous Caucus** report concerns related to the structure of a high-level plenary meeting, rather than that of other World Conferences and Summits that allow for full-scale preparatory meetings and greater levels of participation by IPs.

To contribute to IPs' full and effective participation in all the Conference's process, the **Asian Indigenous Caucus** call on Asian States to engage in meaningful dialogue with IPs in the perspective of recognizing them as distinct peoples with specific collective rights.

The **Pacific Indigenous Caucus** say the theme of the doctrine of discovery and decolonisation should be reflected in the Conference agenda. Other themes should include oceans, the impacts of globalization and transnational corporations, and the importance IPs' free prior and informed consent.

The **Arctic Indigenous Caucus** urge States not to be trapped in conventional, limited expectations for this Conference.

**IWA/IITC** recommend that the PF undertake studies to update the State of the World's IPs report, in time for the Conference, to provide accurate and usable information (also **Asian Indigenous Caucus; Myrna Cunningham Kain** and the **GCG** emphasising the relevance of disaggregated statistics).

**COICA** note that IPs of the Amazon region are achieving important steps toward constructive dialogue with States at the regional level for the effective implementation of the Declaration.

The **Bolivian Indigenous Caucus** urge inclusion of IPs' proposals in the outcome document, with regard to the problems they face in all areas.

Because States increasingly acknowledge that indigenous communities are unique knowledge holders of sustainable food and agriculture practices, **IPABFS** call for inclusion, in the outcome of the Conference, of a strong emphasis that local food systems will be the basis to feed the world in the years to come.

**IUCN** says IPs' customary lands and territories must be high on the Conference agenda. IPs' organisations and others should document the role of traditional knowledge and customary land management in reducing human vulnerability to, and risks of, natural hazards; and undertake a study on IPs' participation in environmental

governance and decision making at regional levels, to provide examples of both good and inappropriate practices.

The **Saami Parliament in Norway** applauds the work of the GCG (also **Wilton Littlechild**).

Consultations are still taking place with the IPs of **NICARAGUA** on themes to be addressed in the Conference.

**COSTA RICA** will support IPs' views as regards the outcome of the Conference, the preparatory process, priority themes and the organisation of discussions.

**GUYANA** suggests a theme on national mechanisms to foster partnerships between governments and IPs, and reporting by States on their actions to implement the Declaration.

**ECUADOR** and **BOLIVIA** insist on the importance of indigenous representation by men, women and youth.

**BOLIVIA** supports a two-day Conference with a general debate and round table discussions (also **NICARAGUA**), which could focus on IPs' contributions to broader development and to recovering environmental balance (also **Abya Yala Indigenous Caucus, IUCN**), and on international cooperation to address the problems that IPs face (also **ECUADOR**). The international community should directly support IPs' organisations for preparatory events in the seven indigenous regions.

The **USA** underscores funding of the Conference by voluntary contributions, as well as an inclusive preparatory process, including a mechanism for written input. Forward-looking themes focusing on best practices, could include IPs' self-determination and governance; lands, resources, the environment and economic development (also **GUYANA, BRAZIL**); culture and education; consultation and participation; business operations and their impact on IPs (**Dalee Sambo Dorough** welcomes these suggestions). Alongside the short, action-oriented outcome, there could be a longer Chair's text summarizing the round table discussions (**Dalee Sambo Dorough** agrees insofar as such a document is informed by IPs' views).

**AUSTRALIA** underlines the importance of follow up to the Conference.

**NEW ZEALAND** says the key issue are the arrangements for IPs' full and effective participation prior and during the Conference (also **RUSSIAN FEDERATION**).

**DENMARK** and **GREENLAND** sees the Conference both as a huge challenge and a great opportunity for progress (also **SWEDEN**).

**NORWAY** says the GCG, which elected John Henriksen as indigenous representative, was established without governmental involvement.

The **RUSSIAN FEDERATION** highlights the need to respect existing rules of the GA.

**Dalee Sambo Dorough** says the concise, action-oriented outcome document should reflect political will by the States, especially with regard to the implementation of the standards set forth in the Declaration (also **Abya Yala** and **Asian Indigenous Caucuses, BOLIVIA**), and include specific follow-up initiatives and deadlines (also **USA**).

**Eva Biaudet** emphasises that the indispensable inclusion of indigenous women and young people in the whole process will require commitment into funding their participation (also **Global Indigenous Women's and Youth Caucuses**). It will be important to ensure the highest level possible of the meeting, so as to guarantee a clear commitment by States to its outcome (also **Myrna Cunningham Kain, ECUADOR, NICARAGUA, BOLIVIA**). The outcome will be action-oriented insofar as indigenous men, women and children will feel, in their everyday lives, improvement in the implementation of their rights (also **Asian Indigenous Caucus, ECUADOR, PANAMA, DENMARK/GREENLAND**).

**Myrna Cunningham Kain** notes the wide consensus among States and IPs regarding the importance of IPs' participation (also **Yanerit Morgan, John Henriksen, Dalee Sambo Dorough, Eva Biaudet**). She underscores the challenges of achieving co-chairing of all activities of the process, of a wide registration process that allows for the participation of IPs' various forms of organisation, of making information on the process available to IPs (also **Global Indigenous Youth Caucus**), and of political will to fund this process (also **Edward John, IWWF, Saami Parliament in Norway**). A joint team will be needed for the drafting of the outcome document, in order to ensure that previous evaluations, including by UN agencies and on the MDGs, be taken into account (also **GCG; TF** for the outcomes of Rio+20; **IWA/IITC** underscoring the UN Seminar on Treaties and the Indigenous Women's Symposium on Environmental and Reproductive Health).

## **Item 8 – Half-day discussion on Central and Eastern Europe, the Russian Federation, Central Asia and Transcaucasia**

**PF member Anna Naykanchina** underscores the region's ethnic diversity (also **RAIPON**). Despite substantial development, IPs continue to face socio-economic disadvantages (also **Arctic Indigenous Caucus**), and their rights under the Declaration are disregarded. Cooperation between the private sector and IPs has great potential (also **Andrey Nikiforov**), and States must put in place policy frameworks that enable such cooperation based on respect for IPs' rights, including to free prior and informed consent (also **Mikhail Pogodaev**).

**PF member Andrey Nikiforov** note that the PF's half-day discussions with a regional focus, which allow for in-depth understanding of IPs' particular circumstances (also **Edward John, Rodion Sulyandziga**), should use the Declaration as a tool to assess state measures. Despite country-specific issues, States' policies share in common the need for a long-term strategy and legal measures to respect IPs' rights and the sustainable development of their traditional economic activities (also **Anna Naykanchina, Edward John**). States bear the primary responsibility for adequately addressing the situation of IPs (also **Mikhail Pogodaev**).

**Maxim Travnikov, Deputy Minister of Regional Development of the Russian Federation**, says that of most of its small-numbered IPs (in total 316,000 people) live in the far north of the country (also **LIENIP**). The Government's policy aims at strengthening their socio-economic situation by ensuring their equal access to all services, while protecting their ancestral ways of life and cultural heritage. The Russian Federation's policy on sustainable development of the IPs of the North focuses on health, education including mother-tongue education, improving the competitiveness of traditional economic activities (**LIENIP** urge more support), and access to services including telecommunication and housing (**Rodion Sulyandziga** underscores inadequate funding). The Russian Federation distinguishes between IPs' cultural rights, which they can exercise wherever they live, and economic rights, which are directly linked to their traditional, registered areas of economic activities that offer them preferential access to essential natural resources. Advocacy for IPs' rights takes place both at legislative level and on the ground, thanks to the efforts of NGOs, regional authorities and indigenous communities (also **LIENIP, FPCRIPRF**).

**Rodion Sulyandziga, of RAIPON**, underscores the worsening conditions of IPs in the North, Siberia and Far East of the Russian Federation, including assimilation and acculturation, while the State's policy fails to secure their place in a context of growing industrialisation and natural resource extraction. These 40 small-numbered IPs are extremely vulnerable – the 2010 census showed that 14 IPs have had population increase, while 24 IPs have decreased (also **CYE** for the **Yukaghir** reindeer-herders, numbering only 1'600 persons), and two have become extinct. Constitutional and legal guarantees complying with international law exist (also **Andrey Nikiforov, LIENIP**), but are not implemented (also **Anna Naykanchina**). IPs have recently lost governance structures, political representation rights, and the right to perpetual free use of lands and resources, while their traditional lands are being auctioned (also **Mikhail Pogodaev; Anna Naykanchina** for fishing quotas). IPs need a new ecosystem-oriented approach to integrate human activity into the fragile natural world of the North. The Russian Federation must include IPs and their governance structures in development management; create a federal public authority on Arctic development; create a single national legal framework to guarantee IPs' rights; protect IPs' rights and interests in negotiations with resource extraction corporations (also **FPCRIPRF**), and provide environmental protection in industrial development areas; protect the nomadic IPs of the North, and adequately support their ways of life (also **Mikhail Pogodaev**); rapidly establish territories for traditional use of natural resources; take special measures for IPs' self-government, including through indigenous parliaments (also **Arctic Indigenous Caucus**), and through meaningful representation in legislative and executive bodies (also **FPCRIPRF**).

**Mikhail Pogodaev, of WRH**, says reindeer herding indigenous communities face loss of grazing lands, due to non-registration and to intensive industrial development and expansion. Comprehensive national and international protection mechanisms are needed.

**UNEP** reports on its "Nomadic Herders" initiative, aiming at ensuring the basis for indigenous livelihoods in the face of biodiversity loss and climate change (also **WRH**). **UNEP** emphasises the need to train reindeer herding IPs in recording their traditional knowledge, while monitoring changes in land use and migration, industrial development, and climate change; to empower them through technical and financial assistance; and to develop adaptation strategies based on traditional knowledge (also **WRH**).

The **Arctic Indigenous Caucus** call on the Russian Federation and other States to clarify their positions on the Declaration (also **RAIPON; FRSCIP** for Ukraine), and ensure that IPs enjoy their right to participate in decision making in line with articles 18 to 20 of the Declaration.

**FRSCIP** deplore the little attention given to IPs living in other countries of this region than the Russian Federation. The Ukrainian Government has failed to honour constitutional provisions to promote the identity of IPs and legally protect their rights (also **MCTP**). Ukraine refuses to recognize their very existence, and continues to appropriate the **Crimean Tatar** people's land and material assets and destroy their heritage, while repressing human rights defenders.

**MCTP** deplore Ukraine's lack of interest in the international forum planned in Crimea to address restoration of the **Crimean Tatar** peoples' rights, including of those still living in exile. The PF should call for action by the UN towards resolution of the long-standing issues of the Crimean Tatar IPs in Ukraine (also **FRSCIP**).

**LIENIP** say Russian legislation is inadequate as regards IPs' ancestral lands and access to natural resources (the **RUSSIAN FEDERATION** acknowledges this). Governmental initiatives to address this, both through legislation (also **RUSSIAN FEDERATION**) and the establishment of a mechanism for engagement with IPs, must be carried out.

**FPCRIPRF** emphasise the issue of international representation of the Russian Federation's many small-numbered IPs, which have diverse governing structures that play important role in defending their rights; they perceive regional organisations' tendency to concentrate on political struggles. This hinders the development of an indigenous human rights movement.

In the Sakhalin region, **AIPSR** underscore ecological degradation, unemployment, urban migration of the youth, and contradictions in legislation that lead to IPs' being deprived of their traditional livelihoods due to introduction of fishing quotas and contamination of their waters by oil exploitation (also **Anna Naykanchina**).

**MAFUN** warn that traditional languages are under serious threat (also **CYE** for the **Yukaghir** IPs).

The **RUSSIAN FEDERATION** responds the Declaration is in conformity with its legislation, except for IPs' political self-determination and territorial rights. What is recognized regarding IPs is not a right to ownership, but to priority access to natural resources that are indispensable to their livelihoods. A draft law is being prepared that would enable preservation of traditional fishing activities, alongside the need to maintain equal conditions for all in commercial fishing. There is a need for more transparency regarding funds that come from the private sector (also **FPCRIPRF**). The PF should listen equally to all the various indigenous voices from the country (also **FPCRIPRF**).

**Rodion Sulyandziga** thanks the PF and the Russian Federation for this open and fair dialogue (also **Edward John**). He acknowledges the need for the various IPs in the country to unite, while stressing that solutions need to be found regarding land and resource issues, and relations with industrial companies (also **Arctic Indigenous Caucus**).

**Mikhail Pogodaev** underscores that protection of indigenous languages is essential to IPs' traditional knowledge and economic activities, as is the ability of indigenous children and youth to receive education in their places of residence, so that they can become engaged with their peoples' traditional economic activities.

**Andrey Nikiforov** acknowledges the high-level participation of the Russian Federation (also **Rodion Sulyandziga**, **Anna Naykanchina**).

**Anna Naykanchina** says the theme of the Second International Decade of the World's IPs, "Partnership for action and dignity", must be put into practice.

### **Item 9 – Future work of the PF, including issues of the ECOSOC and emerging issues**

**Paimanach Hasteh** introduces the Study on the duty of the State to protect IPs affected by transnational corporations [document E/C.19/2012/3] (acknowledged by the **Maori Indigenous Caucus**). Large-scale industrial projects involving natural resource extraction inevitably affect IPs by reducing their traditional livelihoods and land management systems (also **AIPR/SGC** for the **Ryukyu** IPs in Japan). Corporations' overall failure to respect IPs' rights leads to serious social conflicts and human rights violations (also **Asian and Maori Indigenous Caucuses**, **NNTC**). Codes of conduct and national legislative frameworks favour corporate interests (also **RAIPON**), whereas beneficial relations should be based on IPs' rights to lands and resources, to self-determination and to free prior and informed consent (also **Asian and Maori Indigenous Caucuses**, **TF**, **NNTC**). International law has firmly established States' duty to prevent injury to IPs by corporations (also the **Maori Indigenous Caucus** for Aotearoa/New Zealand). Increasing the effectiveness of international human rights instruments in this area will require strengthening the capacity of States to regulate the harmful action of corporations, in a context where they compete internationally for corporate investments (also **Saul Vicente Vasquez**). The focus in this debate also needs to expand beyond individual corporate liability.

Introducing a Report on the implementation of the PF's recommendations [document E/C.19/2012/7], **Eva Biaudet** presents an analysis of the database of PF's recommendations. Finding new methods to periodically gather relevant quantitative and qualitative information from governments and the UN system, in order to assess how recommendations impact IPs' lives on the ground, represents a major challenge. The report suggests improving the online database by updating the classification on the status of implementation, based on an improved reporting and monitoring system.

**Paul Kanyinke Sena** presents the Trust Fund for the Second International Decade of the World's Indigenous Peoples, which has a small grant programme for projects aligned with the objectives of the Second Decade. Beneficiaries are IPs and civil society organizations that work with them. The amount of every grant is about 10,000 US\$ for one-year projects. All relevant information is available on the PF's website. Since 2010, the total amount of contributions has been dropping, while the number of applications is on the rise (as an indication of the magnitude of the needs, **Edward John** notes that in 2011, 1038 proposals out of 1044 did not receive funding). Possible ways to address this challenge include new criteria and evaluation of the projects' impacts.

The **Global Indigenous Peoples' Caucus** encourage all IPs to report on-going human rights violations to the human rights treaty bodies and special procedures.

The **Global Indigenous Youth Caucus** recommend expert reports by the PF assessing the global status of indigenous children and youth against the Declaration. For the 2013 PF Expert Group Meeting on indigenous youth, experts should include one indigenous youth representative from each region (also **MAFUN**).

**TF** urge the PF to reinforce the voices of IPs at the Rio+20 Conference (also **Asha-Rose Migiro, African Indigenous Caucus, DENMARK/GREENLAND, UNEP**), namely by affirming the integral linkages between sustainable development and IPs' human rights and culture; and by underscoring IPs' diverse local economies and livelihoods. IPs call for a multi-disciplinary knowledge platform on sustainable development, which values diverse knowledge systems.

The **Asian Indigenous Caucus** recommend a more equitable arrangement for the speakers' list, as a key value of the PF is that IPs' voices from the grassroots can be heard in the UN (also **Global Indigenous Youth Caucus**). The PF should hold a discussion in 2013 on industrial and extractive and energy activities on or near indigenous territories; representatives of affected IPs could join a panel including the SRIP, EMRIP and Working Group on human rights and transnational corporations (also **NNTC**).

The PF should hold a half-day discussion on IPs and oceans. The **Pacific Indigenous Caucus** and **IITC** emphasise a range of threats to the ocean ecosystems on which IPs' survival depends, these include lack of consideration of IPs' rights by the International Maritime Organisation, impacts of climate change (also **KCHS**), diminishing ocean biodiversity, impacts of militarization, tourism and industrial development of shoreline compromising culturally and spiritually important places and practices.

The **Pacific Indigenous Caucus** recommend that the PF, SRIP and Working Group on businesses and human rights investigate infringements of IPs' rights by the Asian-Pacific Economic Cooperation (APEC) and other transnational trade agreements (also **Asian and Maori Indigenous Caucuses, UNPK**), including their potential to obliterate indigenous identities through marginalization and assimilation (also **AIPR/SGC, UNPK**). The PF should promote open dialogue between States and IPs about their relations, and effective preservation of IPs' lands and water (also **Maori Indigenous Caucus**).

The **Maori Indigenous Caucus** warn that the New Zealand Government increasingly grants licenses to transnational corporations for extractive operations, and sells large tracts of farmlands to foreign interests, as well as so-called state-owned enterprises based upon assets and resources that were originally taken from **Maori** people without their consent. In spite of Maori opposition, the Government seems determined to proceed. The PF should establish an independent monitoring group to ensure States' compliance with the Declaration (also the **Maohi** IPs of Polynesia), in particular as regards trade agreements and transnational activities (also **Asian Indigenous Caucus, HIC**); they urge New Zealand to abide by its domestic and international obligations regarding environmental and IPs' rights.

**NNTC** are active in the Indigenous Peoples and Extractive Industries Network, which critically examines and presses for implementation of the Declaration by extractive corporations (also **Asian Indigenous Caucus**). The PF should continue to address extractive industries' issues; they urge the Working Group on human rights and transnational corporations to give priority attention to impacts of extractive industries on IPs.

The PF need to address protection of IPs' rights in disputed border areas. **AIPR/SGC** say the **Ryukyu** IPs are deprived of their traditional territorial rights on the Iigunkuba islands, also called Senkaku Islands in Japan and Diaoyu Islands in China. The Governments of Japan, China and Taiwan must solve their territorial issue peacefully and respect IPs' rights. (In right of reply, **JAPAN** asserts that the Senkaku Islands are under its control, while **CHINA** replies that the Diaoyu Islands belong to its territory.)

**KF/IPNC/AH** (also **Pacific Indigenous Caucus, UNPK, KHCS**) call on the PF to rapidly convene its expert seminar on decolonization; and to request relevant UN treaty bodies, the GA and the Decolonization Committee to address the claims of IPs formerly listed as Non-Self-Governing Territories in the Pacific region.

**MAFUN** suggest a comprehensive study and thematic debate on information and communication technologies in the context of IPs' rights. PF sessions should be made available through webcast, with its website in all six UN languages (also **HIC**).

### **High-level event to commemorate the fifth anniversary of the adoption of the Declaration**

The ceremony having been moved to a simple meeting room, **SWEDEN, ARGENTINA, AUSTRALIA, BOLIVIA, CANADA, CHILE, COSTA RICA, DENMARK, ECUADOR, EL SALVADOR, FINLAND, GUATEMALA, ICELAND, INDONESIA, MEXICO, NEW ZEALAND, NICARAGUA, NORWAY, PERU, SPAIN, SWITZERLAND, USA, URUGUAY** and **VENEZUELA**, strongly object to the last minute change of venue for this commemoration, which was planned to take place in the General Assembly Hall. The UN needs to ensure that IPs are awarded fair treatment, in the spirit of the Declaration (also **Edward John, David Choquehuanca, Global Indigenous Women's Caucus, Pacific Indigenous Caucus**).

**Nassir Abdulaziz Al-Nasser, President of the UN General Assembly**, welcomes back those who made possible the adoption of the Declaration five years ago (also **Global Indigenous Women's Caucus, AUSTRALIA, DENMARK/GREENLAND**). The Declaration has already brought institutional, constitutional and

policy changes, as well as new jurisprudence (also **Ivan Šimonović, Edward John, Arctic Indigenous Caucus, SWEDEN**).

**UN Secretary-General Ban Ki-moon** emphasises the historic step taken by the UN with the adoption of the Declaration and calls for strengthened partnerships to realize the rights it sets out for all IPs (also **Nassir Abdulaziz Al-Nasser, Ivan Šimonović, Edward John, James Anaya, FINLAND, SWEDEN, MEXICO, NICARAGUA, EL SALVADOR, AUSTRALIA, EU**).

**Ivan Šimonović, Assistant Secretary-General for Human Rights**, underscores the enthusiasm that the Declaration has raised since its adoption (also **Saami Parliament in Norway, CJIRA/CMNA**). Built on binding human rights standards (also **Edward John, James Anaya**), the Declaration contextualises all human rights for IPs (also **NORWAY**). The OHCHR is committed to supporting efforts towards its implementation in the same spirit of partnership.

As former member of the Working Group on Indigenous Populations (WGIP), **Danilo Türk, President of the Republic of Slovenia**, states that IPs' land rights are an asset in environmental protection, and their right to full and effective participation is a significant source of empowerment, also for the society at large (also **Global Indigenous Women's Caucus**). The UN must live up to its historic responsibility in promoting IPs' rights (also **Edward John**).

**David Choquehuanca, Minister of Foreign Affairs of Bolivia**, says the UN human rights system has evolved from the protection of individual rights to that of collective rights (also **Danilo Türk**). IPs' responsibility is towards mother earth, wounded to death by mainstream development (also **African Indigenous Caucus**). IPs' values and principles enable them to offer alternatives to these crises (also **Ban Ki-moon**). The Bolivian IPs have been the first to put forth the “Living well” paradigm – which means knowing how to listen to mother earth, and seeking balance in all ways of life (also **ECUADOR, NICARAGUA**).

**Ambassador Luis Enrique Chávez** of Peru, **former Chairperson of the Working Group on the Draft Declaration**, emphasises the drafting process of the Declaration as a revolutionary example of international negotiation, for its inclusion of IPs alongside governments (also **Nassir Abdulaziz Al-Nasser, Ivan Šimonović, Danilo Türk, MEXICO, EU, AUSTRALIA**). In 1995, after 13 years of elaboration in the WGIP, the first text was presented to the Commission on Human Rights, where IPs unanimously supported it, while States' positions ranged from ready acceptance to strong reserves. Tracing the history of challenges and achievements of the Working Group created to reconcile these positions, which he chaired from 1999, he highlights strong reticence by States to accept reference to “indigenous peoples”, and the need to establish safeguards prior to beginning real negotiations on the text – namely, that any consensus on the Declaration should include IPs, and that changes to the original text should be indispensable, minimal, and improve the text. Based on these principles, consensus was sought during years on an alternative text. When submitted for adoption to the Human Rights Council in 2006, the draft Declaration was adopted following a vote – an unusual circumstance for that kind of document. This was also the case, but with only four States opposing the adoption, when the Declaration was adopted after a final negotiation by the GA in September 2007. In this, the Declaration is similar to the Universal Declaration on Human Rights (also **Wilton Littlechild**).

**Edward John** recalls that the Declaration was adopted after two decades of intense struggle; the efforts of the global indigenous movement (also **Ban Ki-moon, David Choquehuanca, Global Indigenous Women's Caucus, Abya Yala Indigenous Caucus**), allowed agreement on a document that captures the range and diversity of IPs worldwide (also **Danilo Türk** emphasising IPs' self-determination, **Wilton Littlechild, James Anaya, Arctic and Pacific Indigenous Caucuses, CISAN, FINLAND, DENMARK/GREENLAND**). Many years ago, Chief Deskaheh of the Haudenosaunee and the Maori religious leader T.W. Ratana were denied access to the League of Nations (also **Global Indigenous Youth Caucus, David Choquehuanca**). IPs now reaffirm that they must be fully and effectively engaged in any matter affecting their lives: their free prior and informed consent must be a reality (also **Nassir Abdulaziz Al-Nasser, Ivan Šimonović, Global Indigenous Women's Caucus, Abya Yala Indigenous Caucus**). The Declaration is a living document holding the hopes of all IPs, and setting minimum standards for their survival, well-being and dignity (also **Danilo Türk, Global Indigenous Youth Caucus, Abya Yala Indigenous Caucus, Saami Parliament in Norway, NORWAY**). IPs' identities live in their blessings, songs and teachings, which are passed on to the young people. Every generation has its responsibilities for IPs' collective well-being (also **Global Indigenous Youth Caucus**). IPs continue to sit at the UN and call for States and agencies to address the on-going systematic violations of their rights, including their central rights to land and resources (also **Abya Yala and Asian Indigenous Caucuses**). Indeed, the Declaration could be used as a foundation for each and every claim for the recognition and protection of the inextricable spiritual links between IPs and their lands and the natural world. Under article 42 of the Declaration (also **Abya Yala Indigenous Caucus**), the PF was endowed with new responsibilities, namely to promote incorporation of the Declaration into national law and policy, raise awareness on the rights contained therein, and examine their implementation at national level (also **Pacific Indigenous Caucus**). All actors are responsible for disseminating the contents of the Declaration, now available in over 50 languages (also **MEXICO, NORWAY, FINLAND**).

The **SRIP James Anaya** says the Declaration's adoption marks the transition from an era of infringement upon IPs' rights, to an era in which these rights are recognized within the global programme to advance human rights (also **Edward John, Danilo Türk, Saami Parliament in Norway, MEXICO, CUBA, NICARAGUA, AUSTRALIA, FINLAND**). However, the Declaration remains more of a reminder of what has to be achieved, as IPs continue to experience continual breaches of their rights (also **Ban Ki-moon, Nassir Abdulaziz Al-Nasser, USA**), resulting from patterns of government and societal behaviour rooted in oppression (also **Ivan Šimonović, Dalee Sambo Dorrough, Wilton Littlechild, Global Indigenous Youth Caucus, Pacific Indigenous Caucus, Saami Parliament in Norway, SWEDEN, GERMANY**). Overcoming obstacles to implementation requires building greater awareness among States and UN actors at all levels, and among the public in general (also **Edward John, Pacific Indigenous Caucus, NCAFP, Haudenosaunee Confederacy, AIDB, FINLAND**). This commemoration must not obscure the challenges ahead, and should be an occasion to renew commitment towards the Declaration's fundamental objective: to improve the human rights conditions of the world's IPs (also **Ivan Šimonović, Edward John, Wilton Littlechild, Global Indigenous Women's Caucus, Pacific Indigenous Caucus, MEXICO, FINLAND, DENMARK/GREENLAND, GERMANY**).

**EMRIP Chairperson Wilton Littlechild** acknowledges this opportunity for commemoration (also **David Choquehuanca, Edward John, Global Indigenous Women's Caucus, Pacific and Arctic Indigenous Caucuses, MEXICO, COSTA RICA, NICARAGUA, USA, EU, SWEDEN, GERMANY, DENMARK/GREENLAND, NORWAY**). The EMRIP's work has a direct link to self-determination, which is the foundation of the Declaration (also **Pacific Indigenous Caucus**). In 1962 the UN Office of Legal Affairs defined the legal status of a declaration as "... a solemn instrument, resorted to only in very rare occasions relating to matters of major and lasting importance where maximum compliance is expected".

The **Global Indigenous Women's Caucus** say the Declaration's negotiations strengthened a vibrant global indigenous community and empowered indigenous women and youth (also **Danilo Türk, Global Indigenous Youth Caucus, Asian Indigenous Caucus**). Its adoption added an important tool in IPs' struggle to achieve harmony with each other and with mother earth (also **Edward John, ICOSA, SCAT, FINLAND**). The work ahead is complicated by threats posed by extractive industries, environmental violence and climate change, theft of IPs' knowledge and resources, and militarization (also **African, Asian, Pacific and Arctic Indigenous Caucuses**). During PF sessions, the **Global Indigenous Youth Caucus** build lifelong relationships with their elders. To carry on the responsibility for advocating the rights of IPs, it is important that the indigenous youth be empowered through support and capacity building (also **Pacific Indigenous Caucus, FINLAND**).

Emphasising lack of respect for IPs' political status, development, and autonomy, the **Abya Yala Indigenous Caucus** warn that States must comply with the Declaration and apply it, including self-determination in line with article 3 (also **Global Indigenous Youth Caucus**).

Positive outcomes in Africa include recognition of the Declaration by some States and its interpretation by the ACHPR, but the greedy global competition for lands and natural resources is undermining these gains. The **African Indigenous Caucus** call for greater collaboration between African Governments and IPs, through empowerment of indigenous land and resource management institutions.

The **Asian Indigenous Caucus** welcome establishment of the ASEAN Inter-Governmental Commission on Human Rights, but regret the secrecy in the drafting of a Human Rights Declaration, as well as IPs' absence in the ASEAN plan for economic growth. While acknowledging progress in Indonesia in this regard, the Asian Caucus urge States to urgently realize legal reforms for the recognition of IPs and their rights consistent with the Declaration (also **Global Indigenous Youth Caucus, Pacific Indigenous Caucus**).

Because of the present danger of climate change impacts, the **Pacific Indigenous Caucus** say IPs' self-determination must be recognized through their involvement as experts within UN bodies.

Given increasing Arctic industrialisation (also **Pacific Indigenous Caucus/IITC**), the **Arctic Indigenous Caucus** underscores the proposed optional protocol to the Declaration, for the effective implementation of IPs' rights to self-determination, land and resources.

The Declaration is guiding **MEXICO's** policies, including on consultation mechanisms.

**EL SALVADOR** emphasises its recent recognition of IPs' rights, including an apology for persecuting and exterminating IPs; the importance of political will to give way to redress; a constitutional reform to recognize IPs; and mechanisms for policy engagement.

The Constitution of **NICARAGUA** recognizes IPs, their lands, cultures and worldviews. Its model of indigenous autonomy is embodied in both Atlantic Autonomous Regions.

The adoption of the Declaration at the time when **ECUADOR** was elaborating its constitutional reform made it easier to include its provisions into the new Constitution, which now guarantees their implementation, through recognition of a pluri-national State, celebration of mother earth, and recognition of IPs' traditional knowledge.

The **USA** reports on measures to strengthen the government-to-government relationship with tribal governments, including opportunities for dialogue and consultation with federal authorities; programmes and budget

allocations to strengthen the self-government ability of tribes; and settlement of tribal claims over the Government's mismanagement of IPs' resources.

**AUSTRALIA** uses the Declaration in seeking to rebuild its relationship with Aboriginal and Torres Strait Islander peoples, namely through its Closing the Gap strategy; its support and commitment to working with NCAFP on policies that affect IPs; its support for initiatives addressing trauma and grief among the Stolen Generations; and efforts to pursue IPs' constitutional recognition.

The **EUROPEAN UNION (EU)** pledges its strong support of the Declaration.

**DENMARK** and **GREENLAND** say the process leading to Greenland Self-Government was inspired by the global indigenous rights' movement. It is a *de facto* implementation of the Declaration, and in particular of the right of its people to self-determination, based on mutual respect and good will. Much more needs to be done to implement the Declaration's standards in the increasingly important area of business.

The Constitution of **NORWAY** provides for the preservation and development of the **Saami** people's language, culture and way of life, and a proposed amendment considers recognition of their indigenous status. The agreement on consultations with the Saami Parliament contributes to the best possible outcomes on matters affecting Saami rights, even when full agreement cannot be reached.

**FINLAND**'s new human rights action plan contains several projects aiming at promoting **Saami** IPs' rights to participate in decision making on the use of state land and water in their homeland.

**SWEDEN** recalls that the Declaration now enjoys international consensus (also **Arctic Indigenous Caucus, AUSTRALIA, USA, MEXICO, EU**).

**GERMANY** is aligning its development cooperation policies with the Declaration. IPs have the right to just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for infringements of all their rights (also **Saami Parliament in Norway**).

### Provisional Agenda for the 12<sup>th</sup> session

1. Election of officers
2. Adoption of the agenda and organization of work
3. Follow-up on the recommendations of the PF:
  - (a) Health;
  - (b) Education;
  - (c) Culture.
4. Half-day discussion on the African region
5. Comprehensive dialogue with United Nations agencies and funds
6. Discussion on the World Conference on Indigenous Peoples
7. Human rights:
  - (a) Implementation of the Declaration
  - (b) Dialogue with the SRIP and the Chair of the EMRIP
8. Future work of the PF, including issues of the ECOSOC and emerging issues.
9. Draft agenda for the 13<sup>th</sup> session of the PF
10. Adoption of the report of the PF on its 12<sup>th</sup> session

### Closing of the session

While reviewing the session's proceedings, **Edward John** highlights the need for international decision-making processes to recognize IPs and to respect their right to safeguard and promote their traditional knowledge and resources (also **CISAN, GERMANY**); and for the PF to continue discussion of the situation of indigenous women and girls (also **MEXICO**). He closes with the words of **James Anaya** on the challenge to tackling the persistent legacies of the doctrine of discovery (also **Global Indigenous Peoples' Caucus, Pacific Indigenous Caucus**), to enter into a new era, in which IPs thrive and are valued in the countries where they are living.

**Maya** youth and children from Guatemala say a long time-cycle in the Maya calendar is about to close, representing more than 5,000 years of history of science and technologies, struggles and resistance. As a new era is opening, they urge governments to respect life on mother earth, rather than the pride and ambition that have sold the future of the world's children. The Maya children know, however, that their ancestors remain with them as they carry on life. They ask for all peoples to have long life, much peace and useful existence.

**Abbreviations of indigenous peoples' organisations and NGOs**

AAH:	Ainu Association of Hokkaido
AaidS:	Assyian Aid Society
ACC:	Anglican Consultative Council
ACHPR:	African Commission on Human and Peoples Rights
ADENCH:	Asociación de Descendientes de la Nación Charrúa, Uruguay
AFN:	Assembly of First Nations
AH:	Aupunii Hawaii
AHRC:	Australian Human Rights Commission
AI:	Amnesty International
AIDB:	Association pour l'intégration et le développement durable au Burundi
AIPCCN:	Africa Indigenous Peoples Climate Change Network
AIPP:	Asian Indigenous Peoples Pact
AIPR:	Association of Indigenous Peoples in the Ryukyus
AIPSR:	Association of Indigenous Peoples of Sachalin Region
AIWN:	Asia Indigenous Women's Network
AMICM:	Alianza de Mujeres Indígenas de Centroamérica y México
ATSISJC:	Aboriginal and Torres Straits Islander Social Justice Commissioner
AVSS:	Adivasi Vijaya Samajic Sanstha
BIPF:	Bangladesh Indigenous Peoples Forum
CADPI:	Centro para la Autonomía y Desarrollo de los Pueblos Indígenas, Nicaragua
CAEFS:	Canadian Association of Elizabeth Fry Societies
CCPIAN:	Comité Consultivo de Pueblos Indígenas y Afrodescendientes de Nicaragua
CFSC:	Canadian Friends Service Committee
CIDOB:	Confederación de Pueblos Indígenas de Bolivia
CISAN:	Comunidad Integradora del Saber Andino
CJIRA:	Comisión de Juristas Indígenas de la República Argentina
CMNA:	Confederación Mapuche de Neuquén - Argentina
CNMCIQB-BS:	Confederación Nacional de Mujeres Campesinas, Indígenas y Originarias de Bolivia – Bartolina Sisa
CNN:	Chihene Nde Nation
COICA:	Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica
CONACHA:	Consejo de la Nación Charrúa, Uruguay
CONAMAQ:	Consejo Nacional de Ayllus y Markas del Qullasuyu
CONIVE:	Consejo Nacional Indio de Venezuela
COO:	Chiefs of Ontario, Canada
CRA:	Chotanagpur Rising Association
CTT:	Consejo de Todas las Tierras
CYE:	Council of the Yukagir Elders, Russian Federation
ECMIA:	Continental Network of Indigenous Women of the Americas
ECMIA-NR:	Continental Network of Indigenous Women of the Americas, North Region
FAFIA:	Canadian Feminist Alliance for International Action
FAIRA:	Foundation for Aboriginal and Islander Research Action
FEWF:	Flying Eagle Woman Fund
FNS:	First Nations Summit, British Columbia
FPCRIPRF:	Foundation for the Protection of Constitutional Rights of Indigenous Peoples of the Russian Federation
FPHRC:	First Peoples Human Rights Coalition
FRSCIP:	Foundation for Research and Support to the Crimean Indigenous Peoples
GCC:	Grand Council of the Crees
HIC:	Hitorangi Indigenous Community
ICC:	Inuit Circumpolar Council
ICITP-NEZ:	Indian Confederation of Indigenous and Tribal Peoples - North East Zone
ICSA:	Indian Council of South America
IITC:	International Indian Treaty Council
IIFW:	International Indigenous Women's Forum
ILRC:	Indian Law Resource Centre
IPABFS:	Indigenous Partnership for Agro-biodiversity and Food Sovereignty
IPACC:	Indigenous Peoples of Africa Co-ordinating Committee

IPCB:	Indigenous Peoples Council on Biocolonialism
IPNC:	Indigenous Peoples and Nations Coalition
ISI:	Indian Social Institute
IWA:	Indigenous World Association
IWBN:	Indigenous Women's Biodiversity Network
JAP:	Jatiya Adivasi Parishad
JMF:	Jumchab Metta Foundation
JOAS:	Jaringan Orang Asal SeMalaysia
KaF:	Kapaeng Foundation, Bangladesh
KCHS:	Kamakakuokalani Center for Hawaiian Studies, University of Hawai'i
KF:	Koani Foundation
KRNS:	Kirat Rodu Nachhiring Sakham, Nepal
LAHURNIP:	Lawyers' Association for Human Rights of Nepalese Indigenous Peoples
LAWD:	Lipan Apache Women's Defence
LIENIP:	Lauravetlan Information and Education Network of Indigenous People
MAFUN:	Youth Association of Finno-Ugric Peoples
MCTP:	Mejlis of Crimean Tatar People
MPIDO:	Mainyoto Pastoralists Integrated Development Organisation
NAFC:	National Association of Friendship Centres
NALEB':	Organismo Indígena para la Planificación del Desarrollo, Guatemala
NCAPF:	National Congress of Australia's First Peoples
NCFCE:	Negev Coexistence Forum for Civil Equality
NFF:	New Future Foundation, Inc.
NNTC:	National Native Title Council
NPMHR:	Naga Peoples Movement for Human Rights
NSWALC:	New South Wales Aboriginal Land Council
NWAC:	Native Women's Association of Canada
PAGTP-2012:	Project Access Global Training Programme 2012
PCJSS:	Parbatya Chattagram Jana Samhati Samiti
PIA:	Parlamento Indígena de América
PIDP:	Programme d'Intégration et de Développement du Peuple Pygmée au Kivu - SHIRIKA LA BAMBUTI
RAIPON:	Russian Association of Indigenous Peoples of the North
RMIW:	Red de Mujeres Indígenas Wayuu
SC:	Saami Council
SCAT:	San Carlos Apache Tribe
SGC:	Shimin Gaikou Centre (Citizen's Centre for Diplomacy)
SMPFII:	Salamanca High School Model Permanent Forum on Indigenous Issues
T4FN:	Treaty Four First Nations
TF:	Tebtebba Foundation
TOVAW:	Tohono O'odham Voice against the Wall
TRC-Canada:	The Truth and Reconciliation Commission of Canada
TUNFA:	Association Tunfa, Niger
TWA:	Tribal Welfare Association
UBCIC:	Union of British Columbia Indian Chiefs
UCTP:	United Confederation of Taino Peoples
UMC:	United Methodist Church
UNPK:	Union Nationale du Peuple Kanak
WRH:	Association of the World Reindeer Herders
YP:	Yamasi People

### 3. OTHERS

#### OHCHR's Indigenous Fellowship Programme

The Indigenous Fellowship Programme (IFP) of the Office of the High Commissioner for Human Rights aims at providing indigenous men and women the opportunity to gain knowledge on the UN system and mechanisms dealing with human rights in general and indigenous issues in particular so they can assist their organizations and communities in protecting and promoting the rights of their people. At the end of the programme, each fellow will be capable of giving training sessions within their communities and organizations in the fields of international human rights in general, and on IPs' rights in particular, and be able to disseminate the information and knowledge gained during the programme.

The IFP is accessible in **English, French, Spanish and Russian**. The selected candidates are entitled to a return flight ticket, living expenses, and basic health insurance for the duration of the training programme. The programme -in its four linguistic versions- is held annually. In 2011, a review of the IFP led to the decision to merge all the linguistic components, which were previously held at different periods of the year, into one single training programme (with simultaneous interpretation) lasting from 4 to 5 weeks in Geneva. The dates of the training programme coincide with the sessions of the Expert Mechanisms on the Rights of Indigenous Peoples, thus allowing the fellows to participate more actively in that Mechanism. OHCHR Indigenous Peoples and Minorities Section – responsible for this programme – is foreseeing to complement the IFP in Geneva through the establishment of regional training components, to prepare the participants to the Geneva session.

For more information on the program, the conditions for application, the selection process and the application forms, please visit the website mentioned below. Additional questions pertaining to this programme should be addressed to the Indigenous Fellowship Programme (see address below).

The deadlines for OHCHR Indigenous Peoples and Minorities Section to receive **applications for the 2014 Programme** are the following:

English speaking programme: 5 May 2013

French speaking programme: 5 May 2013

Spanish speaking programme: 5 May 2013

Russian speaking programme: the deadline will be published at a later date.

Please note that in order to be considered, applications must be fully completed and signed, and sent only by fax or regular post to the address below. Application forms also need to be accompanied by an **official recommendation letter** from the nominating **indigenous** organization or community.

*Contact:*

Indigenous Fellowship Programme

Indigenous Peoples and Minorities Unit

Office of the UN High Commissioner for Human Rights

UNOG-OHCHR

CH-1211 Geneva 10 / Switzerland

Fax: + 41 22 917 9008

E-mail: [fellowship@ohchr.org](mailto:fellowship@ohchr.org)

Website: <http://www.ohchr.org/EN/Issues/IPeoples/Pages/Fellowship.aspx>

**UN Voluntary Fund for Indigenous Populations**

To attend the October session of the Universal Periodic Review, and all sessions of the treaty bodies between October and December 2013, applications will be accepted

**from 1 June to 15 July 2013**

Contact information:

*Secretariat of the UN Voluntary Fund for Indigenous Populations  
Office of the United Nations High Commissioner for Human Rights  
CH-1211 Geneva 10 – Switzerland  
Office location: 48 Giuseppe Motta, 1202 Geneva, Switzerland  
Phone: +41 22 928 9674 - fax +41 22 917 9008  
E-mail: [IndigenousFunds@ohchr.org](mailto:IndigenousFunds@ohchr.org)*

For applications and more information:

<http://www.ohchr.org/EN/Issues/IPeoples/IPeoplesFund/Pages/IPeoplesFundIndex.aspx>

**Upcoming Meetings and Events of interest for IPs**

Our updated Agenda of upcoming meetings and events of interest for IPs is available on our website at the following address: [http://bit.ly/agenda\\_en](http://bit.ly/agenda_en) (or by choosing *Agenda* in the menu *doCip at the UN*). We mail hard copies of the updated Agenda twice a year to indigenous organizations and individuals – and to other interested organizations or individuals, upon request.

**INFORM US OF YOUR CHANGE OF ADDRESS**

Please inform us each time you change your e-mail/postal address, or phone/fax number so that we may keep our address book up to date. Send an email to [docip@docip.org](mailto:docip@docip.org), subject: Change of Address. Many thanks !

If you have comments and suggestions about this Update, please do not hesitate to share them with us:

- by e-mail at: [docip@docip.org](mailto:docip@docip.org) (Subject: Update)
- by fax at: + 41 22 740 34 54
- by mail at: doCip, 14 avenue Trembley, CH-1209 Genève

Thanks!

**Contributors to this issue**

David Matthey-Doret, Geneviève Herold, Karen Smith

**Translation**

Virginia Alimonda, Nathalie Stitzel

The reproduction and dissemination of information contained in Update is welcome provided sources are cited. This issue is available in English, Spanish, French and Russian. Original version: printed and Internet ([www.docip.org](http://www.docip.org)) English text.

**With the support of:**

*This document has been produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of doCip and can under no circumstances be regarded as reflecting the position of the European Union.*

*The Sámediggi (The Sámi Parliament) in Norway*



Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

Swiss Agency for Development  
and Cooperation SDC



REPUBLIQUE  
ET CANTON  
DE GENEVE

Avec le soutien de

AVEC LE SOUTIEN  
DE LA  
VILLE DE GENÈVE



doCip • 14, avenue de Trembley • 1209 Geneva • SWITZERLAND

Tel.: (+41) 22 740 34 33 • Fax: (+41) 22 740 34 54 • e-mail: [docip@docip.org](mailto:docip@docip.org) • <http://www.docip.org>