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EDITORIAL

After holding several consultations in 2014 with indigenous peoples in the context of adapting its activities, Docip will introduce, beginning in the second quarter of 2016, a range of new services: using social media to disseminate information; launching a new capacity-building programme to respond to specific needs of indigenous organisations from all regions; strengthening the work on oral history through field workshops; providing specific support for indigenous organisations in their work with the treaty bodies and the Universal Periodic Review, and in utilising the European Union system to implement the rights of indigenous peoples. Launching these new services does not mean our former activities will disappear: Docip’s e-mail information service; “Update” newsletter; technical secretariats during the key United Nations conferences; and the gathering and providing of documentary resources will all continue.

A major innovative aspect for Docip has been to affirm the principles of neutrality and impartiality, thus taking a clear position as facilitator for all international stakeholders interested in issues that affect indigenous peoples. Upon request by concerned indigenous communities, Docip can function as a relay link between international organisations, academia, or business enterprises on the one hand, and indigenous organisations or communities on the other. In 2016, Docip will inform on the new possibilities it is offering to its network of partners.

The Focus section of this Update looks at disaster risk reduction, a theme that echoes the climate negotiations at COP21, underway at the time of writing. Although within the UN the link between climate change and human rights was only made a few years ago, and although many States have still not accepted it, indigenous peoples have been making this link for several decades, taking centre stage in its promotion. As noted in article 29 of the United Nations Declaration on the Rights of Indigenous Peoples, “Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. ...”

Finally, this issue sets out the current debates on a supervisory mechanism for the application of the Declaration. Following the World Conference on Indigenous Peoples in 2014, international negotiations have begun and will be widely debated in the coming months, starting with the review of a new mandate for the Expert Mechanism on the Rights of Indigenous Peoples. The first step will be an expert workshop, scheduled for April 2016 in Geneva.

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UPDATE 110

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FOCUS

Disaster risk reduction and the rights of indigenous peoples: the fight against environmental destruction

In July 2014, at its 7th session, the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) discussed its Study on the promotion and protection of the rights of indigenous peoples in disaster risk reduction, prevention and preparedness initiatives, which had been requested by the Human Rights Council (HRC) in 2013. The study was then presented to the Council at its 27th session, in September 2014, when a half-day panel discussion also took place on the rights of indigenous peoples and disaster risk reduction. At the centre of these debates were the risks of disasters brought about by industrial development activities in the territories of indigenous peoples, compounded by the effects of climate change on their ways of life and their very survival.

Disaster risk reduction and indigenous peoples in the UN system

In discussing the study, Albert Deterville, Chairperson of the EMRIP, and numerous panel members assert that the ecosystem-dependent livelihoods of indigenous peoples (IPs) and their close relationship with their lands and territories makes them extremely vulnerable to destructive environmental change, especially in the fragile, risk-prone lands where many IPs live. Underlying conditions like systematic discrimination and exclusion, poverty, and insecurity of land tenure exacerbate the impact of disasters such as earthquakes, floods, landslides, tsunamis, typhoons, coastal erosion and drought.

As he explains, the study explores the links between disaster risk reduction and human rights, drawing from the international legal framework; analyses some of the factors that place IPs at particular risk of being affected by disasters; and examines how IPs can contribute to disaster risk reduction initiatives. It also addresses the relationship between human rights and the consequences of climate change, as well as effects of infrastructure development and resource extraction on or near IPs’ lands and territories undertaken without their free, prior and informed consent, degrading the environment and leading to increased disaster risk (also EMRIP member Wilton Littlechild). Access to services, particularly health services, can become even more difficult following a disaster, when increased demand can compound the challenges, with IPs being disproportionately affected by outbreaks of infectious diseases and a lack of access to safe drinking water and adequate sanitation.

The EMRIP Chairperson calls attention to the EMRIP’s Advice No.7, which insists on the full and effective participation of IPs, and recommends that States secure IPs’ inputs into the development and implementation of disaster risk reduction initiatives. Advice No.7 also recommends involving IPs in: design and implementation of early warning systems; improving the collection and disaggregation of data on disaster risk, in order to have a clearer picture of IPs’ vulnerability; and in developing and implementing resource extraction policies that aim to measure and reduce disaster risk. Advice No.7 also suggests measures that IPs themselves should take, including developing and disseminating community-level preparedness and risk reduction plans and strategies, as well as advocacy for incorporating traditional indigenous knowledge into national and international disaster risk reduction strategies (this point is also emphasized by panelists Giovanni Reyes, Alejandro Maldonado and Margareta Wahlström, by the HRC President Baudelaire Ndong Ella, the Indigenous Yampara Native Nation, SRIP Victoria Tauli-Corpuz, Wilton Littlechild, the EU and Ireland). Human Rights Council President Baudelaire Ndong Ella and Margareta Wahlström, Special Representative of the Secretary-General (SRSG) for Disaster Risk Reduction, welcome the EMRIP study’s concrete proposals for the post-2015 framework for disaster risk reduction.

The indigenous Yampara Native Nation say that the EMRIPs’ study should include a reference to IPs’ worldviews relating to their relationship to mother earth and to issues of land and territories, and biodiversity, in order to put the concepts of “natural risks” and “natural disasters” in context. They urge States to comprehensively take into account the relationship between lands, territories, biodiversity and climate change; and they warn that IPs cannot accept the dismantling of mother earth’s living systems through implementation of public policies. Finally, they insist that States must respect IPs’ own organisational structures and participatory processes, in order to guarantee the exercise of their right to self-determination as well as implementation of their own visions and models.

Disaster risk reduction and human rights

UN Deputy High Commissioner for Human Rights Flavia Pansieri recalls the devastating impacts, especially on IPs’ lives and livelihoods, of heat waves and floods in Odisha state, in India; floods in
the Amazon basin and in Manitoba, Canada; and Typhoon Haiyan in the Philippines. The human rights impacts of natural disasters may be sudden and catastrophic, or gradual and indirect, as when disasters slowly erode human rights by increasing stress on already stretched health systems and housing – aspects of disaster that are borne disproportionately by women and children.

EMRIP Chairperson Albert Deterville explains that even though they do not refer specifically to disaster risk reduction, the UN human rights treaty bodies all recognize the intrinsic link between the environment and the realization of a range of human rights, such as the right to life, to health, to food, to water, and to housing. Disaster risk reduction can contribute significantly to the promotion and protection of these human rights. The Committee on the Elimination of Discrimination against Women, for example, has underlined the importance of integrating a gender perspective and fostering the participation of women in disaster risk reduction initiatives; the Committee on the Rights of the Child has also addressed the issue, advocating for the inclusion of disaster preparedness in school curricula. The observations of these two Committees refer to indigenous women and indigenous children by implication. Moreover, the Special Rapporteur on the right to food recommended that Nicaragua implement a rapid alert system in order to “protect IPs from the impacts of weather-related events” and support them in making their food systems more resilient in the face of climate change.

Margareta Wahlström, SRSG for disaster risk reduction, underscores that currently the greatest challenge in disaster risk reduction is to shift away from focusing on disaster as an event in itself, and towards a perspective where prevention is part of an ongoing planning process.

The Philippines emphasizes that the promotion of universal human rights, along with humanitarian law principles, must be integrated into disaster risk management, including in pre-disaster mitigation and preparedness measures, emergency relief and rehabilitation and reconstruction efforts.

Giovanni Reyes, from the National Coalition of Indigenous Peoples in the Philippines - KASAPI, reports that indigenous communities in his country – who number 12 to 15 million and inhabit five million hectares of ancestral lands in remote areas with rich, plentiful natural resources – are addressing disaster risk reduction both in the context of the 17 to 19 typhoons that hit the country annually, and in relation to numerous large-scale mining operations that have transgressed their lands. Natural and man-made calamities have similar effects, including destruction of major sources of food, massive landslides, community displacement and forced evacuation, and these disasters pose the largest threat to the survival of IPs in the Philippines. While insisting that disaster risk reduction plans cannot be understood in isolation from IPs’ rights, he calls on States to take the lead in ensuring that communities are kept safe.

ICSA warn that, in order to be prepared for disasters, IPs need to actually enjoy their own right to development, which includes all aspects of their right to self-determination, in order to have control in decisions concerning their lands, territories and resources. Disaster risk reduction and relief also include prevention measures based on the historical relationship with the land, water and resources. In this perspective, the issue of disaster risk reduction cannot be approached only through so-called “best practices”, as this approach might lead to disregarding the actual protection and promotion of human rights. At the same time, there is a need to acknowledge the historical and ongoing, deliberate infliction of harm to IPs.

Victoria Tauli-Corpuz, Special Rapporteur on the rights of indigenous peoples (SRIP), agrees that there is indeed a direct interrelationship between, on the one hand, respect for, protection of, and fulfilment of IPs’ human rights as enshrined in the UN Declaration on the Rights of Indigenous Peoples (the Declaration) and all relevant international human rights instruments, and disaster risk reduction. The rights to food and to water, children’s rights and women’s rights also need to be taken into account in disaster risk reduction, as well as in relief, recovery and rehabilitation.

Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

Declaration on the Rights of Indigenous Peoples, article 29(1)
What in the Declaration on the Rights of Indigenous Peoples is relevant to disaster risk reduction?

EMRIP Chairperson Albert Deterville underscores that several of the provisions of the Declaration have implications for the promotion and protection of the rights of IPs as regards disaster risk reduction, and can provide guidance for the design and implementation of sound strategies and interventions. Relevant articles include article 4 on self-government; article 18 on participation in decision-making, articles 19 and 32 on consultation and free, prior and informed consent; article 31 on IPs’ right to maintain and protect their traditional knowledge and the manifestations of their sciences and technologies; articles 23 and 32 on self-determined development; article 29 on conservation and protection of the environment; and article 10, on prohibition of forced removal.

All these provisions must be brought to bear in disaster risk reduction policies and strategies, so that States can fulfil their obligation to consult with IPs and to seek to obtain their free, prior and informed consent concerning risk reduction measures that may affect them. IPs must also be actively involved in designing and conducting vulnerability studies and strategies that aim to reduce their risk; and must enjoy respect for their right to determine and develop priorities for the use of their lands and territories, which would include their possible use for disaster risk reduction initiatives. Finally, in extreme cases that might involve removal from areas that are deemed unsafe, IPs’ free, prior and informed consent must be respected.

EMRIP member Wilton Littlechild emphasizes the link of disaster risk reduction with the right of IPs to self-determination, as highlighted in the EMRIP’s Study on the right to participate in decision-making with a focus on extractive industries (2012). This study puts the issues in their contextual relation with specific articles and preambular paragraphs in the Declaration, and sets out to articulate the right of IPs to self-determination in matters related to lands, territories and resources, waters and oceans. The report, in paragraph 44, asserts that the “right of IPs to participate in decision-making in the area of extractive industries is dependent upon the recognition of their rights to self-determination and to permanent sovereignty over their lands, territories and resources.” The same paragraph quotes the statement by Erica-Irene Daes, appointed in 2004 by the former Working Group on Indigenous Populations as Special Rapporteur on indigenous peoples’ permanent sovereignty over natural resources, that guaranteeing IPs rights “will be of benefit for all in terms of promoting sustainable development and environmental protection” [E/CN.4/Sub.2/2004/30, paras. 34 and 38]. The report concludes that this will result in increased recognition of the IPs’ right to give or withhold their free, prior and informed consent.

Wilton Littlechild further refers to Advice No.4, which the EMRIP issued in 2012, on IPs and the right to participate in decision-making, with a focus on extractive industries, which sets out the relevant laws and policies related to the permanent sovereignty of IPs over natural resources, sustainable development and environmental responsibility and rights; as well as the analysis of the UN Guiding Principles on Business and Human Rights. This advice addresses the duties of States, including as to the obligations to seek to obtain the free, prior and informed consent of IPs in relation to developments of lands, territories and resources consistent with articles 10, 29 (2), 37, and preambular paragraphs 14 and 27 of the Declaration. In application to the area of natural disaster risk reduction, this means that IPs must be full, equal and effective participants in all UN, regional, national and local processes, that have a role in determining responses to natural disaster, as set out in the EMRIP Advice. This includes the full, equal and effective participation of IPs in the global post-2015 framework for disaster risk reduction. (ESTONIA agrees with this.)

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Declaration on the Rights of Indigenous Peoples, article 18

Legal and policy frameworks on disaster risk reduction

EMRIP Chairperson Albert Deterville explains that the Hyogo Framework for Action (HFA), a ten-year plan (2005–2015) adopted by the UN General Assembly setting out a comprehensive approach for reducing disaster risk, makes no specific reference to IPs, but does recognize the role of traditional knowledge and cultural heritage. He underlines the relevance to IPs of a number of HFA risk reduction strategies, such as “development and strengthening of institutions, mechanisms and capacities at all levels, in particular at the community level, that can systematically contribute to building resilience to hazards”; the importance of taking into account “cultural diversity, age, and vulnerable groups” in disaster risk reduction; and the empowerment of communities and local authorities “to manage and reduce disaster risk by having access to the necessary information, resources and authority to implement actions for disaster risk reduction” [HFA 2005–2015, paras. 12 & 13].

Through a system of global partnerships, the United Nations Office for Disaster Risk Reduction (UNISDR) serves as a focal point for coordinating disaster risk reduction and provides a vehicle for cooperation among
governments, organizations and civil society actors, as well as IPs and their organizations, to implement the HFA. Regarding the monitoring of the HFA implementation, SRSG for disaster risk reduction Margareta Wahlström highlights efforts by UNISDR to consider the participation of IPs and their inclusion in decision-making processes, and also to look at how the local decision-making processes can inform national processes. Also, the EUROPEAN UNION calls for the new framework to promote the role of women and their leadership in building resilience in households and communities.

Further, Albert Deterville informs that the report of the fourth Global Platform for disaster risk reduction calls for both States and IPs to: 1) enable and encourage full participation of people disproportionately affected by disasters by embodying the principles of social inclusion and human rights; 2) include the perspectives of the most vulnerable in both disaster risk reduction planning and implementation; 3) encourage their representatives to play a major role, including leadership, in national disaster risk reduction arrangements; and 4) promote exploration and concrete strengthening of the relationship between disaster risk reduction and human rights. He reiterates that the EMRIP calls for a human-rights based approach to be integrated into disaster risk reduction policies and programmes.

IRELAND underscores the three multilateral processes concluding in 2015 – the post-2015 framework for disaster risk reduction, the post-2015 development agenda, and the international climate negotiations through the UN Framework Convention on Climate Change (UNFCCC) – and stresses the challenge of ensuring inclusion of the human rights perspective in these three processes, as well as their coherency in particular as regards disaster risk reduction.

SRSG for disaster risk reduction Margareta Wahlström outlines a new major international framework on disaster risk reduction and a world conference on the subject in March 2015, and refers to the GA resolution A/RES/68/211 on organizational and substantive preparations for that Conference, in which the importance of contributions by “major groups” is recognized (the Indigenous Peoples’ Major Group has been actively engaged in this). To support implementation of the post-2015 framework for disaster risk reduction, stakeholders are working to identify their voluntary commitments, which are an important way of signalling to governments and other partners specifically what various stakeholders are able to contribute – IPs are invited to consider this as well. She highlights the need to more clearly understand what the impacts of disasters on people’s lives and livelihoods are, because while quite clear in the short term, there is very little solid research on how people’s lives are impacted over 5 or 10 years – especially for IPs.

Alejandro Maldonado, Executive Secretary of Guatemala’s National Coordination for Disaster Risk Reduction (CONRED), highlights Guatemala’s shift from a focus on management of disasters themselves to an approach centred on managing risks, employing tools such as a national policy and a national platform for disaster risk reduction, along with climate change adaptation measures. An inter-institutional strategy has been established that takes into account, as important elements for disaster risk reduction, both the balance of ecosystems and the effects of climate change. This reflects an indigenous perspective that conceptualizes risk as being a consequence of human actions that result in mother earth losing her balance. Thus disaster risk reduction cannot be separated from prevailing economic, social and environmental conditions, including land use. He emphasizes the relevance of article 21 of the Declaration, on IPs’ right to the improvement of their economic and social conditions. Finally, he insists on the direct participation of IPs.

BOLIVIA reports on its legislative frameworks for national policies to reduce and prevent risks both for mother earth and the Bolivian people, with a particular focus on risk prevention and adaptation to climate change within the context of “good living”.

COSTA RICA, on behalf of ECLAC, recalls that the final declaration of the II Summit of ECLAC calls for a regional strategic agenda on disaster risk reduction that includes risk assessment and reduction, preparedness, humanitarian assistance, and rehabilitation, in a comprehensive plan of action coordinated among local, national, and regional bodies and agencies. They underscore that it is of utmost importance to strengthen the links between disaster risk reduction, rehabilitation, and long-term planning of sustainable development, as well as to develop coordinated strategies that integrate both disaster risk reduction and adaptation to climate change. ECLAC emphasize that the specificities of IPs’ rights must be taken into account, as well as the respect for their languages, organizational forms, and customs.

The EUROPEAN UNION says the key goal of its Disaster Preparedness programme (DIPECHO) is to increase communities’ resilience and reduce their vulnerability.

In the context of the climate change negotiations on a new binding protocol to be concluded before the UNFCCC COP21 in Paris in 2015, SRIP Victoria Tauli-Corpuz insists that the outcomes of this project integrate a human rights-based approach in order to secure IPs’ participation in disaster risk reduction and climate change mitigation and adaptation.
Indigenous peoples’ perspectives on disaster risk reduction

What are disasters?

EMRIP Chairperson Albert Deterville notes that according to the 2009 UNISDR Terminology on Disaster Risk Reduction, disaster is “a serious disruption of the functioning of a community; it involves widespread human, material, economic or environmental losses and impacts that exceed the ability of the affected community to cope using its own resources. Disasters are often described as a result of the combination of the exposure to a hazard, the conditions of vulnerability, and insufficient capacity or measures to reduce or cope with the potential negative consequences.” Although this definition promotes a common understanding for implementing disaster risk reduction practices, IPs’ perspectives must be adequately integrated into all practices, and at all stages, of the design and implementation of risk reduction projects and activities (also emphasized by SRIP Victoria Tauli-Corpuz, HIHR, MWWL regarding New Zealand, ICSA regarding the Beni region of Bolivia, the HOLY SEE).

CONRED Executive Secretary Alejandro Maldonado notes that the vision of what a disaster is, depends on worldview. For IPs in Guatemala, the problem is that mother earth is out of balance, while from a Western perspective climate change has impacts on development, and increases the risk of disasters that affect the people.

Underscoring a series of concerns related to development and natural disasters, AIRM-Ixil insist that unless IPs’ worldviews are better known and acknowledged prior to discussion of the post-2015 agenda, the Western conception of development, which only assesses progress quantitatively, will prevail. IPs’ perspective, on the other hand, does not consider the human species as the centre of all life, but takes into account all the other living beings that have accompanied humankind for thousands of years – and it does not reduce these relationships to trade and market goods. Disasters are not natural, but are anthropogenic and have mainly been caused by business enterprises, financial networks, banks and the Western societies and so-called developed countries that promote them.

Using the story of their own experience of “natural” disasters in La Gaitana, Colombia, RILG/CRIC/ONIC/ECMIA inform that their reserve is inhabited by various groups: members of several IPs, some non-indigenous dwellers allowed to settle there in times of socio-political violence, and missionaries brought in to manage the education services. Its history of modernization, evangelization and education has led to changing values in the Gaitana reserve, with the land increasingly being seen in terms of its productivity, instead of being understood as constituting the roots of the people. Disregarding pre-existing collective land titles of IPs, the State divided the reserve’s communal lands into private plots, and now La Gaitana faces construction of a highway – without due consultation to seek the community’s free, prior and informed consent, and without the community being duly informed of potential future social and environmental impacts.

AMA say the worldview of IPs in the Andes sees the life of indigenous communities, their identities, and mother earth as inseparable, and recognizes they are indispensable for strengthening indigenous communities. IPs’ relationships with nature are what enable the sustainability of their natural resources for future generations, so it is important to listen to their voices now, and important for IPs to raise their voices to stop outrages against mother earth, forests, water and mountains.

The specific vulnerabilities of indigenous peoples to risks of disaster

Emphasizing that IPs are at particular risk in relation to disasters, EMRIP Chairperson Albert Deterville links this to systematic discrimination against IPs and to their exclusion from economic power. Dispossessed of their traditional lands and territories and deprived of their resources for survival, both physical and cultural, their capacity to deal with hazards, both natural and man-made, is further weakened.

Referring to the Canterbury earthquakes that affected Aotearoa New Zealand in 2010 and 2011, the New Zealand Human Rights Commission notes that as the recovery enters its fourth year, the results of a related
well-being survey indicate that some groups, including the Maori peoples, are still being affected more than the others and face longer recovery.

Permanent Forum on Indigenous Issues (PF) member Joan Carling, underscoring key challenges in the Asia region in relation to climate change and sustainable development, recalls that in 2013, when Typhoon Haiyan hit the Philippines, it left 6’000 dead and 4 million homeless and without sources of livelihood. Among the victims, IPs remain marginalized and invisible in the delivery of aid and rehabilitation efforts. Indeed, IPs’ conditions of vulnerability not only increase the risk they face in relation to disasters, but also reduce their post-event access to necessary and appropriate support and assistance.

In the aftermath of Typhoon Haiyan, KAMP note that besides losing their houses, farmers have been unable to harvest their surviving crops, which can require years to regain their productivity. Damaged boats and fishing gear mean fishermen cannot work. The “no build zone” policy led to displacement of families of indigenous fisher folk living in coastal communities, and has been used to forcibly displace communities while allowing business enterprises to convert these coastal areas into economic zones for tourism development.

Referring to the IPs of Vietnam, KKF recall that the Khmer-Krom peoples are already using their traditional knowledge to adapt to the current challenges of climate change, but remind that disaster risk reduction requires resources. The Khmer-Krom are also witnessing an ever increasing impact on their human rights, including their right to health, due to change in their living conditions: government-promoted agricultural policies have destroyed the IPs’ lands, creating canals in the Mekong Delta that channel salt water – contributing to the threat of rising sea levels that will lead to displacement of millions of Khmer-Krom.

IMPACT warn that in Kenya, IPs’ traditional livelihoods and occupations continue to be affected by forced removal from their traditional lands, including pasture lands, which are taken for other uses – militarization, conservation, or extractive industries – which weakens their survival strategies and coping mechanisms for disasters. The impacts of the extractive industries in particular have led to serious reduction of indispensable pasture lands, while relief handouts given to hunter-gatherers and pastoralist IPs create dependency; meanwhile, little effort is made to help them rebuild their livelihoods, and instead the Government wants to convert them into agriculturalists.

EMRIP Chairperson Albert Deterville urge that discussions on disaster risk reduction and the rights of IPs address repercussions of the historical, colonizing actions that deprived IPs of their territories and made them vulnerable. In line with article 10 of the Declaration, on forced displacement, he calls on States to address their constitutions and legislation on disaster response, some of which still have clauses that suspend IPs’ rights when disaster hits.

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Declaration on the Rights of Indigenous Peoples, article 10

In relation to the consequences of disasters, Aissatou Oumarou Ibrahim of AFPAT laments the lack of access that indigenous communities, especially nomadic peoples, have to health services and to education for their children. Also, as the effects of climate change reduce both water resources and the amount of crops the land yields, increasing conflicts between indigenous pastoralists and farmers over access to land and water drive farmers to encroach on indigenous pastoralists’ lands and hinder their access to water sources.

NPMHR draw attention to the past seven decades of social and political unrest in Nagaland, due to the Indian Government’s refusal to acknowledge the Naga peoples as IPs and to grant them adequate status. Political negotiations and ceasefire agreements have done little to resolve the conflict, while militarization, along with discrimination and resulting social unrest, increases the vulnerability of IPs to disaster risks.

LRWC say access to justice and protection of indigenous activists and human rights defenders is necessary for reduction of IPs’ vulnerabilities. Often indigenous leaders and human rights defenders working to protect land, territories and resources suffer death threats, enforced disappearance, or harassment and intimidation by governments – attacks that reflect a lack of consultation and collaboration. LRWC echo the EMRIP’s proposal, during its 7th session, of a technical expert seminar to elaborate guidance concerning access to justice and remedies in the context of business operations affecting IPs’ rights [A/HRC/27/64, para. 8].

As global climate change is contributing to natural disasters around the world, the Global Indigenous Women’s Caucus warn that IPs, especially women and children, are more vulnerable than ever (also UN Secretary-General Ban Ki-moon emphasizes this). Reconstruction processes of living areas, in the aftermath of natural
disasters, are often done without the free, prior and informed consent of IPs, and overlook their traditional knowledge, ignoring their needs and wishes. In this sense, IPs consequently are often twice traumatized by natural disasters.

DENMARK and GREENLAND underscore that according to OECD Principles for Good International Engagement in Fragile States and Situations, non-discrimination should be promoted as a basis for inclusive and stable societies. IPs, and in particular indigenous children and women, are particularly vulnerable to the risks of natural disasters, and to the effects of climate change. The two States welcome UNICEF’s 2013 Guide on Actions for Children and Youth Resilience, which considers the knowledge of traditional and indigenous societies in disaster risk reduction, and they encourage UNICEF to include, in its 2013 Reference Framework for action, a reference to the Declaration.

SRIP Victoria Tauli-Corpuz highlights the need, especially in light of typhoons affecting Southeast Asia, to focus not only on disaster preparedness and risk reduction, but also on disaster management and post-disaster rehabilitation. Because many indigenous children have not received any post-traumatic psychological help, they are still very much traumatized; the EMRIP’s study should address this.

Further recalling that IPs, who live in the world’s most fragile ecosystems, suffer most when extreme weather happens, she underscores the difficulty of adequately addressing their loss and damage in climate change negotiations. This is because in addition to the problem of adapting to the direct extreme events caused by global warming, IPs, among other peoples, already suffer permanent losses and damages so great as to preclude adaptation in the first place – for example in the Pacific, where indigenous inhabitants of sinking islands have no choice but relocation. This raises questions of how this will affect their human rights, particularly their rights to land, territories and sovereignty – IPs who have to leave their islands will not have territories any more (Vanuatu Ambassador Odo Tevi, PF member Valmaine Toki. HHIR and AJKS are concerned with assessing this kind of loss). This is a very crucial human rights issue that demands attention, especially in the context of the 2015 International Conference on Disaster Risk Reduction. There is an urgent need to address the daily issues that IPs face in relation to disasters, and to have them included into international discussion on disaster risk reduction and climate change.

Climate change and unsustainable industrial development increase the exposure of indigenous peoples to disaster risks

EMRIP Chairperson Albert Deterville notes that according to the preamble of HRC resolution 7/23 on human rights and climate change, climate change is set to hit the poorest countries and communities the hardest, including IPs, and will threaten such rights as the rights to safe and adequate water and food, the right to health and the right to housing, among others. IPs are among the first to face the direct consequences of climate change, owing to their dependence upon and close relationship with the environment and its resources. Climate change compounds the difficulties that they already face, which include political and economic marginalization, loss of land and resources, human rights violations, and multi-faceted discrimination. Effects of climate change that affect IPs' communities include deforestation and forest fragmentation, droughts, rising temperatures, dune expansion, increased wind speeds and loss of vegetation, as well as changes in species and in the availability of traditional food sources – all of which pose serious challenges to the right to health and the right to food. Other climate change effects that exacerbate their difficulties include glacial melt; sea level rise; and ocean acidification, bringing increase in extreme weather events such as droughts, typhoons and hurricanes. Finally, climate change has caused changes to the agricultural calendar, affecting related cultural practices that are linked to key activities in the agricultural calendar.

Underlining the link between disaster risk reduction and climate change, Aissatou Oumarou Ibrahim of AFPAT, focuses on the case of the Mbororo pastoralists, nomadic IPs who live in Central and East Africa and rely on their traditional knowledge system to face seasonal weather conditions and manage the grazing lands and water sources that make their existence possible. Due to climate change, these communities face restrictions on their mobility, as both traditional transhumance pathways and accesses to water sources are obstructed by farmer communities who settle on these lands because earlier settlements became unliveable. Moreover, droughts force the Mbororo pastoralists to go much further to be able to find pasture and water, in order to ensure survival of their livestock and to avoid losing cattle. These consequences of climate change drive these communities to abandon their nomadic lifestyle and to become sedentary.

Referring to adequate compensation and rehabilitation for loss of land in Jharkhand, India, AJKS address disparities and arbitrariness in valuing IPs land and other immovable assets for calculating compensation, and long delay in payment of compensation and rehabilitation assistance; corrupt practices in the payment of cash compensation and rehabilitation assistance; and lack of comprehensive and coherent policies for displacement and resettlement, leading to a case-by-case, arbitrary approach.
The Pacific Indigenous Caucus warn that climate change raises distinct challenges for IPs’ cultures, health, livelihoods, lands and resources. Change in weather patterns affect the availability and variability of food, and water sources, which impact directly on the life and health of IPs. Cultural heritage and traditional knowledge may also be lost or devalued as a direct result of climate change.

H.E. Odo Tevi, Ambassador of Vanuatu, reiterates that climate change is one of the biggest development and security challenges for the Pacific region, and an existential threat for some of the Pacific Island countries, where it impedes the achievement of sustainable development goals. Even if an agreement is reached at the UNFCCC COP21 on reduction of emissions to keep the rise in temperature to 1.5 or 2 degrees, it may not prevent some of the “frontliner” islands from sinking. Bigger countries like Vanuatu have already relocated people from smaller islands to the main island, but rising sea levels complicate access to clean water and the growing of root crops. Moreover, ocean acidification will lead to reduction of fish as a source of protein, and the Pacific Island States will have to depend on imported goods. Non-communicable diseases are already increasing, due to changes in diet from traditional to industrial food.

Kiribati is made of low-lying islands. The Government, which ran out of funds for adaptation and mitigation, is now focusing on education and vocational and academic training, while at the same time promoting migration with dignity, for which they are seeking options including the purchase of lands in Fiji.

In March 2015, a category 5 cyclone hit Vanuatu and the Federated States of Micronesia. Such cyclones are being experienced almost every five years; their severity is increasing and scientists say that there could be category 6 cyclones in the future, putting pressure on fragile island ecosystems and threatening development in the Pacific region. The IMF has projected that Vanuatu’s economy will decline by 4 percent in 2015, as usual affecting the most vulnerable sectors of society: the women, the disabled, and the children.

Focusing on the situation of IPs in Ryukyu (Okinawa), IHIHR note the importance of the EMRIP’s study for the IPs of the Pacific Islands, and applaud that at long last the rest of the world is addressing this – now that climate change is no longer a philosophical or future threat, but a reality. Humanity must respond to these threats, and States and international organizations should work in partnership with IPs as rights holders in disaster preparation.

Reporting on its work related to IPs’ and local communities, the UN Environment Programme (UNEP) underscores the Many Strong Voices (MSV) programme which brings together people and organizations in the Small Island Developing States (SIDS) and the Arctic to take collaborative and strategic actions on climate change mitigation and adaptation at the local, national, regional and international levels. Its goal is the well-being, security, and sustainability of communities and it provides a platform for people in these regions to tell their stories to the world. Societies and livelihoods in both the Arctic and SIDS are particularly vulnerable to climate change because of their close ties to land and sea environments. While communities in both regions have adapted to changing conditions in the past, it is not clear that those experiences and abilities will suffice to deal with ongoing social and environmental changes introduced by climate change. These regions are barometers of global environmental change. They are considered critical testing grounds for the ideas and programmes that will strengthen the adaptive capacities of human societies confronting climate change.

PF expert Valmaine Toki informs that Supreme Court in Aotearoa New Zealand is currently deciding if they will hear the full arguments based on climate change in the status of refugees, and emphasizes the importance of including the Pacific meaningfully in UN dialogues on climate change and related issues.

UN Secretary-General Ban Ki-moon urges Member States to recognize the central role of IPs in meeting the climate challenges.

Regarding disaster risk response, BOLIVIA emphasizes the primary importance of understanding factors that trigger the risks, including, most importantly, climate change. The private sector must respect the central role of the State in defining and applying disaster risk reduction policies.

SRIP Victoria Tauli-Corpuz urges that the value of IPs’ traditional knowledge systems must be taken into account in disaster risk reduction: these systems, though often ignored by Western science, have saved the lives of many IPs. She underlines that disaster risk reduction plans cannot be worked out independently from development plans, and this must be done not only at national and local levels, but also in global decision-making processes.

The Pacific Indigenous Caucus urge States to ensure that IPs are actively enabled to effectively participate in the UNFCCC COP21, and call for IPs to receive a fair allocation of funding for climate change related actions and initiatives. Regarding climate change mitigation and adaptation, the Pacific Caucus recommend that States, with the support of responsible UN agencies and with the meaningful participation of the affected IPs and national human rights institutions, design and urgently implement comprehensive national climate change mitigation and adaptation plans that include a timely transition to and scaling up of renewable energy production,
infrastructure and affordable technology; implementation of a true well-being index as tool and indicator to drive and influence national policy and legislation; systems and opportunities for citizens to contribute value to society and receive fair value in return (whether in voluntary or paid employment); and development and implementation of national health response strategies.

In recognizing the threat of forced mass migration of Pacific IPs from their traditional lands and territories due to climate change, States and Pacific IPs (both those directly affected, and those in the ‘receiving’ countries) must develop a Pacific climate change migration response strategy, with particular attention to matters of post-migration ‘nationhood’ and protection of the culture of migrating IPs; and that IPs themselves consider what lands under their authority may be offered to IPs experiencing forced migration due to climate change. The Pacific Caucus warn that life on Earth is undergoing mass extinction aggravated undeniably by human activities, including the grave danger to the Pacific region’s biodiversity due to the known threats of increasing sea temperatures, ocean acidification and other environmental changes detrimental to marine life; and that climate change right now is having, and will continue to have, profound effects for Pacific IPs – particularly Small Island States and coastal communities whose very existence is in jeopardy due to rising ocean levels, biodiversity destruction, and severe weather events. The Pacific Caucus therefore strongly urge all States, UN agencies, business and industry, civil society and IPs, to take much needed bold, decisive, timely and ethical action in response to climate change and to achieve climate justice.

Fiji underscores that the collective failure of the global community today in dealing with the negative consequences of climate change poses a direct threat to the human rights of IPs living in vulnerable Small Island Developing States.

H.E. Odo Tevi, Ambassador of Vanuatu, emphasizes calls for urgent action, and for maintaining climate change issues as part of the main action plan on the Sustainable Development Goals (SDGs), as well as integrating them as a security issue in the UN agenda.

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Declaration on the Rights of Indigenous Peoples, article 19

PF member Joan Carling notes that mitigation and adaptation measures to combat the adverse impacts of climate change pose threats to IPs’ exercise of their rights and to their well-being. The classification of large dams as clean energy under the climate change mitigation has been taken as a new license to build more than 200 large dams across Asia, which will certainly cause IPs’ massive displacements along with the destruction of their livelihoods and traditional occupations (also the Asian Indigenous Caucus is concerned with this). While commending States that are already generating renewable energy such as windmills and geothermal plants, she objects that efforts are still within the business-for-profit framework with potentially adverse impacts on IPs’ territories and well-being, and are not aligned with their self-determined sustainable development approaches.

The Asian Indigenous Caucus express dismay that the UNFCCC and other multilateral processes have neither recognized nor compensated IPs’ contributions to sustainable resource management and risk response. Support in developing countries for adaptation, culturally appropriate programmes and technology, interventions and capacity building has routinely been overlooked by national governments, while many planned adaptation and development projects, such as National Adaptation Programme of Actions and National Adaptation Plans, ignore IPs’ rights, issues, concerns and consent. Because IPs are often excluded in decision-making processes at all levels, many policies, measures and strategies adopted to deal with climate change actually undermine their cultural and social identity, right to self-determination and livelihoods.

Also, the Asian Indigenous Caucus notes that damage to fragile ecosystems inhabited by IPs are consequences of operations of extractive industries and so-called development projects mostly supported by the States over the past decades. IPs’ economy, social organization, identity, and cultural and spiritual values are closely linked to biological diversity. Therefore, climatic uncertainties can cause specific effects such as demographic changes and mass migration; loss of livelihoods and food security; land and natural resource degradation, water shortages and health problems; and loss of traditional knowledge, including on forest and natural resource management; all of which can result in human rights violations.

Although climate change may be a cause of the 2014 Amazon flooding, ICSA warn that the large dams built on the Rio Madera have, according to experts, significantly increased the risks of flooding in all river basins upstream of Rio Madera. As early as 2007, when they first knew of the project to build a hydroelectric power plant in that river, IPs of Brazil and Bolivia united in a social movement to defend the Rio Madera basin and the
Amazon region, demanding that presidents Evo Morales in Bolivia and Lula da Silva in Brazil stop building dams on the Río Madera.

Indeed, SRSG for disaster risk reduction Margareta Wahlström warns that existing development patterns increasingly expose people and their assets to hazards, generating new risks and a steady increase in losses.

EMRIP Chairperson Albert Deterville laments that infrastructure development and resource extraction frequently take place on or close to IPs’ lands and territories, even though the community itself is usually not involved in creating the added risk. Illegal logging, deforestation for agriculture, the destruction of mangroves, and mining, as well as large-scale plantations and energy projects, contribute to changes in climate patterns, which can threaten the health and livelihoods of IPs and can increase their exposure to disasters.

AIPP warn that for IPs in South-East Asia, the rhetoric of sustainable development as people-centred and environmentally sensitive is merely lip service in the absence of policies and measures for legal and environmental protection of IPs' rights over their lands, territories and resources. AIPP deplore the development approach of ASEAN, based on a failed model of economic growth that emphasizes capital-intensive, large infrastructure projects such as energy, transportation and mining that largely benefit big business corporations and those in power. This is likely to cause further exploitation of resource-rich indigenous territories, human rights violations and conflicts, widespread disasters, as well as the further marginalization of IPs, who remain invisible in ASEAN. They call for ASEAN member States to initiate dialogues at the local, national and regional levels with IPs' representatives to address their legal recognition as distinct peoples with collective rights under international human rights law; to review their own national legal frameworks with a view of incorporating provisions of the Declaration; to immediately implement free, prior and informed consent of indigenous communities in relation to any developments in their territories; to establish effective mechanisms at the local, national and ASEAN level to ensure the full and effective participation of IPs on matters that concern them; and to review laws and policies which specifically include the establishment of mechanisms of accountability and access to justice.

SRIP Victoria Tauli-Corpuz underscores the role of several Asian emerging countries, such as China, India and the Philippines, as some of the fastest growing economies in the world. Indeed, many of the investments in Africa, Latin America, and even in the Arctic, are coming from Asia. As some of these investments are dedicated to extracting what remains of minerals or timber found in IPs’ territories, they are directly affecting IPs. She urges the Asian States, UN agencies and international financial institutions, as well as the private sector, to enter into serious sustained dialogue with IPs, to really shape the kind of development that needs to happen in the Asian countries. The development paradigm that was imposed on them has now led to an economic crisis, while the climate change crisis will lead to repeated disasters like Typhoon Haiyan. In light of the frightening possibility that such disasters will occur much more often, she calls on all stakeholders to sit down together and think about the best ways to ensure both a sustainable world to future generations, and that the greatest inequalities happening right now are not going to continue.

An indigenous parliamentarian from Mexico asserts that IPs’ right to free, prior and informed consent constitutes a mechanism for defending their vision of development, when States fail to do so. He calls on States to recognize these rights and enforce them, including in Mexico where over 90% of indigenous territories have been given over to mining exploration and corporate exploitation activities.

States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

*Declaration on the Rights of Indigenous Peoples, article 29(2)*

As regards resource extraction, EMRIP Chairperson Albert Deterville cites the link between unsustainable development practices and disaster risk reduction that the Secretary-General made in his report on Implementation of the International Strategy for Disaster Reduction, which states that that “development investment that does not consider disaster risk will lead to the accumulation of more risk” [A/68/320, para. 69].

The Holy See deplore the corporations’ exploitation of short-term economic advantage, and urges them to emulate models of authentic development that encourage responsible use of the environment and are not in violation of the rights of IPs.

Former SRIP James Anaya recalls that the interests of IPs and the extractive industries are not necessarily completely, or always, opposed – IPs are open to dialogue on extraction of natural resources of their territories, as long as this is done in a manner that benefits them and respects their rights. Overall, there is a need for increased understanding among States and industries about the contents and implications of the rights of IPs in this context. In his final report as SRIP, submitted in September 2013, he spelled out the minimal conditions that
need to be fulfilled for extractive industries to develop activities within IPs’ territories in a manner that is sustainable and beneficiary to IPs. Indeed, in his report on his mission to Peru, he called attention to the protests and violent conflict resulting from IPs’ heightened distrust and discontent with the State and the extractive sector. Peru needs to do more to ensure that extractive activities take place without violating IPs rights, coordinating and cooperating with IPs to respond to their concerns and promote social peace.

Denouncing the damage done by extractive corporations in Central America, AIRM-Ixil strongly disagree with former SRIP James Anaya’s opinion that where IPs have acquired necessary technical and trade capacities, IPs-led extractive industries would be a valuable model. This position confuses IPs’ right to self-determination with the rules of neo-liberalism which constitute the main roots of IPs’ current ruin. They urge that EMRIP’s study on disaster risk reduction should put more emphasis on practices that are currently known as “good living”. IPs’ worldviews must constitute starting points to develop new, concrete alternatives to capitalism, which destroys everything it touches, as when water – historically available to all the world’s peoples – is being contaminated while clean water is turned into merchandise. AIRM-Ixil call upon the EMRIP to more systematically study the worldviews of IPs and their relationships with the land and territories. They urge integration of indigenous women and youth in the entire UN system.

SRIP Victoria Tauli-Corpuz underscores that since IPs are often those left to cope with the effects of disasters, they need to revitalize or strengthen their traditional systems, as well as their customary governance systems, in relation to predicting and managing disasters, including rehabilitation in the aftermath of a disaster.

In view of the conditions of climate change and the booming industrial expansion of the Arctic area in the Russian Federation, UCIPNSFE underscores that energy security is inseparable from environmental security and sustainable systems of natural resources management. For the Arctic, a comprehensive system of legal regulation needs to be established to create long-term mechanisms to ensure sustainable conditions for IPs’ traditional economy and culture. This strategy must include IPs in project development, including decision-making processes. All mining activities in Eurasia must follow the UN Guiding Principles on Business and Human Rights, and respect the free, prior and informed consent of IPs (also FIMI for the Pacific Region).

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Declaration on the Rights of Indigenous Peoples, article 32

The Heiltsuk Nation, located in the heart of the Central Coast of British Columbia in Canada, strongly warn against the high risk of an oil spill in the proposed path of the Enbridge Northern Gateway Pipeline and tanker route project, which carries bitumen oil from Alberta's tar sands without their free, prior and informed consent. The Heiltsuk Nation explain that these incursions infringe on their constitutional right to harvest herring spawn on kelp and all other marine food resources necessary for their sustenance, cultural survival and way of life, as recognized by the Supreme Court of Canada. Their stewardship responsibility – evidence of the sovereignty they have never relinquished – is to care for their land and sea so it can support the people now and into the future. They oppose the Enbridge Northern Gateway Pipeline and tanker route project because it is inconsistent with their ancestral laws, infringes on their inherent rights, and represents too great a risk for their people and environment. They are concerned that when a spill happens, Canada will not be able to appropriately respond, as there is insufficient information available about the behaviour and fate of diluted bitumen in the marine environment, or its impact on species of importance to the Heiltsuk Nation, and no baseline inventories have been carried out on any species in Heiltsuk territory.

Moreover, the Heiltsuk Nation express concern about Canada’s approach to consultation, as the Government’s Joint Review Process was unilaterally developed without First Nations input or consultation and has no mandate to fully assess potential impacts on IPs’ Aboriginal Rights and Title. It disregards First Nations’ rights of governance, management and decision-making in their own territories; and treats First Nations’ consultation as an afterthought to standard public consultation requirements, treating First Nations as ordinary stakeholders instead of as holders of constitutionally protected rights. The Process is largely adversarial, not dialogue-oriented, which is the essence of meaningful consultation. Furthermore, the Enbridge Northern Gateway Pipeline and tanker route project raises issues that require higher, strategic level assessment and consultation beyond the
limitations of the Joint Review Process. The Heiltsuk Nation call for a joint decision-making process between impacted First Nations and all levels of government, and demand to consult with Canada on a government-to-government basis, conducting the necessary work required before decisions on the project are made. First Nations should contribute to the design of this process at the earliest stage of consultation and prior to any governmental approval. Canada must act in compliance with its legal duty to consult, accommodate, and honour the principles outlined in the Declaration and respect the sovereignty and ancestral laws of First Nations.

ICSAs warn that the nuclear tests conducted in Alaska, the continental US and the Pacific have affected water resources, territory and people; however, due to denial of, or ignorance of, IPs’ presence in these areas, medical and other resources have not been made available – another reflection of colonial occupation encroaching on IPs’ territory without their consent in violation of their right to self-determination.

Addressing the consequences of the Fukushima disaster, TROTR/KF/KCHS/NKIKLH urge all States to transition away from nuclear-powered energy to forms of safe, clean, renewable energy production, beginning with dialogue with citizens about the necessity of decommissioning nuclear power plants. Aside from the obvious immediate and long-term immeasurable harm to the natural environment and humans caused by the Fukushima meltdown, this disaster has the added potential to collapse economies. Moreover, the level of nuclear contamination in the local sea level, a million times the legal limit, is of deep concern to Pacific peoples, with reports that radiation is extending in the Pacific Ocean. Unprecedented negative impacts are inevitable for ocean life, and ultimately for the health and well-being of the region’s IPs and entire population. A Japanese parliamentary inquiry has concluded that the Fukushima meltdown was a profoundly man-made disaster that should have been prevented. This is why governments (and their taxpaying citizens) usually have to underwrite the insurance of nuclear power plants: because private insurer corporations themselves have the good sense to recognize that the fiscal cost alone of ‘cleaning up’ a nuclear ‘accident’ runs into the hundreds of billions of dollars, in addition to other environmental, social, cultural and economic costs. IPs therefore ask: “if nuclear powered activity is so inherently risky and unaffordable; if safe, clean energy production is by today’s technological standards exponentially superior in every way; and if citizens (to whom governments are still theoretically accountable) are calling for this transition to safe clean energy production, then why do governments still resist making the shift?” IPs’ environmental and human rights mean nothing if these rights cannot protect them from threats such as this.

Focusing on the Pacific region, FIMI charge that even though the impact of multinational mining activities is out of control, these projects are still being permitted and encouraged by colonial governments across the Pacific. They urge condemning the process by which States are permitting and encouraging activities on IPs’ traditional lands without consultation; and urging States to include in national legislation the principle of free, prior and informed consent, including the right to deny consent, and to develop in coordination with IPs efficient mechanisms to implement this principle.

Drawing attention to the emerging issue of deep seabed mining, the Pacific Indigenous Caucus urge the PF to invite the International Seabed Authority to participate in its next session, to discuss the process of participation and overview of these operations.

Noting that the issue of extractive industries is a major and immediate concern for IPs all over the Pacific, MWWL deplore the New Zealand Government’s constant refusal to recognize IPs’ rights in the context of corporate extractive activities on their territories, refusing its responsibility to seek IPs’ consent and disregarding their protests – as when the northern tribes protested against the unilateral granting of petroleum exploration permits to Statoil, a Norwegian government-owned company (carried out even though Norway has endorsed the Declaration and is a party to ILO Convention 169).

PF member Joan Carling expresses dismay about the wide-spread activities carried out by extractive industries across the Pacific without the free, prior and informed consent of IPs – even though corporations are expected to implement their own safeguard policies, including the principle of free, prior and informed consent, as well as the OECD Guidelines for Multinational Enterprises. In fact, the private sector must comply with the UN Guiding Principles on Business and Human Rights. The Pacific is already very fragile in terms of the impacts of climate change, and if extractive industries continue to devastate the resources of the IPs of the Pacific, it will result in ethnocide.
Indigenous peoples’ potential contributions to disaster risk reduction, prevention and preparedness

Customary land and resource management systems

After a participatory drafting process with wide consultation with indigenous representatives from over 130 IPs across the country, BRAZIL has launched a national indigenous land management policy to protect, recover, including from natural and man-made disasters, and strengthen the sustainable use of natural resources in indigenous territories, through elaboration and implementation of territorial plans for each of the more than 600 indigenous lands all over Brazil. Earmarked funding is set aside for the preparation of these plans, with the participation and monitoring of communities concerned. The policy also provides for the participation of representatives of IPs in institutions in charge of regional and national policies that affect their communities, as well as in the Brazilian climate change forum.

Acknowledging that IPs’ ways of life make them particularly exposed to natural disaster risks, the REPUBLIC OF THE CONGO stresses the importance of striking a balance between economic development and protection of the environment and of forest-dwelling populations. Given its strong impacts on indigenous and other forest-dwelling populations, forest exploitation activities are now subject to a signed agreement between the State and the corporation, accompanied by commitments as to the participation of IPs in the demarcation of areas for exploitation, in the protection of certain forest areas and tree species, and in the preservation of IPs’ heritage.

Because it considers that preventing deforestation and forest degradation is an essential part of strengthening resilience and preventing disasters, GERMANY supports IPs’ participation in the design and execution of REDD+ strategies (UN Collaborative Program on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries).

BOLIVIA reports on its disaster risk reduction policies, which reach out to the entire population across all of the national territory with an approach that includes risk prevention, preparedness, and rehabilitation, as well as strengthening local capacities. Communities are actively involved in these policies, recovering their knowledge, innovations and technologies in order to make early warning and risk prevention systems more effective.

SRIP Victoria Taulli-Corpuz urges States and UN agencies to assist in producing disaggregated data on IPs, in order to shift from the current victimhood paradigm and show that IPs are also part of the solutions to environmental degradation and climate change – all the more so since the world’s only remaining intact forests are in their territories. The world should thank IPs for laying their lives on the line to protect their territories, because this is how these ecosystems are being protected (Giovanni Reyes and the Asian Indigenous Caucus agree with this).

Giovanni Reyes of KASAPI explains that for a satisfactory life, IPs not only need available, adequate, and acceptable food; they also need access to, and control over, their land and resources. Because in IPs’ worldview, this access and control is necessary for a good life, disaster risk reduction cannot be understood in isolation from IPs’ traditional governance systems and inherent right to protect their knowledge systems. He offers examples of traditional systems of forest protection that work with sophisticated hydraulics among the Kankanaey and Ifugao IPs in the mountain regions of Northern Philippines, where the high biodiversity contributes significantly to locking up mankind’s growing carbon dioxide emissions from coal and gas. In two disaster-stricken areas, KASAPI have conducted planning workshops that integrate socio-economic concerns of health, livelihood, cultural values and community organization with disaster preparedness – a method also used to identify, demarcate, map, make an inventory of resources and declare traditional territories as community conserved areas.

He echoes the strong calls on the ground in the Philippines to stop extraction of natural resources in indigenous territories, because whatever the Philippines Government acquires from mining is not enough to compensate for the long-term damage to the environment. Degradation of these forests amounts to serious violations of the human rights of humankind. The World Bank Independent Evaluation Group’s report in 2009 and the third Global Biodiversity Outlook report in 2010 have identified indigenous communities’ conserved areas as areas higher in biodiversity compared to state-owned zones declared as protected areas by States.

Traditional knowledge and earth-based knowledge

Deploring both the lack of participation of IPs in decision-making and the lack of recognition of their community-driven initiatives, EMRIP Chairperson Albert Deterville calls on States and the international community to learn about resilient, time-tested indigenous practices that have arisen from their close relationship with the environment, and to include these lessons in their planning. Moreover, using a community’s traditional practices can encourage participation and empower the community itself to take the lead in disaster risk reduction initiatives.
The New Zealand Human Rights Commission notes that the 2010 Canterbury earthquakes in Aotearoa New Zealand have foregrounded the important role that indigenous knowledge has to play in disaster risk reduction initiatives. The earthquakes significantly impacted Maori and Pacific peoples, who are the majority in the economically disadvantaged area most affected. In the immediate aftermath of the disaster, Maori values about practical support and care were extended spontaneously, and as a matter of course, to non-Maori in community settings such as schools and marae. Of those who were forced to leave their homes, many moved in with family and were able to access the support services of marae – the Maori cultural community centres where Maori culture is celebrated, Maori language is spoken, and tribal obligations are met; and marae became crucial hubs for emergency services and coordination of the earthquake response – in some cases being used to temporarily house Justice Department law courts.

Highlighting the role of indigenous knowledge in relation to slow-forming disasters, IPACC say that although disaster risk reduction is usually understood as referring to sudden crises, some crises build up slowly, including water scarcity, land degradation and changes in average temperatures. In Africa, the current context of climate insecurity underscores the relevance of customary natural resource governance systems such as pastoralism, hunting and gathering, small-scale fishing. Pastoralism has been recognized as an efficient system to adapt to water and food scarcity, while contributing to the conservation of ecosystems and biodiversity, based on traditional knowledge. Indeed, IPs’ traditional knowledge systems have been acknowledged, including by the Intergovernmental Panel on Climate Change, as an essential means to adapt to climate change, to resolve conflicts arising from scarcity of resources, and to reduce the vulnerability of populations. States’ governments must therefore collaborate with IPs to ensure that scientific discussions and political negotiations take into account the diversity of traditional and indigenous knowledge systems. It must be noted that IPs’ cultural resilience depends not only on transferring traditional knowledge to future generations, but also on increasing the security of traditional land tenure systems, and securing respect for land and resource rights and customary decision-making systems, in line with international human rights instruments. However, IPACC warn that legal systems of States usually fail to recognize IPs’ customary land tenure systems, and instead tend to fragment and divide IPs’ lands. This happens when governments in some African countries impose climate change adaptation and mitigation programmes –including building mega-dams in East Africa – that in fact increase IPs’ vulnerability and reduces their resilience and capacity to cope with climate change and disaster. IPACC call for supporting IPs’ natural resources governance and conservation systems, and for including IPs in all levels of decision-making; they also urge legal recognition of IPs’ customary land rights in order to reduce their vulnerability and increase their resilience to disaster risks.

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

_Declaration on the Rights of Indigenous Peoples, article 31_

Using teaching methods based on IPs’ worldviews, UII, an international indigenous university of the Latin American region, seeks to learn and transmit ways that respect the rights of mother earth and recover the ecological balance lost, along with the intimate knowledge of nature, including that of human beings.

CAPAJ call attention to the specific knowledge that IPs hold and transmit, which is essential to maintaining the balance and the flow of communication among humans and all other living beings that together compose what Western culture calls “nature”. Such knowledge contributes to a sustainable way of life, as acknowledged by Article 8(j) of the Convention on Biological Diversity; it also has much value in the prevention of so-called “natural disasters”, as it gives way to fluent communication among the people on adequate interpretation of natural signals. Because of its value to future generations, specific traditional knowledge held by indigenous healers, elders or shamans should be duly recognized and protected by the international system. In this regard, the ongoing World Intellectual Property Organization (WIPO) negotiations for a legally-binding instrument on genetic resources, traditional knowledge and traditional cultural expressions of IPs, are an opportunity to achieve such recognition and protection.

The Asian Indigenous Caucus call attention to the intrinsic methodology of indigenous traditional knowledge, which is acquired empirically by each people through generations of experience. Indigenous knowledge is unique to each people and each environment, and its rich knowledge systems and practices can be tapped to
provide solutions to many climate change mitigation and adaptation challenges. These systems are in play, for example, when IPs identify patterns of change in natural systems; develop specific coping strategies like mixed-crop gardening to minimize risk of crop loss due to changing weather conditions; build floating vegetable gardens in areas prone to flooding; adapt their calendar of planting, harvesting and gathering; harvest rain water the way South Asians have done for centuries; and build coastal windbreaks to diffuse tropical storm waves. Also, to counter the disappearance of certain medicinal plants found in forest areas, some communities have started conversations guided by indigenous healers; some of this knowledge is documented and taught to the next generation.

**KKF** ask the EMRIP to help initiate a consultation process on climate change between the Khmer-Krom IPs and Vietnam to ensure that IPs take an active role in policy development and dialogue; they call for Vietnam to hire the indigenous Khmer-Krom people, who have long experience in mitigating climate change effects, to work on sustainable land management projects to protect livelihoods – for instance by planting mangroves and building dykes to control the flow of salt water.

**SACS** note that after the 2004 tsunami in South-East Asia, they researched the behaviour of IPs who survived the disaster. They discovered that the survivors they surveyed had used both oral tradition and observation of animal behaviour, a reflection of their crucial culturally specific knowledge. Following a disaster, IPs stay, sometimes for years, in tent camps where culturally insensitive humanitarian aid, in violation of the Declaration, eradicates their cultures. The trans-generational transfer of knowledge is interrupted by the dominant global culture, and IPs can no longer live according to their own ways and transmit them to their children; the EMRIP’s study should address this.

**How to do it? Combining traditional knowledge with scientific and technical knowledge**

**SRIP Victoria Taulli-Corpuz** says most of the questions asked by the States are focused on how to integrate IPs' traditional knowledge in disaster risk reduction and in development.

Because IPs' participation is anchored as a human right in international treaties, and is a precondition for a self-determined life in dignity, both **Aissatou Oumarou Ibrahim** of **AFPAT** and **Giovanni Reyes** of **KASAPI** underscore the integration of traditional knowledge systems into climate change adaptation and disaster risk reduction. They outline the participatory nature of community 3D mapping projects, respectively in Chad and in the Philippines, meant to influence regional political processes through the merging of indigenous traditional knowledge and scientific knowledge. While the practice of modern science uses monitoring systems to manage large amounts of data on past, present and future events, local level decision-making must consider other kinds of factors, such as local loyalties and social networks, systems of values and beliefs, and traditional early warning systems, for example. And though there is a great need for dialogue among local and IPs' communities and governments on such decisions, ordinary people at local level face great difficulties in making their voices heard by science people. The 3D mapping process, based on both modern science and traditional knowledge, is a valuable tool to remedy this.

Briefly, from the example put forth by **AFPAT** in Africa, a 3D map requires the participation of all generations and sectors of the population, and is based on scientific data such as scale and the contour lines that show elevation on a topographical map. The resulting embodiment of the data is then crafted from cardboard or wood by the members of the community, under the guidance of a science expert. Once the model is made, all members of the community participate in an intergenerational effort to inventory the community’s resources, identifying and inscribing on the map features such as sacred sites, particular trees or other resources, boundaries, etc. Potentially hazardous areas are identified as well, and translated thematically into maps that show land-cover, landslide susceptibility, flood susceptibility, erosion susceptibility, and fault lines. The community presents the finished 3D map to the local authorities, who display it in a public community building where people can refer to it in conflict resolution, disaster risk prevention and reduction, community planning and management of resources.

**Giovanni Reyes** further reports that apart from mapping and resource inventory, KASAPI created about 20 community disaster response teams in two different regions of the Philippines where IPs live. The teams created a framework, included in their respective organisational structures, that aims to concretely ensure that disaster management formulation, training and implementation is participatory and human rights-based.

**CONRED** Executive Secretary **Alejandro Maldonado** focuses on a concrete example of how the CONRED respects and integrates Guatemalan IPs’ ancestral knowledge in risk management, and how relevant indigenous knowledge is being compiled, systematized, valued, and pieces of information concretely relevant to disaster risk reduction identified. This process reveals the way IPs of Guatemala respond to impacts of disaster from within their indigenous social organisation, transmitting knowledge through oral tradition – for example, when they recognize that variations in the sounds of rivers herald the risk of floods or landslides.
SRSG for disaster risk reduction Margareta Wahlström warns of an over-belief in technology, when in fact even a highly sophisticated satellite-based organisation informed her that in order to scan the surface of the planet for advance warning of floods and landslides, they still need earth-based observations done by people who live close to the earth, such as IPs, forest dwellers, and agriculturalists.

SRIP Victoria Tauli-Corpus explains that IPs do not merely rely on their own traditional knowledge systems, but regard scientific knowledge as a resource to address the problems they face. Many IPs have adapted their traditional knowledge and practices, and in several cases this has allowed them to obtain very favorable decisions from supreme courts in relation to respect for their rights, because they were able to show the physical evidence of how they have been deprived of their rights to have control, ownership and management of their land, territories and resources.

To make their contributions possible, indigenous peoples demand respect for their rights

IPs’ awareness-raising and participation in decision-making on disaster risk reduction

Agreeing (together with CANADA, MEXICO, the PHILIPPINES, MOROCCO, and GERMANY) with the EMRIP study’s emphasis on inclusion of IPs’ inputs in strategies on disaster risk reduction, the USA report on consultations with tribal leaders to develop and implement disaster management measures. The USA explains its programme enabling federally recognized tribal governments to directly request a disaster declaration from the US President when a natural disaster occurs on tribal lands, without being required to go through state government to request the declaration.

CANADA also says it has improved IPs’ access to emergency management services, and reports on its Platform for Disaster Risk Reduction, established further to the 2005-2015 Hyogo Framework for Action, bringing together stakeholders to develop and promote community resilience strategies and tools tailored to meet the needs of all Canadian IPs, including First Nations, Inuit and Métis communities.

AUSTRALIA reports that its Government has designed and implemented a National Emergency Management Strategy for Remote Indigenous Communities, which acknowledges and uses the skills and experiences of Aboriginal and Torres Strait Islander peoples to improve disaster resilience and community safety through sustainable emergency management. Key aspects of this strategy are building indigenous communities capacities to respond, along with promoting effective partnerships between emergency management, IPs’ organisations and governments to improve safety.

Among its other disaster risk prevention activities, MEXICO reports on series of workshops to raise awareness among indigenous authorities in areas prone to disasters. Drawing on the community’s own knowledge of disaster risk reduction, prevention and preparedness, themes include a civil protection plan at the family level, and organizing temporary shelters at the community level. In addition, an awareness-raising radio programme using the different indigenous languages spoken in disaster-prone areas disseminates information on the basic protection measures to adopt in a disaster.

EMRIP member Wilton Littlechild highlights the good practice of a recent agreement between the Maskwacîs Cree IPs and the city of Wetaskiwin, in Canada, regarding fire and emergency services and based on the famine clause included in treaties, as well as a new governmental approach to emergency management on Indian reserves in order to strengthen emergency management support to First Nations. The latter approach led to more partnerships between the federal, provincial and First Nations governments when the city of Calgary experienced a major flooding event in 2013, and resulted in quick recovery efforts and increased capacity on the part of the First Nations via training and the development of community emergency plans.

KAMP notes that beyond the rescue and relief operations, the overwhelming task of rebuilding is in the communities themselves, as when, after Typhoon Haiyan hit the Philippines, local IPs’ organizations and communities, in partnership with citizens-based disaster response centres, collectively mobilized to rebuild their livelihood and communities. But such efforts, especially in outlying areas suspected by government to be “rebels infested” are vulnerable to military sabotage, and survivors of the typhoon are holding the Aquino government criminally accountable for its negligence and gross incompetence in ensuring the safety and welfare of the typhoon victims and survivors. Based on their communities’ experiences in relation to disaster risk reduction, KAMP recommend: maintaining the distribution of relief food and water to the victims both in the urban and rural communities until their economic lives are relatively stable; imposing price controls on basic commodities; facilitating a speedy restoration – and access to – vital public utilities such as water, power, transportation and communication installations in severely affected areas; holding public consultations to craft the rehabilitation and reconstruction plan and ensuring that the victims, not the big businesses and landlords, are at the core of this plan; ensuring transparency and accountability in the implementation of such efforts; revoking or preventing policies that enforce land grabbing, effective demolition and eviction of the victims from their homes and
livelihoods, and providing them with free and adequate housing, sufficient supply of clean water and provision for electricity; immediately pulling out military forces and suspending all counter-insurgency programs in disaster-struck areas; reviewing all government policies that are destructive to people's lives and the environment, such as mining policies, and revisiting in this regard the laws on disaster risk preparedness and response; and implementing genuine agrarian reform as a key solution to the mass poverty and its consequent people's vulnerability to disasters and climate change impacts.

AJKS warn that since most development projects in Jhakhand, India, have been executed in the hilly and mountainous regions where many IPs live, a disproportionately high number of IPs are displaced, who, along with other rural people, depend upon the natural resource base for their livelihood. The most serious consequence of development-induced displacement for IPs is dispossession of land, along with the loss of their traditional occupations. Moreover, they are deprived of compensation and rehabilitation benefits, because they do not possess any legal documents to prove their ownership right on their land.

KKF ask that Vietnam give Khmer-Krom farmers the chance to engage in a constructive dialogue on sustainable development, where they could contribute their indigenous knowledge on natural disaster risk reduction and prevention and preparedness, and on climate change initiatives in the Mekong Delta, where they have lived for thousands of years.

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Declaration on the Rights of Indigenous Peoples, article 23

**IPs' rights to participate in decision-making, consultation, and free, prior and informed consent**

UN Deputy High Commissioner for Human Rights Flavia Pansieri expresses confidence that the study of the EMRIP, with its particular focus on the right of IPs to participate in decision-making with relation to disaster risk reduction strategies, will contribute to a deeper understanding of how States, IPs and the international community can work together to build a rights-based approach to disaster risk reduction that fully reflects the rights of IPs. With the frequency and force of natural disasters on the rise, IPs and their rights are often particularly at risk, causing heavy losses to IPs’ property, livelihoods, and in some cases, lives. When Typhoon Haiyan hit the Philippines in 2013, the remote places where indigenous communities live made it difficult to deliver emergency supplies, leading the OHCHR to deploy human rights officers as part of the humanitarian response, who advocated for non-discrimination in the delivery of aid in the typhoon’s aftermath. Alongside such interventions, there is also a need to ensure that IPs’ rights are protected when States adopt measures to reduce disaster risks.

EMRIP Chairperson Albert Deterville reminds that the Declaration sets out a series of provisions on free, prior and informed consent, and six of its articles contain explicit requirements in this regard (articles 10, 11, 19, 28(1), 29(2) and 32). States have a duty to seek, through genuine consultation and participation, IPs’ free, prior and informed consent; this right to consent entitles IPs not just to be involved, but to effectively determine the outcome of any decision-making that affects them.

Strong partnerships between IPs and government agencies working in disaster risk reduction are essential, but for such partnerships to be successful, IPs’ right to participate in decision-making must be respected, and IPs must be consulted and involved at all stages. The link between disaster risk reduction and the promotion and protection of the rights of IPs is a relatively new area of exploration, but the Expert Mechanism’s Final report of the study on IPs and the right to participate in decision-making (2011) stresses that IPs’ involvement in the design of the process is important for success, and suggest a number of good practices that should be applied to disaster risk reduction. For example, through participative assessments (of both capacities and vulnerabilities) and policy-making processes aimed at combining local knowledge with scientific methods, communities can be empowered to take advantage of their own traditional knowledge to develop integrated strategies that are institutionalized. One key means of strengthening the participation of IPs in disaster risk reduction is through education and awareness-raising: IPs have the right to receive information to reduce their risk and vulnerability and to protect themselves, their property and their livelihoods. Also, the participation of IPs in the development and implementation of early warning systems is essential to the success of those systems, namely by helping to ensure that these systems are culturally and linguistically relevant, and are well adapted to the specific risks and circumstances that IPs face. As to the EMRIP’s Advice n° 7 on disaster risk reduction, one of its over-arching principles is that in order for disaster risk reduction initiatives to truly have a positive impact on the rights of IPs, their full and effective participation is essential. Furthermore, disaster risk reduction initiatives should respect IPs’ right to self-determination; their rights related to lands, territories and resources; their rights to participate in
decision-making, to be consulted and to free, prior and informed consent; and their right to protect their cultural knowledge. In this perspective, the EMRIP’s Advice n°7 addresses specific recommendations to States, to IPs and to the global disaster risk reduction community.

Speaking of the need for a culture of prevention, SRSG for disaster risk reduction Margareta Wahlström says that preventing new risk and reducing existing risk require inclusion and non-discriminatory participation, which requires access to resources at the local level. Public awareness and professional education on disaster risk at national and local levels, reaching out to all relevant groups, are the foundations of a culture of prevention. The local and specific characteristics of disaster risk management demand the full engagement and empowerment of local communities, leaders, and administrators, as well as the respect of local and indigenous knowledge. Specifically, she calls for engagement of IPs and their communities in appropriate studies, documentation of indigenous knowledge and practices for disaster risk reduction, and inclusion of traditional knowledge and coping mechanisms in national and local plans (also Flavia Pansieri, the Asian Indigenous Caucus, NPHRM, MEXICO, ESTONIA, MOROCCO).

GUATEMALA’s National Coordination for Disaster Risk Reduction (CONRED) aims to increase the resilience and reduce the vulnerability of risk-prone populations, cultures, livelihoods and productive assets, so as to improve the security of development and quality of life in Guatemala. Good practices realized by CONRED include creation of a national resilience network with corresponding funding resources; training on and mapping of vulnerabilities and risks in indigenous communities, with specific participation of indigenous women; work with indigenous women in strengthening community resilience and climate change adaptation. Moreover, a plan of action on disaster risk reduction management is being elaborated, focusing on the promotion and protection of rights, and based on both ancestral indigenous worldviews and "Western" worldviews, with the aim to harmonize them.

Based on the Declaration, which it considers as non-binding but with both moral and political force, the USA consults with tribes on a government-to-government basis when it develops disaster risk reduction programs and policies that may impact them, and recognizes the importance of their input.

The New Zealand Human Rights Commission emphasizes two positive initiatives in the recovery after the Canterbury earthquakes. First, the Iwi (tribal) Maori Recovery Programme was established to assist central and local governments to address their respective obligations under the Treaty of Waitangi and the Declaration on the Rights of Indigenous Peoples. It aims to promote effective engagement of the Iwi authority (the governing body that oversees tribal activities in its corresponding territory) and other Maori leaders and decision makers, recognizing that the overarching recovery statutory framework did not specifically include provision for Maori communities. The second positive initiative is the development of best practice guidelines, as the earthquakes also resulted in an acknowledgement by local and central government agencies that they did not know how to best engage with culturally and linguistically diverse communities. Guidelines were published that provide a pragmatic starting point for more inclusive response mechanisms, including for people with disabilities. Among other recommendations they call for central governments to embed a human rights approach; and that adequate allocation of funds is made to respond to mental health and psychosocial factors, focusing primarily on pre-existing inequities for hard to reach and vulnerable families.

The Asian Indigenous Caucus warn that climatic uncertainty will increase in the future, creating a harsh situation for IPs unless their issues and concerns are incorporated into adaptation and mitigation policies and plans. They urgently call for creating a mechanism for IPs to participate effectively in the discussions on adaptation strategies, plans and funding mechanisms at the national and international levels, and insist that IPs must have direct access to adaptation funds and culturally appropriate technologies for climate change adaptation (also KAMP). They urge sustainable livelihood diversification support to indigenous communities to cope with the impacts of climate change and strengthen their adaptive capacities, and call for promoting collaborative research and action between IPs and research institutions.

KKF urges working with FAO and IFAD on food security in relation to disaster risk reduction and post-disaster response. They seek the help of UNESCO and UNICEF to publish material on the impacts of climate change in the Khmer Krom language, as teaching and awareness-raising tools for the Khmer Krom IPs and in particular their children, who all live at the edge of the rising sea.

GERMANY says it promotes inclusion of disaster risk reduction issues into development agendas, and emphasizes the importance of establishing close links with national as well as local disaster risk management and climate change adaptation plans.

With regard to disaster risk reduction, SRSG Margareta Wahlström emphasizes IPs’ participation in decision-making is all the more crucial given climate change, for their best knowledge of their environment may be both used in risk assessment, in planning and in decision-making at both local and regional levels, and enriched
through collaboration. She warns that while about half of the world’s governments have national disaster risk reduction platforms, most of these – unlike the situation in Guatemala – are not multi-stakeholder and participatory. Despite HFA's call to this end, the people are not well-represented in these platforms. Some countries, such as Indonesia, do in fact have multi-stakeholder mechanisms for risk identification, assessment and planning, on the local level as well; other countries are testing in practice, which can help not only to assess local risk but also to see what is happening. She emphasizes that this is, crucially, undertaken under local government leadership, and that the whole spirit of the discussion on the post-2015 framework is really to put the local level in as a centre of gravity, as this is where the risks are really in practice reduced.

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Declaration on the Rights of Indigenous Peoples, article 4

SRIP Victoria Tauli-Corpuz criticises the notion that IPs are themselves obstacles to development. She deplores that the non-recognition of their identities and rights provides justification for some States not to consult with them, nor undertake steps to obtain their free, prior and informed consent before any development project is brought to their communities.

The role of indigenous women in disaster risk reduction

The Global Indigenous Women's Caucus urge States to include IPs, especially indigenous women, in policy-making processes on post-disaster reconstruction.

FINLAND recalls that one key element in promoting and protecting IPs' rights in disaster risk reduction is their participation in decision-making that affects them. Participation of indigenous women is particularly crucial, because they are the holders of traditional knowledge necessary to prepare for, survive, and cope with disasters within their communities (also Victoria Tauli-Corpuz, Flavia Pansieri, Alejandro Maldonado, SDT, the PHILIPPINES). Finland underscores the importance of good practices to ensure indigenous women's access to decision-making structures in this regard and how to make disaster preparedness gender-neutral.

Based on a small research study on impacts of climate change on indigenous women in tribal villages in Odisha, India, SDT add some information and recommendations to the EMRIP's study on disaster risk reduction. In facing the direct consequences of climate change, rural indigenous women are disproportionately affected as compared to men, because of their dependency for their livelihood on farming and the products. Though women are the main water and food providers and caregivers, they possess the least access to land, education, services, and credit assistance – and many are discriminated against in their own communities, in the dominant society and in the labour market. Large numbers of mining companies operate in Odisha state, causing environmental pollution and forest degradation. To make things worse, the state has been reeling from extreme weather conditions, ranging from heat waves to cyclones, drought to floods. The indigenous communities are highly vulnerable, partly as their poverty limits their capacity to deal with the effects of climate change, effects that cause women’s health to deteriorate; increase their burden of labour; lose traditional knowledge; worsen the economy which in turn affects agriculture and livelihoods and eventually leads to migration and trafficking of tribal women for the purpose of domestic work or sexual exploitation in large cities. In the face of the global crisis, some local measures undertaken by IPs cannot solve the problems but are surely roadmaps for the whole world to imitate, such as rain water harvesting, water shed protection, reforestation, and forest management by women’s groups aimed at protecting animal and human lives.

Because the use of indigenous languages is often a condition to ensure the participation of women and children, Aissatou Oumarou Ibrahim of AFPAT emphasizes the need to take the issue of indigenous languages into account in participatory processes at community level, with a willingness to grapple with the challenges posed by unwritten languages.

SRIP Victoria Tauli-Corpuz says that because IPs are the most concerned with preventing and managing disasters in their territories, they not only need participatory decision-making processes and multi-stakeholder participation, but also the right to be protected from all human rights violations. She deplores that some indigenous leaders and activists have been victims, either killed or disappeared, mainly because they have been fighting for their peoples' environment and their rights to lands, territories and resources.

Abbreviations

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<tr>
<th>Abbreviation</th>
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<tr>
<td>AFPAT</td>
<td>Association des Femmes Peules Autochtones du Tchad</td>
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<td>AIPP</td>
<td>Asian Indigenous Peoples Pact</td>
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For more information

UN documents on disaster risk reduction

The Hyogo Framework for Action 2005-2015 - Building the Resilience of Nations and Communities in Disasters:
www.unisdr.org/files/1037_hyogoframeworkforactionenglish.pdf

The Sendai Framework for Action 2015-2030:

2009 UNISDR Terminology on Disaster Risk Reduction:
http://www.unisdr.org/we/inform/terminology

The Secretary-General report on implementation of the international strategy for disaster reduction: UN document A/68/320

The OHCHR study on the relationship between climate change and human rights: UN document A/HRC/10/61
http://www.ohchr.org/EN/Issues/HRClimatesImpact/HRAndClimateChange/Pages/Study.aspx

EMRIP studies and reports

Study on the promotion and protection of the rights of indigenous peoples in disaster risk reduction, prevention and preparedness initiatives: UN document A/HRC/27/66

Follow-up report on indigenous peoples and the right to participate in decision-making, with a focus on extractive industries: UN document A/HRC/21/55

Final report of the study on indigenous peoples and the right to participate in decision-making: UN document A/HRC/18/42

All these documents are available from:
WHAT'S NEW

The role of human rights bodies in implementing the UN Declaration on the Rights of Indigenous Peoples

During the debates on human rights and the implementation of the UN Declaration on the Rights of Indigenous Peoples at the 13th and 14th sessions of the Permanent Forum on Indigenous Issues, in 2014 and 2015 respectively, participants heard presentations by members of the American and African regional human rights institutions and of UN human rights treaty bodies on the role of these mechanisms in promoting and protecting the rights of indigenous peoples. On both occasions, discussions underscored the need for increased cooperation between these bodies and the three UN indigenous mechanisms and, more importantly, the need for indigenous peoples and their organisations to make more use of the possibilities offered by the respective mandates of these bodies in the struggle to achieve enjoyment of their own rights.

The Inter-American Commission on Human Rights

The special attention granted to the protection of indigenous peoples (IPs) by the Inter-American Commission on Human Rights (IACHR) is emphasized by its Executive Secretary Emilio Alvarez Icaza: in 1972 the Commission declared that States are under the obligation to protect IPs in their territories, for both moral and humanitarian reasons, and because IPs have historically faced severe discrimination. Since then, the IACHR has dealt with hundreds of cases related to the protection of IPs' rights in every country of the Organisation of American States (OAS) where they live. The IACHR Rapporteurship on the Rights of Indigenous Peoples was created in 1990. The work of the IACHR aims to make a difference for IPs on the ground, and contributes to the adaptation of domestic legal systems to States' international obligations. To carry out this work, the IACHR uses:

1. The individual petition system, which deals with specific cases of violation of the human rights protected under the American Declaration of the Rights and Duties of Man or the American Convention on Human Rights;
2. Precautionary measures in urgent and serious cases of threats to the life or integrity of persons;
3. Specialized in-depth studies and reports on particular topics dealing with IPs' rights, following on-site visits or special thematic hearings;
4. Inclusion of special chapters on IPs in the Commission’s country reports;
5. A general monitoring of the situation of IPs throughout the Americas, accompanied by urgent requests to States in situations that merit them;
6. Acting as a specialized consulting body for the OAS, and participating in the elaboration of international legal instruments.

As regards jurisprudence, it is through the petition and case system that the Inter-American Commission and Court have developed most standards regarding the rights of IPs and State obligations. They have decided cases relating to massacres against indigenous communities or peoples, to forced disappearances and execution of indigenous leaders, to children, to indigenous women, or to IPs' political participation. However, the most attention has been directed to IPs' right to their ancestral territories and the natural resources found therein, because enjoyment of the right to property implies protection not only of an economic unity, but also of the human rights of the collectivity whose development is based on its relationship with the land.

Notably, it was in the case of the Mayangna (Sumo) Awas Tingni community v. Nicaragua (2001), regarding property rights, that the Inter-American Court issued a judgement which established the basis for Inter-American jurisprudence. The Court established that possession of ancestral lands should suffice for purposes of official recognition of the ownership of the lands and territories possessed by the IPs, taking into account the IPs' customary law. The Court recognized the importance of IPs being able to fully enjoy their lands in order to preserve their cultural and spiritual legacy, and transmit them to their future generations, since the relationship they have with the land is not purely a question of possession and production.

Regarding the principle of free, prior and informed consent, in the case of Kichwa People of Sarayaku v. Ecuador (2012), the Inter-American Court conducted a meticulous analysis of the consultation process, focusing on: (i) the prior nature of the consultation; (ii) good faith and attempts to reach agreement; (iii) appropriate and accessible consultation; (iv) environmental impact assessments; and (v) informed consultation. The Court found
that Ecuador did not carry out an effective and appropriate consultation process. In its reasoning, the Court emphasized “effective participation” as the bedrock principle underlying the right to consultation.

These and other cases illustrate some of the most recurrent problems that IPs face in the Americas: the lack of certainty of ownership and control over their ancestral lands, territories and natural resources, which in turn threatens their physical and cultural existence as peoples.

In addition to the petition and case system, in situations in which there is a grave and imminent risk of irreparable harm, the IACHR may request States to adopt precautionary measures to protect potential victims of human rights violations. Situations where the IACHR has issued such precautionary measures include harassment and attacks against community leaders; murders, attempted murders and other threats to members of IPs; threats against the cultural and natural environment; massive invasions of indigenous territories; and IPs in voluntary isolation.

Since the 1990s, different countries in the region have seen a process of recognition of IPs’ rights at the constitutional level, in parallel to the similar trend at the international level. Meanwhile, there has been a significant increase in investments by industrial corporations, due to attempts by States to attract such investments through de-regulation, and lax oversight and supervision. This has also created important gaps between constitutional or legislative advances, their effective application, the institutional frameworks, and the daily lives of IPs. The challenge lies in the implementation and effective protection of the rights of IPs. Currently, the IACHR is dealing with over two hundred individual petitions and cases at different stages of the procedure, as well as numerous requests for precautionary measures, from all of the OAS member States where IPs are present. A substantial proportion of these petitions deals with protection of territories and natural resources, and with consultation and free, prior and informed consent.

The IACHR has also recently started receiving alarming information on the multidimensional and intersectional nature of the discrimination that indigenous women and girls suffer, connected with the persistence of violence – physical, psychological, sexual, and spiritual – against indigenous women, which is also linked to threats to the full protection of their right to property over lands, territories, and natural resources, including by armed conflicts, development projects, and the presence of extractive industries. The historic exclusion to which IPs have been subject, along with many assimilation policies and the denial of their rights over their ancestral lands, results in the fact that IPs in the Americas are, generally, in a less favourable situation than the general population in the region, facing higher rates of poverty and extreme poverty, and of child malnutrition, as well as lack of access to culturally adequate health and educational services.

**The Working Group on Indigenous Populations/Communities of the African Commission on Human and Peoples’ Rights**

Presenting the experiences, achievements, and challenges of the Working Group on Indigenous Populations/Communities (WGIP) in promoting and protecting the rights of indigenous populations in Africa, Chairperson Soyata Maiga says the WGIP’s 10 years of work, to the present, have not been a smooth process. At the end of the 1990s, when it was first proposed that the African Commission on Human and Peoples’ Rights (ACHPR) address the issue of indigenous populations in Africa, several member States expressed apprehensions. However, through dialogue established both with States and indigenous communities, and studies carried out by the WGIP, it has become evident that the challenges that these communities face require full attention from the ACHPR.

Populations that self-identify as indigenous in Africa are found among various economic systems: hunter-gatherers (such as the Pygmies in the Great Lakes region, the San of southern Africa, the Hazabe in Tanzania and the Ogiek, Sengwer and Yakuu in Kenya); pastoralists (such as the Pokot in Kenya and Uganda, the Barabaig in Tanzania, the Maasai in Kenya and Tanzania, the Toubou in Chad, the Mbororo in Cameroon and Niger, the Amazigh in northern Africa, as well as the Samburu, Turkana, Rendille, Endorois and Borana in Kenya); and also some subsistence farmers. A study carried out by the WGIP between 2001 and 2003 showed that the continued existence and ways of life of these populations depend on their access to and control over their ancestral lands and the natural resources found therein. Most of them live in remote, isolated regions. They face discrimination, marginalization, and are considered less developed that other, dominant groups. They are subjected to domination within national political and social structures, which are established to take care of the interests of the majority society.

With the aim to seek first-hand information and to achieve concrete, human rights-based solutions to the challenges that indigenous populations face, the WGIP organises country visits. Reports on these visits are published in French and English, and widely disseminated. They emphasize the socio-economic situation and issues of governance and access to land and resources, and issue recommendations for governments to adopt

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appropriate administrative, institutional or legislative measures. Some States did fulfill these recommendations, such as the Republic of the Congo (with the adoption of the Law on protection and promotion of indigenous populations in 2006), and Burundi (with a system to guarantee the representation of the Batwa indigenous people in the legislative branch).

To inform on the situation of indigenous populations, the WGIP organises awareness-raising workshops with the participation of indigenous representatives, States, NGOs and UN specialized agencies that work on indigenous issues at country level. The effect of these workshops is most notable in Central Africa, where several governments now recognize the specific issues that indigenous populations face.

The WGIP also sends urgent appeals to member States when it receives information on specific situations and on serious violations of indigenous rights. Following such a communication, in 2010 the ACHPR recognized the rights of the Endorois people in Kenya over their lands and the control of their traditional resources. Even though the implementation of this decision has been delayed, it already has jurisprudential value.

In 2003, the ACHPR adopted the WGIP’s detailed report on the concept of indigenous populations in Africa, and this report was then also adopted by the African Union’s Heads of States and Governments. However, the WGIP continues to face difficulties in convincing States that there are, within their borders, populations that self-identify as indigenous and require recognition and respect as such. Indeed, many States remain reluctant to engage with the WGIP on this issue from a human rights perspective.

This limited collaboration by States, along with weak representation of indigenous communities themselves, results in multiple challenges for the WGIP in implementing its mandate. The reluctance of States to respond to the WGIP’s communications, in particular as regards expropriations and evictions, is partly caused by the absence of legal recognition of the concept of indigenous peoples in Africa, and by the sensitive nature attributed to issues of rights of minorities and marginalized populations.

Also, networking with NGOs, national human rights institutions and other international partners remains insufficient: to address this, the WGIP nominated in 2013 regional focal points within NGOs working for the promotion and protection of indigenous rights, in order to facilitate communication between indigenous communities on the ground and the Working Group itself. Limited resources constitute another obstacle to the WGIP’s effectiveness and sustainability. In this context, the WGIP’s collaboration with the three UN indigenous mechanisms should be developed beyond the participation to annual sessions, in order to share experiences on strategies, lessons learned, advocacy and mobilisation of scarce resources.

**The UN Committee on the Elimination of Racial Discrimination**

José Francisco Calí Tzay, President of the Committee on the Elimination of Racial Discrimination (CERD), notes that his indigenous Maya Kaqchikel identity has driven him to address discrimination issues with more precision and objectivity. He underscores the complementary work undertaken by the UN indigenous mechanisms to promote the implementation of the Declaration on the Rights of Indigenous Peoples, and by the CERD to monitor implementation of the Convention on the Elimination of All Forms of Racial Discrimination by its States parties. Expressions of racial discrimination take multiple forms and adapt to new social realities. Efforts to combat racial discrimination are achieving some results, but this complex struggle must not be given up. Linking the efforts to implement the Declaration to those to eradicate racial discrimination is a good contribution to this struggle.

The Convention on the Elimination of All Forms of Racial Discrimination entered into force in 1969. Currently 177 States are parties to the Convention. The CERD is mandated to review the actions taken by States in complying with their obligations under the Convention. It also produces authoritative – but not legally-binding – interpretations of the Convention, through general recommendations and thematic discussions. In 1997 the CERD produced its General Recommendation n° 23 on the rights of IPs.

The monitoring of the Convention is realized through the reporting procedure, whereby periodical reports submitted by States parties are reviewed, under article 9 of the Convention; the early-warning procedure; and the examination of communications, under article 14 of the Convention.

During the reporting procedure, the State's report is examined in public meetings, through constructive dialogue with the State's delegation, followed by final comments made by the CERD's country rapporteur. The participation of civil society is crucial and strongly recommended. National human rights institutions and NGOs may send written information to the CERD Secretariat, and during its sessions, informal meetings may be held at lunch time. After the review, the CERD sends its concluding observations to the State's permanent mission in Geneva, requesting wide dissemination among governmental departments to ensure follow-up, and among the public in national and official languages. The State parties are invited to designate a focal point for the
implementation of the concluding observations, and to include national human rights institutions, NGOs and other stakeholders. Follow-up information needs to be submitted to the CERD within one year of the review: the Committee expects concrete information on steps taken by the State. The concluding observations are to be used as indicators for the implementation of the Convention.

The early-warning procedure was established in 1993 and revised in 2007. Its aim is to respond to situations requiring immediate attention to prevent or limit the scale or number of serious violations of the Convention. A working group comprised of five members was created in 2004. Criteria for early warning measures could include: the lack of an adequate legislative basis for defining and prohibiting all forms of racial discrimination; the presence of a pattern of escalating racial hatred and violence; a significant pattern of racial discrimination evidenced in social and economic indicators, or significant flows of displaced persons resulting from racial discrimination or encroachment on the lands of communities; invasion of lands of indigenous communities; hazardous activities with prejudicial consequences on specific ethnic groups. Up to 2014, the CERD had adopted 52 decisions under this procedure, of which eight relate to IPs.

Finally, the procedure of examination of individual communications under article 14 of the Convention is relevant to 55 States parties. Repercussions of this procedure may include constitutional amendments, systematic revision of legislation, provisions that make racial discrimination a criminal offence, educational programmes, creation of new bodies mandated to deal with racial discrimination issues, or an increased visibility of ethnic groups in the international agenda.

The UN Committee on Economic, Social and Cultural Rights

On behalf of the Committee on Economic, Social and Cultural Rights (CESCR), Rodrigo Uprimny Yepes underscores the crucial relationships between the economic, social and cultural rights, and the rights of IPs. Until now, there has been a negative interdependence – or vicious circle – between these two sets of rights, as the weak guarantee of enjoyment of IPs’ collective rights has resulted in a weak guarantee of enjoyment of their economic, social and cultural rights, and reciprocally.

Unfortunately, despite progress in the past decades, discrimination against IPs persists, as does the reluctance of States to guarantee the full enjoyment of their collective rights, such as the rights to self-determination, to their lands and resources, or to free, prior and informed consent. This in turn limits their enjoyment of their economic, social and cultural rights – indeed, in almost all countries IPs live in poverty and face exclusion, including as regards housing, food, health and education. Even where enjoyment of these rights is apparently guaranteed, States often fail to respect IPs’ cultural diversity and impose on them healthcare or education ways that are contrary to their worldviews. This is in violation of IPs’ economic, social and cultural rights, as the CESCR stated in its general comments that health and education must be culturally appropriate. Indeed, if States do not guarantee IPs’ access to a quality education that is also culturally relevant – in line with article 14 of the Declaration – this will hinder IPs’ ability to defend their collective rights. The current challenge is, therefore, to transform this negative interdependence into a positive interdependence that can lead to IPs’ strengthened enjoyment of both their collective rights and their economic, social and cultural rights.

The CESCR is mandated to monitor compliance with the International Covenant on Economic, Social and Cultural Rights (ICESCR). Currently, 164 States are parties to the ICESCR. Some provisions of the ICESCR are crucial for IPs: article 1 on self-determination; article 2 prohibiting racial discrimination; article 15 on cultural rights.

The CESCR examines the reports that the States must submit every five year. After studying the report and holding a dialogue with the State, the Committee addresses its recommendations to the State party in the form of concluding observations. Also, through its general comments, the CESCR has clarified both the scope of the States’ obligations as regard these rights, and the contents of the rights to education, health, housing, or cultural rights. Finally, since the taking effect in 2013 of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Committee has the competence to receive and consider individual communications on alleged violations of the rights under the Covenant in States that have ratified this protocol.

The interpretations developed by the Committee in its general comments and in concluding observations to States are not legally binding, but they represent the authoritative interpretation of the ICESCR. As such, they are generally accepted by States and by many courts. In several of its concluding observations to States, the CESCR recommended recognition of the right of IPs to their cultural identity; of their rights to their languages and cultural heritage, including traditional knowledge and medicine; of their rights to their lands, territories and resources, to free prior and informed consent, and to the protection of their means of subsistence; and of the guarantee against forced evictions.
As to its general comments, General Comment 13 on the right to education highlights that education must be culturally appropriate for IPs. General Comment 14 on the right to health emphasizes that healthcare services must be culturally appropriate for IPs and take into account their traditional medicine. General Comment 15 on the right to water notes that States must protect IPs' adequate access to water in order to ensure their existence and protect their ancestral territories. General Comment 17 on authors' rights notes that States must protect the cultural heritage and traditional knowledge of IPs. Finally, General Comment 21 on the right of everyone to take part in cultural life contains many substantive references to IPs.

Given the above-mentioned interdependence between IPs' rights and the economic, social and cultural rights, the UN indigenous mechanisms should consider strengthening their links with the CESCR. It is also important that IPs and their organisations strengthen their presence in the work of the CESCR – no specific UN status is required to submit reports to this body or to attend its public hearings. States are also reminded of the importance of including in their reports to treaty bodies, disaggregated data on IPs' enjoyment of the human rights. This is the only way to impartially monitor progress in overcoming the historical discrimination against them.

Indeed, IPs’ enjoyment of economic, social and cultural rights is still precarious – due to factors such as ignorance of States about the situation of IPs, non-recognition of their languages and cultures, denial of rights in practice, restriction of IPs' territories, or massive retaliation. At the same time, there is a growing awareness of the need to improve coordination between the promotion of IPs' rights and that of economic, social and cultural rights. At the level of status, the ICESCR has been interpreted in such a way as to increasingly take into account the rights of IPs. Secondly, there is increasing dialogue between human rights treaty bodies and the UN bodies working on the rights of IPs. Finally, there is a broad idea that universal human rights can only be achieved if these rights incorporate the rights of IPs. Therefore, an increased participation of IPs in the work of the CESCR will be important not only for IPs’ individual and collective rights, but also for the advancement of human rights in general. Indeed, their cultural perspectives will enrich the understanding of the contents and scope of human rights and give way to a truly universal vision.

**Links**

The Inter-American Commission on Human Rights (IACHR)  
http://www.oas.org/en/iachr/

The African Commission on Human and Peoples' Rights (ACHPR)  
http://www.achpr.org/

The ACHPR Working Group on Indigenous Populations/Communities  
http://www.achpr.org/mechanisms/indigenous-populations/

The UN Committee on the Elimination of Racial Discrimination (CERD)  
http://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx

The UN Committee on Economic, Social and Cultural Rights (CESCR)  

http://www.ohchr.org/Documents/Publications/fs9Rev.2.pdf
ONGOING PROCESSES

A Supervisory Mechanism for the UN Declaration on the Rights of Indigenous Peoples?

Since the UN General Assembly adopted the Declaration on the Rights of Indigenous Peoples in 2007, discussions have been ongoing on a supervisory mechanism to monitor the implementation of the Declaration by States. Upcoming in 2016 is the review by the Human Rights Council of the mandate of the Expert Mechanism on the Rights of Indigenous Peoples, in line with paragraph 28 of the Outcome Document of the World Conference on Indigenous Peoples. We offer here a report on debates that took place around this issue during the sessions of the Permanent Forum on Indigenous Issues and the Expert Mechanism itself, in 2014 and 2015.

The 2014 Permanent Forum Study on an Optional Protocol to the Declaration

During the 13th session of the Permanent Forum on Indigenous Issues (PF), while presenting the Study on an optional protocol to the Declaration focusing on a potential voluntary mechanism to serve as a complaints body at the international level, in particular for claims and breaches of IPs’ rights to lands, territories and resources at the domestic level [E/C.19/2014/7], PF member Megan Davis recalls that since its adoption in 2007, there has been ongoing discussion on a mechanism by which to monitor the Declaration's implementation and its interpretation in international law. Article 42 provides for promotion and full application of the Declaration by States and the UN system. Already in 2009, the PF held an Expert Group Meeting on article 42 [E/C.19/2009/2]. During the preparatory process for the World Conference on Indigenous Peoples (WCIP), both the Alta Outcome Document and the Lima Declaration of the World Conference of Indigenous Women recommended a mechanism to review, monitor and report on the Declaration. In the context of this study, the term “optional protocol” is used to depict a supplementary arrangement that is voluntary, but these ideas could be accommodated in another form of mechanism.

Megan Davis also recalls that during his mandate, former SRIP James Anaya observed an overall lack of knowledge and understanding about the Declaration and the deep-seated issues it addresses. Raising awareness about the Declaration among government actors, the UN system, the indigenous peoples (IPs) themselves, and the general public, is a pending, crucial task in order to promote achieving the ends of the Declaration amid competing political, economic and social forces. James Anaya also noted that the lack of recognition of the significant normative weight of the Declaration and its foundation in equality and human rights are factors that debilitate commitment from and action by States.

During the discussion following the presentation of this study, the idea of a mechanism to monitor both the content and the status of the Declaration receives general support. Only the Russian Federation objects that creation of a separate mechanism to monitor the observance of IPs’ human rights is not necessary, because the Universal Periodic Review (UPR) of the Human Rights Council (HRC) is the instrument monitoring the respect of all types of human rights, including those of IPs.

However, despite such overall support, the form of an optional protocol raises concerns of various sorts, including clear rejection. The African Indigenous Caucus and the Khmer-Krom Federation support the idea of an optional protocol as a possibility to clarify the status of the Declaration, while at the same time acknowledging challenges in realization. In particular, the Khmer-Krom peoples ask whether the IPs who remain unrecognized as such by the States where they live – as in their own case in Vietnam – could still have access to the monitoring mechanism under the proposed optional protocol, given the voluntary nature of such an agreement.

A more cautious position is expressed by the Global Indigenous Peoples’ Caucus and the Haudenosaunee Confederacy, who consider that given the absence of a historical precedent for an optional protocol relating to a declaration within the UN, the potential negative implications for IPs around the world represent too great a risk. As optional protocols are voluntary mechanisms, and in the absence of a precedent or established guidelines, this could allow for an unaccountable set of procedures by which States could move disputes with IPs from international processes to domestic judicial and political forums. Also, the Global Indigenous Women's and Youth Caucuses both raise this objection.

In view of this, their opinion is that further research and deliberation is needed on possible implications for IPs of an optional protocol or other form of supervisory mechanism to the Declaration. Meanwhile, the Global Indigenous Youth Caucus insists that particular relationships between the UN indigenous-specific mechanisms
and the human rights treaty bodies need to be strengthened, to ensure that they pay attention to indigenous issues in a coordinated manner.

The Aboriginal and Torres Strait Islander Social Justice Commissioner of the Australian Human Rights Commission adds that as the existing UN indigenous-specific mechanisms, including the Special Rapporteur on the Rights of Indigenous Peoples (SRIP), have insufficient capacity to review, monitor, and report on the implementation of the Declaration, it might be preferable for the UN to provide additional support and capacity to ensure that these mechanisms are able to conduct their important responsibilities, rather than establishing additional bodies to undertake this role.

Further dialogue on a supervisory mechanism at the PF 2015 session

In January 2015, the Expert Group Meeting of the PF focused on the theme "dialogue on an optional protocol to the UN Declaration on the Rights of Indigenous Peoples". In presenting this report [E/C.19/2015/8] during the PF 14th session, PF member Megan Davis recalls that in the time between submission of the study to the PF in May 2014 and the convening of this meeting in January 2015, paragraph 28 of the WCIP Outcome Document called for a supervisory mechanism to review, monitor and report on the Declaration, thus echoing the Alta Outcome Document and the Lima Declaration of the World Conference of Indigenous Women.

Megan Davis reports that all experts in the meeting have agreed that there is an implementation gap with regard to the realization of the human rights affirmed by the Declaration. However, while some participants advocate a supervisory mechanism, others identify limitations in such an approach. The international human rights system faces a number of challenges as to implementation of rights as identified in the current process of treaty body reform, including quality of experts and their workload, lack of resources, or lack of States’ compliance with international recommendations. A new voluntary international compliance body for the Declaration would be in danger of replicating these limitations. So, any proposal towards a supervisory mechanism should take into account the treaty body reform.

Monitoring creates workload for multiple actors: experts who sit on the body, the secretariat, the institutional actors that support the body, the victims of human rights violations, as well as human rights advocates who engage with the body and States. The human rights treaty body reform process emphasizes that resources for the treaty bodies are inadequate to their workloads. Any new body would make the same demand on IPs, who are already pressed for time and stretched for resources.

Also, as experience shows, the traditional approach of naming and shaming does not work in the human rights context. Shaming relies on a State being made aware that it is not complying with international human rights norms, and that this non-compliance is disapproved of – the idea being that this will force States into better compliance. This is a limitation that the reviewed mandate of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) must also take into account. A related limitation is that of rights ritualism, which is the acceptance of institutionalised means for securing regulatory goals while losing all focus on achieving the goals themselves. This kind of response can mask States’ resistance to norms behind an apparent conformity to these norms. Rights ritualism can be understood as a way of embracing the language of human rights, precisely to deflect real human rights scrutiny and to avoid accountability for human rights abuses.

To conclude, Megan Davis underscores that some participants in the Expert Group Meeting argue that more than a supervisory mechanism, what is needed in terms of institutional arrangements is a robust awareness-raising programme on IPs and their rights, aimed at government officials and the general public, and accompanied by a resourced programme of technical advisory services with the expertise and capacity of engagement to assist governments and IPs with the development of needed regulatory reforms and remedies for rights violations. Strategies proposed revolve around building the strength and capacities of States rather than simply focusing on what they do wrong.

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Declaration on the Rights of Indigenous Peoples, article 42

Likewise, the Asian Indigenous Caucus note that IPs have not even fully tested and maximized the currently existing human rights mechanisms, and that what is crucial at this point is the political will of the States to fully and effectively enforce their commitments to human rights. Therefore, time and resources should be concentrated on: supporting capacity-building for IPs to strengthen their own communities towards asserting and claiming their human rights, including by fully and effectively maximizing the use of the different mechanisms
available under human rights treaties; providing advice and reinforcing the capacity of the UN and States’ agencies at country level to carry out appropriate actions to address the implementation gap in a way that is consistent with the Declaration and the WCIP Outcome Document; and supporting community-based monitoring systems on the implementation of the human rights instruments and of international commitments of the States.

The 2015 EMRIP discussions on review of its mandate

Challenges to the implementation of the Declaration

At its 8th session, in July 2015, the EMRIP discussed the WCIP Outcome Document. The Arctic Indigenous Caucus underscore that the WCIP Outcome Document contains a number of provisions whereby States commit themselves to develop and implement specific measures to achieve the ends of the Declaration. Hence, the Outcome Document should be viewed as a reaffirmation of the Declaration being a solemn instrument of major and lasting importance, and constitutes a commitment towards ensuring maximum compliance. Similarly, the Global Youth Indigenous Caucus regard as highly important the process of reviewing the EMRIP’s mandate, to secure that States are held accountable for situations where the Declaration is neglected or disregarded.

The Russian Federation and Brazil emphasize the existing mechanisms and instruments available to contribute to the respect of IPs’ rights in the countries where they live. The Russian Federation reiterates that the three UN indigenous-specific mechanisms, together with the treaty bodies and the UPR, have mandates that are sufficient to monitor compliance with human rights and IPs’ rights – in fact, all the potentialities of these mandates are not sufficiently utilised by IPs. What is needed for the implementation of both the Declaration and the WCIP Outcome Document is the good will of States, and sharing positive experiences.

Underscoring the framework provided by ILO Convention 169, the Declaration, the UN Guiding Principles on Business and Human Rights, and the Outcome Document of the WCIP, Brazil recalls that States are the actors with the legitimacy to issue and enforce regulations to protect IPs, in particular in their relationships with business enterprises. Consultation is key: ILO Convention 169 is the only binding instrument in this domain. Brazil acknowledges a significant compliance gap and agrees that the main challenge ahead is to implement the relevant rules and to make sure the rights of IPs are effectively respected in their relationship to business enterprises.

The SRIP Victoria Tauli-Corpuz considers that there is now more willingness on the part of States to really understand how to implement the Declaration, because failure to respect IPs’ rights represents losses too great for States and business enterprises to bear. Conflicts are on the rise because IPs are increasingly being empowered and their resistance is getting stronger. Now, there needs to be more awareness-raising and capacity-building for all actors – States, IPs and business enterprises – to enable them to concretely develop measures that will ensure better implementation of the Declaration.

Indeed, a representative of the Ngobe-Bugle IPs of Panama reports on their struggle against the Government of Panamá, who is granting a license for an international corporation to build a hydro-electric power plant on their territories without their free prior and informed consent: IPs continue to be subjected to violations of their human and collective rights because governments are only interested in granting licences to corporations for industrial activities in IPs’ ancestral territories in the absence of impact assessment studies. How many more sessions of the EMRIP will they have to attend before the international instruments that protect IPs’ rights are respected both by States and business enterprises on the ground?

On a more institutional note, UN Assistant-Secretary-General for Economic Development Lenni Montiel stresses that the capacity of the UN system to support member States and IPs in bridging this implementation gap is directly related to the availability of financial and human resources for this purpose. Currently, such resources are limited.

Following the request, in paragraph 40 of the WCIP Outcome Document, for the Secretary-General to provide proposals on “using, modifying and improving UN mechanisms to achieve the ends of the Declaration”, the Report of the Secretary-General to the UN General Assembly on Progress made in the implementation of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples [A/70/84], of 18 May 2015, recommends that in order to

“better achieve the ends of the Declaration, the Expert Mechanism could be mandated to assist member States in monitoring and evaluating progress, including in relation to the implementation of relevant thematic and country-specific recommendations issued by human rights mechanisms and bodies concerning IPs. The modified mandate should enable the Expert Mechanism to engage with interested member States and IPs in direct communications and constructive dialogue, as appropriate.” (para. 32)
We [the Heads of State and Government, ministers and representatives of Member States] invite the Human Rights Council, taking into account the views of indigenous peoples, to review the mandates of its existing mechanisms, in particular the Expert Mechanism on the Rights of Indigenous Peoples, during the 69th session of the General Assembly, with a view to modifying and improving the Expert Mechanism so that it can more effectively promote respect for the Declaration, including by better assisting Member States to monitor, evaluate and improve the achievement of the ends of the Declaration.

**WCIP Outcome Document, paragraph 28**

**Proposals for a reviewed mandate**

Paragraph 28 of the WCIP Outcome Document is regarded by many IPs' delegations as one of the most important of its provisions, because an improved and strengthened EMRIP mandate could make a significant contribution towards a better implementation of the Declaration. Support for the proposal put forth in the Secretary-General’s report is also expressed by several indigenous delegations.

EMRIP member Wilton Littlechild notes that the revised questionnaire sent by the EMRIP to States and IPs to gather their views on implementation of the Declaration also requested feed-back on review of the mandate of the EMRIP. Numerous valuable suggestions were received, including having the EMRIP share successful measures taken by member States; working with States to develop guidelines and performance indicators; conducting regional studies; working with States to strengthen national institutions that are mandated to implement the rights of IPs; monitoring the implementation of commitments under the Declaration; and issuing recommendations to States as well as assisting States to align domestic legislation with the Declaration.

Submitted to the EMRIP at its 8th session, the *Report of the open-ended meeting of IPs on the follow-up to the World Conference on Indigenous Peoples* [A/HRC/EMRIP/2015/CRP.2], hosted in Geneva in March 2015, notes that in reference to paragraph 28 of the Outcome Document, IPs' representatives attending the meeting recommended that the review process by the HRC be based on a resolution and ensure IPs' full and effective participation. Also, an improved EMRIP mandate should complement those of the PF and the SRIP to achieve the ends of the Declaration.

A series of concrete recommendations is made for an improved mandate (see text box). To better accommodate this strengthened mandate, the EMRIP should be composed of independent experts with relevant expertise, capacity, and experience. Selection of experts should be through a process that includes both States and IPs' representative institutions, with strengthened criteria requiring indigenous legal expertise, including judicial and/or indigenous traditional legal expertise, and taking gender and regional balance into account. The EMRIP should have adequate financial and human resources to effectively fulfil its mandate, and at least ten days of meeting time each year.

**Report of the open-ended meeting of IPs on the follow-up to the WCIP**

An improved EMRIP mandate must include:

1. facilitating face to face dialogue between States and IPs’ representatives, including possibly at the national level;
2. providing technical assistance and advice to States, IPs and the private sector to overcome obstacles to implementing the Declaration;
3. providing, upon request by States or IPs practical and technical advice to member States and IPs to prepare and monitor the implementation of achieving the ends of the Declaration, including the national implementation plans and legislative, policy and administrative measures;
4. providing advice for the implementation of recommendations of UN human rights bodies for which there is substantial consensus between States and IPs;
5. gathering, receiving, and considering information from all sources, including States, IPs and UN expert bodies and mandate holders, among others; preparing and disseminating reports and recommendations; carrying out country visits; issuing general observations relating to the rights of indigenous peoples and individuals; sharing information about best practices; issuing interpretations of the provisions of the Declaration; and collaborating and taking joint action with other special mandate holders;
6. seeking and receiving communications and other information from States and IPs on specific cases and matters of concern for the rights in the Declaration, including conducting thematic, country or case specific...
hearings with the participation of States and IPs addressing core issues of cross cutting relevance to the implementation of the Declaration;

(7) building the capacity of IPs to engage effectively with States and the UN, including technical assistance and facilitating issues and complaints being channelled more effectively to existing UN human rights mechanisms;

(8) contributing to the work of the UPR process and the Treaty Bodies, which have an existing role in ensuring States meet their obligations;

(9) making proposals to the Human Rights Council regarding gaps in existing standards or norms for the protection of IPs’ human rights;

(10) undertaking studies and research at the request of IPs, States and the Human Rights Council, taking into account submissions and proposals from States and IPs and providing expert advice and recommendations to the Council based on these studies;

(11) providing continuing follow up for key studies elaborated by the Working Group on Indigenous Populations, in particular the studies on Treaties, Agreements, and Constructive Arrangements and IPs’ Permanent Sovereignty over Land and Natural Resources.

(12) recommending themes and assisting the Office of the High Commissioner of Human Rights to organize expert seminars addressing issues related to the rights of IPs based on identification of overarching themes and concerns presented by States and IPs;

(13) providing input to the Working Group on Human Rights, Transnational Corporations and other Business Enterprises and other UN mechanisms and bodies regarding implementing the rights of IPs.

Source: A/HRC/EMRIP/2015/CRP.2, para. 3

Many delegations of IPs agree with these recommendations, emphasizing in particular the need for the HRC to ensure IPs’ full and effective participation in the review process; and that an improved EMRIP mandate should complement those of the SRIP and the PF.

The Arctic Indigenous Caucus welcome the fact that several of the proposals put forth in this document were included in the above-mentioned report of the Secretary-General. Together, the report of the open-ended meeting of IPs on the follow-up to the WCIP and the report of the Secretary-General are considered to constitute a sound basis for the review of the EMRIP’s mandate. Moreover, as the WCIP Outcome Document is the result of an open process of dialogue and negotiations undertaken by States and IPs, paragraph 28 should be viewed as a request to the HRC to continue this established practice by ensuring that IPs are able to effectively participate in the review process.

The Union of Communities of Indigenous Peoples of the North, Siberia and the Far East, Russian Federation, emphasize that the review of the EMRIP’s mandate should aim to strengthen its oversight and monitoring role, foster dialogue among States and IPs, and move to a new level in resolving issues and conflicts between IPs, government s and businesses. Also, the new mandate should include not only reviewing national plans of action and strengthening the role and contributions of IPs in this context, but also strengthening IPs’ role and contribution to the work of the UPR and the treaty bodies, as well as their collaboration with national human rights institutions.

The Asian Indigenous Caucus add that under its present mandate of research-based thematic advice, the EMRIP could enhance its methods of work to improve its monitoring function. States should contribute by providing submissions to the EMRIP, whenever requested in relation to specific studies, detailing their efforts to implement the Declaration and the WCIP Outcome Document through national implementation plans.

The National Congress of American Indians and the Indian Law Resource Center say the EMRIP is the logical body to become the strong and effective implementing body needed to monitor, evaluate, and achieve the ends of the Declaration. The expanded mandate should provide authority to gather and receive information from all sources; make country visits; conduct studies; write reports and recommendations; make general observations on recurring or systemic issues; share information about best practices; issue interpretations of the Declaration; take friendly measures to resolve conflicts through consensual solutions; and collaborate with other special mandate holders.

States such as the Nordic countries, Mexico, Chile, Brazil, and Canada, underscore the need for the EMRIP to contribute to strengthening the links between States and IPs by continuing to be a platform for all interested parties to dialogue on achieving the ends of the Declaration. Indonesia adds that a positive attitude and
cooperation with States must be maintained, as they are the first duty bearers for implementation of human rights.

While emphasizing the unique position of the EMRIP in carrying out in-depth studies that can assist IPs and States and provide thematic advice to the HRC, Australia, Brazil, Canada and New Zealand all make proposals for a new mandate that include: collecting and disseminating information about good practices; undertaking thematic studies and making recommendations to support ongoing progress in achieving goals of the Declaration; issuing general observations regarding the provisions of the Declaration; providing practical information that contributes to capacity building by all stakeholders; collaborating with other human rights mechanisms; and, upon request, supporting States and IPs in the preparation of action plans for implementation of the Declaration.

Brazil and Bolivia suggest that the EMRIP should strengthen its work to assist States in monitoring progress and overcoming obstacles to better achieve the ends of the Declaration, including in relation to the implementation of relevant country-specific recommendations concerning IPs, issued by existing UN human rights mechanisms.

The USA says any efforts to evaluate how countries are working toward the Declaration’s objectives should be in Geneva, close to the treaty bodies and the OHCHR. The EMRIP should not discuss topics that the PF is already considering. That would give EMRIP more capacity to partner with countries on a voluntary basis to assess their efforts toward attaining the Declaration’s goals, and identify good practices. The EMRIP would then need more than its five current independent experts and could comprise both government and indigenous representation. In reviewing the EMRIP's mandate, the scope of the additional function will need to be carefully defined, to make clear that the EMRIP is not being transformed into a treaty body.

Seeking complementarity and avoiding duplication

The SRIP Victoria Tauli-Corpuz says there is a need to enhance the capacities of all the three UN indigenous-specific mechanisms to monitor implementation of the Declaration and the WCIP Outcome Document. Complementarity should be sustained and duplication avoided, as there is more than enough to do to ensure that the rights of IPs are protected, respected and fulfilled. Enhancing the mandate of the EMRIP to enable it to improve its monitoring function will help States and IPs uphold their respective roles as duty bearers and rights-holders.

Several States express the need for the reviewed mandate of the EMRIP to complement the mandates of the SRIP and the PF, while avoiding duplication and dispersion of efforts so as to make the most of limited resources. Indonesia considers that there should first be a comprehensive assessment regarding the architecture and mandates of all mechanisms dealing with the issues of IPs at the international level. Also, the current mandate of the EMRIP has elements that have not been fully explored and utilized; its working methods could be improved, for instance by focusing more on best practices and sharing of experiences among States. Also, advice to the HRC can be made more practical, acceptable and action-oriented for States to implement.

New Zealand agrees that under a revised mandate, the EMRIP should engage more actively with the UPR, the human rights special procedures, and treaty bodies. New Zealand also warns about distracting collective attention and side-lining existing procedures, or undermining their important mandates.

The Consejo de Todas las Tierras warn that currently, the respective mandates of the PF and the EMRIP are both wide and ineffective, with little or no positive impact on the protection of IPs' rights on the ground. Before establishing a new mandate for the EMRIP, there is a need to evaluate its institutional effectiveness and to clearly identify the issues it must address, while avoiding duplication with the PF. Also, the human rights treaty bodies have gradually incorporated the rights of IPs in their examinations, and have adopted valuable recommendations, but compliance by States remains limited. The question is how to ensure that a revised mandate for the EMRIP will be more effective as to the realization of its recommendations, when States are reluctant to accept the legally-binding nature of the Declaration?

The National Congress of Australia’s First Peoples consider that while human rights mechanisms including the treaty bodies, special rapporteurs and UPR are highly relevant and important, these human rights mechanisms can only be successful if the EMRIP is operating as the floodlight for change that can truly promote and protect the human rights of IPs.

Limitations to the mandate of the Expert Mechanism

EMRIP member Alexey Tsykarev recalls that the regular agenda item of the EMRIP on follow-up to previous thematic studies and advice was introduced to give opportunities to States and IPs to express their views regarding new practices and concerns related to themes of previous studies. However, this agenda item is not being utilised to its full potential by States to report critically on what they are doing to implement the rights
contained in the Declaration. Moreover, the existing studies realized by the EMRIP, along with its advices, could be used by States with more enthusiasm when they report to treaty bodies or are reviewed under the UPR.

EMRIP member Albert Barume underscores inherent limitations to the mandate of the EMRIP, for instance the fact that it is Geneva-based and has very few linkages to national processes. He notes with concern the low participation of States from the African region.

The National Congress of Australia’s First Peoples say the HRC must commit to enable the EMRIP to engage more effectively and more directly with member States to assist them to fulfil their international human rights obligations. This will require allocating additional resources to allow more meeting days for the experts, and for a more capable secretariat to carry out the urgent workload in advancing the rights of IPs worldwide. Likewise, the Board of Trustees of the UN Voluntary Fund for Indigenous Peoples note that the review of the EMRIP’s mandate will probably result in more resources requested for the Fund.

EMRIP member Albert Deterville warns about potential difficulties, if the EMRIP is mandated to monitor States’ implementation of the Declaration in cases of disputes between States over land that actually is indigenous land, or where development of state infrastructure may lead to the destruction of IPs’ cultural heritage. The task that States would be requesting from the EMRIP in assisting them in the implementation of the Declaration is an enormous one, and States themselves need to be willing to accept the recommendations of the body they are requesting advice from. Moreover, a lot is being asked of the EMRIP without reflection on who will pay for the expenses. He proposes that the States, donor agencies and others stakeholders friendly to IPs’ causes consider establishing a special fund to finance the recommendations that are coming from the States themselves. Also, there needs to be more involvement of IPs, so that the EMRIP can interact with them to provide advice to States and the UN. Given the resources available, he asks whether the recommendations made for the review of the mandate of the EMRIP are realistic, achievable and likely to get results.

Monitoring the Declaration: an example

The Monitoring Mechanism of the National Iwi Chairs Forum is a working group established in 2014 by the National Iwi Chairs Forum in Aotearoa to monitor the implementation of the Declaration by the New Zealand Government. The Monitoring Mechanism will report regularly to the EMRIP on its work. Its Inaugural Report regarding the implementation of the Declaration in Aotearoa/New Zealand [A/HRC/EMRIP/2015/CRP.3] provides further background on its establishment and objectives as well as an analysis of what the New Zealand Government has done to implement the Declaration since it endorsed it in 2010. The New Zealand Government has not undertaken any comprehensive planning to determine whether its legislation, policies or activities are consistent with the Declaration. There is no focal point with this mandate within Government, and no targeted resources to ensure implementation. The absence of proactive government commitment to develop a national plan to deliver on its obligations under the Declaration makes it difficult to monitor and measure progress, impact or performance.

The Monitoring Mechanism would welcome a mandate for the EMRIP to: receive monitoring reports from IPs and States evaluating States’ compliance with the Declaration; provide advice and recommendations on States’ initiatives to implement the Declaration; and provide advice and recommendations to States and IPs on how to best implement the Declaration.

By proposing to report on the situation in Australia each year through the EMRIP’s sessions, the National Congress of Australia’s First Peoples will follow the lead taken by the Monitoring Mechanism of the National Iwi Chairs Forum in Aotearoa/New Zealand. They trust that EMRIP will have a clear mandate to receive reports on the implementation of the Declaration, including national action plans.

Ensuring IPs’ participation in the review process

The Global Indigenous Women’s Caucus express deep concern that an essential indigenous mechanism within the UN system is being revised without the full participation of indigenous women and peoples. Also, IPs’ right to self-identification, as enshrined in the Declaration, must be respected by any supervisory mechanism for the Declaration to be established.

Drawing on paragraph 7 of the WCIP Outcome Document, consultation must take place with IPs on what needs to happen on the ground for IPs’ rights to be upheld; and on what process can resolve this gap between international standards and local implementation. The HRC must live up to its commitment to uphold article 36 of the Declaration and ensure consultation with IPs, including indigenous women, prior to the adoption of any future modifications of the EMRIP mandate. Any modifications to the EMRIP mandate must be in line with the Declaration. Finally, gender balance must be a requirement, not only a consideration, in the appointment of all future members.

During the 30th session of the Human Rights Council, in September 2015, Guatemala and Mexico jointly proposed an initiative to begin the process of reviewing the EMRIP's mandate. Consultations led to the adoption without a vote, on October 1st 2015, of HRC resolution 30/11, as follows:

The Human Rights Council,

Reaffirming its support for the UN Declaration on the Rights of Indigenous Peoples,


Welcoming the adoption by the General Assembly of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples in its resolution 69/2 of 22 September 2014, and the report of the Secretary-General on the progress made in its implementation [A/70/84],

Bearing in mind that, in paragraph 28 of the outcome document of the World Conference on Indigenous Peoples, the Human Rights Council was invited, taking into account the views of indigenous peoples, to review the mandates of its existing mechanisms, in particular the Expert Mechanism on the Rights of Indigenous Peoples, during the 69th session of the General Assembly, with a view to modifying and improving the Expert Mechanism so that it could more effectively promote respect for the Declaration, including by better assisting Member States to monitor, evaluate and improve the achievement of the ends of the Declaration,

1. Requests the Office of the United Nations High Commissioner for Human Rights to convene a two-day expert workshop open to the participation of States, indigenous peoples and other stakeholders, including by inviting the submission of written contributions, no later than the first four months of 2016, to review the mandate of the Expert Mechanism on the Rights of Indigenous Peoples and to propose recommendations on how it can more effectively promote respect for the Declaration, including by better assisting Member States to monitor, evaluate and improve the achievement of the ends of the Declaration, as outlined in paragraph 28 of the outcome document of the World Conference on Indigenous People, and invites indigenous peoples to participate fully and effectively in this process;

2. Also requests the Office of the High Commissioner to prepare a report on the workshop, including the recommendations made, to be submitted to the Human Rights Council prior to its 32nd session, and invites States, indigenous peoples and all other stakeholders to discuss the report at the ninth session of the Expert Mechanism, and also invites States to consider the report and to discuss any possible intergovernmental follow-up action;

3. Invites States to consider, as appropriate, the possibility of holding consultations with indigenous peoples at the national level during this process;

4. Decides to continue its consideration of this matter at its 33rd session and in accordance with its annual programme of work.

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 mail at: doCip, 106 route de Ferney, CH-1202 Genève

Thanks!
BRIEF NOTES

Workshop to review the mandate of the Expert Mechanism on the Rights of Indigenous Peoples

In order to implement resolution 30/11 of the Human Rights Council (see page 36), the OHCHR is organizing a two-day expert workshop to:

> propose recommendations on how the EMRIP can more effectively promote respect for the UN Declaration on the Rights of Indigenous Peoples;
> assess the work of the EMRIP since its establishment;
> collect, discuss and propose recommendations by various stakeholders regarding the review of the mandate of the EMRIP.

Participation

The workshop is tentatively scheduled to take place on 4 and 5 April 2016 at the Palais des Nations in Geneva.

It will be open to the participation of a broad range of stakeholders, along the lines of paragraph 9 of HRC resolution 6/36 establishing the EMRIP. Accreditation procedures will begin in February 2016. Moreover, twelve experts will be invited by the OHCHR to make introductory presentations on various topics of the workshop.

Written submissions from States, IPs and other stakeholders will be requested in order to ensure broad input to the review of EMRIP’s mandate. OHCHR will send a brief questionnaire to all stakeholders, requesting written inputs by early March 2016. Subject to approval by the authors, OHCHR will also post all submissions on its website.

The workshop will have interpretation in the six UN official languages. Written documentation will only be provided in the language in which it was received.

OHCHR will prepare a report on the workshop, including the recommendations made, to be submitted to the Human Rights Council at its 32nd session, in June 2016.

For further information and enquiries


Contact: expertmechanism@ohchr.org

Upcoming: Docip’s New Website

Our new website will be launched in the first quarter of 2016. We will be proud to offer you a website with new structures, more space for social network, easiest research online, new topics, new design, much improved accessibility, and a great deal of new and updated information.

International Conferences for Indigenous Peoples

Our updated Agenda of International Conferences for Indigenous Peoples will be regularly updated on our new website at the following address: http://www.docip.org.

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