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1. EDITORIAL

Today, the major challenge surrounding the Declaration on the Rights of Indigenous Peoples, beyond any thematic content, is how to implement it at national and local levels. Indeed, the vast majority of the rights contained in the Declaration need to find their practical application, a process that should be a function of the specific situations of the peoples concerned. Too often, States claim in international forums to have developed a “good practice” relating to one right or another. This expression tends to lose value because it often disguises a one-sided vision on the part of the State in question on a practice it unilaterally defines as good, without having consulted the community involved in the matter. Thus, lack of respect for self-determination continues to find strong expression within many States, including with respect to implementation of the Declaration.

The three UN mechanisms specific to indigenous peoples – the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples (the “Expert Mechanism”) and the Special Rapporteur on the Rights of Indigenous Peoples – are important tools for overcoming these negative tendencies. Composed of independent experts in regular interaction with indigenous peoples, they can determine, with an indigenous perspective, how to realise free, prior and informed consent, which is a central concept of the Declaration. Their recommendations must therefore be disseminated widely on the national level to sensitize all the relevant authorities to use the Declaration in a manner that is concrete and consistent with the rights set forth therein.

In this edition of the Update, you will find a summary of the fourth session of the Expert Mechanism, addressing in particular the issues involved with implementing the rights enshrined in the Declaration. This session followed up on the Expert Mechanism’s previous studies and focused on the study on indigenous peoples and the right to participate in decision-making, including extensive discussion on the principle of free, prior and informed consent.

One proposal that came out of the fourth session has taken on particular importance in recent months: it requests that the Secretary-General, through a resolution of the Human Rights Council, prepare a document presenting the various ways of promoting the participation of indigenous peoples at the UN (see Editorial, Update No. 97-98). This document will be discussed at the 21st session of the Human Rights Council (10-28 September 2012).

This same issue will certainly also be relevant at the World Conference on Indigenous Peoples in 2014 and will undoubtedly be a focal point of the negotiations. The hope that indigenous peoples could finally have full access to the United Nations, with a status where they themselves are recognised rather than one that is defined for NGOs, will perhaps be fulfilled...

* * *

Published on June 12, 2012
2. EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES

Fourth session, Geneva, 11 – 15 July 2011

The fourth session of the Expert Mechanism on the Rights of Indigenous Peoples discussed the draft final Study on indigenous peoples and the right to participate in decision making, the second thematic study undertaken by the Expert Mechanism. The discussions highlighted the need to continue building on the findings of this study and to focus on self-determination, on free prior and informed consent, and on material rights relating to lands, territories and resources while leaving behind “consultation”, a process right that has been overemphasized. The fifth session of the Mechanism, to be held in Geneva from the 9th to the 13th of July 2012, will discuss a new thematic study, on the role of languages and culture in the promotion and protection of indigenous peoples’ rights and identity. It will also address the 2014 World Conference on Indigenous Peoples.

Opening of the session

Navanethem Pillay, UN High Commissioner for Human Rights (HCHR), emphasizes the UN Declaration on the Rights of Indigenous Peoples (the Declaration), now recognized globally, as a milestone in IPs’ advocacy (also Ambassador Laura Dupuy, Rosslyn Noonan, Tomwo-IPDI, IAIA, ACT). However, indigenous peoples (IPs) continue to be among the most marginalized, including in wealthy countries, and are frequently excluded from political and economic power (also FRSCIP/MF-PP), and disadvantaged in many aspects, as a result of colonization and dispossession (also PF member Edward John). To confront such situations, IPs must be included in decision making through positive measures and policies (also Ambassador Laura Dupuy, Rosslyn Noonan, ACT, Tomwo-IPDI). In this regard the studies of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) provide guidance to States on how to attain the goals of the Declaration and implement them on the ground (also SRIP James Anaya, Rosslyn Noonan, National Congress of Australia’s First Peoples, ATSIJSJC, NORWAY). The EMRIP’s Expert Advices contribute to the growing international jurisprudence on indigenous rights. In May 2011 was launched the UN Indigenous Peoples Partnership (UNIPP), which seeks to advance the implementation of the Declaration and ILO Convention 169, particularly at country level (also UNDP, DENMARK/GREENLAND). Participation in decision making is not only a human right in itself but also crucial to the enjoyment of other rights of IPs (also John Henriksen, Anastasia Chukhman, FINLAND, OCN/CFN/SBFN/ECN/NWAC, ACT).

Ambassador Laura Dupuy, President of the Human Rights Council, recalls that the EMRIP has an advisory mandate for the Council on IPs’ issues (also USA). In September 2011, the Human Rights Council (HRC) is to decide upon the theme for future work of the EMRIP, and suggestions during this session are important in this regard (also Vital Bambanze). In the Universal Periodic Review (UPR), several recommendations have been made regarding indigenous issues (also Navanethem Pillay), and need to be monitored at international level.

Vital Bambanze, elected Chairperson-Rapporteur of the EMRIP, says the EMRIP is a unique forum for discussing specific issues related to IPs’ rights (also GUATEMALA, CHILE). The reference to the Declaration in HRC resolution 6/36 sets an important framework to guide the work. Article 42 of the Declaration, on promotion of its application, also applies to the EMRIP. The Chairperson further highlights the effective inter-session collaboration with human rights treaty bodies – namely the Committee on the Elimination of Racial Discrimination (CERD) and Committee on Economic, Social and Cultural Rights (CESCR).

James Anaya, Special Rapporteur on the rights of indigenous peoples (SRIP), says his mandate aims at advancing the rights of IPs by promoting good practices, examining country situations and addressing information of alleged violations of IPs’ rights by receiving written information from IPs and other sources, and engaging directly with States to discuss such concerns. In his thematic studies, he addresses issues of common concern to IPs around the world. Holding parallel meetings, during the EMRIP’s sessions, with representatives of IPs about specific cases is an important component of the cooperation between the two mechanisms (also Vital Bambanze).

Grand Chief Edward John, member of the Permanent Forum on Indigenous Issues (PF), notes the importance of the EMRIP in advocating and protecting the rights of IPs. All three UN mechanisms focusing on IPs’ rights have distinct and complementary roles in the international indigenous movement; coordination among

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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/18/43.
them is paramount (also Vital Bambanze, Wilton Littlechild, James Anaya, AILA, GUATEMALA). The PF has decided to prioritise the concept of free prior and informed consent in its work, and will explore the development of implementation guidelines.

Rosslyn Noonan, Chairperson of the International Coordinating Committee of National Human Rights Institutions, commends the EMRIP for the impressive consultative approach of its thematic studies. There is a record number of National Human Rights Institutions (NHRI) participating in this session (Jannie Lasimbang welcomes them). NRHIs are among key actors to promote the work of the EMRIP at country level, given their unique mandates to bridge the gap between the international human rights system and national realities (also Arctic Indigenous Caucus, RAIPON, CJIRA, AIPR, ATSISJC for decision making). A number of them already have specific mandates in addressing IPs' issues. The HRC has reaffirmed the crucial role of NHRI with regard to IP's human rights, and encouraged them to strengthen their capacities in this regard (also Ambassador Laura Dupuy). This is both a welcome acknowledgement and a clear challenge.

The Board of Trustees of the UN Voluntary Fund for Indigenous Populations say that the Fund supports IPs in raising their issues internationally, in sharing best practices on the implementation of the Declaration, in networking and in entering dialogue with governments and UN bodies (also IDHRO). The Board welcome General Assembly resolution 65/198, which extends the Fund's mandate to sessions of the HRC and human rights treaty bodies (also Navanethem Pillay, Laura Dupuy, FINLAND). Since 2010, the Fund is also actively engaged in enhancing the capacity building of its beneficiaries through training sessions, namely in collaboration with doCip. The Board thank donor States for their contributions (also Vital Bambanze), and appeal to all potential donors (also Vital Bambanze, FINLAND). However, the Board express concern about the sharp decrease in donations in the last four years, while the number of applicants from marginalised indigenous communities continues to grow.

Wilton Littlechild suggests that the 2014 World Conference on Indigenous Peoples be included as an agenda item of the EMRIP's next session (also ACT, North American and Arctic Indigenous Caucuses, Global Indigenous Youth Caucus emphasizing the youth).

### Members of the EMRIP at its 4th session

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<tr>
<th>Name</th>
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<tr>
<td>Mr. Vital Bambanze (term expiring 2012)</td>
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<td>Chairperson-Rapporteur</td>
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<td>Ms. Anastasia Chukhman (term expiring 2013)</td>
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<td>Vice-Chairperson of the fourth session</td>
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<td>Ms. Jannie Lasimbang (term expiring 2014)</td>
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<td>Mr. Wilton Littlechild (term expiring 2014)</td>
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<td>Mr. José Carlos Morales (term expiring 2013)</td>
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The term of Mr. Vital Bambanze as EMRIP member has now expired. The new member is Mr. Danfred Titus, from South Africa, whose term expires in 2015.

### Item 3 – Follow-up to thematic studies and advice

Jannie Lasimbang says the EMRIP has decided to devote an agenda item to discuss past mandated thematic studies, which the HRC welcomed in its resolution 15/7, thus giving an important indication of its commitment with respect to follow-up (also CAPAJ/CIE/PPQA). The intention in this discussion is to solicit information of the ways in which the thematic studies have been useful to States, IPs and others. In its resolution 12/13, the HRC encourages States to disseminate the study on education broadly and to take it into account in their national plans and strategies (also the Asian and North American Indigenous Caucuses calling for implementation). The Council also decides to hold, in September 2011, a half-day panel on the role of languages and culture in the promotion and protection of the well being and identity of IPs – a decision that reflects a proposal by the EMRIP at its third session (also Ambassador Laura Dupuy, MEXICO, GUATEMALA, DENMARK and GREENLAND; the Global Indigenous Youth Caucus emphasize participation of a youth representative; AIRT suggest dissemination of the panel's documentation).

Wilton Littlechild makes reference to human rights issues associated with residential schools for IPs (also IITC, MoLCA).

### Central and South America

CSDDP draw attention to the difference in meaning of the words “education” and “right”, in colonial and indigenous languages. In the Bribri culture, education means shaping a person able to live in harmony with the world. Education in colonial language only destroys IPs' own ways to educate people, and usually aims at incorporating them in the national labour market, denying their ability to live sustainably according to their own ways of life. It is time for multilateral bodies to take these views into account.

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As IPs have been subjected, since colonization, to educational systems foreign to their own cultures (also **BOLIVIA**), **CAPAJ/CIE/PPQA** underscore that indigenous children and young people have the right to an education based on their own cultures (also **CNAAO**), while at the same time benefiting from technological progress.

A national consultation is under way in **MEXICO**, to draft a proposal to reform the Law on Education, in order to guarantee intercultural education for all Mexicans, and bilingual education for IPs. **Mexico** reports on its recent actions towards the full application of the right of its IPs to education.

**BOLIVIA** says its National Plan for Education develops interculturalism while promoting ancestral indigenous cultures. IPs' pedagogical models are investigated and incorporated in the curriculum. The strategic plan of the Ministry of Education is being elaborated and monitored with IPs' participation.

**North America**

The **North American Indigenous Caucus** emphasize recognition, in the study on education, of the Treaty right to education (also **Wilton Littlechild**), the key role of education in maintaining indigenous languages and cultures, and the right of IPs to control their own educational systems (also **IITC**). The HRC is expected to take action in response to this study, undertaken at its request, but its inactivity leaves some questions (also **Asian Indigenous Caucus**). The EMRIP must develop, in collaboration with the HRC, effective methods for the use and implementation of the advice provided; and request from the HRC a report on use and implementation (also **FRSCIP/MF-PP, DENMARK/GREENLAND**). The **HCHR** should use the recommendations when addressing IPs' human rights with the Council, UN agencies, and Member States. At stake is the strengthening of the EMRIP's relevancy and impact in advancing and promoting IPs' rights (also **AIWT/ALSWA/ALRM/ATSISJC**).

**IITC** suggest focused communications by the EMRIP to relevant UN bodies for their use of its studies and thematic advice in the context of their respective mandates (also **Arctic Indigenous Caucus, AIRT, DENMARK/GREENLAND**). The study on education should be forwarded to the Special Rapporteur on education as well as the Independent Expert on the right to culture, and to the Committee on the Rights of the Child, the Human Rights Committee, the Committee on the Elimination of Discrimination Against Women, and in particular the CESC (also **FRSCIP/MF-PP**). UNESCO and UNICEF could be called to use the study with regard to the Millennium Development Goals (MDGs).

**NWAC/KTC/OCN/CFN/FSIN** draw attention to the dire conditions that Aboriginal peoples face in Canada, including youth suicide, incarceration, inadequate housing, and violence against Aboriginal women and girls. These are the direct result of their persistent low socio-economic status and scarce educational funding (also **MoLCA**). Canada must increase the level of funding of Aboriginal peoples' education to levels commensurate to Canadian standards; and make educational research conducted for and by Aboriginal peoples a priority, focusing on successful Aboriginal educational models.

**MoLCA** warn that much has yet to be done to restore indigenous languages and the role of women, as colonial and assimilationist policies continue to jeopardize IPs' identity. Languages and cultures often become secondary among other social challenges facing IPs. However, for many IPs it is critical to reinforce their customary governance systems, which requires revitalisation of their languages (also **Anastasia Chukhman, FRSCIP/MF-PP, ATH-K, EBLUL, BOLIVIA**). These are also vital to the preservation of biological and cultural diversity (also **EBLUL**). IPs' communities therefore urgently need resources to conduct and promote education in their own languages (also **AIPR** for the **Ryukyu** IPs in Japan), as the elders and language holders are quickly dying out. Indigenous languages and cultures must remain primary components to IPs' right to education (also **JIYA/KLSI, CSDDP**).

**CANADA** reports on partnerships with **AFN** and the national Inuit organisation, on how to improve educational outcomes for indigenous children.

**Asia and the Pacific**

The **Asian Indigenous Caucus** recommend that the EMRIP organize an exchange of good practices among IPs and governments; urge financial institutions and relevant agencies to support the capacity-building needs of both IPs and governments to implement the recommendations of its study; urge the UN to make available financial

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**Documentation for the 4th session of the EMRIP**

Documents relevant to the debates of this session include the UN Declaration on the Rights of Indigenous Peoples (see Update 79-80), as well as the two first thematic studies of the EMRIP: the **Study on lessons learned and challenges to achieve the implementation of the right of IPs to education**, including the Expert Advice n° 1 (2009) [document A/HRC/12/33]; and the final Study on the **indigenous peoples and the right to participate in decision-making**, including the Expert Advice n° 2 (2011) [document A/HRC/18/42] together with the progress report on this study [document A/HRC/15/35].
and technical resources for the application of IPs' right to education and, in particular, for indigenous communities' initiatives, and indigenous education systems and institutions (also JAP/KaF for Bangladesh).

JIIY/KLSI say India guarantees the right to education for children, but there are no specific rights for IPs in this regard. In Jharkhand, the recognition of indigenous languages in educational curricula is meeting many obstacles including lack of academic staff in university departments, absence of reference to IPs' history and cultures in textbooks, and loss of the IPs' culture among the youth. The language of the indigenous Oraon people is endangered but the people themselves are putting efforts to rejuvenate it and have it protected by the Constitution.

JAP/KaF denounce that in Bangladesh, although the 1997 Chittagong Hill Tracts (CHT) Accord provides for the introduction of mother-tongue primary education for the IPs, concrete measures have yet to be taken; no similar arrangement exists for IPs in the plain lands. As for higher education, affirmative actions provided for in the Constitution are not regulated. Indigenous women are particularly vulnerable. The EMRIP and HRC should support Bangladesh in delivering on its international obligations and domestic commitments to indigenous education, with particular focus on mother-tongue education for indigenous children.

AIRT denounce the recent funding cuts in education in New Zealand, which particularly affect Maori peoples, and reflect the inability of the Government to promote the rights related to education as set out in the Declaration.

TKKMNKWTW, the total Maori immersion school of the Ngati Kahungunu tribe in Wairoa, emphasize the 35-year strong movement of revitalisation of the Maori language, of which the total Maori immersion schools are one outcome. They are guided by a philosophy underpinned by Maori values and aim at delivering quality education through the language and customs of their tribe. They are developing their own curriculum based on the tribes' stories and traditions, supported by the Treaty of Waitangi and international human rights instruments. They acknowledge the support of the Council of Experts of Maori immersion schools, which has ensured with the Ministry of Education mandatory consultation on any measure that may affect this unique school system.

NTTC and the Indigenous Peoples' Network of Australia draw attention to the lack of genuine partnership between the Australian Government and IPs in terms of providing quality education to indigenous Australians. Australian education policies neglect indigenous culture and languages within the educational system, leading to decreased bilingualism and to increased student disengagement. The HRC should urge States to develop an engagement strategy with IPs to improve indigenous educational outcomes in line with the Declaration; and adequately resources independent indigenous advisory mechanisms, to include the representation of indigenous views in education.

AUSTRALIA reports on the three targets of its “Closing the Gap” agenda regarding education at pre-school, primary and secondary levels. The “Aboriginal and Torres Strait Islander Education Action Plan 2010-2014”, agreed upon by the country's governments, identifies strategic domains to improve educational outcomes. Annual reports to Australia's Education Ministers will be elaborated with the Aboriginal and Torres Strait Islander Education Consultative Bodies' participation.

Europe, Russia and the Circumpolar

FRSCIP/MF-PP report that Ukraine is a sad example of complete disrespect for IPs' right to education. An assimilationist policy has become the mainstream educational policy. Insulting stereotypes about IPs' history and culture, and other negative elements are found commonly in educational materials. High governmental officials have stated that there are no IPs in the country, only national minorities, despite the State's constitutional obligation to preserve the IPs' identity.

Middle East

CNAAO request UN mediation to present their own educational programme, and specific support for the training of their teachers. In the case of the Armenian peoples of Western Armenia, a process of redress and restitution of real property is needed, including over 2,000 school buildings.

Jannie Lasimbang notes that the challenges of implementing the right to education in the indigenous context need to be tackled by both States and IPs. A continuation of this discussion would be welcome (also Mol.CA).

Wilton Littlechild thanks the States who presented their initiatives, and the indigenous delegations for their comments (also José Carlos Morales Morales). He notes the importance of adequate funding, of traditional knowledge and of indigenous languages. He emphasizes articles 3, 13, 14 and 18 of the Declaration; and a strong call for the EMRIP to urge the HRC to increase its consideration of the EMRIP's reports, and to act upon them (also Asian Indigenous Caucus).
Item 4 – Study on IPs and the right to participate in decision making

Jannie Lasimbang highlights the fact that the final report of the Study on IPs and the right to participate in decision-making complements the 2010 progress report, and includes Expert Advice n° 2 (2011). As requested by HRC resolution 15/7, the final report includes examples of good practices in relation to IPs’ participation in decision-making (the USA, Canada, Australia, Guatemala, Norway, Finland, Denmark/Greenland acknowledge their usefulness).

Former EMRIP member John Henriksen says the Expert Advice n° 2 aims at providing a set of general recommendations based on existing standards and jurisprudence (CJIRA, NORWAY welcome them). The Declaration provides a framework of action for the full implementation of IPs’ right to participate in decision making (also COPORWA, CHILE). The Expert Advice n° 2 mainly focuses on self-determination of IPs, the duty of the States to consult IPs, and the duty of the States to seek IPs’ free prior and informed consent. In the ambit of their right to self-determination, established in article 3 of the Declaration, which mirrors common article 1 of the International Human Rights Covenants, IPs have the right to make independent decisions in all matters related to their internal affairs, and to effectively influence external decision making affecting them (also IMTA). The States’ duty to seek IPs’ free prior and informed consent derives from IPs’ right to self-determination, of which free prior and informed consent is an integral element (also Ambassador Laura Dupuy, ATSISJC, OCN/CFN/SBEN/ECN/NWAC, ACT, RAIPON, IPNC, NAN, CHILE). Free prior and informed consent entitles IPs to effectively determine the outcome of decision-making processes that affect them: it is a substantive mechanism to ensure respect for IPs’ rights (also SC, NAN). The Expert Advice n° 2 proposes namely that the UN establish a permanent mechanism for consultations with IPs’ governance bodies, to ensure their ability to participate at all levels of the UN (also Ambassador Laura Dupuy, SRIP James Anaya, IWA; Guatemala requests more information). A permanent UN accreditation system for IPs’ governance bodies should be in place for the 2014 World Conference on Indigenous Peoples (also IWA).

The Global Indigenous Youth Caucus regret that the role of indigenous youth in decision making remains poorly addressed in the final report of the study, in spite of the proposals on several good practices that they presented in 2010 (also AIRT, RNJIM). To ensure sustainability of IPs’ efforts to assert their rights, it is crucial to foster the participation of indigenous youth in decision making, in order to train effective indigenous human rights defenders and leaders (also Anastasia Chukhman; RNJIM for the indigenous youth in Mexico).

In a joint statement of 20 indigenous and support organisations, GCC regret that the crucial concerns regarding participation in international processes have not yet been addressed in the study (also Tuareg Indigenous Caucus, ACT, Bolivia). In multilateral environmental processes, including the Nagoya Protocol on access and benefit sharing arising from the use of genetic resources, the Convention on Biological Diversity (CBD), or the UN Framework Convention on Climate Change (UNFCCC), full and effective participation of IPs is not being respected. States claim that IPs are not parties to international conventions, but GCC remind that they have a duty to respect their human rights obligations under the UN Charter, and through their commitment to the Declaration. The study should recommend: incorporating a human rights-based approach in international and regional processes; respecting IPs’ right to participate fully in decision making, whenever their rights are involved; respecting IPs’ right to free prior and informed consent, instead of substandard provisions (also Asian Indigenous Caucus, SC, NAN for Canada; CDHMT/Incomindios for Mexico; CJIRA for Argentina; FMW-SJW for the Wayuu in Colombia and Venezuela); consensus shall not be considered a legitimate process, if its intention is to undermine IPs’ human rights; power imbalance between IPs and States shall be addressed by establishing procedural rules consistent with IPs’ right to participate in decision making (also ALSWA/ALRM/FAIRA/NNTC/ATSISJC); States shall commit funding to ensure IPs’ ability to prepare for and participate in negotiations (also Tuareg Indigenous Caucus, ALSWA/ALRM/ATSISJC; CJIRA for Argentina).

IWGIA/CEMIRIDE/MRG/EWC address IPs’ right to participate in decision making in the context of UNESCO’s 1972 World Heritage Convention. The establishment of World Heritage Sites on IPs’ territories has a substantial impact on indigenous communities. The EMRIP’s 2010 progress report on decision making noted the recent ruling by the African Commission on Human and Peoples’ Rights recognizing that the Endorois people in Kenya were excluded from all decision making regarding their lands, despite their right to free prior and informed consent regarding any development affecting their ancestral land. In spite of calls by over 70 indigenous organisations and by the PF, in June 2011 the World Heritage Committee proceeded to inscribe Lake Bogoria, in the Endorois ancestral lands, on the World Heritage List without even discussing these issues. This is one case among others, occurring at UNESCO. Current procedures and operational guidelines must be reviewed to ensure that the implementation of the Convention is consistent with the Declaration.

Central and South America

RNJIM warn that Mexico’s constitutional recognition of IPs’ right to decision making, referred to in the EMRIP’s study, remains an empty shell as there is no mechanism for application (also CDHMT/Incomindios).
IPs are often criminalized in Mexico for wanting to participate in decisions that affect them directly (also CDHMT/Incomindios; CJIRA for Argentina).

CDHMT/Incomindios note that the Expert Advice n° 2 is undoubtedly valuable in the defence of the rights of the Me’phaa, Nasavi, Naua and Amugo IPs of the State of Guerrero, in particular to lands and to natural resources, now threatened by transnational corporations with the support of the Mexican Government, which disregards article 2 of the Constitution establishing IPs’ preferential right of usufruct of natural resources on their territories.

In Colombia, progress of indigenous legislation are due to sentences of the Constitutional Court and to IPs' protests. More than 20 years after the adoption of the Constitution, the State has yet to establish mechanisms for the priority attention of IPs — a failure that leads to practices of exclusion. Meanwhile, governmental decrees are threatening the regime of ancestral reserves, and IPs' communities where natural resources are being targeted by corporations for extraction face forced displacements, killings and forced disappearances. CRIDEAC call on a series of legislative developments to protect IPs and enable them to participate in decision making affecting them.

Former PF Chairperson Carlos Mamani Condori underscores that IPs' right to participate in decision making must be addressed in the context of ongoing colonization (also IPNC/ICSA/ICHHR). IPs in the Andes have initiated processes of reconstitution (also Boliviania) alongside recovery of historical memory and identity, as a response to colonial policies that have systematically destroyed their institutions thus making possible the extraction of natural resources in indigenous territories. Processes of reconstitution have now led to the recovery of various levels of territorial organisation, each one with its decision-making mechanisms.

IMTA state that IPs' right to decision making must be analysed in the context of the market economy, where transnational corporations appropriate IPs’ strategic natural resources with the complicity of States and disregarding IPs right to free prior and informed consent, thus leading to the destruction of these resources and to environmental degradation (also MIT-Peru).

CAPAJ/CIE/PPQA say the EMRIP should further study the situation of indigenous women with regard to decision making, as they face barriers both within and outside from their home (also HCHR Navaneetham Pillay; the Tuareg Indigenous Caucus for the Tuareg women; AZETTA for the Amazigh women in Morocco). In Latin America, where indigenous cultures recognize the complementarity between men and women, indigenous women’s real participation remains very limited.

In the Southern Andes in Peru, IPs continue to strongly oppose the entry of more mining companies on their territories, which contaminate their environment and threaten their way of life – in particular the Santa Ana project of the Canadian Bear Creek Corporation. MIT-Peru call on the Peruvian Government to suspend all mining concessions unless IPs’ territorial claims are settled.

CJIRA underscore IPs' role in obtaining the provision of the reformed Constitution of Argentina that establishes IPs participation in matters that might affect them. However, IPs have no direct participation in Parliament or in the body that monitor implementation of their rights. The Council for Indigenous Participation, referred to in the final report of the study on decision making, is highly controversial as it does not comply with its established standards for representation.

MEXICO reports on a consultation process to draft a law on mandatory consultations with IPs, including standards on cultural criteria for their realization (RNJIM object that this process was not inclusive enough). Elements of such a law would include the need for consultations to reach written, mandatory agreements; respect for IPs’ participation in decision-making processes, as well as their governance bodies; the obligation for all branches of the State and all levels of governance to realize consultations with IPs on matter affecting them; consultations must be carried out in indigenous languages with intercultural methodologies; and failure to carry out consultations must be sanctioned.

GUATEMALA emphasizes the indigenous parliaments that the Garífuna, Xinka and Q’anjob’al Maya IPs have set up as mechanisms for their participation as citizens. Regarding consultation, Guatemala reports on dialogue with the SRIP and on ongoing development of regulations.

BOLIVIA emphasizes legislation on IPs’ participation in the whole State’s structure, and on their right to elect their political representatives according to their own processes; and constitutional recognition of IPs’ autonomy in their ancestral territories. Bolivia recognizes IPs' profound relationship with mother earth and promotes its respect in all international forums. The EMRIP’s reports must be available in all UN languages in a timely manner.

CHILE says the EMRIP's analysis will facilitate the implementation of consultation, a fundamental element of ILO Convention 169. Chile is currently holding a consultation on IPs' constitutional recognition, on new state bodies on IPs' development and participation, and on a framework for consultation processes with IPs.

North America

The North American Indigenous Caucus warn that the process of the World Conference on Indigenous Peoples should be an opportunity to put into practice the Declaration (also ACT). The Caucus ask the EMRIP to
include in its study on decision making the concerns expressed by many at the PF regarding IPs’ participation to
the World Conference, in order to ensure equal, direct and meaningful participation of IPs throughout all stages
of the World Conference (also PF member Edward John, Arctic Indigenous Caucus, IWA, DENMARK). The
EMRIP should commend in its next report to the HRC that the principle of full, formal, equal and effective
participation by IPs, based on the rights affirmed in the Declaration, be applied to all future UN world
conferences, including the World Conference, as well as Rio+20 and the various processes under the Rio
Conventions (also Wilton Littlechild, National Congress of Australia's First Peoples, HIHR).

IWA inform on the Haudenosaunee, a federation of six indigenous nations – the Mohawk, Oneida,
Onondaga, Cayuga, Seneca and Tuscarora nations – pre-dating European contact. The Haudenosaunee is a
government. It made peace and friendship treaties with a number of European nations and settler governments,
and continues to represent the signatories of those treaties. It continues to participate in all affairs that affect
the alliance, although North American States try to isolate them by violating their rights, in particular to self-
determination. The Haudenosaunee should be included in the study as an example of ongoing indigenous
government exercising its right to self-determination. The Haudenosaunee is not represented at the UN because,
being a government, it will not register as a non-governmental organisation. With the recognition of IPs' right
to self-determination, a new paradigm is needed and the upcoming World Conference on Indigenous Peoples is an
opportunity for the UN to break new ground and allow IPs' participation on an equal footing.

OCC/CFN/SBFN/ECN/NWAC draw on the multiple experiences of the Ochapowace First Nation to warn that
decision making by IPs is at great risk of manipulations that threaten the integrity of access and control of IPs' lands,
resources, and identity (also ATH-K). They strongly object to the use by Canada of the concept of the
“ duty to consult”, a legal myth to pretend that the process of securing IPs' lands and resources for exploitation is
done legitimately. The EMRIP's study should clearly indicate the superseding and overarching application of
free prior and informed consent over consultation and accommodation (also NAN).

NAN have managed and conserved their territories for time immemorial, but are now facing threats that include
extractive operations, and new legislative measures about to deprive them from the resources of their lands, in
disregard of IPs' right to free prior and informed consent. In the EMRIP's final report, the reference to the
jurisprudence of the Canadian Courts on free prior and informed consent, should be replaced by a reference
to the Supreme Court of Canada's jurisprudence that, when a decision would seriously impact an Aboriginal
people, their consent should be obtained.

The USA understands the provisions on free prior and informed consent to call for a process of meaningful
consultation with tribal leaders, but not necessarily the agreement of these leaders. The US executive order on
“consultation and coordination with Indian Tribal Governments” has led to an unprecedented high level of
consultations throughout the US Government.

In the last federal elections seven Aboriginal Members of Parliament were elected. CANADA emphasizes
consultation processes included in modern land claim and self-government settlements with Aboriginal groups;
and a legal duty to consult and, where appropriate, accommodate Aboriginal groups when governments
contemplate measures that may adversely impact their rights.

Africa

In Mali and Niger, the Tuareg IPs' constant rebellions result from their exclusion from decision making. Their
inclusion in decision making at the highest level in the resolution of these crises would be an alternative. The
Tuareg Indigenous Caucus demand that identity documents be granted free of charge to Tuareg people who
have returned from Libya but are not recognized as citizens because they lack identity documents; the state
administration must ensure accessibility of their services in indigenous territories.

ATH-K report on their effective participation in decision making and management of public affairs at local
level. At regional and national levels, the participation of Amazigh people in decision making is, at best, very
limited.

drawing from the example of Kabylia, ACT underscore that usually national, regional or international initiatives
bring about much better results when they associate IPs. States need to recognize IPs' traditional systems of
social organisation, in order to take their aspirations into account in decision making (also ATH-K). Recent
consultations held by the Algerian Government on constitutional reforms have completely marginalised the
Amazigh IPs (ALGERIA takes note of this demand).

Tamaynut acknowledge that the official recognition of the Amazigh language (Tamazight) in Morocco
represents an achievement, but Amazigh people, considered second-class citizens (also AZETTA, CMA), have
not participated in decision making on this constitutional recognition. A proposed application law could now
threaten recent progress achieved in education, where Tamazight has been taught despite the absence of official
recognition.

Effects of the recognition of Tamazight have yet to be seen on the Amazigh IPs' political participation. AZETTA pursue their advocacy towards the recognition of their rights in Morocco, fighting discrimination in
legislation and administration, and calling for economic and social policies that are in favour of remote areas, in order to ensure the participation of local communities to public affairs.

**UNIPROBA** acknowledge efforts by Burundi to integrate the Batwa IPs in political life; however, crucial commissions in Parliament have been set without their participation (also AIDB). The Batwa peoples' rights to consultation and to free prior and informed consent are not guaranteed, and their seats in Parliament are often occupied by others. The right to participate in decision making must include policy-making processes (also PIDP).

**COPORWA** say Rwanda recognises the socio-economic disadvantages faced by the historically marginalised Batwa people, now facing extinction, but does not recognise them as IPs, hence denying them their right to self-determination and to their indigenous identity.

**PIDP** report on some progress in the implementation, by the Democratic Republic of the Congo, of the Bambuti IPs' rights. However, much remains to be done to ensure their participation in decision making, in particular in the current decentralization process, as they have no opportunity to participate in decision making even in the districts where they are a majority. The DR Congo must ensure the participation of the Bambuti IPs on an equal footing, both in political affairs, and in social and environmental matters.

**Tomwo-IPDI** report on the marginalized pastoralist Pokot IPs in Kenya, facing alienation of their lands, and exclusion from decision making and from development (also IDHRO for the Ichamus; OCBO for the Maasai; SWEEDO for the Samburu women). Implementation of the new Constitution is crucial, as it contains provisions to ensure IPs' participation in decision making about development, allocation of resources, and management of community lands and resources (also IDHRO, OCBO, SWEEDO). Pastoralist customary institutions must be supported in national policies, and IPs' organisations receive training on policy processes that may affect their rights.

Denial of participation in decision making and of self-determination are at the root of all problems faced by the pastoralist nomadic Ichamus IPs in Kenya. IDHRO urge that the Government fast-track the processes of the commission on truth, justice and reconciliation, as well as land, judiciary, and electoral reforms. All States must listen to IPs' voices and give priority to matters affecting them.

**SWEEDO** emphasize the marginalization of the Samburu women in Kenya, who cannot achieve leadership positions because of their status, and are excluded from land ownership and participation in development. They need to obtain recognition of their exclusion both by the Government and by their own communities, as the traditional legal systems might make it hard to change their situation.

**OCBO** warn that recent developments in the debates of the Kenyan Constitution, along with endemic corruption, seem to lead to a recurrence of hostility against IPs. Meanwhile climate change mitigation policies, conservation, population growth, and governmental commitment to conventional economic development threaten IPs' natural resources. On a positive note, the notably patriarchal Maasai society is finding more place for women.

**Asia and the Pacific**

Excessive human rights violations in many Asian countries continue to overshadow good practices relating to decision making (also AMAN for Indonesia). The Asian Indigenous Caucus recommend that the EMRIP: at the same time as it provides its thematic advice on IPs' right to participate in decision making, propose that the HRC immediately examine, monitor and publicly report on human rights situations in these countries; conduct a research to establish an independent mechanism to address conflicts over the implementation of free prior and informed consent; and develop guidelines for the application of IPs' right to participate in decision making (also José Carlos Morales Morales).

Some of the Nepalese IPs are still struggling to be recognized as indigenous. In the Constituent Assembly of Nepal, indigenous members continue to be elected under political parties and are not allowed to advocate in favour of IPs, in spite of the 2009 early warning by the CERD highlighting the importance of ensuring IPs' participation based on their own socio-cultural processes to elect their representatives. A cause of this is the absence of IPs' representatives at high level of government.

The Zo IPs' territories, divided since colonisation between India, Bangladesh and Myanmar, are rich in natural resources, and the three Governments are all planning resource extraction without respecting the Zo people's free prior and informed consent, and actually excluding their participation. ZORO call on the UN to urge Member States to suspend all development projects that do not comply with the provisions of the Declaration.

**AIPR** report that in spite of strong and clear opposition of the Ryukyu/Okinawan IPs to US military bases on Okinawa, the USA and Japanese Governments agreed on enlargement, disregarding the IPs' right to participate in decision making. The Japanese Government must enact a law on the protection of human rights and establish an independent human rights institution.

IPs in Maluku are facing obstacles in maintaining the ancestral Sasi system of sustainable resource management, referred to in the study, due to commercial corporate activities on their lands. **AMAN** recommend that protection be immediately provided to IPs and that the Sasi system be strengthened; that the Indonesian Government adopt
IPS' decision-making mechanisms and end imposition of the Indonesian centralized governance system; and that adequate financial and technical support be provided for IPs to maintain their traditional decision-making mechanisms.

DAP is the Papua Customary Council established by the Papuan IPs to protect and promote their rights. The Government of Indonesia has established the Papua people's Assembly. However, both organisations have been impeded by the Government to fulfil their mandates in protecting the Papuan IPs' rights. The study on decision making should address the challenges faced by IPs' organisations where governmental policies deny them full and effective participation.

New Caledonia's Customary Senate, an administrative and consultative body established under the Nouméa Accord (also UNPK), is not an example of good practice, as it does not represent the legitimate traditional holders of the rights to decide on material development of the Kanak IPs' territories. CPCK are establishing a strategy to solve colonial land conflicts among Kanak chieftdoms. This will make it possible for developments on Kanak lands to seek the free prior and informed consent of the rightful holders of the land.

UNPK note that the Kanak IPs' right to participate in decision making remains to be recognized in New Caledonia, because French law only recognizes individuals, not groups, as subjects of law. Moreover, the right to self-determination is not recognised to peoples, but to territories that already exist within the borders of the State. Work needs to be done now to incorporate the Kanak world views into the constitutional arrangements of New Caledonia, in order to solve land and territorial issues and to ensure the Kanak IPs' participation in decision making.

The National Congress of Australia’s First Peoples, which is consistent with article 18 of the Declaration, is structured to maintain IPs' own decision-making institutions and has an essential role in pursuing the exercise of all the rights under the Declaration (also ATSISJC, ALSWA/ALRM/FAIRA/NNTC/ATSISJC). The National Congress commits to working in partnership with the Australian Government and with the Australian Parliament on compliance with Australia's international obligations on human rights, and on promotion of the Declaration.

ALSWA/ALRM/FAIRA/NNTC/ATSISJC say the study on decision making should not include the current reference to Australia's enrolment of the Aboriginal and Torres Strait Islander peoples on the electoral roll, as this is not consistent with article 5 of the Declaration. The HRC should recognise and support the critical role, in the realisation of IPs' rights, of indigenous organisations involved in service delivery. States must respect the internal decision-making processes of IPs in raising awareness for significant legislative or political changes.

AIRT welcome the detailed analysis of free prior and informed consent in the final report of the study on decision making (also ICC), and the focus on criteria as to what constitute a good practice, based on the Declaration. The examples of good practices related to New Zealand in the final report should be considered only as tentative steps, not as final objectives. States must remain constantly alert of their obligation to ensure that IPs are consistently involved in decision making.

ATSISJC observe that systemic barriers to IPs' effective participation in decision making are still to be removed. Lateral violence, which occurs when oppressed people internalise their oppression and turn on each other, is a significant obstacle to such participation; strengthening IPs' internal governance could be a means to ensure IPs' effective participation in external decision-making processes (also ATH-K). The EMRIP and HRC should urge all States to enter formal dialogues with IPs at the domestic level, to develop agreed understandings and negotiate appropriate mechanisms on free prior and informed consent and on self-determination. The EMRIP should conduct a study on the effects of lateral violence on the full realisation of IPs' rights.

The New Zealand Human Rights Commission notes that key mechanisms for constitutional participation include dedicated Maori seats in Parliament and a Minister of Maori Affairs. The Waitangi Tribunal – charged to enquire on the Government’s breaches of the Treaty of Waitangi – has made progress in settling claims (also NEW ZEALAND). However, Maori are under-represented in local governments, as noted by the SRIP in 2010 (also NEW ZEALAND), in spite of legislative changes that allow all local councils to have dedicated Maori seats. Following public discussion, the Human Rights Commission recommends that timely discussions between legislative bodies and Maori tribes take place both at local and national levels on improved provision for Maori representation.

AUSTRALIA will be working with the National Congress of Australia's First Peoples to develop a framework for engagement, including guidance on consultations. Australia draws attention to its National Partnership Agreement on Remote Service Delivery, which commits governments to equitably deliver facilities to remote indigenous communities, with local implementation plans produced in partnership with the communities.

NEW ZEALAND reiterates its commitment to work with Maori in good faith and in a cooperative manner on all aspects of law and policy, particularly those on which the Maori have an interest (AIRT) oppose to this statement, as an example of bad practice, the granting of an oil exploration license to the Brazilian company Petrobras in the waters that border the lands of two Maori tribes). New Zealand reports on the range of its processes and institutions for Maori involvement in decision making, from broad guarantee of participation and
consultation, to particular instances where consent is required. A further perspective has been given by a recent Waitangi Tribunal report following an extensive enquiry into Maori flora, fauna, cultural and other rights.

Middle East

The Armenian people's participation in decision making is not improving – for instance in the construction of a pipeline, and of tens of hydroelectric mega dams on the Tigris and the Euphrates Rivers. CNAAO call on Turkey to enter into meaningful dialogue on participation in decision making that affects their territories and resources.

Europe, Russia and the Circumpolar

SC call for a moratorium on discussions on consultation, advising instead to pay full attention to IPs’ rights to own, control and decide over their traditional territories and societies. They cite as an example the ruling of the Swedish Supreme Court, which upheld Saami reindeer herding communities’ property right to their winter pasture areas, implying a material right to decide over these territories.

ICC draw the EMRIP's attention to the “Circumpolar Inuit Declaration on Resource Development Principles in Inuit Nunaaat”, adopted in Nuuk in 2011 by Inuit leaders, which states: that Inuit must be full partners in policy and decision making on resource development; local communities be meaningfully engaged in these processes; and an inter-Inuit consultation mechanism be developed across the four States.

RAIPON note that IPs’ right to participate in decision making remains highly vulnerable in the context of national legislation and law enforcement practices. The Russian Federation’s Constitution declares IPs’ rights and freedoms in accordance with international standards, while its legislation deprives IPs of their primordial right to traditional economic activities, by auctioning their lands and thus depriving them of their right to development.

A joint statement of 25 indigenous organizations of the Russian Federation denounce a pernicious evolution in the Russian Federation, where organisations claiming to be representing the political will of all IPs in Russia are mainly occupied with obtaining preference benefits for small groups of leaders and for the maintenance of offices and personal properties in Moscow. The UN must ensure fair and impartial selection of the experts of the EMRIP based on their high qualification and experience in the field of their mandate (also LIENIP). In States where IPs do not have the means to set up their own internal self-government, NGOs may be the only compensatory mechanism. FRSCIP/MF-PP report that the President of Ukraine created in 2010 the Council of the Representatives of Crimean Tatar People, to serve as a consultative and advisory body – and then failed to convene its members, seemingly sabotaging the process.

DENMARK and GREENLAND welcome the inclusion, in the final report, of the example of the Arctic Council, a high-level intergovernmental forum where IPs play an important role (also RAIPON). It operates on the basis of consensus. The Norwegian Government and the Saami Parliament (Sámediggi) have consultation procedures since 2005. NORWAY emphasizes positive side effects of establishing mechanisms for participation, namely increased awareness of Saami issues; improvement of the general dialogue; and increased visibility and credibility of the indigenous representative bodies.

FINLAND would welcome the EMRIP’s views on follow-up of its studies (also DENMARK/GREENLAND). Finland reports on participation of the Saami IPs in decision making through the Saami Parliament, whose capacities have been improved by the recently amended mining and water acts, which include provisions granting the Saami Parliament a right of appeal. IPs' participation is important whenever the HRC is addressing the rights of IPs, so that the Council is able to take informed decisions.

The EUROPEAN UNION (EU) seeks to integrate indigenous issues in its political dialogues with its partners. The EU offers direct support to civil society organisations, among which indigenous organisations, allowing them to be included in policy-making processes through empowerment, capacity-building and anti-discrimination projects.

SACS note that the study on decision making insufficien
tly addresses social and psychological mechanisms such as intercultural dominance, thus limiting the chances to counteract them.

LLU underscore the potential contribution of intercultural communication to meet the challenges of articulating national legislations and IPs' customary processes and standards. By recognizing IPs' right to self-government, States can establish the necessary conditions for a communication on an equal footing, thus leading to the creation of multi-cultural and pluri-ethnic States.

Wilton Littlechild concludes that the debate emphasized situations throughout the world of exclusion and non-recognition of IPs, which constitute ongoing violations of the right to participate in decision making (also COPORWA for the Batwa in Rwanda; FRSCIP/MF-PP for the Crimean Tatar in Ukraine). There is a need to continue building on the findings of the study on decision making and to focus on self-determination, on free prior and informed consent, on rights relating to lands, territories and resources while leaving behind “consultation”, a process right that has been overemphasized, thus obscuring the material rights that underpin
José Carlos Morales Morales suggests that the HRC, supported by the EMRIP, work with States to identify peaceful solutions.

Wilton Littlechild recalls the importance of the Declaration as an instrument for reconciliation (also CPMPX). He welcomes Canada’s and USA’s endorsement of the Declaration (also SRIP James Anaya), urging them to ensure its implementation and calling on the States that abstained, to endorse the Declaration (also Anastasia Chukhman, AIPP/Asian Indigenous Caucus, PCJSS; MAFUN for Russia). James Anaya. Special Rapporteur on the rights of indigenous peoples, proposes the elaboration of guidelines aimed at assisting the different actors towards complying with obligations arising from international standards (also CGAP/AGP, Australian Human Rights Commission). Concerning his mandate, he notes that examining cases of alleged human rights violations is what is occupying most of his time. He also conducted a study on extractive industries, which are a major concern for a large number of IPs, showing that in spite of a growing awareness of the negative impacts of such activities, disagreements persist on how to accommodate the diverging interests (also NNCT/FAIRA for Australia).

Item 5 – UN Declaration on the Rights of Indigenous Peoples

Wilton Littlechild recalls that the Declaration is the normative framework guiding the work of the EMRIP (also Wilton Littlechild) and that the challenge of achieving the effective implementation of the Declaration at all levels remains (also Rosslyn Noonan, Tommo-IPDI, IDHRO, SWEEDO, ZORO, ACT, AIWO-CAN, the EU; CMA for Northern Africa).

Speakers widely call on the EMRIP to pay close attention to the implementation process, and to undertake studies on IPs’ situations (ONAG, CISAN/CIAP/CEDHAIE, CAIAP/CIE/PPQA, AIPRI); identify responsibilities for the implementation (IMTA, CGAP/AGP; the Tuareg Indigenous Caucus for Mali and Niger); monitor and coordinate efforts with the different stakeholders including the HRC, States, UN agencies and mechanisms, NHRIs and IPs’ organisations (ACT, AIPP/Asian Indigenous Caucus, PCJSS, Australian Human Rights Commission, HIHR, CMA, ALSWA/ALRM/FAIRA/NNCT/ATSISJC; AIPR stressing the need for States to utilize their foreign policies to promote implementation); launch regional events to ensure effective changes (the Tuareg Indigenous Caucus and KKF emphasize focus on women and youth).

The Global Indigenous Youth Caucus report on some good practices, but globally deplore a gap between the positive adoption of the Declaration and the lack of concrete measures for implementation, giving examples of obstacles created by some States (also Indigenous Peoples of Brazil, DJSAM, MoLCA, IMTA, AIWO-CAN, SACCS, FRSCIP/MP-PP, CDCHRI, HIHR, JOAS for Malaysia, KKF for Vietnam, AIPR for Japan and USA, BAA for Indonesia, ALSWA/ALRM/FAIRA/NNCT/ATSISJC and the Australian Human Rights Commission for Australia, RAPION and MAFUN for Russia). The Youth Caucus insist that IPs must be recognized as such, according to their right to self-identification (also ONAG for Guyana, CJIRA for Argentina, CPMPX for Chile, the Tuareg Indigenous Caucus for Northern Niger, CMA for Morocco, ACT for Algeria, AIWO-CAN for Cameroon). On this issue, ITC suggest that States, to show their good will, could recognize IPs in a number of cases without them having to undertake special procedures. The Youth Caucus further stress that the indigenous youth's disadvantages need to be addressed in relation to access to education (also ONAG; ACT for Algeria) and that improving the dissemination of information will empower IPs and promote their participation in decision-making processes (also CJIRA, CGAP/AGP, KKF, SNC-KK, JOAS, AIPP/Asian Indigenous Caucus, Australian Human Rights Commission, MAFUN, AILA, IWA/AFN/CFN/FNS/GCC/HK/KTC/OCN/SBKN/T4C/UBCIC/FPHERC/FCSC/IIHR/KAIROS). HIHR also emphasize the need to circulate information about other initiatives, such as the new UNIPP. AIPIN/CNCT/CAOI/REI ask the UN to include the promotion of freedom of information and communication in its agenda and recommend that the EMRIP undertake a study on IPs’ rights to freedom of communication and information. Finally, the Youth Caucus recommend encouraging the political representation of indigenous youth in institutions such as political parliaments.

Former PF Chairperson Carlos Mamani Condori, insisting on the specificities of indigenous life as tied to the land, argues that the EMRIP should collect IPs' thoughts, principles and norms on preservation of nature, which
represent the most effective way to implement the Declaration. This compilation could be used as a legal instrument in territories under indigenous jurisdiction.

**Central and South America**

**An indigenous Mixtec delegate** of Oaxaca, Mexico, denounces practices of kidnapping and torture especially targeting indigenous political activists, and recommends that this issue be treated through a specific provision in the Declaration.

Challenging the common representation of IPs as poor, **CSDDP** insist on their wealth in terms of cultural heritage, linguistic diversity, wisdom, and knowledge. Education should be oriented in a traditional perspective so as to ensure preservation and transmission of this heritage.

Referring to human rights abuses the **Wayuu** IPs suffer in Colombia and Venezuela, **FMW-SJW** address the issue of increasing violence resulting from mining activities by large companies backed by governments. They recommend the **EMRIP** to propose that the **HRC** address the issue of IPs victims of armed conflicts.

**CISAN/CIAPI/CEDHAE** identify the lack of engagement from States and international corporations, as well as the lack of information available on the Declaration within indigenous communities, as the two major obstacles to implementation. The lack of consultation of IPs needs to be addressed to fight the violations of their collective rights and guarantee their self-determination, participation and freedom of movement.

**AIDESEP-Ucayali** report on the destruction of the primary forest in Brazil as an aggression on the indigenous inhabitants of the Amazon region, and as a major threat to the world's biodiversity, of which this region concentrates two thirds. They call on national and international organisations to take action to avoid this catastrophe.

**CGAP/APG** report on violations of the **Guarani** IPs’ human rights in Bolivia. Measures have been taken by the authorities to restore land and grant compensation, but there is a need for follow-up and assistance to the processes of land repartition.

**IMTA** observe that the self-determination of IPs is impeded by powerful corporations, together with international financial institutions which, by privatizing sectors like health, air or water, are embodying a new colonization of the world (also **IITC**). They denounce that the spirit of the Declaration is not respected in the UN system.

In spite of Bolivia’s commitment to respect IPs’ free prior and informed consent, **ICSA** deplore that they do not have the right of veto to completely reject a project potentially affecting them, as in the case of the **TIPNIS** road.

**CAPAJ/CIE/PPQA** note that the Declaration consecrated the principle of “sui generis relation”, which aims at conflict prevention and reasserts IPs’ right to self-determination, without consideration to existing state borders or to ancient false doctrines, such as “the Doctrine of Discovery”, that lead to the denial of IPs’ rights.

**Indigenous Peoples of Brazil** draw attention to their persistent marginalisation from decision-making and participation processes. They give the example of the Belo Monte dam project, which threatens IPs’ livelihoods and the biodiversity of the region. They request the implementation of the Declaration, and urging the Brazilian Government to guarantee IPs’ right to free prior and informed consent.

**CJIRA** note that even though many principles aimed at protecting IPs’ rights have been promulgated and integrated, IPs are facing persecutions in Argentina, which needs to implement the Declaration and incorporate it into domestic law (also **RNP** for Chile, **JOAS** for Malaysia). The HRC could also urge the States to ensure that IPs will be associated to decision making on public policy planning and that their world views will be taken into account.

**CPMPX** alert on the criminalization of the **Mapuche** IPs’ protests (also **Indigenous Peoples of Brazil**) and the application of the anti-terrorist law. The Chilean State must withdraw the decree that led to these arbitrary measures and acknowledge traditional organisational and discussion mechanisms. **CPMPX** invoke the respect of international treaties signed with Spain and then, the modern Chilean State; they request monitoring by the UN human rights and indigenous bodies, and by the **SRIP**.

**RNP** denounce the occupation of their land by Chile; a special status for autonomy that does not meet expectations in terms of self-determination; and human rights violations. They urge the human rights international bodies to press Chile to: ensure **Rapa Nui** self-determination, recognize their constitution, and proceed to demilitarization.

**DJSAM** emphasize Chile’s obligation to organize consultation with IPs according to ILO Convention 169, and condemn the Government's practice to use domestic legislation to limit the scope of an international treaty, thus violating international law. They denounce the violation by the States of their obligation to protect natural resources in indigenous lands and to consult IPs with regard to management of these resources (also **Indigenous Peoples of Brazil** for Brazil), giving the example of tree plantations that threaten biodiversity and disrupt traditional world views.

**MEXICO** reports on processes of legal harmonization as well as initiatives aimed at ensuring information and education about the Declaration, with a specific focus on women. A constitutional reform on human rights was
carried out recently, whereby the human rights established in the international instruments to which Mexico is a party, are now incorporated into its Constitution.

The Ministry of Popular Power for Indigenous Peoples of **Venezuela** established a number of standards and programmes aimed at strengthening the rights of IPs (also **Bolivia**). A particular emphasis has been put on human rights education. Venezuela emphasizes the growing indigenous representation at high level of decision making.

**Bolivia** is implementing the Declaration at national and local levels and promoting this instrument in all international forums. Bolivia express concern at the influence of some transnational interests that are lobbying IPs for the adoption of mechanisms for Reducing Emissions from Deforestation and Forest Degradation (REDD), which are contrary to the Declaration's provisions on the rights to environmental conservation and protection.

**North America**

**IWA/AFN/CFN/FNS/GCC/HK/KTC/OCN/SBFN/T4C/UBCIC/FPHRC/CFSC/HHIR/KAIROS** welcome the increasing influence of the Declaration in the UN human rights policies and its progressive incorporation within domestic legislations. They nevertheless stress the need to denounce the opposition shown by States like the USA and Canada (also **CFN/SBFN/ECN/NWAC, ITC**). Even the minimum levels of protection which are supposed to be guaranteed by other already existing treaties, including the Nagoya Protocol, are not met (also **HHIR**). They urge the HRC to authorize the EMRIP to conduct a review on the way the Declaration is implemented, allocating financial resources to this end (also **CFN/SBFN/ECN/NWAC**). The EMRIP should propose that the HRC issue recommendations to non complying States and encourage reports on national situations.

**CFN/SBFN/ECN/NWAC** add that a progress report of this review on implementation of the Declaration should be submitted to the EMRIP's session in 2013, and that the final review be presented at the World Conference on Indigenous Peoples in 2014.

**MoLCA** identify outdated national legislation on development, as well as expensive procedures, as obstacles for IPs to voice their claims. Ancient unfair treaties from the colonialist period as well as partial endorsement hinder the application of the Declaration (also **AILA**).

**IAIA** report on activities of the “Institute of American Indian Art”. The draft principles of a new initiative, the “Native Land Law Project” are available on their website and contain suggestions towards the implementation of the Declaration.

**AILA** stress: the need to identify incompatibilities of domestic legislations with the Declaration; concerns about the US support of nuclear power, threatening IPs because the main uranium resources are located within indigenous territories. Indeed, mining companies are responsible for environmental destruction, water contamination, health problems among local populations and the destruction of sacred sites central to IPs' identity.

**IPNC/ICSA/ICHR/KF/KAA/AIM-Colorado/RoL** request: dedicating an agenda item of the 2012 EMRIP session to the planning of the third Seminar on Treaties, Agreements and Other Constructive Arrangements; circulating information without restriction among stakeholders as they report cases of abuse; associating broader sectors of IPs, including those affected by the “terra nullius” doctrine or those affected by treaty violations.

The USA reports on the initiatives promoted by its administration to address IPs' situations and jointly define plans of action and priorities. Other measures include restoring large portions of tribal homelands to indigenous communities, improving education programmes and facilities, health access and public safety within indigenous territories.

**Africa**

The **Tuareg Indigenous Caucus** urge the UN and Member States to ensure the application of the Declaration's provisions that request the free prior and informed consent of IPs for military operations taking place on their lands.

**Tunfa** denounce the disruption of the traditional pastoralist activities of the **Tuareg** and **Peuhl** peoples in Northern Niger, due to highly contaminating uranium exploration and exploitation operations undertaken without their free prior and informed consent and without any compensation, in violation of article 10 of the Declaration.

Underscoring articles 3 and 4 of the Declaration, on self-determination and self-government, **CMA** call for the application of the right of the **Amazigh** IPs to self-determination in Northern Africa. The decentralisation process undertaken by Morocco must involve IPs, in particular with regard to their territories and governance institutions.

**ACT** urge the HRC to define the place of the Declaration in international human rights law, and its links with other human rights instruments. The Declaration's application must take local and national contexts into account.
Algeria must promote and disseminate the Declaration, and begin implement it, in particular by recognizing Tamazight as an official language.

AIWO-CAN call on Cameroon to continue the drafting process of its law to promote and protect the rights of indigenous communities, and adopt it soon; end discrimination and intimidations of Mbororo indigenous people by powerful individuals, including illegal detention, seizure of lands and property, and abduction of young Mbororo girls into forced marriages; and accept the SRIPs request to visit the country.

ADB call on Burundi to implement the Declaration; to promote the right of the Batwa IPs to education in line with article 14; to secure their access to cultivable lands in order to ensure their right to food; and to address the issue of the Batwa illegally detained in the country's prisons.

Asia and the Pacific

AIPP and the Asian Indigenous Caucus welcome the drafting of a Human Rights Declaration by the ASEAN, regretting however that this instrument does not refer to IPs and their specific and collective rights. IPs' recognition by the Asian States is the major challenge that needs to be addressed in order to reduce conflicts and guarantee IPs' rights (also JAP/KaF, PCJSS for Bangladesh, CDCHRI and SNC-KK for Vietnam, CNFC for Cambodia). AIPP and the Asian Indigenous Caucus recommend that States and the EMRIP conduct a study on the recognition of IPs at the national level, and that the EMRIP advise States in this regard (to achieve recognition, PCJSS propose to follow the lines of ILO Convention 169).

PCJSS denounce the high militarization of the CHT in Bangladesh, in violation of the Declaration's article 30, and the constant land rights violations and attacks that IPs are facing. There is hope however, with the Land Dispute Settlement Commission and the CHT Accord, that most of the rights enshrined in the Declaration be guaranteed.

CDCHRI and CNFC request the EMRIP to recommend UN agencies to provide capacity building assistance to help implement the Declaration, both to the Cham IPs in Vietnam and to the ASEAN Member States.

KKF recommend that financial resources that Vietnam receives for the UN-REDD Programme be allocated, with IPs' free prior and informed consent, to the preservation of ancestral lands and indigenous livelihoods. They also recommend the establishment of a national human rights institution in Vietnam, to facilitate dialogue between the State and the IPs.

SNC-KK warn about the situation of IPs in Vietnam, providing various examples of human rights abuses (also CNFDA for New Caledonia).

BAA recall that human rights should be considered as collective aspirations and common standards for all peoples and nations, and not only in the context of their violations.

AIPR recommend studying the impacts of military deployment on IPs and their lands.

HIHR reaffirm the importance for IPs to gather annually in Geneva to measure the progress made. Stressing the uselessness of the UPR (also DENMARK/GREENLAND), HIHR recommend that States which participate to the second cycle of the UPR prioritize the implementation of the Declaration in their questions and recommendations.

CNDPA demand a share of the benefits deriving from the Kanak people's resources that are exploited without their consent; and the respect of special rights granted to the Kanak as IPs. Kanak leaders call on the EMRIP to promote dialogue between the Kanak people and the French State.

ALSWA/ALRM/FAIRA/NNTC/ATSISJC firmly condemn: public policies that Australia claims as being “in the spirit of the Declaration”, although they have not been planned with effective indigenous participation and deny the principle of free prior and informed consent; and emphasizing the aspirational status of the Declaration instead of considering it as a standard to be uncompromisingly pursued. States need to ratify and implement ILO Convention 169 as complementary to the Declaration.

The New Zealand Human Rights Commission reports on initiatives to promote and raise awareness on IPs' rights in New Zealand. Information has been disseminated, school orientation has been modified along Maori standards, and the issue of natural resource management has been prioritised.

The Australian Human Rights Commission warns that awareness raising needs to be implemented within governmental structures. Although the Government has made efforts to elaborate a National Human Rights Framework, the Declaration is not guiding this initiative. The Commission reports on efforts to encourage the Government to develop an action plan with IPs.

Australia is willing to recognize IPs in its Constitution and declares that its indigenous policies are consistent with the spirit of the Declaration. The National Congress of Australia's First Peoples is proceeding to wide consultations on possible constitutional changes.

New Zealand acknowledges the aspirational dimension of the Declaration. A new inclusive approach called Whanau Ora has been designed to provide IPs with social and health services, with nationwide coverage. The Government proceeded to a wide review of New Zealand’s constitutional arrangements in consultation with the Maori.
Following recommendations by the Japanese Diet in 2008, Japan established the Council for Ainu Policy Promotion, which proposed a centre to promote the Ainu way of life and culture; and a survey on the Ainu people's living conditions. Japan will analyse the resulting data and consider the necessary policy measures for the Ainu people, in line with the Declaration.

Europe, Russia and the Circumpolar

The Arctic Indigenous Caucus welcome the extensive use of the Declaration within large parts of the UN system, as well as by domestic courts and legislatures. RAIPON urge to directly address the rights of IPs to decision making concerning their development, rather than their right to participate in decision making. Russia should review the possibility of establishing a Parliament of Indigenous Peoples of the North, Siberia and Far East of the Russian Federation.

MAFUN consider that the absence of a universal definition for “indigenous peoples” prevents States to equally fulfil their obligations. The EMRIP should study the definition of “indigenous peoples” in various countries, to show how its arbitrary use can affect the implementation of the Declaration.

DENMARK and GREENLAND are promoting IPs’ rights in all relevant international forums, including in emerging climate negotiations and in the related funding mechanisms; they note significant improvements in implementation, namely in relation to land rights; and welcome the HRC’s endorsement of the Guiding Principles on Business and Human Rights (also the EU).

Middle East

CNAAO recommend that the Turkish Government respect the Armenian people's right to self-determination in accordance with article 3 of the Declaration. Also, to facilitate the economic development of IPs in line with article 4, CNAAO propose the creation under the UN auspices of an indigenous international financial institution.

The UN Development Programme (UNDP) emphasizes three of its initiatives to promote the Declaration's implementation: a consultative council in Nicaragua, the establishment of UNIPP, and a Human Rights Mechanism to mainstream human rights in UNDP processes and programmes at country level.

Concerning constitutional entrenchment of the Declaration, LLU note important disparities between Latin American countries; welcome the important move by Venezuela, Ecuador and Bolivia; and urge other States to follow these examples.

SACS underline that the implementation of the Declaration can be achieved only through an effective monitoring, which should be in the hands of IPs themselves.

Concerned by the non compliance of some States, the Indigenous Peoples of Abya Yala, DJSAM, ONAG, CFN/SBFN/ECN/NWAC, FRSCIP/MF-PP, MAFUN, HPI-HCU propose to convert the Declaration into a binding instrument. HPI-HCU call for a monitoring system in the hands of IPs' organisations and of UN independent experts in Geneva, within a newly created and adequately funded UN indigenous peoples’ rights observatory.

On their part, AGIM/CSIA-Nitassinan/Incomindios/FOEA/AKIN note that the Declaration is already akin to a convention, because it is consistent with established international human rights law, and many of its provisions are thus binding in nature and can be monitored (also Tuareg Indigenous Caucus). Furthermore, the Declaration explicitly calls for its own implementation, assigning the PF to promote this aim, through the use of strong terms such as “full application” and “effectiveness”.

Anastasia Chukhman welcomes the growing number of institutions which use the Declaration, including the World Bank and International Financial Corporation.

Item 6 – Proposals to be submitted to the HRC for its consideration and approval

Wilton Littlechild underscores critical elements of resolving the legacy of residential school systems and of restoring respectful relationships between IPs and States, Churches and other citizens. The EMRIP should consider co-hosting the International Expert Seminar on Truth and Reconciliation Processes in 2013 (also HIHR).

The Global Indigenous Youth Caucus underscore that the participation of indigenous children and youth is vital to any decision-making process regarding IPs' rights. The Office of the High Commissioner for Human Rights (OHCHR) and UNITAR should organise trainings for indigenous youth on the three major UN indigenous rights mechanisms. The Youth Caucus propose a study on the difficulties and threats facing urban indigenous youth.
ITTC, in a joint statement on behalf of indigenous caucuses and organisations from all regions, recall that the original lands and waters on which the creator placed IPs were not divided by international borders. Now, international borders and policies put in place by States affect a wide range of indigenous rights (also OCN/ECN/SBFN/CFN/AGIM/AKIN/Incomindios), including: impacts on traditional means of subsistence and food sovereignty; social impacts including separation from other members of families and communities; economic impacts including obstacles to traditional economic relationships, and cross-border resource extraction with adverse effects on IPs’ lands; denial of treaty rights; inconsistent enforcement of environmental protection across borders; restrictions on spiritual, cultural and religious practices; threats to life and security due to cross-border military activities; and restrictions on travel, including denial of visas for IPs attempting to attend international events (also Wilton Littlechild, Global Indigenous Youth Caucus, SC. ALSWA/ALRM/ATSISJC). The EMRIP should propose a study on implementation of article 36 of the Declaration and the impacts of international borders on the rights of IPs (also OCN/ECN/SBFN/CFN/AGIM/AKIN/Incomindios, MoLCA, ACT).

OCN/ECN/SBFN/CFN/AGIM/AKIN/Incomindios add that this study should be forward-looking and address current and historical issues including conflicts, breaches of treaties and human rights abuses. The Arctic Indigenous Caucus recall their proposals that the HRC: call on States to host regional meetings in preparation for the World Conference on Indigenous Peoples; call on the UN General Assembly and States to ensure that the outcome of the IPs’ preparatory process is integrated into the World Conference outcome; and review the UPR mechanism to ensure a more effective examination of IPs’ situations. The EMRIP should share knowledge with the new Working Group on human rights and businesses (also RAIPON); and continue its study on IPs and decision making, with a focus on the rights to self-determination and to free prior and informed consent, with particular attention to resource extraction (also HIHR, NNTC/FAIRA; the Indigenous Peoples of Abya Yala also emphasizing IPs’ permanent sovereignty over natural resources).

IPNC warn that IPs are being denied effective participation in the negotiations, at the World Intellectual Property Organisation (WIPO), of an international legal instrument on traditional knowledge, genetic resources and traditional cultural expressions or folklore. The outcome of these negotiations will irreversibly affect IPs’ survival. IPs must be allowed free prior and informed consent at all stages of the negotiations.

IPNC/ICSA/ICHR warn that treaties, agreements and other constructive arrangements between IPs and States must also be considered as source of law for IPs, along with the Declaration (also NANTC/CFN/ECN/NWAC for the right to participate in decision making).

ALSWA/ALRM/ATSISJC say the HRC should: mainstream the rights of IPs in its entire work, and ensure that this translates back to local practices by States; ensure continued examination of the implementation of the Declaration, with particular focus on the right to participate in decision making by exploring free prior and informed consent and the States’ duty to consult (also HIHR); and request the OHCHR to send a survey questionnaire regarding States’ utilization of the Declaration and of the EMRIP’s studies, and identify standard indigenous issues that States might address in the UPR, including themes studied by the EMRIP (also North American Indigenous Caucus, ATSISJC, DENMARK/GREENLAND; FRSCP/MF-PP suggesting using the Declaration as a reference in the UPR).

NNTC/FAIRA emphasize that the Aboriginal and Torres Strait Islander peoples have experienced major impacts by extractive industries since the beginning of colonization, including massive dislocation and actions of genocide. Political and legal systems in Australia remain highly discriminatory against IPs’ right to own and control mineral resources in their territories, which is inconsistent with articles 25 to 31 of the Declaration (also ATSISJC).

HIHR underscore several proposals for thematic studies, including a study on IPs’ involvement at the UNFCCC regarding the impacts of climate change in IPs’ homelands worldwide; and how the regional human rights mechanisms address IPs’ human rights.

LIENIP deplore that in international meetings and conferences, indigenous issues are often considered not in order to identify root causes of problems, but to assess the possibility to implement planned programs.

ALGERIA is a unitary but diverse State based on the Islamic, Arabic and Amazigh identities. The Constitution recognizes Tamazight as a national language. It has been integrated in school curricula and teaching, and a television channel in Tamazight has been set up. The Office of the High Commissioner for the Amazigh identity is in charge of promoting the Amazigh culture and language.

EBLUL note IPs’ frustration in relation to the use and recognition of their languages, namely in relation to the States’ administration, in contravention of article 13 of the Declaration. States should promote reflections on the consequences of globalization on languages.

Catherine Iorns Magellanes, a law professor of Victoria University of Wellington, New Zealand, notes that the implementation of the Declaration would be assisted by detailed elaboration on the appropriate understanding of its provisions in different situations. The EMRIP should be tasked with a study to provide guidance on measures.
for promotion of the Declaration, gathering suggestions on the development of good practices to realise the aspirations of the Declaration.

LLU underscore that isolation as a shelter is a peaceful option that many IPs have chosen, in the face of conflicts and threats caused by contacts with other societies. The recent expansion of business or other interests is further threatening them. The HRC should address the issue of access to human genetic resources of IPs, in particular those living in isolation, and of international measures and sanctions to effectively ensure the respect of their human rights and protection of their life.

Wilton Littlechild summarizes some of the proposals raised by participants, including thematic studies on extractive industries, on cross-border issues and on traditional governance structures, and developing guidelines for the Declaration’s implementation.

In closing, Chairperson-Rapporteur Vital Bambanze notes that all delegations have shown willingness in this effort to build a space for multilateral discussions and for a better understanding of the scope and implementation of IPs’ rights. He encourages indigenous organisations to constitute networks in order to strengthen their possibilities of submitting information for the EMRIP’s future thematic studies. He calls on States, IPs, the UN system and NHRIIs to continue using the EMRIP’s studies to achieve IPs’ enjoyment of their rights, as this is the only way in which the work of the EMRIP can bear effects on the ground (also Tuareg Indigenous Caucus, AIRT, CAPAJ/CIE/PPQA, BOLIVIA).

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**Provisional agenda for the fifth session of the EMRIP – Geneva, 9-13 of July 2012**

1. Election of officers
2. Adoption of the agenda and organization of work
3. World Conference on Indigenous Peoples
4. Follow-up on thematic studies and advice
5. Study on the role of languages and culture in the promotion and protection of the rights and identity of IPs.
6. United Nations Declaration on the Rights of Indigenous Peoples
7. Proposals to be submitted to the HRC for its consideration and approval
8. Adoption of the report
Proposals submitted to the HRC by the EMRIP at its fourth session and follow-up

Resolution 18/8 of the Human Rights Council, of 29 September 2011 (see Update 97-98) retakes proposals 4 and 8 below. It reflects only in part proposals 1, 2, 3, 5 and 6. Proposal 3, in particular, is reflected by the Council's request that the UN Secretary-General prepare a document on the ways and means of promoting participation at the UN of recognized IPs' representatives. Proposal 7, on an international expert seminar on truth and reconciliation processes, is not reflected in the Council's Resolution 18/8.

Proposal 1: IPs and the right to participate in decision-making in relation to extractive industries

The Expert Mechanism on the Rights of Indigenous Peoples:

(a) Refers to paragraph 3 of Human Rights Council resolution 9/7, in which the Council requested the Expert Mechanism to identify proposals and to suggest them by consensus to the Council;

(b) Proposes that the Human Rights Council request the Expert Mechanism to continue its work on IPs and the right to participate in decision-making, with a focus on extractive industries, in cooperation with the thematic work of the SRIP, and to communicate and to share knowledge and good practices with the Working Group on the issue of human rights and transnational corporations and other business enterprises.

Proposal 2: Consideration of the rights of IPs in the Human Rights Council

The Expert Mechanism on the Rights of Indigenous Peoples:

(a) Welcomes the decision by the Human Rights Council to hold an interactive dialogue after the presentation of the annual report of the Expert Mechanism to the Human Rights Council and a half-day panel on the role of language and culture in promoting and protecting the well-being and identity of indigenous peoples [Human Rights Council resolution 15/7, paras. 7 and 8], and proposes that the first study of the Expert Mechanism on lessons learned and challenges to achieve the right of IPs to education be considered in the context of the half-day panel discussion in 2011;

(b) Proposes that the Human Rights Council resolve to hold similar panel discussions on a permanent basis annually, with the participation of the Expert Mechanism and based on the reports of the Expert Mechanism on its thematic studies;

(c) Also proposes that the Human Rights Council request States, UN treaty bodies, special procedures and other relevant bodies and institutions to utilize the recommendations and advice of the Expert Mechanism within its activities;

(d) In the context of the fifth anniversary of the adoption of the Declaration on the Rights of Indigenous Peoples by the General Assembly, proposes that the Human Rights Council commemorate the event by reaffirming its commitment to the implementation of the Declaration and call on those States that abstained from the vote on the Declaration to change their position to one of support;

(e) Refers to proposal 3 from its second session [A/HRC/12/32] and proposal 7 from its third session [A/HRC/15/36] on the universal periodic review, and proposes that the Human Rights Council pay close attention to the implementation of the recommendations concerning indigenous peoples in its universal periodic review.

Proposal 3: Strengthening IPs’ participatory rights at the UN

The Expert Mechanism on the Rights of Indigenous Peoples:

(a) Refers to article 18 of the Declaration on the Rights of Indigenous Peoples, which affirms that IPs have the right to participate in decision-making in matters affecting their rights, through representatives chosen by them in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions;

(b) Also refers to article 41 of the Declaration on the Rights of Indigenous Peoples, which establishes a duty for the UN to contribute to the full realization of the provisions of the Declaration, including through ways and means of ensuring participation of IPs on issues affecting them;

(c) Recognizes that the UN consultative arrangements for non-State entities can prevent IPs’ governance bodies and institutions, including traditional indigenous Governments, indigenous parliaments, assemblies and councils,
from participating in decision-making processes at the UN, as they are not always organized as non-
governmental organizations;

(d) Proposes that the Human Rights Council encourage the General Assembly to adopt, as a matter of urgency, 
appropriate permanent measures to ensure that IPs’ governance bodies and institutions, including traditional 
indigenous Governments, indigenous parliaments, assemblies and councils, are able to participate at the UN as
observers with, at a minimum, the same participatory rights as non-governmental organizations in consultative 
status with the Economic and Social Council.

Proposal 4: Measures to achieve the ends of the Declaration on the Rights of Indigenous Peoples

*The Expert Mechanism on the Rights of Indigenous Peoples:*

(a) Refers to Human Rights Council resolution 15/7, in which the Council encouraged States that had endorsed 
the Declaration on the Rights of Indigenous Peoples to adopt measures to achieve the objectives of the 
Declaration, pursuant to article 38 thereof;

(b) Proposes that the Human Rights Council request the Expert Mechanism to undertake, with the assistance of 
the OHCHR, a questionnaire survey in relation to measures to apply the Declaration to supplement the 
information received at its annual session, and to provide further detail on possible appropriate measures and 
implementation strategies to ensure respect for and full application of the Declaration.

Proposal 5: World Conference on Indigenous Peoples

*The Expert Mechanism on the Rights of Indigenous Peoples:*

(a) Refers to the need for an inclusive and principled approach to ensure the full participation of indigenous 
peoples in the World Conference on Indigenous Peoples at all stages, – from planning and preparations through 
to the conference itself and any follow-up. Furthermore, the principle of full, formal, equal and effective 
participation by indigenous peoples should be applied to all future world conferences on the basis of the rights 
affirmed in the Declaration on the Rights of Indigenous Peoples;

(b) Proposes that the Human Rights Council welcome the decision by the Saami Parliament, in Norway, to host 
an indigenous preparatory conference for the World Conference in 2013, and requests the General Assembly and 
States to ensure that the outcome of the IPs’ preparatory process is integrated into the outcome of the World 
Conference;

(c) Decides that the World Conference on Indigenous Peoples should be an agenda item of the fifth session of 
the Expert Mechanism;

(d) Proposes that the Human Rights Council support the full participation of IPs, including youth and women, at 
all stages of the World Conference on Indigenous Peoples.

Proposal 6: Follow-up on the report of the Expert Mechanism on the study on lessons learned and 
challenges to achieve the right of IPs to education

*The Expert Mechanism on the Rights of Indigenous Peoples:*

(a) Encourages UN specialized agencies and organizations to provide both financial and technical support for IPs 
in their effort to establish their own education institutions in accordance with article 14 of the Declaration;

(b) Proposes that the Human Rights Council encourage States to put in place legislative and policy measures that 
would enable the development and implementation of traditional education systems to strengthen indigenous 
language and culture in promoting and protecting the well-being and identity of IPs, and to ensure that quality 
education becomes a national priority within States.

Proposal 7: International expert seminar on truth and reconciliation processes

*The Expert Mechanism on the Rights of Indigenous Peoples:*

(a) Noting that there is global recognition of the need to resolve the legacy of residential, day and boarding 
school systems and orphanages established globally to realize fully the human rights of multiple generations of 
IPs;

(b) Noting also that an international expert seminar on truth and reconciliation processes will promote 
reconciliation among IPs, States, churches and other citizens;
(c) Refers to proposal 8 from its third session [A/HRC/15/36], in which it recognized the significance of national truth and reconciliation processes in providing an important model and mechanism for improved relations between States and IPs, and encouraging the OHCHR to consider the possibility of preparing an international expert seminar on truth and reconciliation processes;

(d) Refers to the report of the PF on its 10th session [E/2011/43-E/C.19/2011/14, para. 95], in which the Forum supported an international expert seminar on truth and reconciliation processes;

(e) Proposes that an international expert seminar on truth and reconciliation processes be held in 2013.

Proposal 8: National human rights institutions

The Expert Mechanism on the Rights of Indigenous Peoples:

(a) Refers to proposal 2 from its second session [A/HRC/12/32] and proposal 1 from its third session [A/HRC/15/36], in which it reiterated its request to national human rights institutions to effectively promote and protect the rights of IPs;

(b) Welcomes the initiative by the OHCHR and national human rights institutions to develop an operational guide for national human rights institutions with the objective of achieving the implementation of the Declaration on the Rights of Indigenous Peoples, and encourages the participation of all parties, including IPs, in the preparation of the operational guide, and the broad dissemination of the guide upon its completion, in particular to all national human rights institutions, to be taken as practical guidance in its work with IPs;

(c) Also welcomes the decision of the International Coordinating Committee of National Human Rights Institutions to hold a panel discussion on IPs at its next session, in March 2012, and encourages the participation of the Expert Mechanism.

(Outcome: EMRIP Report A/HRC/18/43, Section II.)

Abbreviations of NGO and indigenous peoples' organisations

ACT: Association culturelle «Taftilt», Algérie
AFN: Assembly of First Nations
AGIM: Aktionsgruppe Indianer und Menschenrechte
AIDB: Association pour l'intégration et le développement durable au Burundi
AIDESEP: Interethnic Association for the Development of the Peruvian Rainforest
AILA: American Indian Law Alliance
AIM: American Indian Movement
AIPIN: Agencia Internacional de Prensa India
AIPP: Asian Indigenous Peoples Pact
AIPR: Association of Indigenous Peoples in the Ryukyus
AIRT: Aoteaora Indigenous Rights Trust
AKIN: Working Circle "Indians of North America"
ALRM: Aboriginal Legal Rights Movement
ALSWA: Aboriginal Legal Service of Western Australia
AMAN: Aliansi Masyarakat Adat Nusantara
APG: Asamblea del Pueblo Guaraní
ATH-K: Association Culturelle ATH-Khoudhià
ATSISJC: Aboriginal and Torres Strait Islander Social Justice Commissioner
AZETTA: Réseau Amazigh pour la Citoyenneté
BAA: Bangsa Adat Alifuru
CAOI: Coordinadora Andina de Organizaciones Indígenas
CAPAJ: Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos
CDCHRI: Consultative Delegation for Cham Human Rights Issues
CDHMT: Centro de Derechos Humanos de la Montaña Tlachinollan, México
CEDHAE: Comité Ecuatoriano Derechos Humanos, Ambientales y Ecológicos
CEMIRIDE: Centre for Minority Rights Development, Kenya
CFN: Cowessess First Nation
CFSC: Canadian Friends Service Committee
CGAP: Capitanía Guaraní del Alto Parapetí
CIAPI: Comisión Internacional del Arte de los Pueblos Indígenas
CIE: Consejo Indio Exterior
CISAN: Comunidad Integradora del Saber Andino
CJIRA: Comisión de Juristas Indígenas de la República Argentina
CMA: Congrès Mondial Amazigh
CNAAO: Conseil national des Arméniens d’Arménie Occidentale
CNCI: Congreso Nacional de Comunicación Indígena
CNDPA: Conseil National pour les Droits du Peuple Autochtone en Kanaky
CNFC: The Cham National Federation of Cambodia
COPORWA: Communauté des Potiers du Rwanda
CPCK: Congrès Populaire Coutumier Kanak
CPMPX: Centro de Cultura Pueblo Mapuche Autónomo PELON XARU
CRIDEC: Consejo Regional Indígena de Caldas, Colombia
CSDDF: Centro Skoki para la Defensa y Derechos de los Pueblos, Costa Rica
CSIA-Nitassinan: Committee in Solidarity with Indigenous Peoples of the Americas
DAP: Dewan Adat Papua
DJSSAM: Defensor Jurídico Social Autónomo Mapuche
EBLUL: European Bureau for Lesser-Used Languages
ECN: Ermineskin Cree Nation
EWC: Endorois Welfare Council
FAIRA: Foundation for Aboriginal and Islander Research Action
FMW-SJW: Fuerza de Mujeres Wayuu – Sutsuin Jiyeyu Wayuu
FNS: First Nations Summit, British Columbia
FOEA: Friends of the Earth – Austria
FPHRC: First Peoples Human Rights Coalition
FRSCIP: Foundation for Research and Support to the Crimean Indigenous Peoples
FSIN: Federation of Saskatchewan Indian Nations
GCC: Grand Council of the Crees
HIHR: Hawaiʻi Institute for Human Rights
HK: Haudenosaunee of Kanehsata:ke
HPI-HCU: Hiroshima Peace Institute
IAIA: The Institute of American Indian Arts – Santa Fe, New Mexico
ICC: Inuit Circumpolar Council
ICHR: International Council for Human Rights
ICSA: Indian Council of South America
IDHRO: Ilchamus Development and Human Rights Organisation
IIITC: International Indian Treaty Council
IMTA: Indian Movement "Tupaj Amaru"
Incomindios: International Committee for the Indigenous of the Americas
IPNC: Indigenous Peoples and Nations Coalition
IWA: Indigenous World Association
IWGIA: International Work Group for Indigenous Affairs
JAP: Jatiya Adivasi Parishad
JIYA: Jharkhand Indigenous Youth for Action
JOAS: Jaringan Orang Asal SeMalaysia
KAA: Kungari Aboriginal Association
KaFa: Kapaeeng Foundation
KAH: Ke Aupuni o Hawai‘i
KAIROS: Canadian Ecumenical Justice Initiatives
KF: Koani Foundation
KKF: Kampuchea Khmer Krom Federation
KLIS: Kurukh Literary Society of India
KTC: Kakiswiwew Treaty Council
LIENIP: Lauravetlan Information and Education Network of Indigenous People
LLU: Lueneburg Leuphana University
MAFUN: Youth Association of Finno-Ugric Peoples
MF-PP: Milli Firka (People's Party)
MIT-Peru: Movimiento Indígena Tawantinsuyo – Perú
MoLCA: Mohawk Language Custodians Association
<table>
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<tr>
<th>Acronym</th>
<th>Full Name</th>
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<tr>
<td>MRG:</td>
<td>Minority Rights Group International</td>
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<tr>
<td>NAN:</td>
<td>Nishnawbe Aski Nation, Canada</td>
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<td>NNCTC:</td>
<td>National Native Title Council</td>
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<td>NWAC:</td>
<td>Native Women's Association of Canada</td>
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<td>Organisation des Nations Autochtones de Guyane</td>
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<td>PCJSS:</td>
<td>Parbatya Chattagram Jana Samhati Samiti</td>
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<td>PIDP:</td>
<td>Programme d'Intégration et de Développement du Peuple Pygmée au Kivu - SHIRIKA LA BAMBUTI</td>
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<td>PPQA:</td>
<td>Parlamento del Pueblo Qullana Aymara</td>
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<td>RAIPON:</td>
<td>Russian Association of Indigenous Peoples of the North</td>
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<td>REI:</td>
<td>Revista Ecuamundo Internacional</td>
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<tr>
<td>RNJIM:</td>
<td>Red Nacional de Jóvenes Indígenas de México</td>
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<td>RNP:</td>
<td>Rapa Nui Parliament</td>
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<td>RoL:</td>
<td>Republic of Lakotah</td>
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<td>Star Blanket First Nation</td>
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<td>SC:</td>
<td>Saami Council</td>
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<td>SNC-KK:</td>
<td>Conseil national suprême de Kampuchea-Krom</td>
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<td>Te Kura Kaupapa Maori o Ngati Kahungunu O Te Waiora</td>
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<td>Unissons-nous pour la promotion des Batwa</td>
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<td>UNPK:</td>
<td>Union Nationale du Peuple Kanak</td>
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<td>ZORO:</td>
<td>Zo Reunification Organisation</td>
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3. OTHERS

UN Voluntary Fund for Indigenous Populations

In its resolution 65/198 of 21 December 2010, the UN General Assembly decided to expand the mandate of the UN Voluntary Fund for Indigenous Populations to facilitate the participation of indigenous representatives in sessions of the Human Rights Council and of human rights treaty bodies, in addition to the sessions of the Expert Mechanism on the Rights of Indigenous Peoples and of the Permanent Forum on Indigenous Issues. Following this change, the Board of Trustees of the Fund has modified its grant cycle and approved three grant application cycles. doCip will regularly inform on the relevant deadlines in the Update/Informativo.

To attend the 2013 sessions of the Permanent Forum on Indigenous Issues and of the Expert Mechanism on the Rights of Indigenous Peoples:

- **15 September 2012**: Call for the submission of applications
- **1 November 2012**: Deadline for the submission of applications
- **11-15 February 2013**: Annual session of the Board of Trustees
- **28 February 2013**: Announcement of the selection

To attend the February 2013 sessions of the Human Rights Council, Universal Periodic Review and all sessions of the treaty bodies between January and March 2013:

- **1 September 2012**: Call for the submission of applications
- **15 October 2012**: Deadline for the submission of applications
- **12-16 November 2012**: Intersessional meeting of the Board of Trustees
- **20 November 2012**: Announcement of the selection

To attend the June 2013 session of the Human Rights Council, the May-June session of the Universal Periodic Review, and all sessions of the treaty bodies between April and June 2013:

- **1 December 2012**: Call for the submission of applications
- **10 January 2013**: Deadline for the submission of applications
- **11-15 February 2013**: Annual session of the Board of Trustees
- **28 February 2013**: Announcement of the selection

The new applications forms for all the meetings are available at:

Please verify the new criteria for selection established by the members of the Board regarding sessions of the Human Rights Council and treaty bodies. The new criteria are available at:

**Contact information:**

Secretariat of the UN Voluntary Fund for Indigenous Populations
Office of the United Nations High Commissioner for Human Rights
CH-1211 Geneva 10 - Switzerland
Phone: +41 22 928 9164 - fax +41 22 928 9008
E-mail: indigenousfunds@ohchr.org

**For applications and more information:**

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**INFORM US OF YOUR CHANGE OF ADDRESS**

Please inform us each time you change your e-mail/postal address, or phone/fax number so that we may keep our address book up to date. Send an email to docip@doci.org, subject: Change of Address. Many thanks!
The Indigenous Fellowship Programme (IFP) of the Office of the High Commissioner for Human Rights aims at providing indigenous men and women the opportunity to gain knowledge on the UN system and mechanisms dealing with human rights in general and indigenous issues in particular so they can assist their organizations and communities in protecting and promoting the rights of their people. Furthermore, each fellow should also at the end of the Programme be willing and able to give training within their communities and organizations in the fields of international human rights in general, and on IPs’ rights in particular, and be able to disseminate the information and knowledge gained during the Fellowship Programme.

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

For more information on the program, the conditions for application, the selection process and the application forms, please visit the website mentioned below. The deadlines for applications to the 2013 program have already expired.

**Fellows of the 2012 Programme**

**English-speaking component**
11 June – 13 July 2012
- Ms. Matuna Kyomuhendo, Pastoralist, Uganda
- Ms. Patricia Miranda Wattimena, Haruku, Indonesia
- Mr. Carwyn Hamlyn Jones, Maori, New Zealand
- Ms. Avantika Haflongbar, Dimasa, India
- Ms. Gillian Saquing Dunuan, Ifugao, Philippines

**Spanish-speaking component**
18 June – 13 July 2012
- Mr. Tomás Huanacu Tito, Aymara, Bolivia
- Ms. Dayssi Yovana Canchari Canchari, Yanapampa, Peru
- Mr. Gerardo Najera Rivera, Térraba, Costa Rica
- Ms. Anggie Thamar Hernandez Palmar, Wayuu, Venezuela
- Mr. Luis Amuño Quina Quiguana, Nasa, Colombia
- Ms. Kity Peña Conquista, Wounaan, Panamá
- Ms. Andrea Elizabeth Umul Tiguila, Maya Kaqchikel, Guatemala
- Mr. Alberto Sinigui Cuñapa, Embera-Eyabida, Colombia

**Russian speaking component**
18 June – 13 July 2012
- Ms. Ekaterina Borisova, Enets, Russian Federation
- Mr. Vasily Nemechkin, Mordovin, Russian Federation
- Ms. Maria Cherkanova, Even, Russian Federation
- Ms. Olga Huryun, Nivkh, Russian Federation
- Ms. Victoria Onchukova, Evenk, Russian Federation
- Ms. Olga Porotova, Dolgan, Russian Federation
**French speaking component**
11 June – 13 July 2012

- Ms. Marie-Eve Lachapelle-Bordeleau, Cree Nation, Canada
- Mr. Nicolas Mukumo Mushumbi, Batwa Bambuti, Democratic Republic of Congo
- Mr. Roger Cho, Kanak, New Caledonia
- Mr. Mohamed Ag Hamattal, Tuareg, Mali

**Contact:**
Indigenous Fellowship Programme
Indigenous Peoples and Minorities Unit
Office of the UN High Commissioner for Human Rights
UNOG-OHCHR
CH-1211 Geneva 10 / Switzerland
Fax: + 41 22 917 9008
E-mail: fellowship@ohchr.org
Website: [http://www.ohchr.org/EN/Issues/IPeoples/Pages/Fellowship.aspx](http://www.ohchr.org/EN/Issues/IPeoples/Pages/Fellowship.aspx)

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

There is a new version of our Agenda of upcoming meetings and events of interest for IPs. It will be more frequently updated on our website at the following address: [http://bit.ly/agenda_en](http://bit.ly/agenda_en) (or by choosing Agenda in the menu doCip at the UN). We will mail hard copies of the updated Agenda twice a year to indigenous organizations and individuals – and to other interested organizations or individuals, upon request.

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!