

SYNTHESIS ON THE 11TH SESSION OF THE EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES

9th July – 13th July 2018, Geneva

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



Preliminary notice to this Synthesis:

This summary is based on the notes taken during the conference, the statements collected by Docip services and the rolling speakers' list of the conference. However, those notes reflect only the statements that have been delivered. The sessions that dealt with the agenda items of the [program of work](#) of the eleventh session of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) are related, along with side-events. Unfortunately, two side events are missing in those summaries (decolonization organized by INCOMINDIOS on Thursday 12 July and the launch of the book on Research organized by Structural Analysis of Cultural Systems on Friday 13 July) due to lack of human resources. This document uses abbreviations, the index of which is available in Annex I.

1. Executive Summary

This eleventh session of the EMRIP was the second to take place since the adoption by the Human Rights Council (HRC) of the [resolution 33/25](#) that amended the mandate. This new mandate provides EMRIP members with new capacities, including the ability to engage with the private sector, to give States advice on the implementation of the United Declaration on the Rights of Indigenous Peoples (UNDRIP) upon request, to engage with the Universal Periodic Review (UPR) and the treaty bodies process and to establish an enhanced cooperation with the National Human Rights Institutions (NHRIs), to name a few. The EMRIP is now composed of seven expert members that represent the seven socio-cultural regions, as decided by indigenous peoples: Mr. Albert Barumé from the Democratic Republic of the Congo for Africa (2018), Mr. Edtami Mansayagan from the Philippines for Asia (2020), Ms. Erika Yamada from Brazil for Latin America and the Caribbean (2019), Ms. Laila Vars from Norway for the Arctic (2020), Mr. Alexey Tsykarev from the Russian Federation for Russia, Eastern Europe and Transcaucasus (2019), Ms. Kristen Carpenter from the USA for North America (2020) and Ms. Megan Davis from Australia for the Pacific (2019).

Overall, this session brought the new EMRIP mandate to light, with innovative panels on the country visits reports, traditional knowledge and recognition, reconciliation and reparation. The agenda item that received the most reaction was on UNDRIP good practices and lessons learned. Most of the issues raised during this session concerned the preservation of indigenous culture and languages through the International Year of Indigenous Languages, and the protection of human rights defenders. Another topic that was raised many times concerned how to enable greater participation by indigenous peoples' in UN bodies.

The complete list of proposals to be submitted to the HRC can be found in the last page of this Synthesis.

2. Details

Monday, 9 July

- Opening of the session, and organization of work

Mr. Howard Thompson, Mohawk from Canada, firstly conveyed a spiritual message by calling on the importance of Mother Earth and reminding us of the importance it has for every living being on Earth. **The President of the Human Rights Council, Mr. Vojislav Suc**, welcomed the delegates present in the room and further recognized the importance of indigenous participation in the UN. He stated that the mandate of EMRIP remains an important tool to provide a space for dialogue between indigenous peoples and other governmental mechanisms. He further called upon States to provide more protection to indigenous peoples. **The Deputy-High Commissioner for Human Rights, Ms. Kate Gilmore**, **noted** that even though indigenous peoples represent five percent of the world's population, they are still among the poorest fifteen percent. She also noted that indigenous peoples suffer from land dispossession and cultural assimilation, with a denial of their right to life. She reminded us of the importance of the role of EMRIP mandate in having the edited policies respected with regard to indigenous peoples' land rights to prevent the increasing threats to indigenous peoples' rights defenders.

- Election of officers

Mr. Alexey Tsykarev, on behalf of EMRIP members, nominated Ms. Erika Yamada as Chair of the EMRIP 11th session, and Ms. Kristen Carpenter and Ms. Laila Susanne Vars as Vice-Chairs.

In her introductory statement, **Ms. Erika Yamada, EMRIP Chair**, **introduced** the latest work conducted by EMRIP, especially for the two first country missions performed this year. She briefly presented the activities conducted by EMRIP this year, notably the expert seminar held in Chile, the HRC session in September, 2017 with an introduction of the study on access to financial services, and the enhanced collaboration between EMRIP and other human rights mechanisms.

- Study and advice on the right to free, prior, and informed consent (FPIC)

Mr. Albert Barumé introduced this year's study on the right of indigenous peoples to free, prior and informed consent. This study aims at broadening the discussions concerning this right by providing new spaces for dialogue among indigenous peoples, States and the business sector. According to EMRIP members, FPIC serves three major purposes: (1) to restore indigenous peoples' control over land and resources; (2) to restore indigenous peoples' cultural integrity, pride and self-esteem and (3) to restore new partnerships between States and indigenous peoples. FPIC appears to be a core norm for the full respect of indigenous peoples' rights, as it is an emanation of the right to self-determination.

In reaction to this presentation, all expert members took the floor to express their views. **Ms. Megan Davis noted**, among other items, EMRIP's choice to foresee the right to FPIC under the umbrella of the right to choose. **Ms. Erika Yamada, EMRIP Chair**, reminded the audience of the very high level of indigenous rights defenders that have been threatened and killed due to land conflicts and lack of respect of the right to FPIC. She insisted that people living in voluntary isolation should not be forgotten in this fight and noted which territories are in the greatest jeopardy. **Ms. Kristen Carpenter, EMRIP Vice-Chair**, highlighted the role of FPIC for indigenous communities, which can work as restorative link between indigenous peoples and the State. **Mr. Alexey Tsykarev**, underlined the need to have the same understanding of what FPIC means as a UN standard, evoking such processes as the World Intellectual Property (WIPO) Intergovernmental Committee on Genetic Resources, Traditional

Knowledge, and Cultural Expressions (IGC), and further developments in the World Bank that failed due to lack of FPIC with indigenous leaders. **Ms. Laila Susanne Vars, EMRIP Vice-Chair**, stated that this norm could not fit as one unique standard to all indigenous communities since there is a great deal of imbalance in its implementation, and that it leaves an open door for States to support capacity building in indigenous communities. **Mr. Edtami Mansayagan** pointed out that in Asia, indigenous peoples feel absent from the system of governance and their livelihoods are being destroyed without respect of their right to FPIC.

Ms. Victoria Tauli-Corpuz, Special Rapporteur of the Rights on Indigenous Peoples (SRRIP) stated that she preferred to first hear comments from indigenous organizations and States in order to be able to reply to those in a better way. **Ms. Mariam Wallet-Aboubakrine, Chair of the United Nations Permanent Forum on Indigenous Issues (UNPFII)** noted the current debates about indigenous peoples' representation in UN mechanisms. In that realm, the study underlines an important question: to know whom to consult to make the consultation effective and legitimate. **Ms. Claire Charters, President of the United Nations Voluntary Fund on Indigenous Peoples (UNVFIP)**, simply said that she would open the floor for comments by the beneficiaries of the UNVFIP to hear what they have to say on this topic.

Some **States** expressed their views for this agenda item. **Canada** stated that there is a need for a meaningful engagement towards indigenous peoples by implementing the right to FPIC when States take actions. **Norway, on behalf of the Nordic countries**, expressed that FPIC requires a substantive consultation process, which should take place at a time when it is still possible to impact legislative processes and should be done in good faith, with the objective of reaching an agreement. **Australia** is implementing collaboration with communities through an empowerment approach for better governmental policies for Aboriginal and Torres Strait Islander people. **New Zealand** expressed the need for full engagement with the Maori people, especially in terms of consultation on decision-making processes for projects affecting them. **The European Union** acknowledged that the implementation of the right of FPIC is minimal in many places around the world. **Guatemala** noted that there is an effective implementation of the right to FPIC and ILO Convention n°169 in this country. **Peru** welcomed Ms. Erika Yamada as new EMRIP Chair, and explained that in Peru, mining activities are essential to the development of the country, so sustainable development will be guaranteed only if all citizens are granted the same rights and opportunities. **Mexico** recommended that the experts give more thought to consultation fatigue, to how States and companies overcome problems when a community uses its right to say no, and how to keep a positive and respectful relationship.

Indigenous organizations reacted to the presentation of the EMRIP study. **Russian Association of Indigenous Peoples of the North** declared that in Yakutia the application of FPIC is a success and some development projects involving business enterprises are a good example of collaboration in the East of the country. **Ewiiapaayp Band of Kumeyaay Indians** underlined that the right to FPIC is one of the most important for indigenous peoples. **Assembly of Armenians of Western Armenia** claimed that indigenous peoples in Armenia suffered genocide and that the current government ignores them. **Karamoja Development Forum** stated that the government of Uganda continues to develop projects violating the rights of indigenous peoples to their FPIC, especially concerning mining projects. **Kapeeng Foundation Bangladesh** claimed that most of the projects in the country do not respect indigenous peoples' right to FPIC, and that there is a need for greater government recognition of that right. **Te Kura Kaupapa Maori o Hoani Waititi Maval** asked the government of New Zealand to effectively recognize Maori knowledge and engage with the Maori people by respecting their right to FPIC. **Bangschampa** pointed out the situation of the Champa people, forced to exile. **ADJMOR** discussed the crucial role of FPIC, which justifies cooperation with all parties upon a basis of mutual trust, based on confidence and transparency, to achieve sustainable solutions. **Tamaynut Morocco** explained that the Amazigh people established a system to claim their rights endorsed by a text, which does not

match their expectations. **Bio Community Initiative** stated that in Malaysia, development takes place without respecting indigenous peoples' rights and that painful implementation gaps exist for UNDRIP standards. **Independent Guaham** asserted that this island is one of the last non-self-governing territories that exist, and asked for decolonization of the island by respecting indigenous peoples' rights to self-determination and FPIC. **Articulaci3n de mujeres ind3genas de Paraguay** expressed that in this country, there is still no respect of indigenous peoples' right to FPIC in the case of development projects. **Organisation des Nations Autochtones de Guyane** expressed concerns about indigenous peoples' rights to traditional knowledge and genetic resources, as there is very little autonomy given to indigenous peoples and no implementation of indigenous rights in French Guyana. **Pueblo Kichua de Sarayaku Ecuador** raised the issue of lack of respect of the norms edited by the Interamerican Court on Human Rights that uphold decisions in favor of the Sarayaku people's lands in a case against Ecuador. **Association Culturelle Adrar Ath Koudhia de Kabylie** stressed that UNDRIP does not satisfy indigenous claims worldwide, nor the concept of the FPIC. **El Pueblo ind3gena Bubi de la Isla Bioko** expressed how they suffered after colonization by Spain, and additional sovereignty claimed over their land. **New Wales South Aboriginal Land Council Australia and Foundation for Aboriginal and islanders Research Action** pointed out that the FPIC has not been implemented in government laws and processes in this country. **Haudenosaunee External Relations, Grand Council of the Cree, Assembly of First Nations, in a joint statement**, stated that FPIC is an expression of self-determination that is needed in a system that is linked to racial discrimination, dispossession, colonization and that seeking consent is not enough in achieving FPIC. **Maya Leaders Alliance** explained that they created their own consultation process, using not only FPIC as a benchmark but also the right to self-determination. **Consejo de Todas las Tierras Mapuche de Chile** stated that it was not sufficient to have recognition of FPIC when at the same time the right to self-determination is not taken into account nor are the institutions of IP taken into account. **CEM-Aymara** recommended that the political constitution of Bolivia recognize FPIC and the right to self-determination as indigenous peoples' inherent rights. **Associa3o Terra Ind3gena do Xingu** noted the refusal of the Brazilian government to engage with indigenous communities when it comes to development projects that are undertaken without consultation with indigenous peoples. **Congr3s Mondial Amazigh** pointed out that indigenous peoples were not recognized in the North of Africa, and further elaborated on the lack of respect of indigenous peoples' rights in Algeria. **Aotearoa Independant Monitoring Mechanism** requested that EMRIP considers an agenda item in future that provides for the receipt and discussion of reports from indigenous peoples that comment on the effectiveness, or otherwise, of their government's implementation of the Declaration. **Congr3s Populaire Coutumier Kanak** presented its cartography work of mapping indigenous traditional lands and, through this work, of resolving land disputes. **Associa3o ind3gena Pyjahyry Xipaia** revealed the issues of death threats and problems related to Belo Monte dam in Brazil, which has been built without respecting the right to FPIC of indigenous communities of this area. **International Indian Treaty Council** insisted on the repatriation of objects and human remains which call for the return of indigenous peoples' property since they have been taken without their FPIC. **Association TAFTILT "Kabylie"** recommended that the study should reaffirm the universal transversal nature of the principle, and how important it is to apply it to all. **Comit3 Ciuco prodesarrollo de puesto Estrella** presented the situation in Colombia, where the right to FPIC is not implemented in good faith since it does not respect time factors. **Khmers Kampuchea Krom Federation** encouraged Member States to operationalize the right to FPIC for indigenous peoples. **Indigenous Peoples Nation Coalition** claimed that EMRIP should not be a monitoring body. **Asia Caucus** recommended that EMRIP support them in having more capacity-building programs by the States for the implementation of FPIC, as the study is neither definitive nor exhaustive. **Sami Parliament in Sweden, on behalf of all Sami Parliaments and Councils**, encouraged EMRIP to further elaborate on what is consent since the right to FPIC is rooted in the right to self-determination and non-discrimination. **Yakutia-Ouz opinion** pointed out that in Russia, most of local mechanisms that take people or public hearings into account are informal and non-mandatory, and in some cases falsified,

which does not enable the implementation of FPIC in good faith. **Tebtebba Foundation** stressed that in most countries, the issue of FPIC is related to extractive industry activities and that it was time for a full implementation of this right. **Elders Council of the Shor People** recommended inscribing the right to FPIC into recommendations made to the HRC with the aim of recognizing it as general principle of international law. **Continental Network of indigenous Women of the Americas, North American Region** stated that there was no best practices in North America at this time. **Confederación Indígena Tayrona del Pueblo Arhuaco** warned of the violation of indigenous peoples' rights in this lands.

Other organizations also took the floor. The **Leuphana University of Luneburg** explained that the legal principle of the right to free, prior and informed consent comes from the right to self-determination. **The International Labor Organization (ILO)** warned EMRIP members to be more careful of the interpretation given to the right to FPIC, as the study does not reference the jurisprudence issued from ILO Convention nº169. **WIPO** underlined the ongoing discussions during IGC sessions, at which indigenous expertise is very important and for whom the FPIC is a central issue in the discussions. **Structural Analysis of Cultural Systems** stated that FPIC recognition by indigenous peoples is mainly a socio-cultural process. **Geneva for Human Rights** presented the situation in West Papua, in which development projects are being implemented without respecting indigenous peoples' right to their FPIC.

Experts took the floor for concluding remarks. **Ms. Erika Yamada** mentioned the new resolution adopted by the European Parliament in which there is a reference to the right to free, prior and informed consent of indigenous peoples. **Ms. Laila Vars** underscored that the aim of this study was to develop this human rights norm, taking into account eleven years of advocacy and jurisprudence related to it. **Mr. Alexey Tsykarev** stressed that, in the implementation of FPIC, it was important to have a good understanding of it, since there are various interpretations and understanding of this right. **Ms. Kristen Carpenter noted** that indigenous peoples are also suffering from consultation fatigue and it was crucial to determine whether it is really worthwhile to be in consultation with States when those consultations do not always affect the outcome of decisions. **Mr. Albert Barumé** reminded the audience of the role that the ILO Convention nº169 has to play in the interaction between the different interpretations of the right to FPIC, inherent to the right to self-determination but also to the right to property and ownership.

Tuesday, 10 July

- [Country engagement](#)

Ms Laila Vars, Chair of this session, introduced the first country visits performed by EMRIP members earlier this year, respectively in Finland and Mexico. In the realm of EMRIP's new mandate, EMRIP members now have the ability to perform country visits upon invitation, in order to provide technical advice to States for better compliance of indigenous peoples' rights within other human rights treaty bodies. The first country visit was conducted in Finland to give advice on proposed amendments to the Sami Parliament Acts of 1995. EMRIP members then issued an Advisory Note on the EMRIP Country Engagement Mission to Finland¹. **Mr. Tuomas Aslak Juuso, Second Vice-President of the Sami Parliament in Finland**, explained the context behind the revision of the Sami Act of 1995 and that the most controversial sections are the definition of the Sami people and the obligation of the State to negotiate with the Sami. Since there have been differences of opinion between the Sami people and Finland on how revising national legislation impacts the Sami people, EMRIP members have been invited to provide assistance. As to the outcome, the result was that the invitation should be specific about

¹ [Advisory Note on the EMRIP Country Engagement Mission to Finland](#)

why EMRIP is invited, and that EMRIP members should have a full understanding of the situation prior to arrival. The advice really influenced the process at the end. **The Ministerial Advisor from Finland**, stated that Finland actively supports the EMRIP revised mandate as it is crucial for realization of indigenous peoples' rights. He insisted on the importance of this process, and that the advice note was made public to everyone. The results of the EMRIP country visit to Finland are positive, and this technical advice contributed positively to the dialogue on the revision of the act. **Ms. Erika Yamada** then introduced the country mission to Mexico City, following the adoption by the city of two articles (57 and 59) that amend the Constitution and introduce new rules on indigenous peoples' rights and respect of FPIC. Following the meetings with the different stakeholders involved in this process, technical cooperation continues, and an advisory note is being prepared to further elaborate on developments to be implemented in the Constitution. **Ms. Socorro Flores Liera, Ambassador, Permanent Representative of Mexico to the UN in Geneva**, expressed support for this country visit and EMRIP's revised mandate. She further elaborated on the crucial role that the EMRIP advice note will play for Mexico as a country. She also underlined the situation of migrants crossing the borders to the USA and that many indigenous children were involved, with the hope that such a situation be stopped.

In reply to those presentations, EMRIP members had comments and questions. **Ms. Kristen Carpenter** insisted on the importance of how international policies can impact and influence the sub-levels, such as national and local processes. **Mr. Alexey Tsykarev** stressed the importance of staying neutral for expert members during a country visit to fully enable the dialogue, as concerns were received from both sides. He also asked some questions, such as if it would be possible to repeat the visits, hearing about updates on the new Sami Parliament bill, and assessment of the dialogue. **Ms. Megan Davis** further discussed the first EMRIP country mission to Finland, explaining that it was important to have proper modalities for the mission established prior to it; and that a policy was needed to properly enable the dialogue, since technical advice depends to a great extent on the different constitutional systems and previous national jurisprudence. **Mr. Albert Barumé** highlighted the opportunity given by EMRIP country visit to establish a link between indigenous peoples and States institutions. He also emphasized the need to have specific requests for a country visit, which allow for a fair level of deliverables and capacity building for EMRIP as an indigenous rights mechanism.

In reply to those comments, **the Ministerial Advisor from Finland** expressed that the dialogue between parties would be ongoing and the aim is to have a law by the end of this year. **Ms. Tuomas Aslak Juuso** replied to the follow-up question, and suggested a debriefing meeting on it and the possible results it will enable for Sami people. **Ms. Socorro Flores Liera** also insisted on the importance of having follow-up to the country visit and the space for dialogue that it enabled.

Some States reacted to those presentations. **New Zealand** reiterated its commitment to respecting indigenous peoples' rights and enabling dialogue between the Maori people and the government. **Australia** suggested EMRIP members issue another technical advice on how States can implement data collection processes with indigenous peoples to support and promote their rights. **Paraguay** informed the audience that a National Action Plan has been put in place through an International Steering Group in order to promote indigenous peoples' rights and development in the country.

The floor was then open to all organizations that wished to make comments or express their views to the panelists. **Assembly of Armenians of Western Armenia** claimed that Turkish authorities continue to discriminate and kill Armenian and Kurd people still today. **Aotearoa Independent Monitoring Mechanism** invited EMRIP members to perform a country visit in New Zealand to assess the implementation of the right to education. **Congrès Mondial Amazigh, Morocco**, invited EMRIP members to conduct a country visit in Morocco to assist in drafting national laws for indigenous peoples. **Khmers Kampuchea Krom Foundation** also formally invited EMRIP members to visit the Mekong delta in order to provide technical advice on indigenous rights and climate change. **APIWTXA** claimed that it was

time that the UN conduct monitoring on Brazil to protect more indigenous peoples' rights in this country. **Council of Indigenous Peoples' of Today's Vietnam** expressed that a possible visit of EMRIP members to Vietnam could not be done in good faith because the people there suffer a silent genocide. **Rede de Cooperação Amazônica** suggested that EMRIP could provide technical assistance to Brazil in implementing the 34 recommendations made in the last Universal Periodic Review (UPR) last year. **Maloca Internationale** asked to Colombia to invite EMRIP members to perform a country visit. **Union of Indigenous Peoples of Chukotka** urged EMRIP and other mechanisms to offer more protection of indigenous peoples' traditional knowledge and access to natural resources, upon which depends the survival of indigenous culture in Russia. **El Pueblo indígena Bubi de la Isla Bioko** noted the discrimination they suffer at the hands of the government. **World Indigenous Tourism Alliance** noted that the Holy See apologized for the grave sins provoked by colonialism and suggested that EMRIP have a panel to appeal to Pope Francis and the Holy See to rescind the doctrine of discovery. **Foundation for Aboriginal and Islander Research Action** invited EMRIP members to perform a country visit in Australia to assess the situation on child protection. **The Sami Parliament in Norway, on behalf of the Sami Parliaments of Norway and Sweden and the Sami Council**, stated that the recent EMRIP country visit to Finland was relevant to the agreement on the Draft of the Nordic Sami Convention, but some clarifications need to be made. **Asia Indigenous Peoples Pact** asked EMRIP to edit specific recommendations for Asian countries to engage actively in capacity building with indigenous peoples. **Crimean Tatar Resource Center** formally invited EMRIP members to perform a country visit in Ukraine and assess the situation of the Tatar people. **ADJMOR** insisted on the importance for EMRIP members to engage in places affected by both climate change and conflicts; as it is the case in the Sahel region. **Universidad Autónoma Ciudad Juárez** asked EMRIP members to assist capacity building of the Chihuahua people in Mexico through their negotiations with States. **Iwi Monitoring Mechanism** suggested that EMRIP members should come to visit New Zealand in order to help with the implementation of the national action plan under UNDRIP.

Regarding the invitations to perform country visits, Ms. Laila Vars commented that it was very important to receive a formal request through a letter sent to EMRIP Secretariat. **Mr. Albert Barumé** clarified the six steps process for EMRIP members to perform a country visit: (1) the requestor sends EMRIP information, asking for advice or technical assistance; (2) EMRIP acknowledges receipt of this request; (3) EMRIP establishes communication with the stakeholders involved; (4) all parties involved seek agreement to have EMRIP intervention through diplomatic channels; (5) the terms of reference, which include the timing and the specific objective of the assistance, are drafted and (6) the mission finally takes place. **Ms. Erika Yamada** clarified that technical assistance from EMRIP seeks to enable dialogue with IP and other stakeholders, including a section in the form where we ask what attempts for dialogue have been made and what the process is; it is easier to request technical assistance where there is already a process of dialogue with governments. **Mr. Alexey Tsykarev** emphasized that country visits cannot match all criteria and that the ones for next year should already be in the planning stage.

- [Panel discussion on recognition, reparation and reconciliation](#)

Ms. Megan Davis, Chair for this discussion, firstly introduced the Concept Note: The focus of EMRIP's second report on efforts to achieve the ends of the UNDRIP². The aim of this panel was to discuss how this process covers substantive rights. In Australia, the constitutional recognition process has been going on for eight years, and a consensus has been reached between the government and indigenous organizations on what constitutional recognition means. **Mr. Grand Chief Wilton Littlechild** raised the problems faced by indigenous peoples in Canada related to truth and reconciliation, especially the case of children who have been taken away from their indigenous families to be placed in boarding schools where they were forced to learn and speak English. He further underlined that for such cases,

² Available at : [Concept Note: The focus of EMRIP's second report on efforts to achieve the ends of the UNDRIP](#)

UNDRIP should be the framework for reconciliation with the States and this process requires public truth, an apology and addressing the destructive impacts it has on indigenous cultures. **Ms. Miriam Dominguez, Presidential commissioner on Racial Discrimination, Guatemala,** noted that in this country, indigenous peoples were located in the areas of the greatest poverty, with higher rates for women. The country suffered internal conflict for a long time, but the commitments undertaken by the peace agreement continue to be fully in force. The country enables indigenous peoples' rights through the implementation of various actions, with emphasis on promoting indigenous women's rights. **Mr. Eduardo Gonzalez, expert on transitional justice,** explained the role of Truth Commissions and how they interact with indigenous peoples. They are important for providing visibility to something that has been invisible for too long, and also because they recognize the human rights violations suffered by indigenous peoples as being part of the national agendas. They primarily find their legal grounds in UNDRIP and their outcomes are usually a publication; but the Truth Commissions on indigenous peoples' rights could include indigenous wisdom. He further underlined that in terms of reconciliation with indigenous peoples, a multicultural, Nation to Nation approach is more relevant in order to get the process right.

Some States raised questions for the panelists. **Canada** pointed out M. Trudeau's speech during the last United Nations General Assembly (UNGA), which acknowledged colonialism in Canada and the need for true and meaningful reconciliation with indigenous peoples. **South Africa** stated that several activities have been undertaken, including recognition of the right to free, prior and informed consent. **Australia** claimed that reconciliation is necessary, and that the country is very committed to the recognition, reparation and reconciliation process for indigenous peoples in Australia.

The floor was then open to all organizations that wished to make comments or express their views to the panelists. **Ms. Mariam-Wallet Aboubakrine, UNPFII Chair,** stated that the approach to reconciliation and reparation was different according to the various indigenous communities. Special attention should be given to indigenous justice systems as it often happens that there are readymade solutions, and indigenous peoples should establish ownership of those. **The Sami Parliament in Norway** presented an ongoing process in Norway between the Sami and the government, to acknowledge the Norweginization policy and further asked the panelists how it would be possible to overcome trans-border issues to unite people. **New South Wales Land Council** asked the panelists what was the best way to use the international arena to bring Australia's disregard for the right to free, prior and informed consent and lack of engagement towards UNDRIP implementation process to the HRC. **The Movement for the Survival of the Ogoni People,** from Nigeria, asked the panelists how it is possible to conciliate recognition, reparation and reconciliation process with justice, and if it was possible to have it without an apology. **International Indian Treaty Council** would like to hear from the panel about how it is possible to talk and think about the concept of reconciliation in a positive way, so as to provide collective understanding to the concept of justice.

Ms. Kristen Carpenter raised the question of the permanence of the Truth Commissions, how do they look when we look at them in retrospect, and, moving forward, how to make the outcomes more durable.

The panelists made some final comments in reply to those questions. **Mr. Grand Chief Wilton Littlechild** insisted on the importance of having all parties on board and engaged for the reconciliation process to be entirely successful. Indigenous justice systems are a first step. **Ms. Dominguez** noted that to make indigenous processes visible that were, prior to this, invisible is already a start to the recognition process, but States have a great many cases submitted to them and noted that what should be done to fully enable the process for all indigenous communities should be effective remedies. **Mr. Rodriguez** pointed out the need to engage with the recognition, reconciliation and reparation process through

the prism of recognition of rights, otherwise this process would not be valuable as such, and needs critical attention.

Wednesday, 11 July

- Interactive dialogue with national human rights institutions (NHRI), regional human rights institutions (RHRI) and indigenous human rights institutions

Mr. Alexey Tsykarev introduced the last inter-sessional EMRIP meeting held in Chile at the end of 2017 and the joint paper of NHRI and EMRIP³. He also emphasized the importance of strengthening the work between NHRI and EMRIP members. **Ms. Suzanne Shatikha Chivusia, Commissioner for the Kenya National Commission on Human rights, first of all** presented the national legislation in place for the protection of minorities in the country. There is a complaint procedure, which had allowed the NHRI to stop some development projects on indigenous lands through advocacy work and capacity-building regarding the right to FPIC. **Mr. Konstantin Robbek, Ombudsman for indigenous peoples' rights of the Republic of Sakha (Yakutia), Russian Federation**, explained that in Russia, indigenous peoples were allowed to have their own Ombudsman, which is a body that is independent from the executive power. This institution issues an annual report on the rights of indigenous peoples, makes suggestions and comments that take into consideration their socio-economic and cultural development. Communities can also enter a complaint procedure for violation of their individual or collective rights. At the federal level, the state of indigenous peoples' rights is quite good, recognizing local NGOs, and with federal programs on socio-economic and cultural development for indigenous peoples. **Ms. Gwendolyn Pimentel-Gana, Commissioner, Commission on Human Rights of the Philippines**, pointed out the difficult situation in this country to enter claims involving indigenous peoples' rights. Those can be done through the National Commission on Indigenous Peoples, which is mandated to resolve conflicts with indigenous peoples, and working together with the NHRI to create monitoring tools to ensure a feedback mechanism on the well-being of indigenous peoples in this country. **Mr. Joel Hernandez, Commissioner, Inter-American Commission on Human Rights**, explained that several works have been carried out to assess the implementation of the right to FPIC in the Americas. The Inter-American Court on Human Rights issued a couple of important jurisprudence recognizing indigenous peoples' rights to land, territories and natural resources. The next challenge is how to implement those policies at the national level. **Ms. Marjorie Herrera Castro, Special Protection Unit, National Human Rights Institution of Costa Rica**, pointed out the different actions undertaken in this country for indigenous peoples' rights, such as the right to translation and interpretation in access to justice. However, the barriers to the implementation of indigenous rights have been many, and the hearings are often held in inaccessible places and times. There is an urgent need to increase the space for dialogue between the States and indigenous communities.

The floor was then open to all organizations that wished to make comments or express their views to the panelists. **Non-profit indigenous organization 'Algys – Blagosloveniye'** pointed out that the representative of Sakha (Yakutia) from the panel could not speak on behalf of all indigenous peoples in this Republic of the Russian Federation. She stated that such laws are accessible for groups composed of more than 50,000 people, while hers has only 40,000 and thus cannot benefit from those programs. **Crimean Tatar Resource Center** asked the panelists how it was possible to enter into dialogue while the territory was under foreign occupation, as it is the case in Crimea. **The Movement for the Survival of the Ogoni People** asked the Kenyan representative of NHRI how it would be possible to use the experience and good practices implemented in Kenya to encourage other NHRI to promote indigenous peoples' rights. **Assembly of Armenians of Western Armenia** asked the panel what is possible to be done when indigenous peoples live under a repressive State. **NHRI of New Zealand** would like

³ Available here : [Discussion Paper on the Interaction Between National Human Rights Institutions and the EMRIP](#)

to hear from the panelists on how it is possible to deal with UNDRIP and National Action plans, as there is no concrete strategy for their implementation.

Ms. Erika Yamada recalled the crucial role played by both NHRI and RHRI for indigenous peoples, especially by enabling dialogue with the State and facilitating treaty bodies' processes at the international level. **Mr. Albert Barumé** asked what was the role of media in reacting to indigenous peoples' rights.

The panelists concluded the session by answering the questions raised by the floor. **Ms. Herrera Castro** replied to the media question that there was no proper knowledge on journalists linked to indigenous peoples' issues and that the information provided around land conflict does not match reality. **Ms. Pimentel-Gana** expressed that there is a need for EMRIP to provide support on building dialogue and capacity-building to implement UNDRIP principles at the national level. **Ms. Shatikha Chivusia** introduced the advocacy work conducted for better representation of indigenous representatives in a Task Force on Human Rights at the African Court of Human Rights and the positive outcomes it had. **Mr. Robbek** said that many mass media were involved in reporting on indigenous peoples' rights in Russia, and that the accurate denomination in the Russian language is actually 'indigenous small numbered and minor peoples of Russia'. **Mr. Hernandez** pointed out that NHRIs are the first resource for indigenous peoples and States that enable the dialogue among stakeholders, and that the RHRI helps governments to actually keep their national capacities on those issues.

- UNDRIP: good practices and lessons learned

Ms. Erika Yamada, EMRIP Chair, in her introductory comments, reiterated the EMRIP commitment towards treaty bodies through the new mandate, and the need to have an enhanced cooperation with the other UN mechanisms on indigenous peoples' rights. She further insisted on the urgent need to protect human rights defenders facing land conflicts and grabbing. **Ms. Victoria Tauli-Corpuz, SRRIP**, introduced the positive results since the amendments of EMRIP's mandate, such as better opportunities to advance indigenous peoples' rights at the national level. She also underlined the increased criminalization of indigenous rights activists and the need to provide them with greater protection. She finalized by discussing her recent country visits to Mexico and Guatemala, in which there is a need to create the conditions for a faithful implementation of UNDRIP principles. **Ms. Mariam Walle-Aboubakrine, UNPFII Chair**, welcomed the new resolution adopted by the European Parliament on indigenous peoples' rights. She further elaborated on the seventeenth UNPFII session and the crucial importance of this year's theme 'indigenous peoples' collective rights to land, territories and resources', with, as a first focus, for UNPFII to increase the cooperation with EMRIP members. She further noted the increased violence and land grabbing suffered by indigenous peoples today. **Ms. Claire Charters, Chair of the Board of Trustees for the UNVFIP**, stated that the UNVFIP is securing attendance of indigenous delegates in UN meetings, which allows for the strengthening of partnerships and better relationships with experts. She also underlined that this international attention provides a push towards change, and the Board is now funding indigenous delegates to attend UNGA and treaty bodies. **Ms. Aruna Devi Narain, member of CEDAW**, outlined that discrimination against women is continually raised during CEDAW sessions, and that this UN treaty body will increase its relationship with indigenous representatives to create policy in advancing indigenous women's rights. **Ms. Sarah Cleveland, member of the Human Rights Committee**, stated that the work of the Committee was focusing on the right to life and non-discrimination. She also explained that it considers indigenous rights in the context of periodic reviews and individual communications through the optional protocols of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

Mr. Albert Barumé emphasized the fact that the three UN mechanisms on indigenous rights have very complementary mandates, with positive outcomes shown by the cooperation between EMRIP and treaty bodies. **Ms. Laila Vars** highlighted that it was an important work undertaken by the Human Rights Committee to consider the right to self-determination of indigenous peoples and asked how this body coordinates the work with the Committee on the Elimination of Racial Discrimination (CERD).

Many **States** made statements regarding this agenda item. **The Russian Federation** expressed that all issues cannot be solved at the international level and that the national Constitution recognizes indigenous peoples' rights. **Honduras** recommended that EMRIP members more frequently include the 2030 Agenda in their working strategy, and, in addition, noted that the government is working to adopt legislation that will give a framework to ILO Convention n°169. **Mexico** welcomed the comments made by the experts and the SRRIP on their respective country visits, and emphasized the importance having a proper follow-up on the recommendations that were made. **Malaysia** stated that the federal Constitution protects indigenous peoples. **Indonesia** noted that the lack of an international definition of indigenous peoples prevents this government from having an idea of whom the UNDRIP should apply to. **Australia** highlighted its work on the repatriation of ancestral remains and the preservation of indigenous cultures, with a current focus on comprehensive consultation with indigenous peoples. **Guatemala** reasserted the linguistic and cultural rights for indigenous peoples, with progress made on multiculturalism. **New Zealand** affirmed its commitment to work together with the Maori people in mutual respect and understanding. **Canada** stressed that the UNDRIP implementation requires transformative change in the relationship between indigenous peoples and governments. **The European Union** reaffirmed its commitment towards indigenous peoples' rights. **Bolivia** introduced a recent constitutional law that recognizes indigenous peoples' rights.

Numerous **indigenous organizations** made also statements under this agenda item. **Treaty 6 and Assembly of First Nations, in a joint statement**, asked States to formalize the commitment towards UNDRIP through the adoption of national legislative frameworks. **Association Taftilt Kabylie, Mancomunidad de Comunidades indígenas de los ríos Beni, Quiquibey y Tuichi**, noted that the only achievement made at the international level are UNDRIP principles, which are not binding for States. **Association Acal** claimed that the government of Morocco did not recognize the Amazigh people as being indigenous peoples, which was a barrier to the enjoyment of their rights. **Coordinadora Nacional de Mujeres Indígenas, from Mexico**, reported that the protection of indigenous women is a challenge in this country and welcomed cooperation between EMRIP, CEDAW and UNVFIP. **Assyrian Aid Society Iraq** claimed the right to land of Assyrian people in Iraq. **Non-profit indigenous organization 'Algys – Blagosloveniye'** pointed out that a federal law in the Far East region allows Russian citizens to get 1 hectare of land for free, which violates indigenous peoples' rights to land. **Pueblo Indígena Can-Jibaro de Puerto Rico** outlined the situation of indigenous peoples in Puerto Rico, which is the oldest colony of the US still under occupation. **Te kura Kaupapa Maori o Hoani Waititi Marae** introduced an education project for the Maori people and culture which has a very low rate of indigenous students, and asked EMRIP for further cultural advancement policies. **Assemblée des Arméniens d'Arménie Occidentale** claimed recognition of the right to self-determination for the Armenian people. **Red de Jóvenes Indígenas de Amazonas** expressed concerns regarding the lack of progress of the collective habitats program and land demarcation for indigenous peoples in Venezuela. **Comissão Pro-Índio do Acre, Rede de Cooperação Amazônica** and **APIWTXA** highlighted the threats suffered by indigenous peoples in the Amazon rainforest in Brazil, with a need to implement ILO Convention n°169 at the national level. **Social Movement of the Republic of Sakha (Yakutia) 'Future of mother tongue'** **Russia** underlined that the number of people speaking an indigenous language of this region was decreasing every year, despite the programs to revitalize them. **Collectif d'information et de Défense des droits du Peuple Kanak** raised the issue of the referendum that will be held in New Caledonia (France) in November this year, and asked observers of the OHCHR to be

present at that time. **Gobierno territorial Wangki Twi Tasba raya** stated that threats and violence against indigenous peoples are increasing in Nicaragua. **Tiki' Papua** stressed the suffering of the indigenous peoples of West Papua from epidemic outbreaks and malnutrition due to the failure of the government to uphold international agreements. **Association (Union) of Indigenous peoples of Chukotka** recommended that EMRIP hold a dialogue with the government of the Russian Federation regarding the situation of human rights defenders and ways to reduce the pressure on them. **Independent Guahan** noted the importance of increasing interagency cooperation to avoid duplications. **Comite de Acueducto de la Comunidad Mojoncito Sepecue del Pueblo Bribri del País, from Costa Rica**, warned of the lack of political willingness to advance indigenous peoples' rights in this country. **Youth Civic Movement of Mordovian people** underlined the importance of indigenous languages and linguistic rights, with a central role played by the right to FPIC in a context of cultural assimilation. **Foundation for Aboriginal and Islander Research Action** recommended that EMRIP work on a policy that would help States to implement UNDRIP at the national level. **Aotearoa Independent Monitoring Mechanism brought up** the situation of land grabbing and the importance of recognition of the right to self-determination for the Maori people. **Gobierno territorial Autónomo de la Nación Wampis** outlined the activities of extractive industries on indigenous lands and the continued violence suffered by indigenous peoples in Peru. **Crimean Tatars Resource Center** emphasized the cultural genocide of the Crimean Tatars and the lack of protection of human rights defenders. **Red temática del patrimonio biocultural de Mexico** stressed the continuous violations of indigenous peoples' rights in Mexico. **Tuklas Katutubo**, from the Philippines, underlined the importance of land demarcation in this country and the challenges to the implementation of the right to FPIC in the face of the extractive industries. **Maloca Internationale** said that the modernization and westernization of indigenous peoples' cultures make indigenous peoples' rights low on States' agendas. **Bangladesh Jatiya Hajong Sangathon and Kapeeng Foundation, in a joint statement**, asked EMRIP and the SRRIP to encourage the government of Bangladesh to recognize indigenous peoples' collective rights. **Indigenous peoples network of Malaysia** asked EMRIP and the SRRIP to perform a country visit in Malaysia, and for the government to implement UNDRIP at the national level. **Congrès Mondial Amazigh** emphasized the importance of protecting human rights defenders and more carefully examining the violations of indigenous rights. **Sami Parliament in Finland** requested the development of a National Action Plan in Finland to implement UNDRIP. **International Indigenous Peoples Forum on Climate Change** asked for greater acknowledgement of the Paris Agreement and greater recognition of traditional knowledge in tackling climate change. **ADJMOR** spoke of the climate of violence and fear that indigenous peoples in Mali live through, with a call on experts to look into the crimes committed in this country currently. **Organisation des Nations Autochtones de Guyane** recommended that France enhance its cooperation with UN treaty bodies in order to address the situation of indigenous peoples' rights. **Congrès Populaire Coutumier Kanak** asked for more respect of indigenous peoples' rights to land in New Caledonia (France). **Collectif des Femmes Autochtones, leadership et gouvernance** recommended the creation of an inquiry into the situation of indigenous women and girls in Canada following the report of the Truth and Reconciliation Committee of 2015. **Zo Indigenous Forum** asked for recognition of Indigenous peoples living in India and for more recommendations at the UPR process to India to address the situation of indigenous peoples' rights in this country. **Khmers Kampuchea Krom Foundation** pointed out the violence suffered by indigenous women in the Mekong Delta and invited the SRRIP to perform a country visit in this region. **Consejo Nacional de la mujer indígena Argentina and Comunidad Aborigen de Minuyoc Pueblo Omaguaca** expressed concerns about the lack of implementation of UNDRIP and violation of FPIC of indigenous peoples in this country. **Confederación Indígena Tayrona** warned of the presence of armed actors in Colombia, which affects the wellbeing of indigenous peoples. **Indigenous Peoples Africa Coordinating Committee and Ocean One Social Research Center** raised the issue of lack of recognition of indigenous peoples' rights in Africa. **Global Indigenous Caucus** stressed the importance of the participation of indigenous peoples in UN processes that affect their rights and underscored the crucial role of the UN-

VFIP and the Forum on Business and Human Rights. **Asia Indigenous Peoples Pact** noted that UNDRIP implementation is a challenge, considering that the arena for civil society is shrinking.

Other organizations made also statements under this agenda item. **International Working Group on Indigenous Affairs (IWGIA)** recommended that EMRIP continue its country engagement work with a joint follow-up with the SRRIP and ask the SRRIP to pay special attention to human rights defenders, so as to devise protection measures. **World Indigenous Tourism Alliance** recommended that EMRIP and the Human Rights Committee improve their services by vigorously defending the value of indigenous traditional knowledge and traditional cultural expressions. **New Zealand Association of Research in Education** asked for more recognition of the linguistic and cultural rights of indigenous peoples, with a need to increase the teaching capacity in indigenous language. **Geneva for Human Rights** urged CERD to consider the situation of indigenous peoples in West Papua. **ILO** informed EMRIP that 2018 is a reporting year for the implementation of the Convention ILO n°169. **Leuphana University of Lüneburg** expressed the need to have an international legally binding instrument that protects indigenous peoples' rights. **International Centre for Ethnobotanical Education, Research and Service** outlined the importance of preserving indigenous traditional knowledge and healthcare practices. **University of Western Australia** invited EMRIP members to perform a country visit.

EMRIP members reacted to those statements. **Mr. Alexey Tsykarev** underscored the different aspects of the statements, related to the right to health, the situation of human rights defenders, and the importance of adopting UNDRIP principles at the sub-national and local levels. **Ms. Megan Davis** noted the advancements and good practices in the implementation of UNDRIP principles in Australia.

Thursday, 12 July

- Intersessional activities and follow-up to thematic studies and advice: panel discussion on cultural heritage, indigenous languages and traditional knowledge

This session was opened by a prayer by **Benki Piyako, Ashaninka people from Brazil, APIWTXA organization**. **Ms. Kristen Carpenter** then made introductory comments, focusing on cultural rights. She noted that cultural rights are fundamental to kinship and family. Indigenous peoples face many threats such as assimilation, discrimination and climate change which impact their enjoyment of their cultural rights. This issue is closely linked to the right to self-determination, as indigenous peoples need their cultures to survive as peoples. **Mr. Alexey Tsykarev** noted that States understand indigenous peoples' cultural rights in a very limited manner. EMRIP is now working closely with UNESCO for the International Year on Indigenous Languages, but also on a recommendation to be turned into a policy to safeguard indigenous peoples' cultures. **Mr. Simon Legrand, from WIPO Secretariat** presented the ongoing discussions in the realm of the IGC process. The protection of traditional knowledge and traditional cultural expressions of indigenous peoples is at stake, and not necessarily an intellectual property, but a collective expression and identity. WIPO attempts to protect those by drafting and negotiating international binding legal instruments. **Ms. Irmgarda Kasinskaite-Buddeberg, from UNESCO**, presented the Action Plan for the International Year on Indigenous Languages, with the launch of a global platform on August 9 on the activities that would occur in the following months. **Ms. Andrea Carmen, Executive Director of the International Indian Treaty Council**, emphasized the importance of the repatriation of ancestral remains and objects and the meaning this has for indigenous communities. This delicate issue must benefit from transparent mechanisms for repatriation items. A challenge remains in the fact that there is no distinction between tangible and intangible cultural heritage as recognized in the UN system. It would be necessary to create a database on the location of sacred items, and introduce new legislation to prohibit transport of indigenous sacred items. **Ms Pirjo Kristiina Virtanen, from the University of Helsinki** presented the outcomes of a conference held in this institution on indigenous peoples' rights to culture. Three key points emerged

from the discussions: (1) indigenous understanding of what cultural heritage is, and the crucial role played by the environment in the creation of heritage; (2) special attention to recognizing cultural heritage is really needed as it is crucial for indigenous identity; (3) the vital role of indigenous peoples in protecting heritage – as it calls upon their rights to self-determination, to FPIC, to recognition, reconciliation and reparation by providing space for dialogue among actors. **Mr. Benki Piyako, from APIWTXA** introduced some thoughts about indigenous culture from his perspective as an indigenous spiritual leader. He stated that culture is a broad word that is connected to the root of the identity of people. He also noticed that some people are trying to obtain appropriation of indigenous traditional knowledge by causing harm in the rainforest. He finally expressed that the right approach to have at all times is mutual respect and mutual understanding.

Some States reacted to those presentations. **The European Union** raised the question of what were the expectations regarding the International Year on Indigenous Languages. **Guatemala** stressed the importance of promoting indigenous languages.

The floor was then open to all organizations that wished to make comments or express their views to the panelists. **Assembly of Armenians of Western Armenia** asked if a State – here, Turkey – can claim rights over traditional knowledge which actually belongs to another State – Armenia. **Global Caucus of Indigenous Peoples** asked UNESCO how it would be possible to develop a database for indigenous peoples to find their items and sacred objects, and urged States to contribute to the WIPO Voluntary Fund to ensure indigenous peoples' participation in this process. **The Sami Parliament in Norway** commented that indigenous languages have been disturbed by assimilation policies, and wondered what the role of indigenous women in the preservation of indigenous languages is.

The panelists then made closing remarks by providing replies to the questions raised. **Ms. Andrea Carmen** explained that there were three States that committed that they would post in their national systems the database of indigenous peoples' sacred items and objects, but unfortunately there is no host for the database yet. **Ms. Kasinskaite-Buddeberg** underscored that the role of indigenous women was promoted in the International Year of Indigenous Language by empowerment programs, as language issues should be mainstreamed. **Mr. Simon Legrand, from WIPO Secretariat**, urged States to contribute to the WIPO Voluntary Fund to enable indigenous peoples' participation, as this Fund has no money for the next IGC session. **Ms. Virtanen** insisted that world heritage belongs to all of us, even though the management and preservation of sacred sites has to come from indigenous peoples themselves. In terms of the International Year on Indigenous Languages, it is also important to recall that it is expressed through arts, music, dances etc.

- Future work of the EMRIP, including focus of future thematic studies

Ms. Kristen Carpenter opened this session by announcing the next EMRIP thematic study on Migration, Displacement and Borders. This choice was made because indigenous peoples suffer more each time there is displacement due to conflict, climate change or land grabbing. UNDRIP standards should also apply to indigenous refugees and asylums seekers. Furthermore, indigenous rights are connected to the homeland, and displacement makes those rights hard to trace. **Ms. Laila Vars** further developed the idea by explaining that the study will also look into internal borders and that it should take into consideration the situation of indigenous peoples that are spread across different States but who come from one group, such as the Sami. **Mr. Alexey Tsykarev** noted the different levels of legislative support for the various institutions dealing with indigenous peoples' rights in Russia. He further commented on the fact that borders have a direct impact on the recognition of indigenous peoples, and this might provoke a different kind of recognition, depending on the areas. **Ms. Erika Yamada** presented a study conducted by the International Organization of Migration on indigenous peoples' migration in Brazil and the multiple forms of discrimination this provokes. A legal analysis of those issues

through UNDRIP would allow for a better understanding and dialogue among all stakeholders. **Ms. Mariam Wallet-Aboubakrine** pointed out the need to speak about integration when we speak about migration, and to create more synergies within the UN system to protect indigenous peoples in that sense. **Mr. Edtami Mansayagan** hoped that this study will help validate the data about where indigenous peoples are and what their identities are, their structures of governance and their traditional political structures.

A few States made statements under this agenda item. **Denmark, on behalf of the Nordic countries and Greenland**, suggested that EMRIP have the next thematic studies on the concept of autonomy, including the right to self-determination and self-governance, on access to Media and on labor laws. **Guatemala** expressed support for the theme of the next study. **Australia** recommended that EMRIP should include more disaggregated data in their studies, or to have it as theme of their next one.

Some indigenous organizations expressed their views. **The Moko Foundation** insisted on the need to focus not on indigenous issues but rather on indigenous solutions, using the energy of indigenous youth. **Congrès Mondial Amazigh** suggested that indigenous peoples' representatives should have more speaking time than States to express their views and that EMRIP should address the issue of stakeholders not answering the questionnaire prior to their studies. **Indigenous Peoples Africa Coordinating Committee, International Indigenous Peoples Forum on Climate Change and Khmers-Kampuchea Krom Federation** recommended that EMRIP tackle the issue of climate change as it is a national and international problem linked to migration. **New South Wales Aboriginal Land Council** proposed that future studies include recommendations for indigenous peoples to build relationships with States on the implementation of their national action plans. **Association (Union) of Indigenous Peoples of Chukotka** asked for a focus on access to food and water for indigenous peoples, as EMRIP should help States in crafting appropriate legislation on this matter. **Ewiaapaayp Band of Kumeyaay Indians** claimed that the time to interact during the sessions is too limited and called upon EMRIP to allocate balanced time to fully enable indigenous participation. **Foundation for Aboriginal and Islander Research Action** stated that States would benefit from EMRIP on lawmaking and policy advice on implementing indigenous rights. **Agencia Internacional de Prensa Indígena** suggested that EMRIP conduct a study on the right to communication and information for indigenous peoples. **Global Indigenous Youth Caucus** supported the theme for the next EMRIP's study and recommended that the methodology should be more inclusive and participatory by including the youth more. **Assyrian Aid Society Iraq** thought that EMRIP should conduct studies and programs to restore trust where indigenous peoples have been exposed to genocide. **To Waikamihī Lambert** would like to have more studies on indigenous peoples' conservation of their own lands and territories. **Russian Association of Indigenous Peoples of the North** noted that in Russia the focus was mostly on small indigenous peoples of the North and the Far East. **Arizona House of Representatives** requested that EMRIP consider the factors that are causing the migration of indigenous families in the USA as children are cruelly being separated from their families.

Universal Esperanto Association underlined the importance of indigenous languages even though one unique international language, the Esperanto, could be used.

- [Proposals to be submitted to the HRC for its consideration and approval](#)

A few statements were made under this agenda item.

Denmark, on behalf of Baltic and Nordic countries, and Greenland, stated that EMRIP should act as facilitator of indigenous peoples' participation in UN bodies and further commented that the HRC should host a panel on this topic. **Canada, New Zealand and Australia, in a joint statement**, ex-

pressed support for enabling indigenous peoples' participation in UN bodies, such as ECOSOC meetings, HRC, and others and endorsed the previous statement made by Denmark on behalf of another group of countries.

Some **indigenous organizations** also made suggestions. **New South Wales Aboriginal Land Council Australia** proposed that the HRC should look into the rights of indigenous peoples with disabilities. **Russian Association of Indigenous Peoples of the North** raised concerns about tuberculosis and suggested that a study on this issue be conducted, with the methods of prevention and control within indigenous communities. **Native American Rights Fund** suggested that EMRIP should submit to the HRC working methods to create or support modalities for indigenous peoples' participation and representation in UN bodies. **Delibaya Nuba Women's Development organization** invited independent experts to perform a visit in the area of Nuba mountains in Kenya, with a special focus on women and children. **Congrès Populaire Coutumier Kanak said** that it would be useful to include the World Conference on Indigenous Peoples Outcome Document⁴ in the database of legal documents used during the UPR process. **Assyrian Aid Society Iraq** asked EMRIP to conduct a study on the situation of the Assyrian people. **Association culturelle Adhrar Ath** proposed Federalism or Regionalism in the management of land for consideration as a next thematic study. **Yakutia – Our opinion** urged the HRC to appeal to the Russian government to recognize indigenous peoples that represent less than 50,000 people and to recognize UNDRIP principles. **Asia Indigenous Peoples Pact** claimed that the priority should be to ensure a political environment that is conducive for indigenous peoples. **Independent Guahan and Can-Jiparo People of Puerto Rico, in a joint statement**, asked for recognition of what is going on in non-self-governing territories, and to conduct a thematic study on those issues. **Ewi-aapaayp Band of Kumeyaay Indians** expressed that a new status for indigenous peoples is necessary to enable their participation in UN bodies. **Lutheran World Federation highlighted** the need to promote dialogue between indigenous peoples and States, with the importance of preserving indigenous languages.

Mr. Alexey Tsykarev concluded this session by answering some comments made. In terms of translation of pre-sessional documents, the cost is very high and it is also problematic to have all languages translated on time. Regarding the timing of the session, each time less indigenous peoples participate in EMRIP as much as States, and there is a need to find better timing that could involve HRC members.

Friday 13 July

Ms. Erika Yamada, EMRIP Chair, introduced the draft report and the proposals to be submitted to the HRC:

- **Proposal 1:** Participation of indigenous peoples in the Human Rights Council
EMRIP proposes that the HRC hold a technical workshop on modalities for enhanced participation of indigenous peoples in the Council, this being a different proposal than the ongoing process aiming at enhancing indigenous peoples' participation in UN meetings.
- **Proposal 2:** Theme of the HRC annual half-day discussion on indigenous peoples
Protection of human rights defenders with another suggestion to hold a panel on the International Year of Indigenous Languages.
- **Proposal 3:** Increased engagement of member states with the EMRIP
To enhance the collaboration and cooperation between EMRIP and States for treaty bodies and UPR mechanisms
- **Proposal 4:** Promotion of the Expert Mechanism's technical assistance and country engagement mandate

⁴ HYPERLINK "<https://undocs.org/A/RES/69/2>" [A/RES/69/2](#)

- [Proposal 5](#): To increase the protection of Human Rights Defenders
- [Proposal 6](#): To edit policies on the right to free, prior, and informed consent in the UN system and international financial institutions
- [Proposal 7](#): Creation of a Global compact for safe, orderly and regular migration
- [Proposal 8](#): States should cooperate with indigenous peoples for the implementation of national action plans to achieve the goals of the Declaration
- [Proposal 9](#): Ask for contributions to the UN Voluntary Fund for Indigenous Peoples
- [Proposal 10](#): Collaboration with the UPR process
- [Proposal 11](#): Organization of the Expert Mechanism's annual session should be re-scheduled to allow better participation of States and indigenous peoples
- [Proposal 12](#): Reporting to the General Assembly should be done in a biennial basis
- [Proposal 13](#): Financial requirements for the implementation of the Expert Mechanism's mandate under resolution 33/25

Concluding statements were made by expert members. **Mr. Alexey Tsykarev** made his last statement as EMRIP member, closing his two mandate terms. He expressed his thanks for being given the opportunity to be part of EMRIP and the policy developed, especially concerning the safeguarding of indigenous culture and languages. **Ms. Erika Yamada** thanked him for his work and further stated that the quality of work also depends on the quality of the relationship. **Ms. Albert Barumé** welcomed Mr. Tsykarev's words by stating that he will leave an important footprint in EMRIP's work and new mandate. As to the session, he stated that States have invested a lot of effort in the process of the new EMRIP mandate, which offers new opportunities for dialogue on indigenous peoples' rights, especially the right to FPIC and self-determination. **Mr. Edtami Mansayagan** would like to see more participation by States from Asia in the various indigenous peoples' rights mechanisms and would also like to have a healthier dialogue with them. **Ms. Megan Davis** joined Mr. Barume's comment on Mr. Tsykarev's great legacy to EMRIP in terms of policy made for indigenous culture and languages. On the new EMRIP mandate, she also noted that it is a good opportunity to develop indigenous peoples' rights in international legislation. **Ms. Kristen Carpenter** also expressed her thanks for this useful session of discussion and good interactions with colleagues. **Ms. Laila Vars** stressed that with the new mandate, EMRIP has fostered its leadership.

The Maori Youth Delegation performed a traditional haka as closing performance of the session.

Mr. Chief Howard Thompson concluded the session by conveying a spiritual message.

3. SUMMARIES OF SIDE-EVENTS

Monday 9 July

- [Developing a National Action Plan for the UNDRIP](#)

Organized by: Independent Monitoring Mechanism regarding the implementation of the UNDRIP in Aotearoa New Zealand

This event discussed the implementation of a National Action Plan to ensure implementation of UNDRIP's principle, together with Maori people in New Zealand. The benefits of the implementation of such a plan are to allow all parties to come together at the discussion table, and the implementation of international standards at the local level in cooperation and dialogue with Maori representatives. The progress that has been made to date concerns the engagement made towards the Independent Monitoring Mechanism for the implementation of UNDRIP and the drafting of guidance for public agencies who work in Maori issues between 2017 and 2018. However, some challenges remain in the implementation of the different treaties signed by New Zealand with the Maori people, especially the treaty

of Te Tiriti o Waitangi of 1840, which has a great symbolic and jurisprudence value for Maori in New Zealand.

- Elaborating FPIC in Sustainable Development: discussing FPIC in Asia beyond development aggression

Organized by: Asia Indigenous Peoples Pact

This event presented an overview of the issues faced by indigenous peoples in Asia regarding development projects. Often, communication with the government is non-existent or very difficult, which makes the implementation of the right to free, prior and informed consent almost impossible. Some actions have been undertaken to conduct consultations with indigenous communities, but are not performed in good faith, or are performed without proper cooperation with the indigenous representatives – most of the time, the language used is English instead of a native language. The role of the private sector is also crucial and cannot be properly addressed in such a context, as most of the time the guidelines implemented speak about ‘ethnic groups’ instead of ‘indigenous peoples’. Another point mentioned is the increasing land grabbing occurring against indigenous peoples and the lack of commitment of governments towards the 2030 Agenda and the SDGs of ‘leaving no one behind’, as such development obviously excludes indigenous communities beforehand. One of the solutions could be a formal recognition of the right to free, prior and informed consent by the private sector and international financial institutions that could establish this as a mandatory guideline for financing development projects.

Tuesday 10 July

- Legislative framework to implement the UNDRIP

Organized by: Coalition for the Human Rights of indigenous peoples

This side-event explained what the opportunities in national legislation to implement UNDRIP can be, using the Canadian example. A bill of law, namely Bill 262, should be adopted by the Senate that would amend the Constitution of Canada to recognize indigenous peoples and their inherent rights in this country. The process for achieving this Bill has been long and painful, especially regarding the process of the Truth and Reconciliation Committee, which played a role in the recognition of indigenous peoples and their rights in Canada. This new step could be an advancement in the recognition, reconciliation and reparation process which is needed all over the world for all communities. The questions raised from the floor underlined the difficult relationship between colonialism and reconciliation, in which the right to FPIC has a crucial role. It is important that discovery doctrines are rejected to make place for new legislation and jurisprudence on indigenous peoples’ rights at all levels.

- Experiences of self-governance and intercultural dialogue in Brazil: autonomous processes of free, prior and informed consent

Organized by: Rede de Cooperação Amazônica

The objective of this side event was to present consultation protocols from Brazil between Indigenous Peoples and the Brazilian government⁵. This Protocol was established during the process of the Belo Monte dam in Brazil, which caused huge damages in indigenous culture and livelihoods. This dam was built without respecting the FPIC of indigenous peoples living in this area, and now there is a mining project in the region. This mining project could have been stopped in first place using the Autonomous Protocol on indigenous right to FPIC, but the government and the private company engaged in

⁵ The mentioned protocol was “Protocolo de Consulta Juruna (Yudjà) da Terra Indígena Paquicamba da Volta Grande do rio Xingu”

it decided at the end to pursue on the project anyway. The process of the Autonomous consultation will however be monitored for the next six years, and it has afforded special attention to the project. The goal is to contribute a guide to the management of Indigenous lands, and establish instruments and tools for indigenous peoples to organize themselves. The protocols are concrete and legitimate tools for consultation.

- [The OHCHR Fellowship Program](#)

Organized by OHCHR Indigenous Fellows

This event presented the OHCHR Fellowship program with this year's fellows from all over the world and the specific objectives. The indigenous fellows are to help with research, preparation of meetings and teaching others. The program aims to promote activism and engagement of students with the hopes of allowing the students to become activists for their respective peoples. The Fellowship provides the indigenous students with opportunities to advocate at the international level for their communities' rights and the different tools available within the UN system to do so. In addition, it gathers indigenous future leaders together and gives a window of opportunity to the Alumni community.

Wednesday 11 July

- [Sacred Plants and implementation of indigenous peoples' rights to FPIC](#)

Organized by: Maloca Internationale

This event discussed the cultural significance of traditional medical knowledge. Unfortunately, traditional indigenous medicine has been taken over by the pharmaceutical lobby or considered by the government as drugs, and then forbidden for use. One of the challenges is to seek how this traditional medicine can be upheld by spiritual indigenous leaders, and how to preserve those plants from their intensive commercialization in Western cultures. It is important to preserve such knowledge and to promote it within indigenous youth. Unfortunately, many of those plants, especially the ones used during rituals and decision-making processes for indigenous communities – namely in Latin America – are being spoiled by companies or Western people looking for a spiritual experience, and their use is completely misunderstood.

- [The Indigenous Navigator and the role of national human rights institutions](#)

Organized by: Permanent Mission of Denmark and Danish Institute for Human Rights

This event presented the tool called the Indigenous Navigator, which aims at monitoring the implementation of indigenous peoples' rights in various regions of the world. It is implemented and monitored through trainings on indigenous rights given in various countries in cooperation with different UN entities and ILO. Such a tool allows the local level to be linked with the international level. In Asia, for example, in the context of extractive industries, the monitoring of indigenous rights can be made through disaggregated data. The role of NHRIs in such a context is very challenging, since they should be the bridge for a better dialogue between indigenous organizations and the government, and at the same time maintain a certain independence to benefit from the full trust of all parties. In Peru, for example, a law was passed on FPIC for indigenous peoples linked to development projects, but such consultations have to be made in good faith. Collaboration with all stakeholders is really a key element for achieving proper monitoring of indigenous rights, and gathering accurate disaggregated data.

- [Recognition, reparation and reconciliation: Indigenous Sovereignty threatened under the current US Administration](#)

Organized by: Continental Network of Indigenous Women of the Americas

This event underscored the current situation of indigenous peoples living in the United States. Many challenges are faced due to the current administration, especially the lack of opportunities and access to basic services in Native Americans reservations currently. One of the biggest challenges remains the legal difference made by the government between the federally and non-recognized federally tribes, which creates a clear difference in the enjoyment of rights and increased vulnerability for tribe people. Another issue to be addressed is the trans-border migration of indigenous peoples between Mexico and the US, where children are being separated from their families, sometimes merely due to a misunderstanding or lack of knowledge of the English language. A joint project between the Native American Rights Fund and the University of Colorado is to seek opportunities for UNDRIP implementation in the US, and how it would be possible to contextualize such international standards and movement in the various tribes.

Thursday 12 July

- [2019: the International Year of Indigenous Languages](#)

Organized by: UNESCO

The UNESCO side event was well attended in general. UNESCO presented the plan for the International Year on Indigenous Languages, 2019 - 2021. It aims at raising awareness on endangered languages and finding new ways by fostering activities to preserve them. The different stakeholders present during the side-event insisted on the importance of preserving indigenous languages, as it is such an important part of indigenous culture. In that sense, UNESCO will establish a website dedicated to indigenous languages in the realm of this International Year, but unfortunately, there is a lack of funds to implement activities. UNESCO is therefore calling on potential funders to help create the program. The questions raised from the floor expressed concerns for the lack of recognition of indigenous peoples in certain countries. This entails the recognition of indigenous languages and therefore has to go through education systems, which are conducted in the language of the country (indigenous representatives from Russia made comments this case, and Australia announced more funds to contribute to the promotion of Torres Strait Islanders and Aboriginal languages).

- [Advancing Indigenous Rights, Entrepreneurship and Community Well-Being through Good Practices and Engagement in the Tourism industry](#)

Organized by: World Indigenous Tourism Alliance

This event outlined the challenges and opportunities related to indigenous tourism and the new possibilities it offers for indigenous development. Indigenous tourism is at stake and can take advantage of the willingness of western cultures to returning to living in harmony with Nature. Such tourism offers many opportunities for indigenous peoples, such as economic development, raising awareness of the living conditions of the community, and a greater space for dialogue with the authorities. In all, indigenous tourism can also favor the preservation of indigenous traditional knowledge, as much as the promotion of indigenous peoples' rights and the implementation of the right to self-determination and self-governance.

- [The 60s Scoop Legacy of Canada: the effects of Indigenous Child Welfare in Canada](#)

Organized by: the 60s Scoop of Legacy

This event recalled the practice that occurred in Canada where indigenous children were removed from their families and communities for placement in foster homes or adoption. 25,000 children were 'scooped'. Such a practice caused real damage to indigenous culture, with a loss of traditional knowledge, intergenerational links and indigenous languages. The individual also lost his or her legal status as a tribe member under the Canadian Constitution. Another consequence has been an increase in mental disorders and health problems due to the shock of the separation; it has also generated a

significant identity crisis for several generations. The Canadian government has offered reparation to the survivors of such a traumatic event, who are asking for healing and wellness activities, with restoration of adoption records.

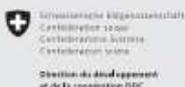
ANNEX I – LIST OF ABBREVIATIONS

CEDAW	Committee on the Elimination of Discrimination Against Women
CERD	Committee on the Elimination of Racial Discrimination
EMRIP	Expert Mechanism on the Rights of Indigenous Peoples
EU	European Union
FPIC	Free, Prior and Informed Consent
HRC	Human Rights Council
IGC	Intergovernmental Committee on Traditional Knowledge, Genetic Resources and Cultural Expressions
ILO	International Labor Organization
NHRIs	National Human Rights Institutions
OHCHR	Office for the High Commissioner for Human Rights
RHRIs	Regional Human Rights Institution
SRRIP	Special Rapporteur on the Rights of Indigenous Peoples
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNPFII	United Nations Permanent Forum on Indigenous Issues
UPR	Universal Periodic Review
UNVFIP	United Nations Voluntary Fund on Indigenous Peoples
WCIP	World Conference on Indigenous Peoples
WIPO	World Intellectual Property Organization

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