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3. Convention on Biological Diversity

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4. Upcoming Meetings and Deadlines for Indigenous Peoples, July to December 2010

5. Others
1. EDITORIAL

In this International Year of Biodiversity, fundamental decisions regarding indigenous peoples are due to be made in October at the 10th Conference of the Parties to the Convention on Biodiversity (CBD) in Nagoya, Japan. Indigenous peoples will indeed have to obtain full and effective participation in the mechanisms that rule access and benefit sharing (ABS) and governance of protected areas, as well as in discussions concerning scientific, technical and technological advice and the review of implementation of the Convention. Besides protected areas, this addresses issues of free prior and informed consent, sui generis protection of traditional knowledge, the existence and role of customary law, and rights to genetic resources.

This is a big challenge. The statement by the International Indigenous Forum on Biodiversity published in the second part of this Update refutes the allegation that the CBD, as an instrument that deals with the environment rather than with human rights, is not bound to take the Declaration on the Rights of Indigenous Peoples into account. This allegation, which contravenes the UN Charter, shows that in the upcoming months indigenous peoples will have to accomplish a considerable amount of preparation, elaboration of strategies, and organizing to ensure their rights are respected – not just for their own benefit, but for all the earth’s inhabitants. Indeed, it is not by mere chance that the geographical repartition of biodiversity coincides with that of cultural diversity: indigenous peoples see themselves as indebted to Mother Earth and the resources she provides, and as responsible towards future generations.

The first part of this Update is dedicated to the 2nd session of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), held from 10-14 August 2009, which benefited in particular from the presence of the Chair of the Working Group on Indigenous Populations of the African Commission on Human and Peoples’ Rights. The final draft of the first EMRIP study, dedicated to the right to education, was presented there and later submitted to the Human Rights Council (HRC) at its 12th session (September 2009). The HRC has now requested the EMRIP to undertake a new study on the right to participate in decision making; the initial draft of this will be discussed at the EMRIP’s 3rd session (12-16 July 2010).

The EMRIP can contribute significantly to the realization of the rights contained in the Declaration by improving the understanding of its scope and content, including in the context of the Universal Periodic Review. In addition, there is room for the EMRIP to suggest how to best provide its thematic expertise to the HRC. In this regard, the members of the EMRIP have chosen to combine expertise with an open-door policy to all indigenous delegations, and this guarantees that this body has a fully democratic character.

* * *

Published on June 10, 2010
2. EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES

Second session, Geneva, 10 – 14 August 2009

The second session of the Expert Mechanism on the Rights of Indigenous Peoples discussed the draft of the Study on the implementation of the right of indigenous peoples to education – the first study by the Expert Mechanism. The participants also debated on the implementation of the Declaration on the Rights of Indigenous Peoples at regional and national level, with a particular focus on the themes of adjudication, remedies, repatriation, redress and compensation (according to articles 8, 10 to 12, 20, 27, 28, 32 and 40 of the Declaration). The proposals submitted by this session to the Human Rights Council were published and commented upon in Update 87-88, together with our summary of the 12th session of the HRC, held in September 2009.

Opening session & adoption of the agenda and organisation of work

The UN High Commissioner for Human Rights, Navanethem Pillay, recalls the landmark adoption of the UN Declaration on the Rights of Indigenous Peoples (the Declaration), which offers a framework to advance the rights of indigenous peoples (IPs) through dialogue between States, IPs, the UN system and other stakeholders (also Carlos Portales, John Henriksen, James Anaya, OCOPQP, IAITPTF, CIJRA, RAIPON). The Office of the High Commissioner for Human Rights (OHCHR) is committed to advocate for the Declaration’s universal implementation and to maintain the protection of IPs’ rights among its priorities. The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) can significantly contribute to the advancement of IPs’ rights by providing the Human Rights Council (HRC) with well-grounded thematic advice, which the Council could use, in particular in the Universal Periodic Review (UPR), to address issues of concern (also James Anaya). The EMRIP’s studies are a launching pad for concrete follow-up activities (also Jannie Lasimbang, James Anaya). The participation to the EMRIP’s sessions of IPs and other stakeholders is essential to build a tight link with IPs’ everyday challenges (also MPHRC, stressing the effects of extractive industries), and so is constructive dialogue with governments, to achieve positive impact and foster communication.

H.E. Ambassador Carlos Portales, Vice-President of the HRC, recalls that there is room in the mandate of the EMRIP for the experts to suggest how to best provide their expertise. He welcomes coordination with the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people (SRIP) and the Permanent Forum on Indigenous Issues (PF) (also Navanethem Pillay, James Anaya, Jannie Lasimbang, CMA), and notes the importance of close contact with other UN mechanisms dealing with human rights (also Jannie Lasimbang, Global IPs’ Caucus, SOTZ’IL, THE PHILIPPINES). The EMRIP could contribute to the Council’s thematic discussions on issues relevant to IPs’ rights.

The session’s Chairperson-Rapporteur, Jannie Lasimbang, says the EMRIP provides a unique space for focused multilateral discussions for a better understanding of the scope and contents of the rights affirmed to IPs, and for advancing implementation (also CMA). The Declaration is an important framework to guide the work of the EMRIP (also James Anaya, the Arctic Indigenous Caucus, ALGERIA), in accordance with HRC resolution 6/36 and article 42 of the Declaration itself (also John Henriksen; James Anaya, also mentioning the PF and his own mandate). Jannie Lasimbang acknowledges the challenges faced to complete the draft study on the right of IPs to education, and calls for further comments. Conducting the session’s general discussion based on a mixed list of speakers aims at enabling an atmosphere of dialogue. A good example of effective cooperation, the SRIP will again be available, during this session, for separate consultations on cases of human rights violations, which the EMRIP has no mandate to address (also James Anaya).

James Anaya, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, highlights the challenge ahead to transfer the rights enshrined in the Declaration into IPs’ lives (also UZIP for the ZO people, ACIA/ACT for Northern Africa). In collaborating with the EMRIP and PF, the SRIP stresses his role to provide input to the EMRIP’s thematic studies, and reports IPs’ concerns on education, including lack of institutional capacity to provide quality education; unavailability or inadequacy of bilingual and multicultural educational opportunities; inadequate incorporation of indigenous languages and

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1 This summary is based on written statements collected by doCip during the session, as well as on the session’s official report, UN document A/HRC/12/32.

2 Unless otherwise stated, articles mentioned in this summary refer to articles of the UN Declaration on the Rights of Indigenous Peoples.
cultural perspectives into educational curricula, which tend to solely reflect dominant cultures, thus contributing to IPs' relatively low level of formal education; the lack of participation of IPs in the development and implementation of educational initiatives that affect them; and IPs' inadequate access to quality education, as well as the disadvantaged conditions of schools in indigenous areas. Education is central to the effective enjoyment of other rights, including the right of self-determination (also ANT, NSWALC, COPORWA, ACT/ACIA). The SRIP then recalls that the Declaration provides a contextualized elaboration of general human rights principles as they relate to the specific circumstances of IPs (also John Henriksen for the right to education). Its essentially remedial standards therefore connect to existing State obligations under general human rights instruments (also FAIRA, ONPIA/CTQLNQ). Implementing the provisions of the Declaration depends on the establishment of strong partnerships between States, IPs, and UN bodies (also CNAAO), and civil society has a role to play in supporting societal changes (also John Henriksen). The SRIP emphasizes the EMRIP’s contribution to a better understanding of the scope, content and practical application of the Declaration (also John Henriksen, the Arctic Indigenous Caucus, SER/GCC, IAITPTF, CMA, IPRM, MEXICO).

The Board of Trustees of the UN Voluntary Fund for Indigenous Populations informs that in 2009, it was only able to respond positively to about 15% of received requests for travel grants for indigenous representatives to participate to the PF and the EMRIP sessions (Jannie Lasimbang acknowledges this). However, the Board stresses the fundamental importance of providing direct assistance for IPs to participate in UN meetings. The Board strongly supports the EMRIP's recommendation regarding the broadening of the mandate of the Fund to cover HRC and treaty bodies meetings. The Board then thanks the donors and calls for increased contributions (also Jannie Lasimbang), while noting that most indigenous communities remain at the margins of larger society.

Members of the EMRIP
Ms. Jannie Lasimbang, Chairperson-Rapporteur of the second session
Ms. Catherine Odimba Kombe, Vice-Chairperson of the second session
Mr. John B. Henriksen
Mr. José Carlos Morales Morales
Mr. Jose Mencio Molintas

**Item 3 – Study on lessons learned and challenges to achieve the implementation of IPs' right to education**

**John Henriksen** notes that IPs' lack of access to quality education is a major factor in their social marginalization, poverty and dispossession. In some instances the content and objectives of education bring about their involuntary assimilation (also Carlos Mamani, CPNAB, JPP-RE, CONDECOREP, CAPAIP). The exercise of indigenous individuals’ right to education requires availability and access, as well as culturally appropriate contents that are acceptable to IPs. Elimination of discrimination against IPs is a fundamental precondition for ensuring equal education (also CNAAO, IPAAC, ANT). To this end, States must collect disaggregated data to inform policies (also PIPLinks, ATSISJC), and develop indicators conforming to international human rights standards.

**Jannie Lasimbang** explains that the study distinguishes traditional education from integration of indigenous perspectives and language in mainstream education systems. States are expected to equip indigenous communities with both possibilities. Traditional education is a lifelong pedagogical process and intergenerational transfer of knowledge, achieved through participatory learning, holistic growth, nurturance and mutual trust (also JPP-RE). In contrast, mainstream education systems and institutions usually involve a standard set of curricula defined and provided by the State. However, it should allow IPs to benefit from education in a culturally sensitive manner. Further, instruments of dialogue should be developed to ensure equal access to education for indigenous girls and women, often prevented to enjoy their right to education due to social norms. Special measures should also be taken to ensure access to education for internally displaced persons, migrant workers and refugees from indigenous communities. Limited financial support for development of material, and lack of well-trained, culturally competent teachers are serious problems, which could be resolved namely through recruitment of teachers from the community. Education laws and policies should be made more inclusive and sensitive to indigenous values and perspectives. Reforms should also emphasize IPs’ decision-making authority and their participation in education planning.

**PF member Carlos Mamani** calls on governments to incorporate indigenous religions, customs and history in curricula at all levels (also FEMMATRICS, IPACC). It is important to maintain indigenous languages and IPs’ ability to keep their identity through their own educational system.
The Study on lessons learned and challenges to achieve the implementation of the right of IPs to education

This first study completed by the EMRIP is available in English, French and Spanish on the HRC website at http://www2.ohchr.org/english/bodies/hrcouncil/12session/reports.htm (scroll down until you reach document A/HRC/12/33, then click on the language symbol in the right column). It is also available upon request at doCip.

The study comprises four substantive chapters, and an annex, which is the EMRIP's advice n°1, on the right of IPs to education.

The first chapter presents relevant international and regional human rights instruments and provisions regarding the right to education, the aim and objectives of education, access and content of education; and relevant provisions of the Declaration.

The second chapter focuses on indigenous education systems, both with regard to traditional education and to integrating indigenous perspectives into mainstream education.

The third chapter focuses on lessons learned with regard to enabling the realization of the right to education of IPs, and analyses creation of national laws and policies; provision of financial and infrastructure support; international development assistance; establishing and controlling traditional education and institutions; interface between traditional and mainstream education; teaching of indigenous languages; training and certification programmes; and networking and participation.

The last chapter outlines challenges and possible measures to overcome them, highlighting the non-recognition of traditional education and institutions; discrimination and poor access; issues affecting women; aid effectiveness; public spending; institutionalization of educational services; governance and creating appropriate curriculum; and gaps in educational quality.

The **Global Indigenous Peoples' Caucus** recommend generating a broader and more detailed study (also **NN, IPACC**), and call for a structure that would: include all parties involved in education matters; guarantee IPs' legal and political participation (also **AICO, SER/CEA-UIIA, SOITM, CONDECOREP**); and pay particular attention to indigenous girls' access to education. It is paramount to maintain traditional education and the indigenous world view, and to encourage and use IPs’ teaching and learning methodologies (also **AICO**). The Caucus recommend a broader definition of quality education, taking into account both IPs’ own culture and the historical connection with civilization prior to colonization; and those skills necessary to access universal knowledge, including human rights. The Caucus further recommend to establish funds that promote education at all levels (also **IPACC, COPORWA**), with IPs' effective participation. IPs are entitled to rights that are specific to them by virtue of being IPs.

**SER/CEA-UIIA, SOITM**, the **Global IPs’ Caucus, SC, NAADUTARO, JPP-RE, FONAKISE** appeal to the States and UN agencies to grant financial, human and material support to IPs’ education.

**IAITPTF, COPORWA** ask the EMRIP to pursue its researches on IPs’ rights with a focus on regional differences.

**SACS** recall that every measure taken should strengthen rather than weaken IPs’ identity and existence (also **IAITPTF**), and focus on how to integrate mainstream education into culturally specific indigenous education, whereas the EMRIP’s study focuses on the inverse approach. IPs’ should play a central role in the education of their children. SACS emphasize the perpetuation of the education’s traditional outward appearance and oppose integrating indigenous children in external boarding schools.

**Central and South America**

**SER/CEA-UIIA** appreciate the draft study as a valuable contribution to concretise IPs’ right to education and to guide its legal and political transformation (also **ACT/ACIA, SC**). States must change their current financial policies and eliminate the disparity between law and reality.

**CPNAB** inform that the Mexican Government created a head office of indigenous education, whose measures turned out to be disastrous for the **Nahua** people. The EMRIP must promote respect for indigenous culture in its study. Governments must support IPs’ initiatives on indigenous universities.

**SOTZ’IL** underscore the SRIP’s observation that 50% of school infrastructure is not adequate for indigenous children in Guatemala, in spite of the State's obligation to make education accessible to them; and that lack of education in indigenous language and culture turns the present education system discriminatory and exclusive.

**CNV** report on the sociocultural changes brought about by the Bolivarian revolution in Venezuela, such as free educational institutions and cheap or even free transport possibilities, vocational training of teachers and supervisors, increased number of scholarships, increased access to Internet, revival of traditional music, dance and theatre. Access to drinking water and to medicine, rising delinquency and the country’s instability are, however, persistent problems.
AICO recall that education is the basis for the revitalization of culture, the maintenance of identity and IPs' survival (also AIPNKa). Indigenous education aims at strengthening IPs' identity to resist global challenges and to enable autonomy. AICO recommend establishing a system of adequate information about the characteristics and needs of indigenous education.

Due to insufficient and incoherent measures taken in education, JPP-RE deplore the lasting illiteracy, ignorance and poverty of Abya Yala's IPs, and contrast this to national head offices for intercultural bilingual education proposed by IPs.

FONAKISE stress that the ultimate aim of education must be to transform society and change power relationships. Modern society will have to recognize the value of indigenous knowledge and respect IPs, so that interculturality become a political process that foster equity and respect for diversity. In Ecuador and Bolivia, the recognition of the State as plurinational is a step towards IPs' self-determination. It is paramount to maintain IPs' control over their educational institutions, to avoid recuperation by the State as occurred recently in Ecuador, where 20 years of efforts by IPs were appropriated by the State and now handed over to religious missions.

CONDECOREP deplore the effects of the internal armed conflict in Peru on the Quechua people, who represent 79% of the victims, often forced to leave their territory and to adapt to new circumstances. CONDECOREP appeal to the government to apply the law on reparation, and to assume its international and national obligations to enable education in mother tongue according to IPs' own methods and values (also IPNC). The fact that the young people mostly have to leave the community to attend higher education is another example of ongoing inequality in Peru.

CAPAJ recommend enclosing in the study an analysis of the current educational situation including the ancestral methods of education, the impact of colonialism and the efficiency of existing programs. They emphasize the difference of IPs' teaching methods consisting in oral and personal tradition and request the Peruvian government to respect them.

IMTA suggest focusing on the repercussion of (especially financial) crisis on the exercise of IPs’ right to education (also IAITPTF). They deplore the privatisation of education and health services, the looting of their natural resources by Northern transnational companies (TNCs) and the eradication of their culture. Education in the field of human rights should strengthen friendly relationships between peoples and nations in order to maintain peace and international security (also ANT).

ANT highlight the dire conditions of the Aymara and Quechua peoples in Bolivia, bordering to the very negation of their human nature. The realization of IPs' right to education will require: to revert the current gross inequalities faced by IPs in accessing the land (also COPORWA), and to secure their territories, through adequate settlement of their claims by the State; to guarantee the right to education to IPs living in urban settings (also ATSIJIC); and to promote redress for social injustice.

CMNNA/NMC/ODHIPIA accuse state educational system to ignore the Mapuche culture, their calendars and commemorations, and to transmit a false concept of the Mapuche by referring only to the rural type. Most Mapuche people can’t speak Mapuzugun, due to its suppression in educational, political and juridical institutions. Establishing an intercultural education requires to recover and fortify IPs’ autonomous education, which in turn requires recognition of the State as plurinational, and the IPs as an autonomous people with a distinct world view, social organisation and educational methods (also CPNAB, IPACC, SER/CEA-UIIA, SOTZ’IL).

MEXICO and GUATEMALA pledge their commitment to grant culturally adequate quality education to their IPs, and underscore their actions and programmes in use of mother tongue, support of intercultural and bilingual education at all levels, development of multimedia methods in revitalizing indigenous languages, support to elaboration of teaching materials and processes, and teachers' training for bilingual intercultural education.

MEXICO informs on its constitutional guarantee of bilingual intercultural education. Together with its indigenous consultative council, the National Commission for IPs' Development recommends: 1) valuing cultural diversity and fostering respect; 2) legislative reforms; 3) review of State's education bodies; 4) incorporation of bilingualism and interculturalism in secondary and tertiary curricula; 5) compulsory training in indigenous languages and cultures; 6) promoting community cultural centers; and 7) decentralizing education (also GUATEMALA).

GUATEMALA's current policies on education focus on achieving a quality education; broadening access to education (also MEXICO); and achieving social justice through educational equity. Teachers' training and development of curriculum for intercultural bilingual education are promoted. Recent tests at national level begin to show the positive impacts of bilingual education. However, national curricula and teaching materials in indigenous languages tend to focus on western culture; teachers' awareness of the nature and consequences of multiculturalism must be raised; budget allocations for bilingual intercultural education must be increased; the use of two languages in classrooms must be further promoted.

The Constitution of VENEZUELA recognizes IPs' rights with regard to their organization, customs, languages, religions, and traditional land. Recent legislation provides for establishment of an intercultural bilingual educational regime, free at all levels, and for cultural inclusion of IPs to the national educational system.

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North America

Representing the Maskwacîs Cree people, IOIRD inform that although the Treaty No. 6 proclaims the right to education, it continues to be violated by governments’ unilateral interpretations and funding cuts. IOIRD welcome inclusion in the study of Treaties as relevant international human rights instruments, as a useful contribution to interpret the Declaration.

The most important to NN is educating their children after their own values and to define their own educational system (also AICO). As a self-governing sovereign nation, NN have their own education law and policies that the State should respect. Agreeing with the study, NN highlight the lack of independence over the education in state-funded schools and the disparity between the funding levels for state or private education systems and the Navajo Nation’s educational system.

The USA emphasize education as a cornerstone of federal Indian self-determination. Federally recognized tribes participate, since 1975, in the operation of schools funded by the Bureau of Indian Education’s (BIE) and in determination of school programs. Nowadays there exist 184 elementary and secondary schools funded by the BIE, 125 of them are tribally managed. The government also offers higher education scholarships and support funding for tribal colleges and universities.

Africa

The Chairperson of the Working Group on Indigenous Populations/Communities of the African Commission on Human and Peoples’ Rights (ACHPR), Musa Ngari Bitaye, underlines that failure to address conflicts and insecurity in indigenous areas has a diluting effect on efforts to respond to educational needs in Africa. Displacement of indigenous communities from their ancestral lands negatively affects the education of their children.

The African Indigenous Caucus express their serious concern about the current status of education in Africa. In order to make the study more applicable, they request the Experts to visit Africa (also NN) and to keep in mind that IPs in Africa have limited access to Internet. IPs should decide on methods for collecting information. IPACC recommend that the study: 1) contain concrete measures for States to implement; 2) take into account the specific situation of nomadic peoples and their lifestyle (also Teralift and Tin Hinan for the Tuareg people; NAADUTARO for the Maasai); 3) recommend that education offer more space to IPs’ cultures, arts and languages (including their scripts); and 4) that quality education further foster participative governance within schools. Indigenous communities must be a priority of educational policies, in order to reduce disparities.

Reporting on the situation of the Tuareg people in the Sahel region of Burkina Faso, Tin Hinan call on the national education community to assist in conceiving and elaborating the nation’s own education system, so that the Tuareg people do not remain marginalized in the process of building the country (also Teralift). ACT/ACIA recommend that the study should define indigenous education, so as to avoid integration and assimilation in implementation processes, and allow identifying what remains to be done. Such a definition should be articulated on the context, the actors, and the contents of education. Governments will gain credibility if they accept diversity as an asset rather than an element of divisiveness.

Knowing that education for indigenous children contributes both to their individual development and to that of the community, Teralift remind the States of their obligation to support a long-term strategy. NAADUTARO call attention to the backward educational situation of the Tanzanian Maasai pastoralist and nomadic indigenous people. The existing curriculum despises the indigenous culture as backward and subordinated (also CONDECOREP). They call on the Government of Tanzania to develop a syllabus that respects the traditional livelihood system of IPs. NAADUTARO propose to set up national and international monitoring and evaluation mechanisms (also Global IPs’ Caucus, African Indigenous Caucus).

COPORWA (former CAURWA) report on the lack of access of Rwanda’s IPs to education, in particular to the secondary and tertiary levels, mainly due to their eviction from their ancestral lands, without any measure for their socio-economic integration, or compensation. The study on education should be more specific about the respective situations of IPs who are living on their ancestral lands and those who are not. The EMRIP should: recommend that States solve all poverty factors that relate to IPs’ education; and realize visits to assess violations against IPs’ rights and advocate with States that have not ratified international human rights instruments on indigenous rights.

RCN inform on their well-developed education system and high degree of literacy before the Independence of Namibia in 1990. Since then the national curriculum ignores their history, values and mother tongue (also PCP). To avoid acculturation, they emphasize IPs’ right to develop their own curricula (also NN). To secure a
community-based educational system, they recall the need for teachers’ training and for control over the drafting and production of pedagogical material.

ALGERIA’s fundamental law is based on Islam, and the country’s Arab and Amazigh character. Access to compulsory free education is a right guaranteed without discrimination by the Constitution and is legally implemented. Gender equality is a reality in the whole national territory. Algeria dedicates about one third of its national wealth to education (at all levels).

Asia and the Pacific

MPHRC recall that India still belongs to the countries with the greatest number of out-of-school children, among which are Khasi indigenous children. They pin their hope on the recently adopted 2008 Right to Education Bill that provides free and compulsory education to the children in the age of 6 to 14. The Khasi language belongs to the rare Mon-Khmer language family. It is mostly spoken in the Indian State of Meghalaya. Besides the oral tradition, it has a rich writing culture. However, it is one of India’s endangered languages, namely due to lack of official recognition. MPHRC appeal to acknowledge linguistic diversity in educational programs.

FEMMATRICS present some concrete changes to the draft study. Referring to paragraph 23, they report on the need of adequate economic support for indigenous children to facilitate access to tertiary education. In paragraph 47, they propose adding that studies on traditional knowledge must be based on IPs’ free prior and informed consent in order to avoid exploitation.

PCP inform on the difficult educational situation of the IPs of Bangladesh, and call on the government to implement the Declaration, as well as other international agreements, on all levels of the State (also JPP-RE, FEMMATRICS, NAADUTARO, INITA, CONDECOREP, COPORWA, CNAADO). The international community must support national governments to deliver on commitments to indigenous education through policy advocacy and sensitisation initiatives.

PIPLinks report on the restriction of funds available for education due to debt repayments, which affects programmes targeted to indigenous children and adults. Hence, IPs’ educational outcomes remain low; only 11% complete secondary education and about 2% graduate from college. In some areas, illiteracy is estimated to be 60%. Another obstacle is the denial of IPs’ access to church-founded schools without being baptised or regularly attending mass. In some schools, IPs are rejected if they have no birth certificate. PIPLinks call on churches to review their policies and on the international community to cancel the debt. The fund released should be allocated to education, especially of IPs.

DAP report on the destruction of Papua IPs’ educational institutions and traditional knowledge and on the effort to rebuild them by bringing IPs together to share their ancient wisdom and transmit it to future generations.

NSWALC deplore the Australian Government’s unequal application of IPs’ right to education focusing on the remote communities, ignoring the other 75% of IPs. They also criticize the selection of IPs allowed to participate in state programs.

ATSISJC recall the enduring impact of ineffective current education policies and programmes, affecting the school-aged Australian IPs, which represent the majority of the extremely young indigenous population. States must ensure equitable provision of education and accountability frameworks for meeting IPs’ right to education, develop partnerships with indigenous communities, and help to guarantee the cultural appropriation and accessibility of schooling. The EMRIP should put a major focus on early childhood education.

WSAS report on the failure of the Australian educational system to include Aboriginal students. To address this, the State must recognize IPs’ particular ways of learning and include their perspective into the system. Aboriginal students should be given the opportunity to incorporate their community knowledge into their school experience. Teaching should include pedagogical features important to Aboriginal students such as recognition of culture, self-direction, learning in context, etc. Although Aboriginal Studies have been a compulsory component of the educational work of all New South Wales State teachers since 1987, in practice this is barely applied; the same is true for financial assistance. Having the largest Aboriginal population, among them 40% being in school age, New South Wales is requested to improve its IPs’ educational situation.

CPCCK report that in the 1980s, the Kanak established popular Kanak schools, with a curriculum based on ancestral knowledge, complemented with Western knowledge – but none of these schools remain. The Kanak people in New Caledonia suffer a huge gap in educational opportunities, due to earlier French assimilationist education policy, as well as to current appropriation of the educational competency, transferred to New Caledonia by the Nouméa Agreement, by right-wing sectors of the local society, leading to exclusion from the education system of the Kanak youth, left to go back to their tribe, or join delinquents in the city. CPCCK exhort ending such discrimination.

NEPAL informs on actions to preserve IPs’ languages according to their needs and to implement the right to basic education through legal reforms and policy measures. Preparation of curriculum, textbooks, and reference materials, as well as the training of teachers, have been undertaken with a focus on 13 indigenous languages. The
government established scholarship schemes for technical and non-technical education. Nepal enquires how a developing country can cope with the need of enhanced resources to finance such endeavours. The Philippines appreciates the studies of the EMRIP because of their significant contribution to the work of the HRC (also New Zealand). The draft study cites the Philippines as having a number of good practices. Australia aims to halve the gap between indigenous Australians and other Australians in writing, reading and numeracy achievement by 2018 and in senior secondary attainment by 2020. Given that 86% of indigenous students are enrolled in government schools, Australia recognizes that mainstream education must better address IPs’ needs.

New Zealand admits remaining educational disparities for the indigenous Maori population, but outlines progress in facing these problems. Recognizing the positive impact of the use of indigenous languages on educational outcomes, it introduced Maori language, culture and learning context into New Zealand’s school curriculum. A Maori curriculum was released that emphasizes the cooperation with indigenous families and communities.

Middle East

SOITM inform on the persistent marginalization of the Turkmen, the third largest ethnic group in Iraq, and on deterioration of Turkmen education, due to Kurdish political domination in Northern Iraq, and to the Ministry of Education’s refusal to make funds available. SOITM deplore the absence of an official Turkmen education directorate and of own cultural institutions, and request the Kurdish authorities to abandon their assimilation policies against Turkmen.

CNAAO state that for the Armenian people in Western Armenia, now ruled by Turkey, the right to education is not limited to teaching the people's language, traditional knowledge or care for their environment. It also consists in supporting the Armenian people's will to self-organize, to preserve their historical and sacred heritage, and freely develop their culture in accordance with their fundamental rights. (Turkey commits to protect and promote IPs’ rights, but objects to the statement by CNAAO as being inexact and out of scope.)

Europe, Russia and the Circumpolar

Agreeing with the EMRIP Advice No. 1 (2009), SC identify education as the pre-condition to gain self-determination and sovereignty over their natural resources and traditional territories (also FONAKISE, Global IPs’ Caucus, CMNA/NMC/ODHP/IA).

AIPNKa report on recent limitations in IPs’ access to schools in Kamchatka, leading to irreversible socio-economic consequences and a marginalized generation, which has been forcibly removed from their parents and traditional culture. The quality of general and professional education for IPs is very low, 90% of them have only primary or partial secondary education, and only 50% are learning indigenous languages. It is imperative to monitor teaching of indigenous languages and cultures, develop a particular curriculum, update educational contents and methods, use distant learning technologies, develop a regional programme of support, and publish more fiction.

Greenland reports on the new partnership with Denmark that includes the recognition of the Greenland people as a people under international law, of Greenlandic as the official language and of Greenland’s ownership and control over all natural resources. This represents a de facto implementation of the Declaration (also Arctic Indigenous Caucus, SER/GCC). In order to exercise their additional power of self-government, they underline the need for educated people. In Greenland, they provide free education in mother tongue, open to all. To avoid the emigration of students, several institutions of higher education were created. Other challenges include keeping the balance between the transmission of indigenous knowledge and of global professional skills (also Nepal) and providing access to education for people dispersed in a huge territory.

In her concluding remarks, Jannie Lasimbang recalls that there might be differing views on priorities in addressing the implementation of IPs’ rights. The best recourse is to ensure that IPs themselves participate in identifying their needs, priorities and contributions.

Item 4 – UN Declaration on the Rights of Indigenous Peoples

Jannie Lasimbang stresses that this agenda item is not meant to establish the EMRIP as a monitoring body for the Declaration (also John Henriksen, stressing the need to discuss realization of the Declaration in cooperation with IPs).

John Henriksen recalls that sub-item 4b corresponds to a thematic issue proposed by the Global Indigenous Caucus at the EMRIP’s first session. Future thematic focus will hopefully emerge from informal consultations with governmental and IPs’ delegations (also James Anaya).

The Secretariat of the EMRIP reports on OHCHR’s activities contributing to the implementation of the Declaration, and presents the Draft Guidelines on the protection of IPs in voluntary isolation in the Amazon

The Global Indigenous Peoples’ Caucus acknowledge the contribution of the EMRIP’s members to promote implementation of the Declaration, including through their initial study, as well as their integrity and efficiency in carrying out their tasks, in spite of lack of sufficient financial resources. Emphasizing article 39 on IPs’ right to financial and technical assistance from States and through international cooperation for the enjoyment of their rights, the Global Caucus welcome and call for the continued support by OHCHR to the EMRIP, as well as for its collaboration in securing sufficient funding to ensure the realization of the EMRIP’s future work (also Jannie Lasimbang).

PIPLinks object that the OHCHR report on the workshop on natural resource companies, IPs and human rights does not adequately reflect IPs’ demand that the extractive companies recognize their free prior and informed consent as the framework for all consultations, including on benefit sharing and mitigation measures. PIPLinks recommend that any follow-up of studies by the OHCHR or EMRIP acknowledge free prior and informed consent as the minimum standard to be respected by the extractive industry; and that any future study be informed by the report of the 2009 PF Expert Workshop on IPs’ Rights, Corporate Accountability and Extractive Industries, and by the Manila Declaration.

IITF/IWA inform on their activities in contribution to implementing the Declaration, in particular article 31 on IPs’ rights to their cultural heritage and intellectual property: the International Indigenous Portal, a multilingual Internet platform for, by and about IPs (www.indigenousportal.com); capacity-building opportunities for IPs on the use of media and information and communication technologies (ICTs); and efforts by the organization “dotIndigi” to secure a domain on the Internet so that IPs can be present in a space that is self-governing, representative and restrictive of intellectual property abuses. ICSA recall the 30 year-long presence of IPs at the UN to claim recognition as nations, which would encompass a special representative status for IPs at the UN (also NN). Such demands remain to be addressed, through direct discussion with the IPs’ elected authorities. IMTA denounce dilatory manoeuvring by States and inadequate consultations with IPs during the final negotiations on the Declaration.

(a) Implementation of the Declaration at the regional and national levels

On behalf of over 30 indigenous organizations from all regions, SER/GCC underline the Declaration's broad perspective, which improves its effectiveness. Treaty bodies are already using it to interpret IPs' rights and related States' obligations. The 31 UN agencies member of the Inter-agency support group on indigenous issues have pledged to uphold the Declaration. The HRC's special procedures have stressed the Declaration's implementation as a major challenge, and designated IPs' rights are a cross-cutting issue for all mandates. SER/GCC then highlight initiatives regarding the Declaration's implementation: in the Organization of American States' negotiations on the American Declaration on IPs' Rights; in the Inter-American Court of Human Rights' jurisprudence on IPs' right to free prior and informed consent; in Bolivia's new Constitution; through support by the Democratic Republic of the Congo (DRC), in line with its international obligations. SER/GCC also underscore support to the Declaration by the Supreme Court of Belize, and by the Australian and the Colombian Governments (also Navanethem Pillay, Arctic Indigenous Caucus, NSWALC, NNTC for Australia). New Zealand and the USA are reconsidering their position. SER/GCC urge all States to recognize, in their judicial regime, IPs' rights as enshrined in the Declaration (also ACPROD-Batwa, NWAC/IOIRD; NNTC stressing free prior and informed consent, and land rights; JOAS for Malaysia's policies; UZIP also regarding multilateral organisations). Translation to various languages also facilitates the Declaration's implementation (also John Henriksen; Musa Ngari Bitaye for the ACHPR), which must remain a central priority. IAITPTF stress governments' failure to recognize IPs as peoples, as a major obstacle. Governments should accept the principle of self-identification, as an expression of self-determination, and adapt their constitutions.

Central and South America

CPNAB report that IPs in the Mexican State of Guerrero are currently opposing the imposed selection of a delegate to the National Commission for the Development of IPs, in violation of IPs' right to consultation, enshrined in article 19 of the Declaration and article 6 of ILO Convention 169. The Mexican Government has responded by harassing indigenous organisations. (MEXICO replies that the selection of delegates of the National Commission for the Development of IPs does not fall under the scope of ILO Convention 169. Umbrella indigenous organisations in the State of Guerrero were recently informed about consultation on the State’s Development Plan.)
ONICA/AICO highlight that in endorsing the Declaration, Colombia stated reserves on its most significant aspects, such as free prior and informed consent, non-militarization of indigenous territories, and land and natural resources. Indeed, IPs’ in Colombia continue to be subject to violations of their rights with regard to these issues. The EMRIP, together with other UN bodies, should propose guidelines and follow up on implementation of the Declaration.

FONAKISE stress the need to reset the power relationship between States and IPs; urge compliance of regional policies with the Declaration; emphasize Ecuador’s challenge to domesticate the Declaration, and to strengthen indigenous institutions and grant them sufficient resources. IPs’ participation in States’ planning bodies must increase.

CAPAJ regret the failure by both States and international organisations to start applying the Declaration. The EMRIP’s mandate must be fulfilled in conformity with IPs’ right to self-determination – the backbone of the Declaration (also CNAAO). The Andean Qullana Aymara communities in Peru, Bolivia and Chile are already applying article 36 on the rights of IPs living in transboundary areas, by managing jointly their ancestral territory and natural resources. Peru has yet to comply with the recommendations by the Human Rights Committee and the CERD regarding the subtraction of water from the Ancomarca community.

JPP-RE stress the significance of water to IPs, who know how to take care of it – whereas the globalized world uses it immoderately – and support a proposed world forum on water and peace.

OCOPPOP stress that article 26.1, which establishes IPs’ rights over the resources they have traditionally used, is a compromise with States, as it can be argued that this provision does not extend to resources that are located in indigenous territories but that IPs have not traditionally used.

Commenting on the violent confrontation between government forces and IPs in Bagua, Peru, in June 2009, and on the previous efforts by IPs to defend their rights, AIDESEP warn that this must be analysed in the context and history of exclusion, violence and dispossession suffered by Amazonian IPs in Peru. Following the SRIP’s visit, the government had to establish mechanisms for dialogue, but none of them functions adequately, while the State continues to facilitate the incursion of extractive companies in Amazonian indigenous communities. Solution of social conflicts in Peru requires realizing IPs’ rights to consultation and to free prior and informed consent. AIDESEP call on the EMRIP to follow up on IPs’ situation in Peru, together with UN representatives in the country, and to contribute to ensuring implementation of the SRIP’s recommendations (also CONAP).

CONAP state that the Peruvian Government is facing an opportunity to incorporate IPs’ requests and rights in its structure and policies. Even though the government shows no clear support for the newly established national coordination group on the development of Amazonian IPs (also Care-Peru), IPs are confident that national and international pressure will lead to an agreement on measures to reform the Peruvian State, by establishing a truth and reconciliation commission on the June 2009 events, and a consultation mechanism in line with ILO Convention 169; and by elaborating with IPs new laws on forests, land ownership and private investment, and a Development Plan for the Peruvian Amazon, including creation of indigenous funds (also Care-Peru).

Care-Peru welcome the increasing international interest and coordination for the protection of IPs’ rights. The application of the Declaration will request intense dialogue involving all indigenous and non-indigenous actors. Care-Peru call for respect of the diversity of decision-making processes and of legitimate decisions, and urge NGOs to begin facilitating this dialogue between IPs, States and the private sector.

ONPIA/CTQLNQ recommend that the HRC establish a fund, under IPs’ administration, to support dissemination of the Declaration in indigenous communities, and emphasize respect of IPs’ free prior and informed consent by both the State and private sector.

In Argentina, implementing the Declaration requires more political will, and awareness raising among state officers. CJIIRA inform on indiscriminate logging in indigenous territories with state support; on the need for the State to better protect IPs in the Chaco region; and on criminalization of the Wichi people’s demands for welfare measures.

MEXICO informs on its actions to disseminate the Declaration (also GUATEMALA on its own actions), through radio broadcasting, a paperback edition in Spanish, and translations in 14 indigenous languages. Mexico highlights the January 2009 PF Expert Group Meeting on implementation of the Declaration, and recalls its suggestions for regional meetings on the same theme, and for a basic implementation handbook compiling best practices (also IAITPTF for the EMRIP).

VENEZUELA informs on strengthening full enjoyment of IPs’ rights, namely in preservation of cultural heritage, land demarcation, and self-determination in internal affairs. A special ministry takes care of indigenous issues. IPs’ participation is promoted in the execution of public policies, and in state instances.

ECUADOR informs on its constitutional protection of the ancestral territories of voluntarily isolated IPs, and on measures to protect their rights and collective land ownership. Ecuador calls for international support for its “Yasuni ITT” reserve initiative, proposing to refrain from exploiting one of Ecuador’s largest oil reserves, located in a national reserve that is home to voluntarily isolated IPs.
North America

The Declaration is the operative human rights framework in relation to treaties, agreements and constructive arrangements between IPs and States, based on article 37. Free prior and informed consent is the operative principle (also ONPIA/CTQLNQ regarding self-determination). Articles 27, 28 and 40 provide a framework for adjudication, remedies, repatriation, redress and compensation resolution regarding land and natural resources, treaties, development, and judicial and legislative processes. ITC/IOIRD request the EMRIP, together with IPs and States, to develop models and mechanisms to implement the “new jurisdiction” on Treaties, called for by the SR on Treaties, Agreements and Constructive Arrangements.

Drawing attention to articles 21 and 22, on the improvement of IPs' economic and social conditions, and on protecting indigenous women and children from violence and discrimination, NWAC/IOIRD call on Canada to effectively address violence against indigenous women – in line with recommendations at the UPR process, and by the CERD and CEDAW – by adopting a national action plan, reforms to the justice system, collecting consistent statistical data, and closing the standard of living gap. NWAC/IOIRD further call on the EMRIP to take into account the General Comment n° 11, on indigenous children, by the Committee on the Rights of the Child (CRC), and to urge States to implement it; and to encourage all States to develop open, transparent and participative mechanisms for reporting on IPs' rights to treaty bodies, special procedures and the UPR. The SRIP must encourage Canada to comply with his recommendations.

FOC oppose the possible construction of a huge ski resort in the Coquihalla mountains, the traditional hunting-gathering and spiritual territory of the Okanagan and Né'kepmx Nations. Although their Aboriginal land titles are protected under the Canadian Constitution, their land issues have never been settled with Canada. Canada must change its laws surrounding the rights and titles of British Columbia First Nations; and establish a respectful process and legal obligations for constructive dialogue.

Citing article 10 on IPs' rights not to be subjected to removal without their free prior and informed consent, NIYC underline that removal is a reality for the around 75% of indigenous individuals who live off reservations in the USA. Urbanized IPs assert their right to self-determination, define their political status and collectively advocate for their rights. Based on article 21, on improvement of IPs' economic and social conditions, they demand distributive justice, namely regarding the effects on IPs' health of rapidly growing urbanization and of disparities in living conditions. The USA has a trust responsibility to assure the welfare of indigenous individuals throughout the country. However, the US Government has largely locked urbanized IPs out of negotiations on rights and entitlements. NIYC demand the acknowledgement of all IPs' rights throughout the USA, and pledge their support to the Declaration.

NN warn that the USA attaches several restrictions to IPs' right to self-determination, and the nation-to-nation relationship between the US Government and the Navajo Nation remains unbalanced, with the US Government imposing statutes upon NN, while failing to adequately attend their claims. However, this intergovernmental relationship has improved over the time. Meanwhile, NN has made every effort to ensure respect for the Navajo people's human rights, namely through its recently established Human Rights Commission, which has made the Declaration its standard of achievement, and has taken great strides in educating all peoples in the region.

Africa

Musa Ngari Bitaye, of the ACHPR, recalls that the 1986 African Charter on Human and Peoples' Rights enshrines both individual and group rights, including to land and resources, to self-determination, to development, to culture and to a safe environment. The ACHPR jurisprudence has stated that the term “peoples” could refer to communities within States and that communities enjoy specific rights and deserve protection. Before the Declaration's adoption, the ACHPR issued an Advisory Opinion demonstrating that its provisions are not only consistent with regional human rights standards but are also vital to advance the economic, social and cultural development of many African communities. The ACHPR has taken several measures to encourage the Declaration's implementation by Member States, following a resolution in November 2007 stating the consistency of the Declaration with its own work (also SER/GCC).

Tin Hinan welcome and encourage the participation of the ACHPR, the work of the SRIP, the study by ILO on the framework for the protection of IPs' rights in Africa, and the workshop by IPACC on strategic planning for the Declaration's implementation in African judicial instruments. Mali has recently pledged to promote the Declaration. However, Tin Hinan also stress the refusal by Niger to recognize the existence of IPs on its territory; the failure of UN agencies to implement article 42 in Africa; and the growing insecurity in Sahel, due to greed for natural resources exploitation, and geopolitical interests. The Tuareg people are being caught between non-state and state armed forces, in a desert environment with its specific difficulties. In Niger, uranium exploitation leads to exhaustion of ground water and eviction of IPs. Tin Hinan recommend that the UN system incorporate promotion of IPs’ rights in all programmes; that the EMRIP, OHCHR and ACHPR collaborate to better promote IPs’ rights in the region; and that development partners support indigenous organisations in promoting IPs’ rights (also AZETTA).
A first crucial step for the Declaration's implementation is its dissemination, which is a responsibility of States (also UZIP), but in which IPs' organisations have also a role to play. CMA denounce and condemn harassment by state forces of indigenous leaders and organizations trying to disseminate the Declaration in Morocco and Algeria (also ACIA/ACT).

ACIA/ACT lament that disillusion has replaced the enthusiasm on adoption of the Declaration (also MBOSCUDA, ACPROD-Batwa, AIDESEP for Peru, JOAS for Malaysia); and the symbolic nature of Algeria's signing on the Declaration, as no concrete measure has been taken to improve the fate of the Amazigh people.

States' ignorance of their international obligations weakens the Declaration, as does their failure to acknowledge IPs' existence (as in Morocco), and the argument that the Declaration is not legally binding (also UZIP).

AZETTA recommend: civil society awareness raising; advocacy with decision makers on protection and promotion of IPs' rights and identities; increased participation in UN monitoring bodies; and creation of an African Union's mechanism on the protection of IPs' rights. The HRC should foster dialogue on IPs' rights with African governments (also MBOSCUDA).

MBOSCUDA inform on the political marginalization, insecurity, environmental degradation, and development policies threatening the pastoralist Mbororo people in Cameroon, where incipient successful efforts for the recognition of IPs' rights by the State may be hindered by the powerful elite.

In spite of the presence of UN agencies, IPs in DR Congo continue to suffer war, starvation, deforestation, poverty, and lack of access to basic services. IPs' rights are far from being implemented, due to gaps in legislation on communal forests and to an implementation gap. ACPROD-Batwa recommend that the Government of the DRC apply the Declaration and put an end to the conflict; and that the EMRIP monitor States' human rights obligations with regard to IPs (also JOAS, RAIPON).

The EMRIP must uphold the UN Charter. ALGERIA warns that interpretations of international law must not be extensive; applauds the exercise of self-determination for peoples in colonised territories; upholds intangibility of colonial borders in Africa; and supports implementation of the Declaration within the framework of domestic legislation and international law.

Asia and the Pacific

UZIP recall the landmark adoption of the Declaration as the recognition of IPs, their traditional knowledge and sustainable ways of life, in a context of increasing environmental threats. IPs' lack of awareness on the Declaration hinders implementation.

In spite of some constitutional recognition in Malaysia, IPs' customary institutions are being eroded by governmental undue interventions, in violation of IPs' right to self-determination. Development aggression continues to bring misery to indigenous communities, leading to loss of land and resources. The Declaration is being used in court cases by IPs, resulting in several landmark judgements, which are unfortunately not enforced. The Sarawak State Government propagates a narrow interpretation of native customary lands, which confuses IPs. The Declaration can help promoting pluralism in Malaysia, and fostering respect for IPs' dignity. JOAS recommend the HRC: to establish and strengthen programmes to promote the Declaration at all levels; and to establish a mechanism to monitor the implementation of the Declaration at regional and national level (also AIDESEP).

(Reaffirming its support to the Declaration and its constitutional recognition of these rights, MALAYSIA objects to this statement and allegation of violations of IPs' rights.)

Despite the Indigenous Peoples Rights Act (IPRA) and the Declaration, IPs continue to suffer gross human rights violations in the Philippines (also LRNRC-FOEP, Subanon Tribe). IPRM assert IPs' inextricable link to their lands, territories and resources, and right to self-determination. Contrary to articles 30 and 10, the Philippine State pursues its policy of military activities in indigenous territories and persecution of IPs' activists and communities, including in order to protect extractive industries' interests (also LRNRC-FOEP). Denial of IPs' self-determination rights in development projects include: failure to acknowledge and consult indigenous communities; failure to respect indigenous decision-making and traditional authorities, customary laws and ancestral boundaries; inadequate redress and compensation agreements; resort to undue influence and coercion. IPRM echo the 2009 Manila Declaration of the International Conference on Extractive Industries and IPs. The EMRIP should address, among others: impact of extractive industries on IPs, and relevant measures by States; States' use of military forces in favour of TNCs (also DEMA); application of international humanitarian law and the Declaration in military operations; UN independent information on free prior and informed consent processes; IPs' full and effective participation in international discussions on biodiversity and climate change issues (also PIPLinks for extractive industries). The UN Secretary-General Special Representative on Human Rights and TNCs should engage with IPs and urge home States to provide for extraterritorial jurisdiction on TNCs' activities (also MPHRC). International Financial Institutions must include free prior and informed consent in their safeguard policies pertaining to IPs, stop supporting large-scale projects on IPs' territories, and stop promoting the interests of extractive TNCs over IPs' rights. The World Health Organisation (WHO) should...
study the impact of cyanide and heavy metals on the health of indigenous communities impacted by mining. IPs' rights must be recognized by extractive industries and bilateral trade agreements.

**LRNRC-FOEP** state that in spite of anterior jurisprudence recognizing IPs' ownership of their territories and natural resources, the government continues to consider that the State owns all natural resources in the Philippines. The IPRA was supposed to correct this historical wrong, but IPs have not yet adequate remedies for restitution and compensation, as the IPRA recognizes rights under discriminatory land laws, limits to 10 years the period for an action for restitution, and its application depends on the political will of the National Commission on IPs (NCIP). In addition, regulations are currently issued that turn the IPRA inapplicable, limit the right to free prior and informed consent, and to public participation. Access to justice remains difficult for IPs. The NCIP also tends to facilitate the entry of extractive industries on ancestral lands through manipulation of free prior and informed consent processes (also *Subanon Tribe*). **DEMA** report on the situation of an indigenous *Ifugao* community encouraged to resettle by the Government of the Philippines in the 1960s, and, since 1994, denied by the NCIP their right to free prior and informed consent with regard to mining operations, on the ground that they are migrant IPs (also *IPRM*). **DEMA** recommend that government bodies mandated to protect IPs' rights be run by IPs themselves, and IPs must choose their representatives in decision-making processes at all levels. Governments must establish culturally appropriate IPs; and regulations for the reclassification of lands to properly reflect IPs' ownership of ancestral territories.

A *Subanon Tribe* of Mindanao denounce that the Philippine Government has not recognized their customary law and justice system and its jurisdiction, leading to repeated failure by the NCIP to acknowledge and respect their traditional representative institutions and their highest judicial authority. The Philippines must fully recognize indigenous justice systems, their jurisdiction and articulation with the national justice system. Acknowledging Indonesia's efforts to legally recognize some indigenous rights, **BAA/DAP** nevertheless highlight gross ongoing violations of IPs' rights in Maluku and West Papua, including self-identification, cultural, religious and land rights. **BAA/DAP** appeal to the UN for help and protection, and urge relevant SRs to visit West Papua and Maluku.

**ATSISJC** state that credible and independent national human rights institutions (NHRIs) provide a vital link between the international system and domestic legal frameworks, and have a clear role in implementing the Declaration. The Asia Pacific Forum of NHRIs conducted a survey among its members to identify their activities regarding IPs' rights, which include: annual reporting to parliament on the status of IPs' rights; studies on issues facing IPs; translation of the Declaration in indigenous languages; assessment of policies and proposals against the standards in the Declaration; handling complaint processes on discrimination faced by IPs; and awareness raising on IPs' rights. There is a clear need for technical assistance on awareness raising on the Declaration (also **John Henriksen**), in which the UN should assist. The Asia Pacific Forum will develop a tool-kit for NHRIs on the Declaration. **ATSISJC** recommend that the EMRIP create partnerships with NHRIs; and note the important role of NHRIs in the promotion and protection of IPs' rights; and call on States to establish national institutions that comply with the international standards to ensure credibility and independence.

**NSWALC** stress the need for States, including Australia, to implement the Declaration into domestic law (also **FOC** for Canada), and through delivery of services, infrastructure support, legislative amendments, education programmes and reparatory measures. States should ensure IPs' direct and meaningful control; recognition of self-determination and free prior and informed consent, the impact of historic injustices, and reparations; recognition of culture and the right to non-assimilation; freedom from discrimination and respect for legal and other protections; adequate financial input and political will. **NSWALC** submit a check list for monitoring policies and programmes for indigenous Australians, developed by the former Aboriginal and Torres Straits Islander Commission (ATSIC) in 2004.

**NTTC** are requesting fundamental changes to Australia's Native Title Act, as the current native title system is deeply discriminatory against Aboriginal peoples. To be recognized under this Act, traditional owner groups must bear the burden of proving that they have observed their traditions and been connected to their land without interruption since the assertion of British sovereignty. One possible amendment would revert the burden of proof to the State (or other parties). Occasionally, the National Native Title Tribunal has decided in favour of indigenous traditional owners. However, the opposite is all too often the case, and there are instances of State Governments using a coercive approach with traditional owners, which seriously contravenes the Declaration.

**WIN-Ainu/SGC** call on the Government of Japan to address discriminatory policies that destroyed the *Ainu* way of life and culture; land rights in accordance with the Declaration and CERD recommendations; establishment of a representative Ainu people's body; representation of the Ainu people in the Japanese Parliament; the return of the northern islands of Japan to the Ainu people as part of their traditional territory. Environmental destruction caused by industrialized societies must be tackled, to allow for a lifestyle in accordance with the *Ainu* people's traditional spirit.
**INDONESIA** objects that many statements are referring to country-specific human rights violations, which are under the mandate of the SRIP. Bringing forth statements that are not related to the EMRIP’s mandate will undermine its credibility (also **TURKEY**).

**Middle East**

**SOITM** call for the urgent attention of the HRC, its special procedures, and the UN, to the situation of human rights in Northern Iraq, where extreme Kurdish nationalism and insufficient democratic norms have led to a significant deterioration of the human rights situation of the **Turkmen** people, among others. **AANO** inform on the situations of assimilation, violence, ethnic cleansing or extermination, faced by the **Aramean** people in Iraq, Turkey and Syria. AANO call upon the governments of these States to implement the Declaration, recognize the Aramean peoples as IPs, better protect them, promote their culture, and facilitate their return and redress their losses.

**Europe, Russia and the Circumpolar**

The **Arctic Indigenous Caucus** are satisfied that the Declaration specifically addresses IPs’ economic, social, cultural and spiritual, political and environmental rights, including their rights to self-determination and to lands. The Declaration enjoys a strong applicability, as it enables States and IPs to improve their relationships, and is compatible with other international human rights instruments. Greenland’s Government and ICC will hopefully collaborate to establish a human rights center in Greenland, with special focus on IPs’ issues and rights. The **Saami** people is involved in negotiations with governments to realize its right to self-determination, through transferring new mandate areas to the Saami parliaments. The Arctic Caucus draw the attention to the official comment of the UN Working Group on Minorities on the UN Declaration on the Rights of Persons Belonging to Minorities (document E/CN.4/Sub.2/AC.5/2005/2) and suggest that the EMRIP produce a series of similar official commentaries on the Declaration. **RAIPON** stress the need for IPs to fight for their rights and change the attitudes of the mainstream society and governments. The Declaration must become a guiding principle in the implementation of IPs’ constitutional rights. The laws of the Russian Federation are very contradictory, as they recognize IPs’ rights while violating their rights to traditional foods and nature management. IPs were not even mentioned in Russia’s 2009 UPR report. A key problem is the absence of a federal body to address the issues of IPs’ development. RAIPON warn that IPs’ must not become victims of new economic development of the Arctic, Siberia and the Far East now that climate change allows to reach new subsoil resources.

**Central and South America**

**CNV** emphasize respect for the rights of detainees and suggest that social reinsertion replace detention. **FONAKISE** call for wide application of the redress principle by States, and stress collective titling of IPs’ ancestral territories in the Ecuador Amazon as a means to prevent land alienation and enforce compliance with consultation standards. National ombudsman offices should address indigenous and environmental rights. Rampant institutional racism, harassment of indigenous organisations, and non participation of IPs demonstrate Ecuador’s failure to protect IPs’ rights. In relation to compensation, **JPP-RE** underscore the significance of article 19 on free prior and informed consent.

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The Declaration addresses repatriation of both intangible and material heritage, and establishes IPs' right to compensation and redress for lands, territories and resources, as well as means of subsistence, that have been taken away (OCOPQP).

**GUATEMALA** informs on mechanisms established to solve agrarian conflicts and to redress damages to victims of the internal armed conflict, including victims of human rights violations and crimes against humanity (including by state security forces), in accordance with multiculturalism, gender equality, environmental sustainability, democratic participation, and the Maya world vision.

**North America**

NIYC highlight USA's failure to address concerns by the CERD on widespread violence against indigenous women, including in urban settings, and on addressing social and economic conditions as the root causes of crime. NIYC support full and effective remedies to effectuate IPs' rights, underscoring urban IPs' specific problems and needs.

Reporting on gold mines in the Western Shoshone territory in the USA, WSDP denounce damages caused all over the world by open-pit cyanide heap leach mining (also **CAPAJ** for extractive industries in general), which is destroying IPs' land and environment, and violating their rights. Many IPs are now faced with the greed of TNCs and remain powerless to maintain their customs and traditions for their future generations. This way of mining should be outlawed, as it is in direct violation of articles 29 and 32, regarding IPs' right to protection of the environment, and free prior and informed consent as to hazardous materials. Articles 29, 32 and 40 provide for mitigation of adverse impacts, for just and fair redress, for effective remedy for all infringements of IPs' rights, and for programmes to maintain and restore IPs' health. States must hold their resources extraction corporations legally accountable for violations of IPs' rights, and establish complaint and redress mechanisms.

**Africa**

MBOSCUA report on how a wealthy prominent member of Cameroon's ruling party has been grabbing Mbororo traditional grazing lands, displacing families without compensation, torturing and imprisoning opponents, and undermining Mbororo institutions. Cameroon has yet to answer to the SRIP's 2007 report on this. The HRC must send the SRIP for a fact-finding mission. The UN should facilitate IPs' access to international human rights mechanisms for redress. Cameroon must implement the recommendations for compensation to the affected Mbororo families, acknowledge the Mbororo as IPs, and strengthen their traditional institutions.

**Asia and the Pacific**

With regard to adjudication and remedies, the Asian Indigenous Caucus recommend full consideration of customary law; establishment of new inclusive, transparent, accessible and quick mechanisms where existing mechanisms are discriminatory against IPs; legal aid and expedite hearing of court cases; and a monitoring body to ensure compliance of new laws with IPs' rights. As to compensation, the Asian Caucus recommend application of free prior and informed consent to a continuous and equitable sharing of benefits; transparent processes; annuity-based compensation; the setting up of trust funds; and in case of resettlement, lands of equal value and enabling IPs to pursue their traditional livelihoods. As to repatriation, the Asian Caucus recommend sharing information of artefacts between holders and IPs through a catalogue; and a process of dialogue to encourage repatriation. Adjudication, remedies, repatriation, redress and compensation should be addressed by an HRC expert meeting, by the SRIP in dialogue with governments, and through a compilation of good practices and proposed guidelines by the EMRIP.

Focusing on North East India, MPHRC highlight negative impacts of extractive industries' activities on IPs' lives and rights to subsistence, land and natural resources, health, environment, culture, and traditional knowledge systems. State ownership of subsoil resources entails IPs' loss of lands handed to them by ancestors in trusteeship for unborn generations. The EMRIP should carry out a broad-based study on the activities of extractive industries that damage IPs.

**UZIPI** highlight the land alienation faced globally by IPs due to non-recognition of the right to free prior and informed consent. In the unavoidable circumstances where IPs' land or resources have to be taken away by the State, the victims must be adequately compensated to their satisfaction, and be guaranteed all options to seek remedy in the courts.

Presenting the Okinawa case as an example of lack of appropriate remedies, AIPR recall the history of annexation by Japan of the Ryukyu Islands, assimilation policies imposed upon the people, failure to recognize them as IPs, militarization by the US army, recent development of resort areas resulting in destruction of environment and sacred places, and growing population flows from mainland Japan. A first form of remedy is to recognize IPs. States should establish national commissions for adjudication, remedies, repatriation, redress and compensation regarding IPs' rights in accordance with the Declaration, and with IPs' full participation (also **UZIPI**); investigate extra-judicial killings, including historic ones, punish the perpetrators, and give remedy to the victims; and prevent revisionism regarding conflicts where IPs were involved.
FAIRA highlight specific mechanisms built in the Declaration to address deep-rooted problems, including a system of engagement (articles 8 and 30), impartial procedure for justice, remedy and accord (articles 8, 11, 12, 37, 40), and intercession without bias or malice (articles 8, 13, 27, 30, 32, 37, 40). The Declaration's preamble emphasizes the need to revert the impact of centuries of, and ongoing, institutional discrimination. The mechanisms in the Declaration are a roadmap to address States' inaction in eliminating racism against IPs. Ignoring these provisions is to condemn IPs to continued oppression and marginalization. FAIRA then stress the lack of constitutional recognition of IPs in Australia, where the national government had no legislative responsibility for IPs till 1972, and abolished in 2005 their representative body, the ATSIC (also NSWALC). The government has been manoeuvring to hinder administration of native titles, and suspended the Racial Discrimination Act in relation to IPs' land rights, and in remote areas, thus depriving IPs of legal remedy (also NSWALC). Australia also refuses to pay compensation to IPs for various injustices. Finally, there is no process for IPs to seek arbitration of disputes or to appeal governmental decisions in Australia.

NSWALC inform on mechanisms in Australia providing possible avenues for adjudication, remedies, repatriation, redress and compensation: the 1993 Native Title Act, although controversial, has enabled IPs to gain some recognition of their traditional laws and land rights. The Northern Territory 1976 Aboriginal Land Rights legally recognizes the Aboriginal land ownership system, although recent amendments require land leases in return for the delivery of essential services by the State. The New South Wales 1983 Aboriginal Land Rights Act allows for Aboriginal land claims, acknowledges the significance of land to IPs, and establishes a compensatory regime for past dispossession. Achieving reparation for the Stolen Generation will require considerable political support.

New-Caledonia's land ownership system includes private ownership, customary lands, and domain lands, whose allocation depend on needs of an environmentally destructive development model, as in the case of the INCO Corporation's nickel mining operations that contaminate a lagoon inscribed on UNESCO's World Heritage List. CPCK is developing a strategy to settle customary land claims through mapping lands of Kanak clans and tribes, whose constitutions are also registered in writing. Remedies to obtain compensation and reparation from the State are very limited.

Middle East

CNAAO reaffirm that the Armenian people are entitled to enjoy all human rights, as IPs have indispensable collective rights. CNAAO further stress judicial and moral redress, restitution, and compensation, as three different steps of the same process, based on the Declaration. (Objecting to this statement as irrelevant to the EMRIP's mandate, TURKEY claims that interpretation of the Declaration as expressed by the States during its adoption should be considered a basis, and reiterates its non legally-binding nature and the absence of any group in Turkey that fall under its scope.)

Europe, Russia and the Circumpolar

DENMARK informs on the “Utimut” (“Return” in Greenlandic) programme aimed at returning cultural objects, archaeological artefacts and human remains. Greenland's interest for having cultural heritage returned has developed over the last 30 years. The return process is based upon mutually agreed principles laid out by a committee of equal membership from Denmark and Greenland, and aims at establishing representative collections in both countries. Human remains have all been repatriated. Various events and publications have made possible to share this good practice.

Francisco Cali, Member of the Committee on the Elimination of Racial Discrimination (CERD), highlights the CERD's General Comment No. 23, on IPs' rights, and the Declaration as a tool against racial discrimination. In Latin America, recent constitutional and legislative reforms have led to increased support for IPs' rights and the implementation of the Declaration. José Carlos Morales expresses the hope that more governments (also ONPIA/CTQLNQ) and IPs’ organizations will submit timely information for EMRIP’s studies.

John Henriksen stresses the comprehensiveness and complexity of the Declaration, and the interconnectedness of its provisions among them and with other international human rights instruments. In spite of some positive developments in various countries, IPs are still facing serious problems as a consequence of denial and violations of their rights and freedoms. Reconciliation seems to be an important precondition for making the Declaration a reality on the ground.

Item 5 – Proposals to be submitted to the HRC for its consideration and approval

Highlighting suggestions on future thematic focus, John Henriksen recalls that while taking into account the full scope of the Declaration, the EMRIP needs to identify its thematic focus and priorities in compliance with its mandate. Among major concerns, he underscores IPs' limited opportunities to determine priorities for their own development and to effectively participate in decision-making processes affecting them.
Proposals by the Global Indigenous Peoples’ Caucus for future thematic focus

One proposed theme is IPs’ current health status, which is related to their environment, waters (also CAPAJ), practice of spirituality, and inherent right to self-determination, and is also determined by their dire living conditions and lack of adequate health care services. There is an urgent need to follow up on the 1999 WHO Geneva Declaration on the Health and Survival of IPs and to address IPs’ right to health, as affirmed in international human rights instruments, including the Declaration’s articles 21 to 24 and 37. A study on IPs’ health should incorporate a gender perspective; include the importance of IPs’ traditional knowledge and health care systems; address proposed solutions to emerging threats to IPs’ health; and highlight good practices and collaborative efforts between States and IPs.

Another proposed study addresses implementing IPs’ right to self-determination, with a particular focus on the resource dimension. Colonisation of IPs’ lands and territories brought limitations to their exercise of this inalienable and fundamental inherent right (as affirmed in article 3 of the Declaration), as well as to their ancestral regulations on resources and minerals, whose full application is now limited by States’ laws, which hinder IPs from freely pursuing their development, contravening to article 26 on the States’ obligation to give legal recognition and protection to IPs’ lands, territories and resources, with due respect for their traditions and land tenure systems. What needs now to be addressed is the effective implementation of self-determination in an indigenous context (also NN, RAIPON, JPP-RE, SC).

A third proposal focuses on IPs’ rights to consultation and to free prior and informed consent, affirmed by ILO Convention 169 and the Declaration as one of IPs’ collective rights (also RAIPON, IAITPTF, CPNAB, ONIC/AICO). This is linked to IPs’ holistic conceptions of the world, to their sacred connection to the land and resources. IPs’ right to consultation and to free prior and informed consent must be respected with regard to adoption of legislative, political and administrative measures, as well as to development plans and programmes, and to extractive activities in indigenous lands and territories. Discussions at various UN specialized agencies intend to find a common treatment of this right, on which, however, IPs have their own conception.

In closing, the Chairperson-Rapporteur expresses deep appreciation to all participants for their cooperation, and specially thanks the representatives of NHRIs and of the Working Group on Indigenous Populations of the ACHPR. She calls for continued support and contribution to the EMRIP’s work.

The third session of the Expert Mechanism on the Rights of Indigenous Peoples will be held in Geneva, at the Palais des Nations, from the 12th to the 16th of July 2010.

Before this session, a preparatory meeting of the Global Indigenous Peoples Caucus will take place at the World Council of Churches (150, route de Ferney) on Saturday 10th and Sunday 11th of July 2010, from 9:00 am until 5:00 pm. On its own initiative, doCip encourages everyone, and especially the beneficiaries of the Voluntary Fund, to participate to this important meeting.

Finally, in collaboration with the Office of the High Commissioner for Human Rights, doCip will organise, to the attention of indigenous peoples, a short training on the human rights mechanisms.

Provisional Agenda for the Third Session of the EMRIP

1. Election of officers
2. Adoption of the agenda and organization of work
3. Study on indigenous peoples and the right to participate in decision-making
4. UN Declaration on the Rights of Indigenous Peoples
5. Proposals to be submitted to the Human Rights Council for its consideration and approval
6. Adoption of the report

Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tr>
<td>AANO:</td>
<td>Arameans of Aram-Naharaim Organisation</td>
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<tr>
<td>ACIA:</td>
<td>Association culturelle «Imache Amar», Algérie</td>
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<tr>
<td>ACPROD-Batwa:</td>
<td>Action Chrétienne pour la Promotion des Défavorisés Batwa</td>
</tr>
<tr>
<td>ACT:</td>
<td>Association culturelle «Taftilt», Algérie</td>
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AICO: Autoridades Indígenas de Colombia
AIDESEP: Interethic Association for the Development of the Peruvian Rainforest
AIPNKa: Association of Indigenous Peoples of the Kamchatka
AIPR: Association of Indigenous Peoples in the Ryukyus
ANT: Asociación Nueva Tilcara
ATSIC: Aboriginal and Torres Straits Islander Commission
ATSISJC: Aboriginal and Torres Straits Islander Social Justice Commissioner
AZETTA: Réseau Amazigh pour la Citoyenneté
BAA: Bangsa Adat Alifuru
CAPAJ: Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos
CAURWA: Communauté des Autochtones Rwandais
CEA-UHIA: Centro de Estudios Ayuuk – Universidad Indígena Intercultural Ayuuk
CJIRA: Comisión de Juristas Indígenas de la República Argentina
CMA: Congrès Mondial Amazigh
CMNA: Confederación Mapuche de Neuquén - Argentina
CNAAN: Conseil national des Arméniens d'Arménie Occidentale
CNV: Cumanagoto Nation of Venezuela
CONAP: Confederación de Nacionalidades Amazónicas del Perú
CONDECOREP: Coordinadora Nacional de Desplazados y Comunidades en Reconstrucción del Perú
COPORWA: Communauté des Potiers du Rwanda
CPCK: Congrès Populaire Coutumier Kanak, Nouvelle-Calédonie
CPNAB: Consejo de Pueblos Nahuaas del Alto Balsas
CTQLNQ: Comunidad Toba Qom Leek "NAM QOM", Argentina
DAP: Dewan Adat Papua
DEMA: Didipio Earthsavers Multipurpose Association, Philippines
FAIRA: Foundation for Aboriginal and Islander Research Action
FEMMATRICs: Federation of Matigsalug Manobo Tribal Councils, Inc.
FOC: Friends of the Coquihalla
FONAKISE: Federación de Organizaciones de la Nacionalidad Kichwa de Sucumbios
GCC: Grand Council of the Crees
IAITPTF: International Alliance of the Indigenous Tribal Peoples of the Tropical Forests
ICC: Inuit Circumpolar Conference
ICSA: Indian Council of South America
IITC: International Indian Treaty Council
IITF: International Indigenous ICT Task Force
IMTA: Indian Movement "Tupaj Amaru"
IOIRD: International Organisation of Indigenous Resource Development
IPACCC: Indigenous Peoples of Africa Co-ordinating Committee
IPNC: Indigenous Peoples and Nations Coalition
IPRM: Indigenous Peoples Rights Monitor
IWA: Indigenous World Association
JOAS: Jaringan Orang Asal SeMalaysia
JPP: Jatun Pacha Producciones – Revista Ecuamundo
LRNRC-FOEP: Legal Rights and Natural Resources Center – Friends of the Earth Philippines
MBOSCUDA: Mbororo Social and Cultural Development Association
MPHRC: Meghalaya Peoples' Human Rights Council
NAAUTARO: Pastoralists' Survival Options, Tanzania
NIYC: National Indian Youth Council
NNM: Newen Mapu – Chile
NN: Navajo Nation
NNTC: National Native Title Council
NSWALC: New South Wales Aboriginal Land Council
NWAC: Native Women's Association of Canada
OCOPQPO: Organización de Comunidades Originarias Pueblo Quechua Puno, Peru
ODHPIA: Observatorio de Derechos Humanos de los Pueblos Indígenas – Argentina
ONIC: Organización Nacional Indígena de Colombia
ONPIA: Organización de Nacionalidades de Pueblos Indígenas de Argentina
PCP: Chittagong Hill Tracts Hill Students' Council
PIPlinks: Philippine Indigenous Peoples Links
RAIPON: Russian Association of Indigenous Peoples of the North
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<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tr>
<td>RCN</td>
<td>Rehoboth Community of Namibia</td>
</tr>
<tr>
<td>RD</td>
<td>Rights and Democracy</td>
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<tr>
<td>SACS</td>
<td>Structural Analysis of Cultural Systems, University of Berlin</td>
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<tr>
<td>SC</td>
<td>Saami Council</td>
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<tr>
<td>SER</td>
<td>Servicios del Pueblo Mixe</td>
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<tr>
<td>SGC</td>
<td>Shimin Gaikou Centre (Citizen's Centre for Diplomacy)</td>
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<tr>
<td>SOTZ'IL</td>
<td>Centro de Investigación y Planificación del Desarrollo Indígena – Sotz’íl</td>
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<tr>
<td>UZIP</td>
<td>United Zo Indigenous Peoples</td>
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<tr>
<td>WIN-Ainu</td>
<td>World Indigenous Peoples’ Network-Ainu</td>
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<tr>
<td>WSAS</td>
<td>Wollotuka School of Aboriginal Studies, University of Newcastle</td>
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<tr>
<td>WSDP</td>
<td>Western Shoshone Defense Project</td>
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3. CONVENTION ON BIOLOGICAL DIVERSITY

In 2008, the 9th Conference of the Parties (COP) to the Convention on Biological Diversity (CBD) mandated its Ad Hoc Open-ended Working Group on Access and Benefit Sharing to finalize negotiations on an International Regime on Access to Genetic Resources and Benefit Sharing (ABS), to be considered for adoption at the CBD 10th COP, in October 2010 in Nagoya, Japan. The Working Group on ABS was supposed to conclude its negotiations on the International Regime at its 9th meeting, held in Cali, Colombia, from 22 to 29 March 2010. The draft text produced by the Working Group's 8th session, known as the Montreal annex, still contained a considerable amount of language that did not enjoy consensus. Negotiations at the 9th session were therefore based on a draft protocol known as the Co-Chairs' text, drawing on the Montreal annex and on further intersessional consultations. However, as consensus was not reached on this draft protocol in Cali, the 9th session of the Working Group was suspended at the end of the week, and will be resumed in Montreal, Canada, from 10 to 16 July 2010. We publish here three statements by the International Indigenous Forum on Biodiversity and the Indigenous Women's Network on Biodiversity, which outline their concerns and demands in this process of negotiations.

Working Group on Access and Benefit Sharing, Ninth session, Cali, Colombia, 22 – 29 March 2010

Opening Statement by the International Indigenous Forum on Biodiversity (IIFB) – 22 March 2010

I welcome you on behalf of the Indigenous Peoples of Colombia.

We indigenous peoples of the world come here united.

Our thought is like the stream of a great river that is fed by its tributaries that are the thoughts of the diverse indigenous peoples of the world.

We have come here to negotiate an international regime that deals with our traditional knowledge and associated genetic resources.

Traditional knowledge is very important to us.

Due to its nature, it is intimately and closely linked to our ancestral territories, to mother earth, and to the identity of our peoples.

Traditional knowledge is dynamically created and recreated based on cultural principles of balance, harmony and connectivity with all forms of life.

Traditional knowledge is tangible and intangible, holistic and integral, and integrating.

Traditional knowledge secures practices which guarantee our physical and spiritual continuity under the principles of reciprocity, complementarity, and an ethic of solidarity, to reach the good way of life.

We come to this meeting from Montreal with positive feelings towards a legally-binding international regime on access and benefit sharing (ABS), knowing that our concerns had been taken into account in the text of the Montreal annex, and knowing that many Parties are supporting our rights and interests.

We are deeply disappointed however that the draft protocol does not include our rights and interests that had been supported in the Montreal annex.

If we are to go forward in achieving an agreed protocol for the international regime then certain key issues must be included now in the draft protocol.

These are minimum and necessary requirements.

1. The protocol shall state in the preamble that the rights of indigenous peoples and local communities are respected.
2. Where traditional knowledge is being accessed, the prior informed consent of the indigenous peoples and local communities must be obtained, and this shall not be subject to national legislation.
3. The preamble to the protocol shall recognise the rights of indigenous peoples and local communities to genetic resources.
4. The importance and relevance of traditional knowledge shall be fully integrated throughout the protocol, especially in the Compliance section.
5. The protocol shall recognise the existence and role of customary laws of indigenous peoples and local communities.

We want to make it clear that each of these requirements is already included in the Montreal annex.
Our delegations of indigenous peoples and local communities have made much effort during negotiations in this working group, and the Working Group on Article 8(j), to explain that our fundamental rights and interests in these particular areas are vitally important to our well-being.

If any of these requirements are overlooked in the protocol then we cannot accept that the continued negotiations will result in a fair and equitable regime for the access to genetic resources and benefit-sharing.

We do not agree with the view that the Convention on Biological Diversity is an environmental instrument and not a human rights instrument.

Such arguments have no basis in law.

The Convention on Biological Diversity makes it clear that all rights of States must be exercised “in accordance with the Charter of the United Nations and the principles of international law”.

The Charter of the United Nations requires all States to “achieve international cooperation by “promoting and encouraging respect for human rights ... for all without distinction”.

There is no exception in the UN Charter that indicates that environmental instruments are exempt from respecting human rights.

We are prepared to continue negotiations if good faith can be demonstrated.

It is the International Year of Biodiversity and we call upon all Parties to now show their commitment to achieving a non-discriminatory and fair and equitable International Regime for Access to Genetic Resources and Benefit-Sharing.

Closing Statement by the Indigenous Women's Biodiversity Network (IWB) – 29 March 20103

Thank you Mr. Co-Chairs

The Indigenous Women's Biodiversity Network thanks the Government of Colombia and the Indigenous Peoples of this region for their hospitality and welcome during these days of the Ninth Meeting of the Working Group on ABS.

Mr. Co-Chairs,

The participation of indigenous women in the process of the Convention on Biological Diversity has significantly contributed to the negotiations realized in the various working groups. We have been contributing to this process because of the importance and the role we have, as indigenous women, in the protection and preservation of our mother earth.

We wish to refer to our concerns about the development of this process of negotiations, in which our proposals as indigenous peoples have not been taken into account in an integral manner with regard to the following specific matters:

1. The reference to the UN Declaration on the Rights of Indigenous Peoples, which is a progress in the recognition of our rights. However, we lament the lack of political will in the application of international instruments that refer to our fundamental rights.

2. Benefit sharing: indigenous women must be taken into account, with their full and effective participation, in the whole process of the International Regime. In this regard, it is necessary to consider the fundamental role of women, which is acknowledged in paragraph 13 of the preamble of the Convention, where it recognizes the “vital role that women play in the conservation and sustainable use of biological diversity”, and through the existence of a Gender Plan of Action of the CBD, which was elaborated in January 2008 in Switzerland, in conformity with Decision V/16: Article 8(j) and related provisions. This Plan was adopted at the COP 9.

3. For indigenous women, and hence for indigenous peoples, the recognition of the collective nature of traditional knowledge is important, as it is inherited, developed and innovated through the years. Traditional knowledge must become a cross-cutting issue in the whole protocol of the International Regime.

4. It is important that, in the issue of compliance, an internationally recognized certificate of compliance be created that include information on prior and informed consent (PIC) and on mutually agreed terms (MAT) of the indigenous peoples and local communities, in accordance with customary law, and community protocols must be consistent with international law.

5. Also, in the issue of capacity, it is important to us that the perspective and vision of indigenous women be taken into account, and that these capacities be developed in view of the needs and realities of indigenous women, with culturally appropriate means and the use of indigenous languages, in order to obtain the full and effective participation of indigenous women.

We indigenous women, as well as the indigenous peoples' representatives present at this meeting, came here fully willing to dialogue, while respecting every principle of good faith. For this reason we urge that States

3 The English version of this statement was translated from Spanish by doCip.
parties demonstrate a serious commitment to guarantee the protection of traditional knowledge associated with genetic resources, including derived products, in order to avoid undue appropriation.

When facing ordeals and challenges, we need to work in solidarity so as to respect the rights of everyone. We request to have an active participation in the process leading to Nagoya. We wish to conclude by stating that mother earth is the major mother, which has given birth to us all. All of us have the obligation to take care of her and protect her with the view to achieving the good way of life of humanity.

Thank you Mr. Co-chairs
Tukuyañataki, ma suma aruntawi taqui chuymauqui.
To conclude, greetings to all from the heart.
Jallalla

Closing Statement by the International Indigenous Forum on Biodiversity (IIFB) – 29 March 2010

2010 is the International Year of Biodiversity and it is vital that Parties complete the task that has been set to adopt a Protocol on Access and Benefit-sharing.

As Indigenous Peoples, we are responding to the International Year by working so that the CBD objectives agreed almost 20 years ago are achieved, both in protection of the world's biodiversity and its sustainable use and towards the fair and equitable sharing of benefits, arising from the use of genetic resource and associated traditional knowledge.

It is important to understand that our empowerment to exercise our rights is a key aspect to the protection of the biodiversity, and that our rights in relation to biodiversity, including genetic resources, must be a cornerstone of the international ABS regime for the future Protocol to be successful.

Indigenous Peoples represent the principle that all peoples have responsibilities and obligations to preserve mother nature which sustains us and defines our own existence. Indigenous peoples endeavour to fulfill these responsibilities within our homelands according to our cultural traditions.

Since 2007 the United Nations has recognised our existence as peoples, thus overturning historical myth that we do not have rights to self-government or collective rights to our territories and resources.

The Declaration on the Rights of Indigenous Peoples, also clarifies that indigenous peoples, like all peoples, have the clear right to self-determination, and the right to make our own decisions regarding our livelihoods, cultures and futures.

We are pleased to see that our rights in relation to Traditional Knowledge associated with Genetic Resources are recognised in the draft protocol. We have no reason to believe that this recognition will change.

We still expect that our rights to Traditional Knowledge will be regarded as a cross-cutting issue and that Traditional Knowledge will be incorporated into the section on Compliance.

We note that some Parties have suggested that Indigenous Peoples do not want States to provide protection for traditional knowledge.

Whilst Indigenous Peoples have the right to maintain, control, protect and develop our Traditional Knowledge, Parties also have obligations under international law to implement effective measures to recognize and protect the exercise of these rights.

We do not agree with the suggestions that compliance measures regarding Traditional Knowledge be referred to WIPO. We do not have much faith in the WIPO discussions, having participated in fifteen sessions, so far, of the IGC on Genetic Resources Traditional Knowledge and Folklore.

We consider that our rights to TK and associated Genetic Resources are better addressed in the ABS international regime because this is where the structure, capacity and information for compliance is to be established.

We have requested that the draft protocol reflect 'the interrelationship between genetic resources and traditional knowledge and the inseparable nature of these resources and knowledge to Indigenous Peoples and local communities'. We hope that Parties will be able to affirm this important relationship in the language of the protocol.

Indigenous Peoples do not see the Protocol on ABS as a narrow trade agreement, in which the remaining valuable resources from biodiversity and traditional knowledge are extracted, expropriated, and privatised through intellectual property rights.

Indigenous Peoples have been the custodians of biodiversity, enhanced through the application of traditional knowledge, innovations and practices.

This historical heritage must be fully valued in the ABS Protocol, and fully rewarded and enhanced as a continuing legacy for future generations.
4. UPCOMING MEETINGS AND DEADLINES FOR INDIGENOUS PEOPLES, JULY TO DECEMBER 2010

The dates for the sessions of the Human Rights Council are subject to changes. Please check with the Council’s website http://www.ohchr.org/english/bodies/hrcouncil/ (to access the Extranet, the username is “hrc extranet” and the password is “Isession”).

JULY

10 – 16 July 2010 (Montreal, Canada)
**Resumed ninth meeting of the Open-ended Working Group on Access and Benefit-sharing**
Secretariat of the Convention on Biological Diversity
Contact: Mr. Ahmed Djoghlaf, Executive Secretary
413 St-Jacques Street, 8th floor, Office 800
Montreal, Quebec, Canada, H2Y 1N9
Phone: +1 514 288 2220 Fax: +1 514 288 6588
E-mail: secretariat@cbd.int Web: http://www.cbd.int/meetings/default.shtml

12 – 16 July 2010 (Geneva, Switzerland)
**Third session of the Expert Mechanism on the Rights of Indigenous Peoples**
Office of High Commissioner for Human Rights
Contact: Mr. José Parra, Indigenous Peoples and Minorities Unit
United Nations, 1211 Geneva 10, Switzerland
Phone: +41 22 928 9164 Fax: +41 22 928 9066
E-mail: expertmechanism@ohchr.org
Web: http://www2.ohchr.org/english/issues/indigenous/ExpertMechanism/index.htm

12 – 30 July 2010 (New York, USA)
**46th session of the Committee on the Convention on the Eradication of all Forms of Discrimination Against Women (CEDAW)**
Countries scheduled for consideration: Albania, Argentina, Australia, Central African Republic, Fiji, Grenada, Papua New Guinea, Russian Federation, Seychelles, Turkey.
Office of the High Commissioner for Human Rights
United Nations, 1211 Geneva 10, Switzerland
Fax: +41 22 917 9022
E-mail: cedaw@ohchr.org
Web: http://www2.ohchr.org/english/bodies/cedaw/cedaws46.htm

12 – 30 July 2010 (Geneva, Switzerland)
**99th session of the Human Rights Committee**
Countries scheduled for consideration: Cameroon, Colombia, Estonia, Israel, Ethiopia, Mongolia, Kazakhstan, Slovakia, Togo.
Office of the High Commissioner for Human Rights
Contact: M. P. Gillibert
United Nations, 1211 Geneva 10, Switzerland
Phone: +41 22 917 9332 Fax: +41 22 917 9022
E-mail: pgillibert@ohchr.org
Web: http://www2.ohchr.org/english/bodies/hrc/hrcs99.htm

19 – 23 July 2010 (Geneva, Switzerland)
**First session of the Interse ssional Working Group of WIPO Intergovernmental Committee on Traditional Knowledge, Genetic Resources and Traditional Cultural Expression/Folklore**
World Intellectual Property Organisation (WIPO)
34, chemin des Colombettes
PO Box 18, CH-1211 Geneva 20, Switzerland
Phone: +41 22 338 9111 Fax: +41 22 733 54 28
E-mail: Gtktf@wipo.int Web: http://www.wipo.int/tk/en/
AUGUST

2 – 6 August 2010 (Geneva, Switzerland)
Fifth session of the Human Rights Council Advisory Committee
Office of the High Commissioner for Human Rights
Contact: Human Rights Council Advisory Committee
Human Rights Council Secretariat
United Nations, 1211 Geneva 10, Switzerland
Phone: +41 22 917 9401/9732 Fax: +41 22 917 9011
E-mail: hrcadvisorycommittee@ohchr.org
Web: http://www2.ohchr.org/english/bodies/hrcouncil/advisorycommittee.htm

2 – 27 August 2010 (Geneva, Switzerland)
77th session of the Committee on the Elimination of Racial Discrimination (CERD)
Countries scheduled for consideration: Australia, Bosnia and Herzegovina, Denmark, El Salvador, Estonia, France, Islamic Republic of Iran, Morocco, Romania, Slovenia and Uzbekistan.
Office of the High Commissioner for Human Rights
Contact: Ms. N. Prouvez, Secretary
United Nations, CH-1211 Geneva 10, Switzerland
Phone: +41 22 917 9309 Fax: +41 22 917 9022
E-mail: nprouvez@ohchr.org
Web: http://www2.ohchr.org/english/bodies/cerd/77.htm

9 August 2010 (celebrated throughout the world)
International Day of the World’s Indigenous Peoples
Web: http://www.un.org/events/

SEPTEMBER

13 September – 1 October 2010 (Geneva, Switzerland)
15th session of the Human Rights Council
Office of the High Commissioner on Human Rights
Contact: OHCHR Civil Society Unit
United Nations, 1211 Geneva 10, Switzerland
Phone: +41 22 917 9656 Fax: +41 22 917 9011
E-mail: civilsocietyunit@ohchr.org
Web: http://www.ohchr.org/english/bodies/hrcouncil

13 September – 1 October 2010 (Geneva, Switzerland)
55th session of the Committee on the Rights of the Child (CRC)
Countries scheduled for consideration: Angola, Burundi, Denmark, Montenegro, Spain, Sri Lanka, Sudan, Ukraine, Bosnia and Herzegovina, Mexico, Nicaragua.
Office of the High Commissioner for Human Rights
Contact: Ms. Maja Andrijasevic-Boko, Secretary
United Nations, CH-1211 Geneva 10, Switzerland
Phone: +41 22 917 9276 Fax: +41 22 917 9022
E-mail: crc@ohchr.org Web: http://www2.ohchr.org/english/bodies/crc/crcs55.htm

14 September – December 2010 (New York, USA)
65th session of the UN General Assembly
UN Headquarters, 1 UN Plaza, New York, NY 10017
Phone: +1 212 963 8811 Fax: +1 212 963 1267
Web: http://www.un.org/ga

20 – 29 September 2010 (Geneva, Switzerland)
Assemblies of Member States, 48th series of meetings
World Intellectual Property Organisation (WIPO)
PO Box 18, CH-1211 Geneva 20, Switzerland
Phone: +41 22 338 9111 Fax: +41 22 733 5428
For email go to: http://www.wipo.int/tools/en/contacts/index.jsp
Web: http://www.wipo.int/meetings/en/details.jsp?meeting_id=17454

Published on June 10, 2010
OCTOBER

4 – 22 October 2010 (Geneva, Switzerland)

47th session of the Committee on the Convention on the Eradication of all Forms of Discrimination Against Women (CEDAW)
Countries scheduled for consideration: Bahamas, Burkina Faso, Chad, Comoros, Czech Republic, Lesotho, Malta, Tunisia and Uganda.
Office of the High Commissioner for Human Rights
United Nations, 1211 Geneva 10, Switzerland
Fax: +41 22 917 9022
E-mail: cedaw@ohchr.org
Web: http://www2.ohchr.org/english/bodies/cedaw/cedaws47.htm

9 – 11 October 2010 (Washington DC, USA)
Annual meetings of the World Bank Group and the International Monetary Fund
World Bank Headquarters
1818 H Street, NW Washington, DC 20433, USA
Phone: +1 202 473 1000 Fax: +1 202 477 6391
E-mail: bfcoffice@worldbank.org Web: http://www.imf.org/external/am/index.htm

11 – 29 October 2010 (Geneva, Switzerland)

100th session of the Human Rights Committee
Countries scheduled for consideration: El Salvador, Poland, Belgium, Jordan, Hungary, Jamaica, Bulgaria, Kuwait, Guatemala, Iran.
Office of High Commissioner for Human Rights
Contact: M. P. Gillibert
United Nations, 1211 Geneva 10, Switzerland
Phone: +41 22 917 9332 Fax: +41 22 917 9022
E-mail: pgililbert@ohchr.org Web: http://www2.ohchr.org/english/bodies/hrc/hrcs100.htm

18 – 29 October 2010 (Nagoya, Aichi Prefecture, Japan)
Tenth meeting of the Conference of the Parties to the Convention on Biological Diversity
Secretariat of the Convention on Biological Diversity
Contact: Mr. Ahmed Djoghlaf, Executive Secretary
413 St-Jacques Street, 8th floor, Office 800
Montreal, Quebec, Canada, H2Y 1N9
Phone: +1 514 288 2220 Fax: +1 514 288 6588
E-mail: secretariat@cbd.int Web: http://www.cbd.int/meetings/default.shtml

25 October – 5 November 2010 (Geneva, Switzerland)

8th session of the Intergovernmental Working Group on Effective Implementation of the Durban Declaration and Programme of Action
Office of the High Commissioner for Human Rights
Contact: Anti-Discrimination Unit
48 Giuseppe Motta, 1202 Geneva, Switzerland
Phone: +41 22 928 9208 Fax: +41 22 928 9050
E-mail: adusecretariat@ohchr.org
Web: http://www2.ohchr.org/english/issues/racism/groups/index.htm

NOVEMBER

1 – 19 November 2010 (Geneva, Switzerland)

45th session of the Committee Against Torture
Countries scheduled for consideration: Bosnia and Herzegovina, Cambodia, Ecuador, Ethiopia, Mongolia, Turkey.
Office of the High Commissioner for Human Rights
Contact: Ms. M. Morales Fernandez, Secretary
United Nations, 1211 Geneva 10, Switzerland
Phone: +41 22 917 9139 Fax: +41 22 917 9022
Web: http://www2.ohchr.org/english/bodies/cat/cats45.htm
1 – 19 November 2010 (Geneva, Switzerland)
45th session of the Committee on Economic, Social and Cultural Rights (CESCR)
Countries scheduled for consideration: Netherlands, Switzerland, Uruguay, Dominican Republic, Sri Lanka.
Office of the High Commissioner for Human Rights
Contact: Ms. Wan-Hea Lee, Secretary
United Nations, CH-1211 Geneva 10, Switzerland
Phone: +41 22 917 9154 Fax: +41 22 917 9022
E-mail: wlee@ohchr.org Web: [http://www2.ohchr.org/english/bodies/cescr/cescrs45.htm](http://www2.ohchr.org/english/bodies/cescr/cescrs45.htm)

22 November – 3 December 2010 (Geneva, Switzerland)
Ninth session of the HRC Working Group on the Universal Periodic Review
Countries scheduled for consideration (in this order): Liberia, Malawi, Mongolia, Panama, Maldives, Andorra, Bulgaria, Honduras, United States of America, Marshall Islands, Croatia, Jamaica, Libyan Arab Jamahiriya, Micronesia, Lebanon, Mauritania.
Office of the High Commissioner for Human Rights
Contact: OHCHR Civil Society Unit
United Nations, 1211 Geneva 10, Switzerland
Phone: +41 22 917 9656 Fax: +41 22 917 9011
E-mail: civilsocietyunit@ohchr.org
Web: [http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx)

29 November – 10 December 2010 (Cancún, Mexico)
16th session of the Conference of Parties (COP 16) of the UNFCCC
6th session of the COP serving as meeting of the Parties to Kyoto Protocol
Sessions of the Subsidiary Bodies for Scientific and Technological Advice (SBSTA) and Implementation (SBI)
UN Framework Convention on Climate Change (UNFCCC)
Haus Carstanjen, Martin-Luther-King-Strasse 8
PO Box 260124, D-53153 Bonn, Germany
Phone: +49 228 815 1000 Fax: +49 228 815 1999
E-mail: secretariat@unfccc.int Web: [http://unfccc.int/meetings/items/2654.php](http://unfccc.int/meetings/items/2654.php)

DECEMBER

6 – 10 December 2010 (Geneva, Switzerland)
17th session of the Intergovernmental Committee on Traditional Knowledge, Genetic Resources and Traditional Cultural Expression/Folklore
World Intellectual Property Organisation (WIPO)
34, chemin des Colombettes
PO Box 18, CH-1211 Geneva 20, Switzerland
Phone: +41 22 338 9111 Fax: +41 22 733 54 28
E-mail: Grtkf@wipo.int Web: [http://www.wipo.int/tk/en/](http://www.wipo.int/tk/en/)
5. OTHERS

United Nations Voluntary Fund for Indigenous Populations

The forms for representatives of IPs to apply to the Voluntary Fund for travel grants to the 2011 sessions of the:
- Permanent Forum on Indigenous Issues
- Expert Mechanism on the Rights of Indigenous Peoples

are available on the OHCHR’s Website:

http://www2.ohchr.org/english/about/funds/indigenous/

This application has to be completed, signed, dated and accompanied by a letter of nomination and sent by 1 OCTOBER 2010 to

Secretariat of the Voluntary Fund for Indigenous Populations
Ms. Mélanie Clerc
Office of the United Nations High Commissioner for Human Rights
CH-1211 Geneva 10 - Switzerland
Tél. +41 22 928 9164 / 9737 - fax +41 22 928 9066
E-mail: IndigenousFunds@ohchr.org

For applications and more information: http://www2.ohchr.org/english/about/funds/indigenous/

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 (Subject: Update)
by fax at: + 41 22 740 34 54
by mail at: doCip, 14 avenue Trembley, CH-1209 Genève

Thanks!

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