

*doCip*

## UPDATE N° 96

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### TABLE OF CONTENTS

|                                                                                                |           |
|------------------------------------------------------------------------------------------------|-----------|
| <b>1. Editorial .....</b>                                                                      | <b>2</b>  |
| <b>2. Expert Mechanism on the Rights of Indigenous Peoples.....</b>                            | <b>3</b>  |
| Opening of the session .....                                                                   | 3         |
| Item 3 – Study on IPs and the right to participate in decision-making .....                    | 4         |
| Central and South America .....                                                                | 6         |
| North America.....                                                                             | 7         |
| Africa .....                                                                                   | 8         |
| Asia and the Pacific.....                                                                      | 9         |
| Europe, Russia and the Circumpolar .....                                                       | 11        |
| Middle East .....                                                                              | 12        |
| Item 4 – UN Declaration on the Rights of Indigenous Peoples.....                               | 13        |
| Central and South America .....                                                                | 13        |
| North America.....                                                                             | 14        |
| Africa .....                                                                                   | 15        |
| Asia and the Pacific.....                                                                      | 15        |
| Europe, Russia and the Circumpolar .....                                                       | 17        |
| Item 5 – Proposals to be submitted to the HRC for its consideration and approval .....         | 17        |
| Abbreviations of NGO and IPs' organisations .....                                              | 20        |
| <b>3. Upcoming Meetings and Deadlines for Indigenous Peoples, August to December 2011.....</b> | <b>23</b> |
| <b>4. Others.....</b>                                                                          | <b>27</b> |

## 1. EDITORIAL

It is doCip's pleasure to announce that its new director has been named: David Matthey-Doret, formerly the general coordinator of the Youth Resource Centre on Human Rights – CODAP. David was chosen especially because he comes to us from an NGO that is also a service organisation, and because of his extensive experience in the area of capacity-building on human rights. The scientific director, Pierrette Birraux, will become a scientific advisor, which will enable her to share her "traditional knowledge" of indigenous issues with the new director. DoCip's philosophy and current activities will be upheld and maintained, in order to live up to the expectations expressed by indigenous peoples and delegations.

Designed in view of the upcoming 4th Session of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) to be held in Geneva 11-15 July 2011, this issue of the Update summarises the statements presented at the July 2010 session. The statements primarily address the second study undertaken by the EMRIP, "Indigenous peoples and the right to participate in decision-making". Let us remember that the purpose of the EMRIP studies is to provide the Human Rights Council with thematic expertise on the rights of indigenous peoples.

The fundamental difference between consultation and consent has been addressed repeatedly. "Consultation" refers to a right held by every citizen, recognised in international law, while "consent" is a collective right specific to indigenous peoples, embodied in the Declaration on the Rights of Indigenous Peoples (the Declaration), which makes it possible to achieve respect for IPs' rights to self-determination and to lands. The notion of participation in decision-making has also been clarified: it should be obligatory and timely, so that the internal structures of decision-making within the communities can be respected; it should be part of all phases of the process, including the final phase, and incorporate the right to conditional consent as well as the right to withdraw consent if conditions are not met. The necessity of women's participation in decision-making was emphasized.

Many indigenous peoples do indeed go unrecognized by their States, this is particularly true of the nomads. Such lack of recognition means these peoples have to work at the regional level rather than nationally. In Africa, the African Union has an important role to play in this regard, as do the independent monitoring and appeal mechanisms.

The second agenda item of the session, dedicated to the Declaration, was approached from that angle of identifying both good practices and the obstacles to implementation, even though the hope was expressed that the mandate of the EMRIP would be expanded to review the Declaration's implementation. Numerous instances were cited, from all regions, of non-observance of the Declaration. The Indigenous Peoples' Global Caucus demand that the Declaration be implemented immediately by States, and be incorporated into the framework of the Universal Periodic Review and into Treaties with indigenous nations. It should be considered as an ultimate legal norm in treaties such as the Convention on Biological Diversity and its Protocol on Access and Benefit Sharing.

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## 2. EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES

### Third session, Geneva, 12 – 16 July 2010

The third session of the Expert Mechanism on the Rights of Indigenous Peoples discussed the advanced version of the progress report on the Study on indigenous peoples and the right to participate in decision making, the second thematic study undertaken by the Expert Mechanism. These discussions highlighted the links between the right to participate in decision making, the right to free prior and informed consent and the right to consultation, in the framework of indigenous peoples' right to self-determination. This progress report was then presented to the Human Rights Council during its 15<sup>th</sup> session, in September 2010. The fourth session of the Mechanism, to be held in Geneva from the 11<sup>th</sup> to the 15<sup>th</sup> of July 2011, will discuss this same study, whose final version will then be submitted to the Human Rights Council in September 2011, at its 18<sup>th</sup> session.

### Opening of the session <sup>1</sup>

**Navanethem Pillay, UN High Commissioner for Human Rights** highlights the growing support for the Declaration on the Rights of Indigenous Peoples (the Declaration) (also **CJIRA, John Henriksen**). However, indigenous peoples (IPs) continue to face discrimination and violations of their rights to land and to life, and are often excluded from decision-making processes while facing serious problems with regard to health, education and environmental sustainability. Applying human rights standards in practice is not an easy task and the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) can play a key role by providing sound and constructive thematic expertise to the Human Rights Council (HRC). In addition to supporting the EMRIP (**José-Carlos Morales** acknowledges this), the Office of the High Commissioner for Human Rights (OHCHR) promoted the Declaration in the work of National Human Rights Institutions (NHRIs) (also **ATSISJC/NZHRC, Asian Indigenous Caucus/AIPP**). To meet the many serious challenges faced by IPs, the High Commissioner calls for increased collaboration and contacts, including among the EMRIP, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (SRIP) and Permanent Forum on Indigenous Issues (PF). She underscores the creation in 2009 of an UN Indigenous Peoples Partnership with other UN agencies to support joint work, namely at the country level (also **UNDP**).

**Ambassador Sihasak Phuangkitkeow, President of the Human Rights Council**, recalls that the Council created the EMRIP, along with other mechanisms including the special procedures and Universal Periodic Review (UPR), to assist in the fulfilment of its mandate (also **CHILE**). The Declaration has become a key reference for the promotion and protection of IPs' rights. The EMRIP is mandated to assist the Council by providing expertise on IPs' rights, in the manner and form requested by the Council (also **José-Carlos Morales**). The HRC President welcomes the EMRIP's search for concrete results and constructive engagement with the Council, which welcomed the completion of the study on IPs' right to education (document A/HRC/12/33) and encouraged States to disseminate it broadly and use it (also **Navanethem Pillay**). He recalls resolution 12/13 requesting the EMRIP to carry out a study on IPs and the right to participate in decision-making, based on the EMRIP's own proposal, which is a sign of the constructive dialogue between both bodies (also **Navanethem Pillay, José-Carlos Morales, John Henriksen**).

The **Board of Trustees of the UN Voluntary Fund for Indigenous Populations** recall that the mandate of the Fund is to assist IPs' representatives to participate in the deliberations of the PF and EMRIP. In 2010 the Fund was able to grant travel subsidies to about one third of applicants. The Board of Trustees thank donor States for their contributions, but express concern about a sharp decrease in contributions and appeal to all potential donors to consider contributing (also **Asian Indigenous Caucus**). The Fund is actively engaged in enhancing the capacity building of its beneficiaries, through the organization of training sessions, namely in collaboration with doCip. The Fund also has a multiplier effect as all beneficiaries are requested to conduct meetings in their communities to inform members about the conference they have attended. The broadening of the Fund's mandate to include meetings of the HRC and the human rights treaty bodies would enable indigenous representatives to channel their human rights concerns to the most suitable mechanisms (also **Asian Indigenous Caucus**).

**José-Carlos Morales, elected Chairperson-Rapporteur of the EMRIP**, acknowledges all observers, including the SRIP and the Chair of the PF (also the **HRC President**, welcoming the coordination between the three bodies). The EMRIP offers a forum for discussing the content and scope of the Declaration. He welcomes all the

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<sup>1</sup> This summary is based on written statements collected by doCip during the session, as well as on the session's official report, UN document A/HRC/15/36.

extremely useful written contributions to the preparation of the progress report on the Study on IPs and the right to participate in decision making (also **John Henriksen**). The advanced progress report (document A/HRC/EMRIP/2010/2) is the basis for discussion during the session and all participants are urged to contribute with additional information and examples of concrete ways to achieve the right of IPs to participate in decision-making, in order to give the EMRIP necessary elements to reflect the reality of this very complex theme (also **Navanethem Pillay, HRC President**). Intersessional activities of the EMRIP included collaboration with treaty bodies and regional human rights mechanisms (also **HRC President** including the UPR). Recalling that the EMRIP does not have the mandate to address country situations or allegations of human rights violations, he welcomes the arrangements made for indigenous representatives to have parallel meetings with the SRIP (also **SRIP James Anaya**).

### Members of the EMRIP

#### 2008-2010

Mr. **José Carlos Morales**, Chairperson-Rapporteur of the third session

Mr. **Jose Mencio Molintas**, Vice-Chairperson of the third session

Mr. **John B. Henriksen**

Ms. **Catherine Odimba Kombe**

Ms. **Jannie Lasimbang**

#### 2011-2014

Mr. **Vital Bamanze** (term expiring 2012)

Ms. **Anastasia Chukhman** (term expiring 2013)

Ms. **Jannie Lasimbang** (term expiring 2014)

Mr. **Wilton Littlechild** (term expiring 2014)

Mr. **José Carlos Morales** (term expiring 2013)

### Item 3 – Study on IPs and the right to participate in decision-making

**John Henriksen** introduces the advanced progress report on IPs and the right to participate in decision-making, one of IPs' main concerns, linked to their limited opportunities to effectively determine their own development (also **James Anaya, PF Chairperson Carlos Mamani Condori, UNDP, CJIRA, CPNAB/IITC, COSOT, CONAP, CAPAJ, IMTA, BAA, AZETTA, REPALEAC, DAP, RAIPON, DJSAM, COPORWA, SCNC, RCN**). This study allows to look into interrelated concepts, such as the right to self-determination, the principle of free prior and informed consent and the right to be consulted (also **CMA, UNPK, RAIPON, ATISISJC**). ILO Convention 169 contains fundamental provisions on the right of IPs to participation, grounded in the recognition of IPs' aspirations to exercise control over their own institutions and ways of life, and to maintain their identities and languages within the State in which they live (also **CAPAJ**). The study distinguishes between the “internal” decision making processes and institutions of IPs and “external” decision making processes which affect them but where others are taking decisions. This distinction corresponds with the underlying logic of the Declaration, where more than 20 provisions refer to these topics (also **CAPAJ**). The principle of free, prior and informed consent must be understood in light of the fact that contemporary international human rights law affirms that IPs have the right to self-determination (also **Saami Parliament** of Norway). The right to participation of IPs is a core principle and right under international human rights law. There remains an urgent need to foster more inclusive participation through developing governments' responsiveness to IPs and IPs' capacity to claim their rights (also **HIHR, SCNC, CJIRA, RAIPON, Tunfa, Tinhinan, CANADA; TROTR** and **NZHRC** for the **Maori**; the **PHILIPPINES** suggests further elaboration on this).

Further, **Jannie Lasimbang** notes the difficulty to cover the wide diversity of IPs' “internal” decision-making processes and institutions, whose principles the report tries to capture with regard both to traditional and contemporary settings (**CMA** suggest to address this diversity in two or three clusters). With the guidance of indigenous laws and dispute-resolution procedures, decisions are generally reached through democratic, inclusive and participatory processes. Generally there is a council responsible for administering matters in order to maintain peace and cohesiveness (also **FRSIPC** for the **Crimean Tatar** peoples). The influence of contemporary structures as well as changes in traditional leadership and representation have had a negative impact on the internal decision-making systems of IPs, including loss of confidence (also **CIAA, SACS, FRSIPC, JOAS, ATH-K, IPNC/UNPK/ICSA/ICHR**). Nevertheless, indigenous communities continue to maintain decision-making processes and institutions in dynamic ways, in parallel to other governance systems. “External” decision-making or participation by IPs in mechanisms linked to both State and non-State institutions include a wide range of ways of participation in processes outside IPs' control, including electoral politics,

parliamentary processes, implementation of free prior and informed consent related to development projects, as well as participation in regional and international forums and processes. Parliamentary representation, particularly important for indigenous communities (also **UNDP**), has improved over recent years. However, many challenges remain (also **RAIPON**), including the lack of leadership influence enjoyed by indigenous representatives. In addition, IPs worldwide are struggling to maintain control over their lands and resources, and many decisions connected to development projects drastically affecting IPs' rights are taken without consultation or their free prior and informed consent (also **DJSAM**, **REI/CISAN/CNGM**, **CITa**, **BAA**, **PIPLinks**, **JOAS**, **RAIPON**; **AIPP** for Asia, emphasizing a sense of urgency; **FMW-SJW/ONIC**, **KKF** and **AIDSESEP-Ucayali** suggest further elaborating on this topic). Non-political associations are formed to advance indigenous interests but challenges in ensuring full and effective participation in local and international forums persist. Participation to external decision-making processes still requires serious attention (also **BOLIVIA**, **Carlos Mamani Condori**), and an implementation gap remains (also **BAA**; **UNPK** for the Nouméa Accord in New Caledonia).

Scores of speakers congratulate the EMRIP on its advanced progress report, considering it a sound basis for the final study (**Jannie Lasimbang** acknowledges this).

**James Anaya, SRIP**, recalls that a number of basic human rights underpin the right to participation, including the rights to self-determination, to equality, to culture and to property, among others (also **ATSISJC**). A lack of participation in the design and delivery of programmes that affect IPs can undermine their effective enjoyment of other key rights (also **NORWAY**, **PIPLinks**, **NSWALC** for Australia). IPs' "external" participation in the broader public life of the State, promoted by article 5 of the Declaration (also **CJIRA**), is mostly a matter of individual rights, but not only, as it requires States to enact special measures for IPs (also **NIYC**). It is extremely important that the EMRIP further examine the matter of consultation and the right to free prior and informed consent in its study (also **AIPT**). There is little research on IPs' participation in decision making in the international arena, although this is an important aspect of IPs' right to self-determination. As to the "internal" dimension, IPs' right to autonomy and self-government includes a corresponding duty of the State to allow IPs to make their own decisions and to respect those decisions. The EMRIP study needs to offer practical guidance on implementation of the right to participate in decision making by including a discussion of the particular problems that IPs are facing in exercising this right in its various dimensions (also **Carlos Mamani Condori**, **PAICODEO**, **IMTA**, **BOLIVIA**, **COSOT**), as well as a discussion of good practices and lessons learned (also **JOAS**).

**Carlos Mamani Condori, Chairperson of the PF**, underscores that the realisation of IPs' rights marks the end of colonial practices (also **CJC-AAMI** for Guatemala). The PF's 2010 special theme on development with culture and identity, linked to articles 3 and 32 of the Declaration, echoes IPs' statements on their lack of effective participation in decision making, while underscoring the model of "Living well" put forward by IPs (also **ONPIA**, **UNPK** for New Caledonia). IPs' participation in the UN through the EMRIP and the PF, and the development of policies and participative mechanisms in various intergovernmental institutions, are achievements. However, progress is still needed.

The **UN Development Programme (UNDP)** highlight initiatives on promotion of IPs' effective representation in parliaments and of indigenous women's political participation; support to the drafting of Ecuador's basic law about indigenous jurisdiction and regular jurisdiction; and financial support to projects designed by IPs' organisations through the Global Environmental Facility Small Grants Programme. UNDP also informs on its mechanisms to strengthen IPs' participation in its development projects, namely through inclusion of indigenous experts on its civil society advisory committee at global and country levels; and representation of IPs on the UN-REDD Programme Policy Board.

The **International Union for the Conservation of Nature (IUCN)** reaffirms that full recognition of IPs' rights and their genuine participation at all stages is key to conservation initiatives (also **Tunfa**). IUCN emphasizes support to IPs' efforts to strengthen their governance systems, to effectively represent themselves across state levels and to actively engage in decision-making processes as environmental stewards, and expresses particular interest about the topic of free prior and informed consent. The Conservation Initiative on Human Rights (CIHR), integrated by eight major conservation organisations, aims, *inter alia*, at engaging with IPs, and particularly women, and integrating their rights and interests in decision making related to conservation.

The **Global Indigenous Youth Caucus** underscore the urgent need to better include indigenous youth in decision making, as they hold a key position between IPs' traditions and modernized structures. To such participation, key issues are: the need to put forward native models of congenial cross-generational communication between indigenous youth and elders; the need to include indigenous youth issues on governments' agendas, and to implement their right to be elected (also **CJC-AAMI**), as failure to include indigenous youth in decision making today will undermine IPs' future participation. The participation of indigenous youth in international forums remains low, due to both financial and administrative constraints. Moreover, in spite of indigenous youth being in general a strong and dynamic force in grass-roots movements promoting IPs' rights, they are not always allowed to establish their own associations; other obstacles include

lack of access to information and general exclusion from capacity-building processes (also **ATH-K**). The importance of indigenous youth's participation in decision making should be included in the final study (also **JOAS**).

**IPNC/UNPK/ICSA/ICHR** report on the arrangements that IPs have obtained for their effective participation in the standard setting process at WIPO's Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions. The EMRIP's report should address IPs' decision making about the determination of their political status, the status of their territories and their relationship with others; IPs' proper authorities must be recognized (also **CJC-AAMI**), as manufactured consent is not legitimate under international law.

### Central and South America

**CPNAB/IITC** suggest that the advanced progress report further elaborate on the obstacles that States impose on IPs to hinder good practices related to their participation in decision making. In this regard CPNAB/IITC refer to Mexico's National Commission for the Development of IPs (CDI), through which state delegates nominated by IPs can work for the implementation of programmes directed to IPs. Since 2009 the State of Guerrero has usurped IPs' right to nominate the delegate to the CDI, resulting in IPs' protest, met with severe repression. IPs are not being consulted on parliamentary bills on consultation and free prior and informed consent.

**Triqui** peoples in the State of Oaxaca are being harassed by paramilitary groups for exercising their right to self-determination, and impeded from exercising their right to consultation and to free prior and informed consent with regard to large mining and energy projects. **COSOT** call on the Mexican Government to consult all development projects, including those already under way, with concerned indigenous communities.

**CJC-AAMI** express concern about the situation of the **Maya K'iche'** youth and children in Guatemala, facing increasing poverty and violence, racial discrimination, and the State's failure to answer their demands. The Guatemalan State and economic model remain exclusive. However, the presence of Ancestral Authorities in Maya communities, an integral system of governance based on dialogue and respect towards all living beings, is the proof of their ongoing fight to exist. States must support the strengthening of IPs' identities through programmes that are designed by IPs themselves. ILO Convention 169 and the Declaration must be applied (also **REPALAC** for African States).

**CITa**, on behalf of the **Tayrona** IPs, underscore IPs' role as stewards of the environment and the need for States to recognise IPs' inherent rights (also **ONPIA**) and to pay their environmental debt with mother earth, contracted through irresponsible pillaging of natural resources without the free prior and informed consent of their stewards, as occurs in indigenous reservations and territories in Colombia.

Despite constitutional protection, in Colombia IPs' right of consultation has been perverted into a strategy to impose a model of development that destroys them and their environment. **FMW-SJW/ONIC** suggest that the progress report further elaborate on the position of indigenous women with regard to participation in decision making (also **ONAMIAAP**, **JOAS**, **Global Indigenous Peoples' Caucus**); on the need to establish monitoring mechanisms on States' compliance with indigenous peoples and women's right to participate in decision making; and on the formulation of codes of conduct for corporations and governments with regard to respect towards IPs' internal structures.

**REL/CISAN/CNGM** stress that consultation by the governments must be timely and mandatory, and include benefit sharing and redress for social, cultural and environmental damage. In Ecuador, the State needs to include representatives of IPs in all institutions. Several parliamentary bills on human and IPs' rights are currently being discussed. However, IPs protesting in relation to this law-making process were harassed by the State.

**ONAMIAAP** underscore the discrimination and obstacles that indigenous women face in effective participation in decision making (also **FMW-SJW/ONIC** for Colombia), including the failure to take their contributions into account in the final phases of a decision-making process, and the tendency of governments to disregard indigenous women's organisations. ONAMIAAP therefore recommend: that spaces of participation be opened and strengthened for indigenous women; and that Peru adopt its legislation on IPs' free prior and informed consent (also **CONAP**).

**CONAP** state that the rights to consultation and to free prior and informed consent are being limited due to an assumption that IPs represent an obstacle to development (also **CITa**). IPs in Peru face much difficulties to participate in decision-making mechanisms in line with ILO Convention 169 and the Declaration (also **AIDSESP-Ucayali**). Peruvian state institutions must strengthen IPs' legitimate representative organisations in order to enhance democratic governance.

**AIDSESP-Ucayali** warn that IPs are used by candidates in electoral processes (also **Tinhinan**) and suggest that the study also incorporate the need for States' constitutional and legal reforms on IPs' political participation in a way that respects their customs and traditions.

**CIAA** underscore discrimination among IPs imposed by economic and political powers in order to generate divisiveness and hinder the communities' full and equal enjoyment of their right to participate in decision making

and to free prior and informed consent. States must respect the spirit of international treaties on IPs' rights, which is to allow for the peaceful growing-up of indigenous children and future generations.

**IMTA** place ongoing violations of IPs' right to participation within the context of the globalization of market economy, where transnational corporations (TNCs) misappropriate IPs' strategic natural resources. IPs' full and effective participation in society will only come once they have conquered their self-determination. ILO Convention 169, the only legally-binding instrument on IPs' rights, is being relegated.

IPs need to participate in decision-making processes of International Financial Institutions (IFIs), such as the World Bank (WB) or the Inter-American Development Bank (IADB). Experts nominated by IPs must monitor funding operations directed at extractive activities in indigenous territories. **CAPAJ** recommend that this matter be included in chapter IV of the EMRIP's progress report.

**DJSAM** stress that the right to participate in decision-making is an ancestral right of IPs. In Chile, the first instance of application of the Regulation on Prior Consultation showed the complete incapacity of the State to genuinely consult indigenous communities, as the consultation was limited to a publication in the Government's official newspaper.

With regard to internal decision making, IPs must follow their own customary standards while taking into account domestic law and the Declaration. **CJIRA** underlines several challenges with regard to external participation, such as mastering the dominant language. In Argentina, in spite of constitutional recognition, IPs have no possibility to participate in decision making.

IPs' effective participation will be necessary to reduce inequalities and eradicate poverty, and **ONPIA** call for the application of labour rights as defined in human rights; warn about increasing devastating natural disasters caused by human activity; support the strengthening of more democratic societies that grant opportunities to all and improve IPs' access to health and education; and stress the need to address trafficking in persons, the victims of which are mostly indigenous women.

In **MEXICO**, institutional mechanisms for IPs' participation include the National Commission for the Development of IPs (CDI), mandated to strengthen IPs' consultation and participation through their authorities and organisations with regard to public policies affecting their development. One of the policy guidelines of the 2009-2010 Programme for the Development of IPs aims at strengthening participation and consultation for an effective democracy. A bill is being drafted in Parliament on consultation of IPs and will be consulted with IPs at national level (also **CHILE**).

**GUATEMALA** reports that the Agreement on IPs' Identity and Rights, a part of Guatemala's 1996 Peace Agreements, establishes the basis of consultation with IPs and their participation. However, implementation represents a complex and long process of cooperation among all parties, requiring also the commitment of all citizens (also **CANADA** for IPs' participation). The Guatemalan Parliament is currently discussing a bill on consultation, based on relevant international instruments and elaborated with the participation of the concerned peoples.

**VENEZUELA** recalls its support to and engagement for the promotion of indigenous issues at national and international levels.

**BOLIVIA** reports that IPs have now representatives in Parliament, among Ministers, and at local level. Bolivia is in the process of law-making, to implement all rights recognised in its Constitution, for instance to improve the transparency and effectiveness of the judiciary and recognizing both regular jurisdiction and indigenous jurisdiction on an equal footing.

**CHILE** agrees with the SRIP's interpretation (see A/HRC/12/34, para. 46) about free prior and informed consent in the sense of promoting consultation processes with the aim to reach consensus among interested parties (also **DENMARK**).

### North America

**GCC/IOIRD/IITC/IWA/ICN/FPHRC/CFSC** address the process of negotiation under the Convention on Biological Diversity (CBD) for a Protocol on access and benefit sharing (ABS) as an example of challenges that IPs face in international processes. The draft Protocol' incompatibility with the objectives of the CBD itself and with IPs' human rights (also **HIHR**) results from States parties ignoring the Declaration; from insufficient financial support for IPs to adequately participate in the negotiations; from rules of procedure wholly weighted in favour of States; and from the requirement that the final text reflect a consensus among States. Indeed, consensus tends to excessively reinforce States' sovereignty rather than their human rights obligations. **GCC/IOIRD/IITC/IWA/ICN/FPHRC/CFSC** underscore the precedent established in the UN by the Declaration's negotiation rules, with no strict requirement as to consensus, and States' and IPs' equal rights to make interventions and propose amendments.

**OEN/TOTSNTC** suggest to expand the study to include the context of treaty relationships (also **GCC/IOIRD/IITC/IWA/ICN/FPHRC/CFSC**). Their ancestors' act to enter an international self-determination treaty with the Crown of Great Britain confirmed their Nation's right and capacity to participate in decision making. However, the successor government and populations dispossessed them from exercising their self-

determination. The framework on the Duty to consult, created by the Canadian jurisprudence, merely suggests a process of consultation, widely subject to manipulation, and denies IPs' rights to free prior and informed consent and to participate in decision making. All UN system processes, as well as Canadian national and provincial processes, systems, laws and policies must include IPs' right to participate in decision making in line with the Declaration and other relevant international instruments.

**NWAC** emphasize that article 44 of the Declaration, on equality of rights between indigenous men and women, means that indigenous women have to sit as equals at negotiation tables and in governance structures. However, indigenous women and their organisations strive to achieve equal recognition in all forums. The UN system, IPs and States must recognise the barriers to indigenous women's participation in decision making and work towards solutions that empower them (also **BOLIVIA**). **NWAC** emphasize their efforts in ensuring the recognition and application of indigenous women's right to equality in decision making in all spheres, in a manner that promotes traditional governance structures and respects women's central role in leadership (also **BOLIVIA**). **NWAC** also call on all parties to promote capacity-building efforts of indigenous women to ensure that their rights to participation in decision making are promoted (also **Tinhinan, REI/CISAN/CNGM, ONAMIAAP, MEXICO**).

**IITC** call for an unequivocal statement, in the study, on the right of free prior and informed consent to the effect that IPs' decision must be respected and observed by States or any other third party (also **CPNAB/IITC, DJSAM, REI/CISAN/CNGM, PIPLinks, HIHR, AIRT, CAPAJ**). The absence of such a statement may be interpreted as indicating that the process only needs to lead to consent without requiring it, and may in itself undercut the years of struggle with States in the negotiations of the Declaration (also **AIRT**), as well as developing jurisprudence, and current struggles of IPs all over the world. The EMRIP's study should also include other elements of consent, such as conditional consent and the right to withdraw consent if conditions are not met.

**NNHRC** say the **Navajo** Nation, a self-governing sovereign nation, see their right to participate in decision making continuously violated by the USA. In addition, the USA places restriction on the Navajo Nation's internal rights to participate in decision-making, by forcing them to enter prearranged agreements with the Federal and States' Governments.

**NIYC** draw the attention to the failure of the US Government to recognize all American Indians and IPs – and not only federally recognized tribes. The US Government must extend to all IPs in the country its current efforts to adopt formal national consultation policies on American Indian law and policy. **NIYC** therefore welcome the reference, in the progress report, to IPs that face significant challenges in gaining recognition and are overlooked from formal decision-making processes (also **SUA** for the **Aramean/Syriac** people, **CMA** for the **Amazigh** people, **Tunfa** for the **Tuareg** and **Peul** peoples, **PIDP-BAMBUTI/LINAPYCO/REPALEF** for the **DRC**, **KKF** for the **Khmer-Krom** people, **NCFCE** for the Negev **Bedouin** people).

**WIN-S/TOIRD/IWA/NWAC** address the denial of the Iroquois National Lacross Team's right to participate in the World Lacross Championship – Lacross being the French word for a game created by, and holding spiritual significance for, IPs of Turtle Island – due to refusal by the USA to issue proper travel clearance for the members of the team who carry Iroquois passports, in violation of several articles of the Declaration. The EMRIP should address this aspect of the right to participate.

**CANADA** warns that using a rights-based approach may not capture the myriad other forms of participation available to IPs; and highlights its governments' duty to consult as a corollary to IPs' right to participate in decision making. Participation in decision making and concomitant accountability are also important issues within indigenous communities. Effective approaches to indigenous participation in decision making require inclusion of cultural and community values and traditions.

## **Africa**

The **African Indigenous Caucus** underscore the situation of nomadic IPs, both hunter-gatherers and pastoralists, whose different governance systems, which States do not acknowledge, aim at a timely and sustainable management of resources, based on mobility and flexibility of social structures. Both the pastoralists and the hunter-gatherers remain excluded from participation in decision-making bodies of the States. The African Caucus recommend that the study reflects the means that are available to IPs to participate in decision-making processes regarding climate change (also **PAICODEO, IT**); and give more attention to IPs customary rights in Africa as guaranteed by the Declaration and in relation to development policies.

**CMA** say the UN system must focus its efforts on the recognition and respect of the status of IPs, which would be a first step for IPs to exercise their individual and collective rights.

In Morocco, the **Amazigh** people still lack any possibility to participate in the making of decisions that affect them, due to political exclusion and the fact that state services only use the Arab language, while Tamazight is prohibited. To guarantee the Amazigh people's right to participation, **AZETTA** call for compliance with recommendations issued in 2006 by the UN Committee on Economic, Social and Cultural Rights (CESCR) and in 2008 during Morocco's UPR.



**ATH-K**, from the **Amazigh** people in Algeria, inform on their participation in decision making and in management of public affairs, particularly at local level, for which they need to strengthen traditional processes of consultation, management and accountability.

Governments usually do not deem necessary to even seek the consent of nomadic IPs with regard to their territories, under the wrong assumption that they have no land titles and no governance system (also **PAICODEO**). **IT** recommend that nomadic and pastoralist IPs be given a particular consideration in the EMRIP's study (also **African Indigenous Caucus** emphasizing women among them).

The traditionally central position of women in decision making among the **Tuareg** IPs tends to disappear along with IPs' traditional governance systems, due to colonization (also **Tunfa**), effects of climate change which destroy the economic fabric of the Tuareg people, conflicts and assimilation. **Tinhinan** recommend that the report cite the names of a few indigenous women who were traditional leaders (also **African Indigenous Caucus**).

**Tunfa** underscore that the **Peul** and **Tuareg** in Niger have been subjected to eviction for the last 40 years, without their consultation or any compensation, due to uranium exploitation, first by the Areva Corporation and recently by Chinese corporations.

**REPALEAC** say that since the adoption of the Declaration, some countries in Central Africa – with the exception of Rwanda – have begun to take the hunting-gathering **Pygmy** peoples into account. However, much remains to be done. The main objective of the International Forum of Central African IPs is to facilitate the participation of Central African forest IPs in governmental decision making regarding the sustainable management of forest ecosystems in the region (also **African Indigenous Caucus**). This forum also makes it possible to have States consider indigenous issues as regional matters rather than domestic ones.

**PIDP-BAMBUTI/LINAPYCO/REPALEF** state that in the Democratic Republic of Congo (DRC), IPs are also impeded to participate in decision making in local administrative entities, even where they represent a majority of the population. States are responsible for guaranteeing IPs' equal participation in decision making, both in political matters and in environmental and social public affairs.

**WTP** report on the history of marginalisation and disenfranchisement of the Northern Frontier Districts, as development plans of the Kenyan Government tend to ignore the area, as shown in particular by its failure to adequately consult the **Waso Boran** indigenous community on oil exploration and to improve both infrastructures for and the quality of education. **WTP** underscore the need for a concerted effort in order for the Kenyan Government to reconsider its policies with regard to this very marginalised region.

**RCN** suggest that the EMRIP's progress report better address the issue of the relationship between the norms and decisions of indigenous institutions and those of the State, and the extent to which indigenous decision making applies to non-indigenous persons or companies. Explicit recognition by the State of indigenous decision-making processes and institutions is only a first, although important step to create effective participation of IPs by their own institutions.

Drawing attention, including from the SRIP, to the imposition of laws by the Tanzanian Government on pastoralist IPs' way of life through prohibition of mobility rights, confiscation of livestock, grabbing of land, and consequent eviction, to make land available for investors and protected areas, **PAICODEO** request the EMRIP to promote awareness among African governments about the need to recognise IPs' decision-making processes and institutions.

**ALGERIA** notes that the advanced progress report grounds IPs' collective right to participate in decision making in their right to self-determination, and warns that the interpretation of this right as enshrined in the Declaration must conform to applicable domestic and international law. Algeria further informs on its political decision-making institutions.

**BURKINA FASO** recalls that no group is marginalised in the political system and State authorities in the country. The right to participate in public life is being strengthened by the creation of village development councils to empower populations.

### Asia and the Pacific

The **Asian Indigenous Caucus** underline that most States' constitutions were written without IPs' participation and contain no provisions proposed by IPs: IPs need to be provided fair and substantive opportunity to help rewrite the national constitutions in an inclusive manner, taking the Declaration as a basis. Indigenous persons are prevented from being elected and from playing a substantive role in decision making: there must be safeguards for indigenous participation and reserved seats. It is vital that IPs' own institutions, representatives and leaders are formally recognised in mainstream political and developmental decision-making processes, and that IPs internal decision-making processes are protected.

**AIPP** underscore that while consultation is a right of every citizen guaranteed by international human rights standards (also **CAPAJ**), consent is a collective right of IPs, embodied in the Declaration, in upholding their right to self-determination and their land rights (also **Arctic Indigenous Caucus, JOAS**). IPs' consent is therefore based on the independent decision-making process defined by themselves; they must be given

sufficient time and space to deliberate (also **LLU**), and be provided with complete and accurate information in a manner they fully understand (also **DJSAM**), including access to necessary legal and technical assistance (also **PIPLinks**). AIPP then draw the attention to the proposed 12 large dams along the Mekong River, threatening to affect the lands and livelihoods of IPs in five countries, where they are not even recognised as IPs (also **HIHR**). AIPP also stress the urgent need for independent monitoring and recourse mechanisms (also **AIPR** for Japan).

**AIPR** recommend that the Government of Japan recognise the **Ryukyu** people as an indigenous people and respect their strong and united opinions regarding US military presence in Okinawa.

All **Nepalese IPs** have their own participatory decision-making institutions; however, some of them are still struggling to be officially recognized as IPs and to enjoy ethnic autonomy. IPs' political representation is not ensured in the constitution-making process, as most of the indigenous representatives are from political parties and cannot advocate in favour of IPs (**NEPAL** claims the opposite). In 2009 the CERD urged Nepal to allow the nomination of representatives strictly through IPs' own institutional processes and to ensure IPs' free prior and informed consent in the constitution-making process.

IPs in Bangladesh have no real representation in decision-making processes. **SAS**, representing the **Garo** community, recommend conducting studies on census processes and information on IPs at national level, and on small indigenous communities threatened by extinction.

**KKF** suggest that the EMRIP's progress report emphasize access to fair and equal education that reflects IPs' needs (also **SAS**); their right to form associations; the right to fair trial and freedom from repercussions; and the right to fair and accountable representation through delegates elected by IPs and accountable to them.

In the Malaysian States of Sabah and Sarawak, indigenous customary law and institutions are recognised both by the federal and state constitutions, but these institutions have been eroded because customary leaders have been appointed by the Government, bypassing the IPs' traditional ways of selecting their leaders and weakening their effective participation in decision making (also **FRSIPC** for the **Crimean Tatar** peoples). **JOAS** suggest that the EMRIP study address the impact of state-imposed committees on IPs' traditional leadership and their participation in decision-making.

**PIPLinks** stress that since the adoption of the Declaration, increased importance has been granted to the requirement to obtain free prior and informed consent as shown by emerging UN treaty bodies', regional and national jurisprudence (also **DJSAM**). Several international seminars on human and indigenous rights and the extractive industry highlighted that the failure to respect rights to free prior and informed consent can result in gross human rights violations. The EMRIP should consider holding a inter-sessional workshop on free prior and informed consent (also **Asian Indigenous Caucus**, **JOAS**; **RAIPON** for IPs' right to political participation).

The 1996 Philippines' Indigenous Peoples Rights Act (IPRA), based on the provisions of the draft Declaration, provides for the recognition of ancestral land rights and of IPs' right to free prior and informed consent. It also created the National Commission on Indigenous Peoples (NCIP), which faces allegations of corruption and of undermining IPs' right to free prior and informed consent. **CPA/KAMP** recommend that the SRIP visit the Philippines to assess the IPs' experience with regard to the IPRA and NCIP. The EMRIP's study should further elaborate on IPs' experience in elections and regarding the exercise of their right to suffrage; and on militarization and its impacts, as IPs cannot participate or dialogue in good faith in a militarized environment (also **BAA**, **FMW-SJW/ONIC**).

**BAA** inform on the **Alifuru** people's traditional *Adat* decision-making system (also **JOAS** for Malaysian IPs), based on the community's involvement, on social responsibility and on environmental sustainability.

The EMRIP's progress report should address the denial by States of IPs' right to participate, so as to overcome colonial situations leading to IPs' marginalisation, as in West Papua (**DAP**).

**UNPK** note that while the French power led a process to consult the youth of New Caledonia, including the **Kanak** youth, on their visions for the future, political representatives are struggling about the 2018 referendum on New Caledonia's autonomy.

**HIHR** underscore consistent moves by the USA Congress and Senate to deteriorate the rights of the **Kanaka Maoli** IPs in Hawaii.

Australian governments' practices regarding IPs' participation in decision making can barely be characterized as consultative (also **ATSISJC**). **NSWALC** recommend to the EMRIP: identifying the lack of protection against racial discrimination in constitutional arrangements, and of implementation of human rights obligations, as fundamental barriers to IPs' right to participate in decision making; encouraging States to acknowledge the status of IPs in their constitutional arrangements as a foundation for partnership, and to develop a framework, to guide this relationship, that is negotiated with IPs; expressing serious concern about States' "special measures", in particular when encompassing racial discrimination and when formulated without IPs' participation; and emphasizing the importance of States engaging with IPs at the outset of decision-making processes.

**ATSISJC** say the Australian Government's Northern Territory Emergency Response is an example of the removal of IPs' voices in the decision-making process. The EMRIP's progress report should include a

consultation and negotiation framework that clearly outlines practical steps and resources necessary to achieve effective participation in decision making by IPs (also **TROTR**).

**AIRT** underscore that consultation, in New Zealand, is the way government officials communicate with **Maori**, in procedures that are often dictated by the Government. In comparison, free prior and informed consent implies a clear and transparent process and provides a fundamental safeguard for IPs in their dealings with third parties. New Zealand must stop thinking that they can determine to which situation the principle of free prior and informed consent applies.

**TROTR** stress that the **Maori** peoples' main challenge to their right to participate in decision making is the failure of New Zealand to constitutionally entrench the Treaty of Waitangi (also **NZHRC**). With New Zealand's endorsement of the Declaration, it is imperative that Maori and the Government begin serious dialogue on these constitutional issues.

**NZHRC** underscore the mechanisms for constitutional participation of **Maori** IPs in New Zealand, based on the 1840 Treaty of Waitangi, including dedicated seats and increased representation in Parliament and a dedicated Minister and Ministry of Maori Affairs; the Waitangi Tribunal which addresses breaches by the Government of the guarantees set out in the Treaty; and obligatory engagement with Maori on certain natural resources management arrangements. Challenges to effective participation by Maori in decision making include vulnerability of participation arrangements to political will (also **TROTR**), and inconsistent implementation at regional level.

Asking about the difficult balance between encouraging IPs into mainstream processes of governance and preserving their autonomy and unique characteristics, **NEPAL** reports on its initiatives to enhance the participation of peoples of all identities into mainstream decision-making processes, through development of an innovative normative and institutional framework, and the setting up of the National Foundation for the Development of IPs (**John Henriksen** congratulates Nepal on these achievements).

**VIETNAM** restates that there are only ethnic group minorities in the country, and emphasizes ensuring equal promotion of all their rights, including for the **Khmer-Krom** peoples.

The **PHILIPPINES** inform that the IPRA contains a definition of free prior and informed consent that could be useful to the EMRIP.

**NEW ZEALAND** will continue to rely on its distinct processes and institutions that afford opportunities for the involvement of **Maori** IPs in decision making, acknowledging the Treaty of Waitangi, the interest of Maori in all policy and legislative matters, and the need to reflect their cultural heritage in the country's laws and policies.

**AUSTRALIA** highlights the establishment of the National Congress of Australia's First Peoples, based on article 18 of the Declaration and on a model worked out by a committee under ATSIJJC, after wide consultations with IPs across Australia. This independent representative body will focus on formulating policy and advice, provide an indigenous perspective and monitor their interests on issues across government.

### Europe, Russia and the Circumpolar

The **Arctic Indigenous Caucus** underscore that ILO Convention 169 is not an instrument on peoples' rights (also **IPNC/UNPK/ICSA/ICHR**); it focuses on consultation and not on consent (also **Saami Parliament** of Norway), which is linked to self-determination. While stressing the obligation of States to conduct fair and transparent consultation processes (also **CJIRA**), the Arctic Caucus underscore that consultation and consent are two different processes (also **PIPLinks**, **ATSIJJC**). Since the adoption of ILO Convention 169, UN treaty bodies have issued interpretations about IPs' rights, all regional human rights systems have recognised IPs as rights holders, States with IPs have worked towards self-government arrangements, and the Declaration was adopted, thus confirming IPs' right to self-determination, and their right to consent, or not, in decision-making processes affecting them. The EMRIP's study should focus on the result of the process of free prior and informed consent (also **HIHR**), and particularly on what happens when IPs cannot reach an agreement with those parties wanting to access their territories (also **PIPLinks**).

Underscoring the need to accountability mechanisms for indigenous internal decision-making systems, **FRSIPC** report on the experience of the **Crimean Tatar** peoples about interference of the Government of Ukraine with their self-government system, showing that corruption of a whole system of governance is an actual challenge for IPs.

Reporting on positive effects of the 2009 visit by the SRIP to their region in the Russian Federation, **AIPT** address limitations of the right of the **Nenets** IPs of Taimyr to participate in decision-making. However, they can count on the strong support of the recently established Krasnoyarsk Ombudsman for the rights of IPs.

**RAIPON** underscore Russia's controversial legislation on IPs' rights, as the Constitution declares these rights, whereas the legislation – or its non-enforcement – deprives IPs' from their priority rights to traditional economic activities and to development. IPs in Russia are disenfranchised from their constitutional electoral rights, preventing them from making their voices heard on the federal level at a time when the significance of the Arctic is increasing for sustainable development and adaptation to climate change.

The **Saami Parliament** of Norway reports on the current agreement on consultation established in 2005 when the Norwegian Parliament consulted the Saami Parliament about the Finnmark Act. This agreement has brought about positive results as to the Saami Parliament's role in decision making (also **NORWAY**, underscoring the effect of raising the awareness of Government ministries and parliamentarians on **Saami** issues). Obstacles include disrespect of politicians and bureaucrats for the agreed procedure; and resistance to obtaining agreement in matters where major national or international economic interests are involved, such as oil and gas exploitation, despite the very negative effects such projects have on IPs' daily lives.

Emphasizing dialogue and cooperation, **NORWAY** underscores that IPs ought to be invited to participate in international processes on matters affecting them.

**DENMARK** suggests inclusion in the progress report of a reference to IPs' participation in the Arctic Council, a high-level intergovernmental forum dealing with Arctic issues, where IPs fully and actively participate alongside Member States (also **RAIPON, CANADA; Jannie Lasimbang** takes note of this).

**FINLAND's** Saami Parliament Act guarantees the **Saami** people's autonomy with respect to their language and culture. The obligation to negotiate with the Saami Parliament applies to all levels of administration. Recent legislation development regarding mining and water include provisions improving consideration of the Saami as an indigenous people.

### **Middle East**

**NCFCE** report on manoeuvring by the Government of Israel to prevent the population of recognized **Bedouin** villages to elect their representatives at a regional council, mostly led by government-appointed officials up to the present.

**BRC** report on the exclusion from decision making of indigenous inhabitants of Palestine evicted from their land during the establishment of the State of Israel in 1948.

**CNA-AAAO** highlight the violations of the rights of the **Armenian** people of Western Armenia to land, to their historical or sacred sites and to their languages, to life and to exist according to their ancestral customary principles. Turkey must strengthen their efforts to incorporate the Declaration in its constitutional system and begin to transfer to CNA-AAAO the instruments necessary for their participation in decision making and for protecting their territories against abusive exploitation.

**AZERBAIJAN** claims that the members of the EMRIP are responsible for preventing participants from misusing its meetings to misguide the international community; and questions the relevance of the participation and statements of CNA-AAAO to the EMRIP's sessions. (**TURKEY** raises similar objections in a letter directed to the Chairperson-Rapporteur of the EMRIP, while repeating its position on the Declaration.)

**SACS** warns that persons with some indigenous background, who have been socialised in the non-indigenous, dominant context, are more likely to take the role of an indigenous participator in decision-making or consultation processes than indigenous persons without such a socialisation. This could bring about a bias in favour of positions that are in line with the dominant context, whereas genuinely indigenous positions might remain unrepresented.

**LLU** highlight the threats posed by the right to consultation and to participate in decision making to IPs living in voluntary isolation.

In concluding, **John Henriksen** stresses the crucial importance of the right to participation in relation to the full spectrum of matters that affect IPs' lives, and for IPs' enjoyment of the full range of human rights (also **Navanethem Pillay**). In response to Nepal, John Henriksen says the Declaration should not be perceived as promoting IPs' isolation, as it contains provisions both on their right to self-government in their local affairs, and the right to participate fully, if they so choose, in the various dimensions of the life of the State (**Jannie Lasimbang** adds that indigenous governance is a decentralized form of governance which sets the framework for engaging with state and non-state actors). He welcomes the suggestion that the study address the issue of constitutional arrangements for the protection of IPs' rights, including their right to participate in decision-making, and further elaborate on the right to free prior and informed consent (also **Jannie Lasimbang; CPA/KAMP** suggesting looking into case studies on the Declaration's implementation). Summing up the comments, he says that the right to free prior and informed consent is an integral part of IPs' self-determination; that it should first and foremost be exercised through IPs' own decision-making mechanisms; and that it represents a right of IPs to effectively determine the outcome of decision-making processes that impact on them, and not only a right to be involved in such processes.

**Jannie Lasimbang** underscores that recognizing indigenous institutions would allow IPs to genuinely take control over their own affairs to ensure that matters affecting them are aligned with their world views; and result in their improved ability to engage in external decision-making processes (also **KKF, GUATEMALA; the PHILIPPINES** suggesting further elaboration on this in the final study). With regard to IPs' participation in

external decision making, she agrees that some topic should be further elaborated in the final study and may even be the subject of a separate study. On the requests to collect case studies and good practices (by **CONAP**, **TROTR**, **AIPR**), she recalls that those that have already been received and referenced in footnotes in the progress report are available on the OHCHR website. She also notes the request to refer explicitly to pastoral and nomadic peoples and to issues on militarization in the context of participation in decision-making. There is also a need to take into account concerns expressed by several speakers about decision making within international institutions and platforms that affect IPs' lives (also **NORWAY**, **Carlos Mamani Condori**, **IPNC/UNPK/ICSA/ICHR**, **HIHR** and the **Global Indigenous Youth Caucus** for climate change issues) and about certain consensus-based decision-making frameworks.

#### **Item 4 – UN Declaration on the Rights of Indigenous Peoples**

The **Chairperson-Rapporteur José-Carlos Morales Morales** recalls that the purpose of the discussion is not to review the implementation of the Declaration, which the EMRIP is not mandated to do (**John Henriksen** suggests that the EMRIP's mandate be expanded in this direction; also **Asian Indigenous Caucus/AIPP**), but to identify positive practices and challenges in the use of the Declaration at the local, regional and international level, including follow-up to the first study on the right to education (also **Catherine Odimba Kombe**).

**James Anaya, SRIP**, proposes to enhance the implementation of the Declaration through trainings, seminars and conferences at national and local levels to bring together State officials and indigenous leaders to develop strategies and initiatives (also **MEXICO, CJIRA, SCNC, CMA**). States should engage in comprehensive reviews of their existing legislation and administrative programmes to identify incompatibilities with the Declaration (also **Asian Indigenous Caucus** emphasizing IPs' participation in this review; **JOAS** for Malaysia; **CJIRA; AIDSESEP-Ucayali** for decision making).

**Carlos Mamani Condori, PF Chairperson**, overviews how the PF, EMRIP, and SRIP are all responsible for ensuring the application of the Declaration, and refers to changes in the positions of New Zealand, Canada and the USA on the Declaration (also **Navanethem Pillay, Global Indigenous Peoples' Caucus, José Mención Molintas, PCJSS, FAIRA**). He goes over various examples of implementation of the Declaration and discusses efforts to educate governments about the Declaration.

The **Global Indigenous Peoples' Caucus** review concerns such as lack of total state endorsement of the Declaration; its implementation, including in the UPR and in Treaties between IPs and States; capacity-building. The Global Caucus call for a "Decade of Reconciliation" and list several treaties where the Declaration should be the ultimate law, such as the Convention on Biological Diversity (CBD) and its Protocol on Access and Benefit-Sharing.

The **Global Indigenous Youth Caucus** highlight both the implementation of the Declaration and education, underlining the importance of preserving IPs' native tongues and ensuring that education is available in these languages.

Tabling the *report of the second Seminar on Treaties, agreements and other constructive arrangements between States and IPs* (A/HRC/EMRIP/2010/5), **Co-Rapporteurs Wilton Littlechild** and **Andrea Carmen** highlight the principle of self-determination, the importance placed upon these Treaties, the high value of consent in treaty making, and coexistence. The **Global Indigenous Peoples' Caucus** appreciate this report (also **OFN**) and the recommendation to convene a third UN Seminar on Treaties (also **TROTR**). While supporting the UN Study on Treaties, Agreements, and other Constructive Arrangements between States and IPs, they underscore the importance of applying the right to self-determination equally across the globe and note the adoption of the Declaration since the publication of the Treaty Study.

**PIPlinks/FPP/AIPP/FAIRA/RAIPON/ONPIA/MUDL** discuss problems associated with the International Finance Corporation (IFC) in light of article 41 of the Declaration. What the IFC calls "broad community support" splinters community opinion and does not actually constitute free prior and informed consent. The IFC does not have any procedure established to ensure a disclosure of information, thereby limiting participation. The IFC has mislabelled projects involving indigenous lands to the company's benefit and thus disrespected indigenous property. **PIPlinks/FPP/AIPP/FAIRA/RAIPON/ONPIA/MUDL** recommend that the EMRIP advise the IFC on articles 41 and 42 of the Declaration (also **PIPlinks**), and that it review the compliance of the World Bank's Policy on Indigenous Peoples with the Declaration.

#### **Central and South America**

Describing how the Declaration needs to be legally binding, according to article 42, **SERVINDI** draw attention to the evaluation of the Program of Action of the second Decade of the World's Indigenous Peoples; and hope that States begin to integrate UN policy with national law (also **MEXICO**).

**CNV** discuss how the land of the **Cumanagoto** people has been, and continues to be, occupied by foreigners despite protestation. IPs need to be compensated for their lost property during colonization, as per article 20 of

the Declaration. Application of constitutionally recognized indigenous rights is failing as regional and local authorities are not very keen on, or trained for implementing those rights. The HRC should support training of indigenous teachers in indigenous customary law.

The **Sáliba IPs** of Colombia warn the EMRIP of the existential threat that land grabs pose to them. They describe their trouble in accessing the EMRIP and recommend reinforcing promotion and implementation of the Declaration, integration of follow-up mechanisms and harmonization of UN various bodies.

Despite the inclusion of Declaration into Bolivian national law (also **CGAP/APG**), **ICSA** mention specific cases of IPs' communities who were denied their rights to self-determination or participation, as a process to seek free prior and informed consent was carried out without the understanding that IPs could stop the project, in violation of the Bolivian Constitution's article 30.

**IMTA** argue that States and Governments have the moral and political obligation to implement the Declaration's contents, and exhort the EMRIP to convert the Declaration into a binding convention.

**CAPAJ** unite geographically separate **Aymara** peoples for the protection of their shared water interests as guaranteed under article 36 of the Declaration.

**CGAP/APG** describe the grave problem of captive communities and contemporary forms of slavery in the Chaco region, where IPs will only recover their freedom when recovering their lands. Bolivia recognized these demands and attempted to take the land back, but was met with resistance that has yet to be resolved, in the face of obstacles such as the inaccessible or slow justice process, minimal to no state presence on the region, and failure to complete reforms. The EMRIP should reach out to the Bolivian Government to improve this situation.

**DJSAM** discuss how neither ILO Convention 169 nor the Declaration have been implemented fully and repressive laws remain in Chile. All States should adopt the Declaration. Free prior and informed consent must take into consideration the equal role of women in indigenous society.

**CJIRA** urge indigenous youth to educate themselves on both the Declaration and its drafting process. Discussion on the Declaration should be included in all local, national, and international debates (also **Sáliba IPs** and **SERVINDI**).

**MEXICO** reports that its current Programme for IPs' development and National Human Rights Programme promote the integration of the Declaration into Mexican jurisprudence. The Declaration is a guide for States to integrate IPs' rights into their existing laws and illustrates how States are more inclined towards indigenous rights (also **SERVINDI**, **COPORWA**). Mexico discusses several measures to ensure that indigenous youth have access to culturally appropriate education, hoping that this will eliminate discrimination against indigenous youth in education.

### North America

Implementation of the Declaration can only occur once States endorse it (also **IWA/GCC/IOIRD/OFN/CFSC**, **OFN**). **IITC** underscore the Obama administration's support for global indigenous rights and interest in reviewing their position. **IITC** express hope that the US State Department will unequivocally support the Declaration leading to subsequent implementation.

**NNHRC** highlight violations of articles 3 and 4 of the Declaration as the **Navajo** Nation often do not have the choice of policies imposed upon them, as exemplified by cases related to US natural resource interests in Navajo lands. **NNHRC** also denounce the breach of articles 24 and 25 on the protection of sacred sites and traditional medicine, through the project to develop the San Francisco Peaks into a snow resort; of articles 10-12 prohibiting forced eviction, as a result of the Navajo-Hopi Act of 1974; and of article 29 on free prior and informed consent. **NNHRC** urge the USA to endorse and implement the Declaration (also **IITC**, **NIYC**, **European Support Groups for IPs**).

Indigenous organizations in Canada are beginning to implement the Declaration, through awareness campaigns and the passage of legislation in indigenous political entities, which have been well received by the Canadian society (also **OFN**). **IWA/GCC/IOIRD/OFN/CFSC** voice their opposition to the Canadian Government's decision to adopt the Declaration in keeping with Canadian law (also **NWAC**, **FAIRA**, **OFN**, **European Support Groups for IPs**). Courts of law do not have to rely on this interpretation to apply the Declaration in jurisprudence as is evidenced by several domestic cases, and in spite of the Minister of Justice's advice.

Commenting the Preliminary Study on the Doctrine of Discovery (UN document E/C.19/2010/13), which indicates that the Canadian law does not have a solid foundation, **OFN** refer to the preambular clause of the Declaration that condemns discriminatory doctrines, and equate doctrines promulgated by colonial powers to "acts of genocide."

**NWAC** argue that the Declaration must serve as the basis of OAS Draft American Declaration on the Rights of Indigenous Peoples, and discuss two pieces of domestic legislation related to indigenous women's rights, expressing concern that the rights to self-determination, of non-discrimination, to live free from violence and to free prior and informed consent are not being met and citing the failure of the Canadian government to respect both international law and the Canadian Constitution.

## Africa

The **African Indigenous Caucus** say that successful implementation of the Declaration requires the capacity of IPs' organisations to advocate for implementation, monitor progress and provide systematic alternative reporting; close cooperation between NHRIs and IPs' organizations; a culture of human rights and the integrity and independence of human rights organizations and court mechanisms; the role of the media in understanding the issues and keeping them visible ; the continued role and support from UN and African Union complaints and monitoring mechanisms; the harmonization of the African human rights system and its willingness to work closely with civil society. Referring to IPACC strategy to implement the Declaration, the African Caucus recommend: promotion of the Declaration; shadow reports on human rights; awareness raising among IPs on the Declaration and on women's rights and gender-based discrimination. The success of the Declaration in Africa is entirely determined by involvement of regional actors, as state-level implementation will be difficult.

**CMA** recommend that Northern African States respect their obligations to apply international law and incorporate the Declaration in their domestic legislation; recognize and implement the land rights of the **Amazigh** people and stop any assimilation policy regarding them; and disseminate information on the Declaration.

**MBOSCUA** highlight recent difficulties of the **Mbororo** peoples in Cameroon including denial of the right to choose their leader, seizure of their land by business interests, threats, unwarranted detention, and inability to access public healthcare and educational services. However, **MBSOCUDA** have logged some success in terms of setting up schools and educating the girls in their community. Cameroon should agree on a visit by the SRIP, implement the Declaration and ratify ILO Convention 169.

Rwanda, fearing ethnic division in the aftermath of the 1994 genocide, does not recognize the **Batwa** as IPs. **COPORWA** underscores the failure of African States to recognize and use the Declaration as an important obstacle for IPs, potentially leading to their extinction (also **MBOSCUA** for Cameroon). The EMRIP and UN agencies should identify challenges and issue relevant recommendations in this regard.

## Asia and the Pacific

The **Asian Indigenous Caucus/AIPP** note: the creation of the ASEAN Intergovernmental Commission on Human Rights (AICHR) even though it lacks functionality; the statement by the Asia-Pacific Forum of Parliamentarians on Population and Development in support of the Declaration; and activities by AIPP to disseminate the Declaration, through posters, a training seminar, and a manual on the Declaration. Recommendations include: the institution of state-wide educational opportunities to teach people about the Declaration; collaboration of UN bodies and ASEAN to improve the position of the AICHR; and creation of effective monitoring devices to evaluate the Declaration's implementation (also **JOAS**).

**MPHRC** discuss the threats that mineral extraction pose to IPs in the Meghalaya State in India, and in particular how these activities adversely impact **Khasi** women and their livelihoods, social and cultural status, physical and sexual rights, access to and control over land and natural resources, legal and customary rights and traditional knowledge systems.

While underscoring Nepal's efforts to disseminate the Declaration, the **Nepalese IPs** underscore the State's failure to implement its provisions, for instance with regard to free prior and informed consent.

The **Indigenous Peoples' Organisation of Bangladesh** discuss how the rights contained in the Declaration are not tangible in Bangladesh despite promises to the contrary (also **PCJSS**). They recommend that studies be conducted into both the identity and culture of unrecognized IPs throughout the world as well as the implementation of the Declaration in countries where the indigenous are marginalized (also **TPP/AIPP** for the **Ping-pu** IPs of Taiwan).

**PCJSS** underline that the Chittagong Hill Tracts (CHT) Regional Council Act of 1998 was overturned because indigenous rights are not included in the Constitution of Bangladesh. **PCJSS** highlights one particular triumph, however, with the establishment of the Chittagong Hill Tracts Land Dispute Settlement Commission, which has a mandate to return land to **Jumma** peoples. Military occupation of indigenous lands continues despite Article 30 of the Declaration. **PCJSS** recommend that the EMRIP study the land issues in Bangladesh and globally with the hopes that the study will become a blueprint for resolving such disputes.

**BAF** encourages the EMRIP to explore ways in which IPs can create their own media outlets.

The **IPs' delegations of Vietnam** discuss how the Vietnamese government, while endorsing the Declaration, refuses to disseminate it and continues to not recognize IPs within the country.

The IPs of Malaysia face land grabs and other aggressive acts committed by the State (also **PCJSS** for Bangladesh), while they are barred from using the Declaration in their legal proceedings because Malaysia does not recognize it as binding. **JOAS** note that the Declaration's implementation has been retarded by a lack of knowledge about the provisions. **JOAS** recommend: greater programs to implement the Declaration at all levels of the State, to assist indigenous organizations with their work on promoting the Declaration, and to place the Declaration on the same plane as other international obligations when examining the compliance of States.

The **Alifuru** tribal Council of Traditional Elders and DAP reaffirmed the importance of the Declaration to their communities. **BAA/DAP** regret that, while States have endorsed the Declaration, no action was taken to implement it (also **JOAS** for Malaysia), and call on the world's IPs to join in a day of traditional music to petition their respective States to implement the Declaration.

**AIPR** underline Japan's failure to recognise the **Ryukyu/Okinawa** peoples as IPs and accuse the Japanese Government of attempting to cover up atrocities committed against the island's IPs during World War II as time moves forward, namely by misconstruing historical facts in educational materials in violation of article 8 of the Declaration.

The unrecognized **Ping-pu** people of Taiwan are excluded from the rights guaranteed in the Declaration, and strive to preserve the remnants of their civilization including documenting their languages and religious customs. **TPP/AIPP** further illustrate the importance of recognizing IPs and protecting their rights as set down in articles 6, 8, and 9 of the Declaration.

**HPI** argue for the reinstatement of the Working Group on Indigenous Peoples.

As indigenous rights are grounded in philosophies that are completely different from the Western model, they must be defined in a collective perspective. **Kanak** customary political institutions and bodies must be fully recognized and granted sufficient budgetary allocations by New Caledonia, as their marginalization leads to everyday discrimination. **SCNC** suggest a Chamber of IPs in the Congress; an extended jurisdiction for local governing bodies with regard to conflict resolution and traditional educational institutions. States must uphold the principle of legal pluralism. France must organize a visit by the SRIP to New Caledonia.

New Caledonia's Congress fails to take the Declaration into account. **CPC** inform on their efforts to strengthen the customary unity of the **Kanak** people and solve land conflicts through a participatory mapping of traditional lands and chiefdoms of clans (also **JOAS** for the **Orang Asli** in Malaysia), and through establishing constitutions for each clan, thus making possible administrative recognition of their traditional institutions in decision making about development. France must recognize the right of the Kanak people to exist (also **UNPK**).

**AIRT/TROTR** complain that the New Zealand Government is not taking adequate enough steps to implement the Declaration through existing legal channels and cite several examples of unilateral government action without consulting the **Maori**. **AIRT/TROTR** criticize the continued application of the Foreshore and Seabed Act and the Maori dissatisfaction with the Government's suggested changes.

**NZHRC** underscore the correlation between the Declaration and the Treaty of Waitangi, giving the Declaration many avenues through which to be implemented (also **John Henriksen**). They report on their efforts to facilitate an exchange between the **Maori** people and the **Winnemen Wintu** tribe of California to see salmon on the South Island and help bring it back to their area of California.

**NNTC/NSWALC**, supported by the **IPs' Organisations of Australia**, enquire on how Australia plans to implement the Declaration (also **SNRLC**) and express concerns about Australia's failure to respond adequately to the observations of the CERD in 2005 and to improve the native title system, particularly in lightening the burden of proof required from IPs to gain title to land.

**SNRLC** denounce the policy of the Australian Government to make funding for Aboriginal housing conditional upon the Government's control of the land upon which the housing is located for at least forty years, tenant agreements limited to the State and the tenant, and resolution of native title issues. These requirements force IPs to enter into unsatisfactory housing arrangements and were determined without their free prior and informed consent, violating their right to self-determination. The Australian Government must include the Declaration in housing policy to increase IPs' participation in decision-making and help improve their governance over their own issues.

**NCRLC** condemn the Australian Government's Northern Territory Emergency Response (NTER) for disregarding the Declaration, given the lack of consultation in the formulation of this legislation and the recent inadequate consultation to review it. Additionally, **NCRLC** lambaste the Australian Government's inability to overhaul its compulsory income management program in conformity with its own legal system, as the only reform so far has been the option for people to petition out of the program. All Australian policies must conform with the Declaration, and a new review of the NTER intervention must be carried out with the aim to improve IPs' participation and governance.

The EMRIP's main mission is to work with the HRC in implementing the Declaration. **FAIRA** call for seven points contained within the Program of Action of the second Decade of World's Indigenous Peoples to be amended to highlight the Declaration, such as the creation of national goals for the implementation of the Declaration.

Despite the Australian Government's recent efforts to improve IPs' conditions (also **FAIRA**) and the visit by the SRIP, **ATSISJC** complain of the lack of effort in implementing the Declaration (also **SNRLC**; **UNPK** for New Caledonia) and recommend that the Declaration be accorded the same status as the Universal Declaration on Human Rights; the HRC include the Declaration in the mandate of NHRIs, and call on all States to ratify ILO Convention 169 (also **COPORWA** for African States).



**ATSISJC/NZHRC** discuss national action to include indigenous representatives in human rights positions within governments, to educate officials on indigenous issues, and to discuss the non-recognition of IPs' rights.

**AUSTRALIA** discusses its latest initiatives to protect and promote indigenous rights, including the Healing Foundation “to support Aboriginal and Torres Strait Islander community-based healing initiatives”; creation of the National Aboriginal and Torres Strait Island Women’s Alliance to combat family violence; repatriation of indigenous remains; and policies to reinforce indigenous languages and culture, including in schools, along with improved flexibility of schools, increased local-level involvement and an increased number of indigenous educators.

### **Europe, Russia and the Circumpolar**

**ILCIPKK** discuss how the Declaration's implementation is severely limited by the authorities who fear IPs' right to self-determination and disregard the Declaration as non-binding.

**FRSCIP** highlight the importance of the inclusion of IPs in the decision-making process, notably for those IPs living in countries that have yet to ratify the ILO Convention 169 or the Declaration, as Ukraine does.

On implementation of the Declaration, the **EUROPEAN UNION** gives examples such as the EC-Colombia Country Strategy Paper 2007-2013, which addresses the humanitarian and human rights situation of IPs, as well as peace building through the involvement of marginalized citizens in local governance. IPs' participation is an area of critical concern and the EU wishes to see it implemented more globally.

**DENMARK** report that the granting of exploration rights caused tensions between the Greenland Government and the Inuit Circumpolar Council over issues of transparency and consultation but triggered a collaboration between them to develop consultative and transparent mechanisms with the participation of **Inuit** leaders.

**John Henriksen** concludes that there is still a way to go before the Declaration will be entirely implemented. He urges each State to develop national implementation strategies to ensure the complete implementation of the Declaration in partnership with IPs as per article 38 (also **EU**, **ATSISJC**; **OFN** for Canada; **CPC** for New Caledonia; **AIRT/TROTR** for New Zealand). Dialogue generated in this context will help identify the scope of the Declaration's provisions (also **ILCIPKK**). He urges the translation of the Declaration into national and local languages to facilitate dissemination of its contents (also **MPHRC**, **Indigenous Peoples' Organisation of Bangladesh**, **SCNC**, **KKF**; **MEXICO**, **NZHRC**, **JOAS** and **ILCIPKK** report on their activities in this regard). He further discusses ways to improve the EMRIP's understanding of the Declaration's implementation such as commenting on relevant jurisprudence or drafting an annual report.

**Jannie Lasimbang** concludes by recommending the engagement of NHRIs (also **ATSISJC**, **ATSISJC/NZHRC**) and by welcoming IPs' statements that demonstrate positive initiatives and are instrumental in better implementing the Declaration (also **Catherine Odimba Kombe**).

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

The **Global Indigenous Peoples' Caucus** recommend the convening of an Expert Group Meeting on truth and reconciliation procedures (also **HIHR**), drawing from experiences in Canada and Australia, among others, and including lessons learned in developing solutions for conflict resolution and building improved relations. Most truth and reconciliation commissions around the world, particularly in Africa, have excluded IPs from their mandate (also **African Indigenous Caucus**). The EMRIP should enhance dialogue between IPs, international institutions, particularly UN agencies, and States, to build the capacity of indigenous representatives (also **African Indigenous Caucus**, **SERVINDI**, **Sáliba IPs**, **CJIRA**).

The **Global Indigenous Youth Caucus** recommend that indigenous fellowship programmes be organised in all UN agencies. The EMRIP should conduct studies or evaluations on: the participation of indigenous youth in the UN system (also **HIHR** for the OHCHR Indigenous Fellowship Programme); determinants of health for IPs; successes and challenges facing indigenous youth in leadership positions, who have retained their language, culture and ancestral heritage.

**IITC/IOIRD/ECN/SCN/LBT/MoCN/NWAC** emphasize the work carried out by Canada's Truth and Reconciliation Commission, with IPs' direct involvement, on policies of forced removal of large numbers of indigenous children. Canada's Truth and Reconciliation Commission is also mandated to make recommendations on how healing can take place for the victims, IPs, and the country as a whole. A PF Expert Group Meeting held in March 2010 noted the relevance of this experience to the EMRIP's current study (also **Global Indigenous Peoples' Caucus**).

The **African Indigenous Caucus** recommend taking into account African IPs in nominating members of the various bodies mandated to address indigenous issues; a seminar on nomadic peoples in Africa (also **Global Indigenous Peoples' Caucus**); and a study on the situation of indigenous women in Africa.

The **Asian Indigenous Caucus** recommend that the HRC: encourage States to recognise all indigenous peoples who have identified themselves as indigenous; increase resource allocation, as well as additional technical and

logistical support, for the EMRIP and the SRIP; encourage more States to participate to EMRIP's sessions and submit their contributions to its studies; and encourage States to implement the recommendations of the CERD relating to IPs.

The **Arctic Indigenous Caucus** express concerns that the HRC does not act upon the EMRIP's expert advice and reiterate that it is crucial that due attention be given to the follow-up of its studies (also **Global Indigenous Youth Caucus, African Indigenous Caucus, Asian Indigenous Caucus, IITC/IOIRD/ECN/SCN/LBT/MoCN/NWAC, FINLAND**). The Arctic Caucus recommend to submit again the 2010 proposal to the HRC that it organise, during future sessions, panel events devoted to IPs' rights, and specifically to the follow-up of EMRIP's studies, with a period of two years between the submission of the study and the correspondent HRC panel event, as the focus would be on States' efforts to implement recommendations (**FAIRA** underscores that this would establish a task for HRC Member States of addressing the EMRIP's advices and undertake follow-up examinations). The EMRIP should be responsible for crafting a concept note for such panel events.

**FAIRA** underscore the lack of information on how the EMRIP could engage with the UN system to ensure the human rights of IPs (also **SUA**); and that the HRC – and not the EMRIP – is mandated to promote and protect human rights: indigenous delegations should reflect on how they will address the HRC.

**HIHR** recommend studies on indigenous models of higher education and on the extent to which regional human rights institutions focus on IPs' human rights.

Underscoring the failure of Turkey, Syria, Iraq and Lebanon to recognize the **Aramean/Syriac** people as a distinct people, let alone as IPs, **SUA** recommend raising the awareness of these governments and of mainstream media about the benefits of acknowledging their IPs and implementing the Declaration (also **CNV**).

**DJSAM** relate that **Mapuche** communities facing systematic persecution by the Chilean Government have joined in founding an Office of the Autonomous Mapuche Ombudsman, with a mandate to orientate, counsel and represent Mapuche traditional authorities in courts. **DJSAM** request the HRC to urge Chile to recognise all the treaties between the Mapuche people and the Crown of Spain as international treaties that guarantee Mapuche people's self-determination.

The **Mapuche Community of Choin Lafquenche** request that the HRC undertake a comprehensive review of violations of rights enshrined in the Declaration against the **Mapuche** people by the Government of Chile (also **DJSAM**).

**MEXICO** suggests discussing IPs' linguistic rights in accessing state healthcare, education, and judicial services.

(Encadré)

### Proposals submitted to the HRC by the EMRIP at its third session and follow-up

*Among proposals 1 to 6, directed to the Human Rights Council, proposals 1, 2 and 5 were partly reflected in the Council's Resolution 15/7 (see Update 92-93). Proposals 3 and 4 were not reflected in the Council's recommendations. As to proposal 6, the UN General Assembly, by its resolution 65/198 of 21 December 2010, decided to expand the mandate of the UN Voluntary Fund for Indigenous Populations (see also text box on page 27). Proposals 7 to 10 are directed to OHCHR and other UN agencies, as well as Member States.*

#### Proposal 1: Human rights institutions and mechanisms

*The Expert Mechanism on the Rights of Indigenous Peoples*

- (a) *Refers* to proposal 2 from its second session on human rights institutions and mechanisms, as contained in the report of the Expert Mechanism on its second session (A/HRC/12/32);
- (b) *Reiterates* the important role of national human rights institutions and regional human rights mechanisms in protecting and promoting the rights of IPs and in implementing the UN Declaration on the Rights of Indigenous Peoples;
- (c) *Proposes* that the Human Rights Council encourage States to ensure that they have strong national human rights institutions established according to the Paris Principles, that can effectively promote and protect the rights of IPs;
- (d) *Encourages* national human rights institutions to take into consideration the results of the international meeting on the role of national human rights institutions in promoting the implementation of the UN Declaration on the Rights of Indigenous Peoples, organized by the OHCHR in Bangkok from 16 – 17 December 2009, in order to strengthen their activities to promote and protect the rights of IPs, including monitoring compliance with standards contained in international treaties and the UN Declaration on the Rights of Indigenous Peoples; contributing to the thematic studies of the EMRIP; and conducting training relevant to various stakeholders.

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

*The Expert Mechanism on the Rights of Indigenous Peoples*

- (a) *Refers* to its earlier proposal pertaining to the consideration of the rights of IPs during sessions of the Human Rights Council, as contained in the report on its second session (proposal 3, in A/HRC/12/32);
- (b) *Reiterates* that the Human Rights Council should consider organizing regular panel events devoted to the rights of IPs during its future sessions, with the participation of the Expert Mechanism and other relevant experts, including regional human rights mechanisms and national human rights institutions. Such panel events could be devoted to specific themes, and could include sessions on the follow-up to thematic studies prepared by the Expert Mechanism;
- (c) *Proposes* that the first such panel event be devoted to the review of the follow-up to the study on the right of IPs to education and organized in close cooperation with the Expert Mechanism, in the context of the 18<sup>th</sup> session of the Human Rights Council in September 2011;
- (d) *Proposes* that a similar panel be convened by the Human Rights Council in due course on the right to participate in decision-making, following the submission of the final study on this topic;
- (e) *Encourages* the Human Rights Council to continuously pay particular attention to the rights of IPs and the Declaration on the Rights of Indigenous Peoples in its work, including in connection with the UPR.

**Proposal 3: Human Rights Council review***The Expert Mechanism on the Rights of Indigenous Peoples*

- (a) *Refers* to General Assembly resolution 60/251, in which the Assembly decided that the Council should review its work and functioning five years after its establishment and report back to the Assembly, and to Human Rights Council resolution 12/1 which is related to the review;
- (b) *Proposes* that the Human Rights Council include the Expert Mechanism and representatives of IPs in the Human Rights Council review from the earliest possible stage of the process, with a view to ensuring that the results of the review are such that they help to further strengthen the work of the Expert Mechanism and the capacity of the Human Rights Council to promote and protect the rights of IPs.

**Proposal 4: Review of developments pertaining to the promotion and protection of the rights of IPs pursuant to the provisions of the UN Declaration on the Rights of Indigenous Peoples***The Expert Mechanism on the Rights of Indigenous Peoples*

- (a) *Refers* to article 42 of the UN Declaration on the Rights of Indigenous Peoples which obliges the UN, its bodies, specialized agencies and States to promote respect for and full application of the provisions of the Declaration and to follow up the effectiveness of the Declaration;
- (b) *Proposes* that the Human Rights Council authorizes the Expert Mechanism, on an annual basis, to review developments pertaining to the promotion and protection of the rights of IPs pursuant to the provisions of the Declaration on the Rights of Indigenous Peoples, and to give the Human Rights Council thematic advice on possible steps to be taken to achieve the objectives of the Declaration.

**Proposal 5: Measures to achieve the ends of the UN Declaration on the Rights of Indigenous Peoples***The Expert Mechanism on the Rights of Indigenous Peoples*

- (a) *Refers* to article 38 of the UN Declaration on the Rights of Indigenous Peoples which establishes a duty for States, in consultation and cooperation with IPs, to take appropriate measures, including legislative measures, to achieve the objectives of the Declaration;
- (b) *Proposes* that the Human Rights Council encourage States, in consultation and cooperation with IPs, to adopt appropriate measures, including administrative and legal measures, as well as overall implementation strategies, and follow up these measures and strategies in order to ensure respect for and full application of the Declaration.

**Proposal 6: Mandate of the Voluntary Fund for Indigenous Populations***The Expert Mechanism on the Rights of Indigenous Peoples*

- (a) *Welcomes* the request made by the Human Rights Council, as reflected in paragraph 9 of resolution 12/13, that OHCHR prepare a detailed document outlining the practical implications of a change in mandate of the Voluntary Fund, in particular if it is expanded, the current working methods and resources of the Fund.
- (b) *Proposes* that the Human Rights Council take further steps in its forthcoming session towards the implementation of the earlier proposal of the Expert Mechanism to expand the mandate of the Fund.

**Proposal 7: Compilation of recommendations issued within the UPR**

*The Expert Mechanism on the Rights of Indigenous Peoples*

- (a) *Refers* to its earlier proposal, as contained in proposal 3 from its second session;
- (b) *Reiterates* that in order to ensure enhanced attention for the rights of indigenous peoples in the context of the Human Rights Council UPR, the OHCHR should consider preparing a compilation of the recommendations issued so far in respect of IPs in the context of the UPR process as a useful resource.

**Proposal 8: International expert seminar on truth and reconciliation processes**

*The Expert Mechanism on the Rights of Indigenous Peoples*

- (a) *Recognizes* that national truth and reconciliation processes provide an important model and mechanism for improved relations between States and IPs, and that such processes have the potential to facilitate strengthened recognition and implementation of the rights of IPs;
- (b) *Encourages* the OHCHR to consider the possibility of preparing an international expert group seminar on the relevance of national truth and reconciliation processes as a mechanism for conflict resolution and reconciliation between States and IPs.

**Proposal 9: Secretarial support to the EMRIP**

*The Expert Mechanism on the Rights of Indigenous Peoples*

*Recognizes* and welcomes the assistance provided by the OHCHR to the Expert Mechanism and encourages Member States and the OHCHR to ensure that adequate human and financial resources are made available to the Expert Mechanism.

**Proposal 10: UN specialized agencies**

*The Expert Mechanism on the Rights of Indigenous Peoples*

*Welcomes* the activities undertaken by UN organizations and specialized agencies to promote the rights of IPs and encourages continued cooperation between the Expert Mechanism and the agencies in promoting respect for and full application of the provisions of the UN Declaration on the Rights of Indigenous Peoples, in line with article 42 of the Declaration.

(Source: EMRIP Report A/HRC/15/36, Section II.)

### Provisional Agenda for the fourth session of the EMRIP

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

**Abbreviations of NGO and IPs' organisations**

|          |                                                                             |
|----------|-----------------------------------------------------------------------------|
| AIDSESP: | Interethnic Association for the Development of the Peruvian Rainforest      |
| AIPP:    | Asian Indigenous Peoples Pact                                               |
| AIPR:    | Association of Indigenous Peoples in the Ryukyus                            |
| AIPT:    | Association of Indigenous Peoples of Taimyr                                 |
| AIRT:    | Aoteaora Indigenous Rights Trust                                            |
| APG:     | Asamblea del Pueblo Guaraní                                                 |
| ATH-K:   | Association Culturelle ATH-Khoudhiâ                                         |
| ATSISJC: | Aboriginal and Torres Straits Islander Social Justice Commissioner          |
| AZETTA:  | Réseau Amazigh pour la Citoyenneté                                          |
| BAA:     | Bangsa Adat Alifuru                                                         |
| BRC:     | Badil Resource Centre                                                       |
| CAPAJ:   | Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos |
| CFSC:    | Canadian Friends Service Committee                                          |
| CGAP:    | Capitanía Guaraní del Alto Parapetí                                         |
| CIAA:    | Comunidad Indígena Aymara de Ancovinto                                      |
| CISAN:   | Comunidad Integradora del Saber Andino                                      |
| CITa:    | Confederación Indígena Tayrona                                              |

|               |                                                                                                   |
|---------------|---------------------------------------------------------------------------------------------------|
| CJC-AAMI:     | Consejo de la Juventud de Chichicastenango y Autoridades Ancestrales de la Municipalidad Indígena |
| CJIRA:        | Comisión de Juristas Indígenas de la República Argentina                                          |
| CMA:          | Congrès Mondial Amazigh                                                                           |
| CNA-AAAO:     | Conseil National Arménien – Assemblée des Arméniens d'Arménie Occidentale                         |
| CNGM:         | Corporación Nueva Generación – Mushukausay, Ecuador                                               |
| CNV:          | Cumanagoto Nation of Venezuela                                                                    |
| CONAP:        | Confederación de Nacionalidades Amazónicas del Peru                                               |
| COPORWA:      | Communauté des Potiers du Rwanda                                                                  |
| COSOT:        | Comité de Solidaridad Triqui en el Área Metropolitana, México                                     |
| CPA:          | Cordillera Peoples' Alliance                                                                      |
| CPC:          | Congrès Populaire Coutumier, Nouvelle-Calédonie                                                   |
| CPNAB:        | Consejo de Pueblos Nahuas del Alto Balsas                                                         |
| DAP:          | Dewan Adat Papua                                                                                  |
| DSJAM:        | Defensor Jurídico Social Autónomo Mapuche                                                         |
| ECN:          | Ermieskin Cree Nation                                                                             |
| FAIRA:        | Foundation for Aboriginal and Islander Research Action                                            |
| FMW-SJW:      | Fuerza de Mujeres Wayúu – Sutsuin Jiyeyu Wayuu                                                    |
| FPHRC:        | First Peoples Human Rights Coalition                                                              |
| FPP:          | Forest Peoples Programme                                                                          |
| FRSCIP:       | Foundation for Research and Support to the Crimean Indigenous Peoples                             |
| GCC:          | Grand Council of the Crees                                                                        |
| HIHR:         | Hawai'i Institute for Human Rights                                                                |
| HPI:          | Hiroshima Peace Institute                                                                         |
| ICHR:         | International Council for Human Rights                                                            |
| ICN:          | Innu Council of Nitassinan                                                                        |
| ICSA:         | Indian Council of South America                                                                   |
| IITC:         | International Indian Treaty Council                                                               |
| ILCIPKK:      | Informational Legal Center of Indigenous Peoples of Krasnoyarsky Kray                             |
| IMTA:         | Indian Movement "Tupaj Amaru"                                                                     |
| IOIRD:        | International Organisation of Indigenous Resource Development                                     |
| IPACC:        | Indigenous Peoples of Africa Co-ordinating Committee                                              |
| IPNC:         | Indigenous Peoples and Nations Coalition                                                          |
| IT:           | Internationale Touarègue                                                                          |
| IWA:          | Indigenous World Association                                                                      |
| JOAS:         | Jaringan Orang Asal SeMalaysia                                                                    |
| KAMP:         | Kalipunan ng mga Katutubong Mamamayan ng Pilipinas                                                |
| KKF:          | Khmer Kampuchea-Krom Federation                                                                   |
| LBT:          | Louis Bull Tribe, Canada                                                                          |
| LINAPYCO:     | Ligue nationale des associations autochtones pygmées de la RD Congo                               |
| LLU:          | Lueneburg Leuphana University                                                                     |
| MBOSCUA:      | Mbororo Social and Cultural Development Association                                               |
| MoCN:         | Montana Cree Nation                                                                               |
| MPHRC:        | Meghalaya Peoples' Human Rights Council                                                           |
| MUDL:         | Middlesex University Department of Law                                                            |
| NCFCE:        | Negev Coexistence Forum for Civil Equality                                                        |
| NCRLC:        | North Coast Regional Aboriginal Land Council                                                      |
| NIYC:         | National Indian Youth Council                                                                     |
| NNHRC:        | Office of the Navajo Nation Human Rights Commission                                               |
| NNTC:         | National Native Title Council                                                                     |
| NSWALC:       | New South Wales Aboriginal Land Council                                                           |
| NWAC:         | Native Women's Association of Canada                                                              |
| NZHRC:        | New Zealand Human Rights Commission                                                               |
| OFN:          | Ochapowace First Nation                                                                           |
| ONAMIAAP:     | Organización Nacional de Mujeres Indígenas Andinas y Amazónicas del Perú                          |
| ONIC:         | Organización Nacional Indígena de Colombia                                                        |
| ONPIA:        | Organización de Nacionalidades de Pueblos Indígenas de Argentina                                  |
| PAICODEO:     | Parakuiyo Pastoralists Indigenous Community Development Organisation                              |
| PCJSS:        | Parbatya Chattagram Jana Samhati Samiti                                                           |
| PIDP-BAMBUTI: | Programme d'Intégration et de Développement du Peuple Pygmée au Kivu                              |

|           |                                                                                                                     |
|-----------|---------------------------------------------------------------------------------------------------------------------|
| PIPLinks: | Philippine Indigenous Peoples Links                                                                                 |
| RAIPON:   | Russian Association of Indigenous Peoples of the North                                                              |
| RCN:      | Rehoboth Community of Namibia                                                                                       |
| REI:      | Revista Ecuamundo Internacional                                                                                     |
| REPALEAC: | Réseau des populations autochtones et locales pour la gestion durable des écosystèmes forestiers d'Afrique centrale |
| REPALEF:  | Réseau des populations autochtones et locales pour la gestion durable des écosystèmes forestiers                    |
| SACS:     | Structural Analysis of Cultural Systems, University of Berlin                                                       |
| SAS:      | Society for Adivasi Somaz                                                                                           |
| SCN:      | Samson Cree Nation                                                                                                  |
| SCNC:     | Sénat Coutumier de la Nouvelle-Calédonie                                                                            |
| SERVINDI: | Servicios en Comunicación Intercultural                                                                             |
| SNRLC:    | Sidney Newcastle Regional Aboriginal Land Council                                                                   |
| SUA:      | Syriac Universal Alliance                                                                                           |
| TOTSNTC:  | Tetuwan Oyate Teton Sioux Nation Treaty Council                                                                     |
| TPP:      | Tara-Ping Pu                                                                                                        |
| TROTR:    | Te Runanga o Te Rarawa                                                                                              |
| UNPK:     | Union Nationale du Peuple Kanak                                                                                     |
| WIN-S:    | World Indigenous Nations Sports Inc.                                                                                |
| WTP:      | Waso Trustland Project                                                                                              |

### 3. UPCOMING MEETINGS AND DEADLINES FOR INDIGENOUS PEOPLES, AUGUST TO DECEMBER 2011

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

#### AUGUST

8 – 12 August 2011 (Geneva, Switzerland)

##### **Seventh session of the Human Rights Council Advisory Committee**

Office of the High Commissioner for Human Rights

Contact: Human Rights Council Advisory Committee

Human Rights Council Secretariat

United Nations, 1211 Geneva 10, Switzerland

Phone: +41 22 917 9401/9732 Fax: +41 22 917 9011

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

Web: <http://www2.ohchr.org/english/bodies/hrcouncil/advisorycommittee.htm>

8 August – 2 September 2011 (Geneva, Switzerland)

##### **79<sup>th</sup> session of the Committee on the Elimination of Racial Discrimination (CERD)**

Countries scheduled for consideration: Albania, Czech Republic, Georgia, Kenya, Maldives, Malta, Mexico, Paraguay, Ukraine, United Kingdom

Office of the High Commissioner for Human Rights

United Nations, CH-1211 Geneva 10, Switzerland

Phone: +41 22 917 9440 Fax: +41 22 917 9008

E-mail: [cerd@ohchr.org](mailto:cerd@ohchr.org) Web: <http://www2.ohchr.org/english/bodies/cerd/cerds79.htm>

9 August 2011 (celebrated throughout the world)

##### **International Day of the World's Indigenous Peoples**

Web: <http://www.un.org/events/>

14 – 18 August 2011 (Cusco, Peru)

##### **World Indigenous Peoples' Conference on Education**

##### **"Living our Indigenous Roots"**

Hosted by the Quechua Integral Development Association - ADIQUÉ

Contact: Ms. Maryrossie Vergara – Coordinator

Phone: +511 444 3384 ext 211 or ext 217

E-mail: [info@wipce2011.net](mailto:info@wipce2011.net) Web: <http://www.wipce2011.net/>

#### SEPTEMBER

12 – 30 September 2011 (Geneva, Switzerland)

##### **18<sup>th</sup> session of the Human Rights Council**

Office of the High Commissioner for Human Rights

Contact: OHCHR Civil Society Unit

United Nations, 1211 Geneva 10, Switzerland

Phone: +41 22 917 9656 Fax: +41 22 917 9011

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

Web: <http://www.ohchr.org/english/bodies/hrcouncil>

Beginning 13 September 2011 (New York, USA)

##### **66<sup>th</sup> session of the UN General Assembly**

UN Headquarters, 1 UN Plaza, New York, NY 10017

Phone: +1 212 963 2332 Fax: +1 212 963 4230

Web: <http://www.un.org/ga>

19 September – 7 October 2011 (Geneva, Switzerland)

**58<sup>th</sup> session of the Committee on the Rights of the Child (CRC)**

Countries scheduled for consideration: Iceland, Italy, Syrian Arab Republic, Panama, Madagascar, Republic of Korea, Greece, Seychelles; OPSC: Sweden; OPAC: Democratic Republic of the Congo.

Office of the High Commissioner for Human Rights

United Nations, CH-1211 Geneva 10, Switzerland

Phone: +41 22 917 9358 Fax: +41 22 917 9008

E-mail: [crc@ohchr.org](mailto:crc@ohchr.org) Web: <http://www2.ohchr.org/english/bodies/crc/crcs58.htm>

23 – 25 September 2011 (Washington DC, USA)

**Annual meetings of the World Bank Group and the International Monetary Fund**

World Bank Headquarters

1818 H Street, NW Washington, DC 20433, USA

Phone: +1 202 473 1000 Fax: +1 202 477 6391

E-mail: [bfcoffice@worldbank.org](mailto:bfcoffice@worldbank.org) Web: <http://www.imf.org/external/am/index.htm>

26 September – 5 October 2011 (Geneva, Switzerland)

**40<sup>th</sup> General Assembly**

**49<sup>th</sup> series of meetings of the Assemblies of Member States**

World Intellectual Property Organisation (WIPO)

PO Box 18, CH-1211 Geneva 20, Switzerland

Phone: +41 22 338 9111 Fax: +41 22 733 5428

For email go to: <http://www.wipo.int/tools/en/contacts/index.jsp>

Web: [http://www.wipo.int/meetings/en/details.jsp?meeting\\_id=23138](http://www.wipo.int/meetings/en/details.jsp?meeting_id=23138)

OCTOBER

3 – 14 October 2011 (Geneva, Switzerland)

**12<sup>th</sup> session of the HRC Working Group on the Universal Periodic Review**

Countries scheduled for consideration (in this order): Tajikistan, United Republic of Tanzania, Antigua and Barbuda, Swaziland, Trinidad and Tobago, Thailand, Ireland, Togo, Syrian Arab Republic, Venezuela, Iceland, Zimbabwe, Lithuania, Uganda, Timor Leste, Republic of Moldova.

Office of the High Commissioner for Human Rights

Contact: OHCHR Civil Society Unit

United Nations, 1211 Geneva 10, Switzerland

Phone: +41 22 917 9656 Fax: +41 22 917 9011

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

Web: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

3 – 21 October 2011 (Geneva, Switzerland)

**50<sup>th</sup> session of the Committee on the Convention on the Eradication of all Forms of Discrimination Against Women (CEDAW)**

Countries scheduled for consideration: Chad, Côte d'Ivoire, Kuwait, Lesotho, Mauritius, Montenegro, Oman, Paraguay.

Office of the High Commissioner for Human Rights

United Nations, 1211 Geneva 10, Switzerland

Phone: +41 22 917 9443 Fax: +41 22 917 9008

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

Web: <http://www2.ohchr.org/english/bodies/cedaw/cedaws50.htm>

10 – 14 October 2011 (Geneva, Switzerland)

**59<sup>th</sup> session of the Pre-session Working Group - CRC**

Countries scheduled for consideration: Australia, Algeria, Andorra, Cyprus, Turkey, Viet Nam, Cook Island, Niue Islands; OPSC: Nepal, Thailand; OPAC: Thailand.

Office of the High Commissioner for Human Rights

United Nations, CH-1211 Geneva 10, Switzerland

Phone: +41 22 917 9358 Fax: +41 22 917 9008

E-mail: [crc@ohchr.org](mailto:crc@ohchr.org) Web: <http://www2.ohchr.org/english/bodies/crc/crcwg59.htm>



10 – 13 October 2011 (Ecuador, Tentative!)

**Latin American and Caribbean Regional Consultation and Capacity-building Workshop on REDD including on relevant Biodiversity Safeguards**

Secretariat of the Convention on Biological Diversity

Contact: Mr. Ahmed Djoghlaif, Executive Secretary

413 St-Jacques Street, 8<sup>th</sup> floor, Office 800

Montreal, Quebec, Canada, H2Y 1N9

Phone: +1 514 288 2220 Fax: +1 514 288 6588

E-mail: [secretariat@cbd.int](mailto:secretariat@cbd.int) Web: <http://www.cbd.int/meetings/default.shtml>

17 October – 4 November 2011 (Geneva, Switzerland)

**103<sup>rd</sup> session of the Human Rights Committee**

Countries scheduled for consideration: Jamaica, Kuwait, Norway, Iran, Côte d'Ivoire

Office of the High Commissioner for Human Rights

United Nations, 1211 Geneva 10, Switzerland

Phone: +41 22 917 9261 Fax: +41 22 917 9008

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

Web: <http://www2.ohchr.org/english/bodies/hrc/hrcs103.htm>

31 October – 11 November 2011 (Geneva, Switzerland)

**9<sup>th</sup> session of the Intergovernmental Working Group on Effective Implementation of the Durban Declaration and Programme of Action**

Office of the High Commissioner for Human Rights

Contact: Anti-Discrimination Unit

48 Giuseppe Motta, 1202 Geneva, Switzerland

Phone: +41 22 928 9208 Fax: +41 22 928 9050

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

Web: <http://www2.ohchr.org/english/issues/racism/groups/index.htm>

31 October – 4 November 2011 (Montreal, Canada)

**7<sup>th</sup> Meeting of the Ad-Hoc Open-ended Working Group on Article 8(j) and Related Provisions**

Secretariat of the Convention on Biological Diversity

Contact: Mr. Ahmed Djoghlaif, Executive Secretary

413 St-Jacques Street, 8<sup>th</sup> floor, Office 800

Montreal, Quebec, Canada, H2Y 1N9

Phone: +1 514 288 2220 Fax: +1 514 288 6588

E-mail: [secretariat@cbd.int](mailto:secretariat@cbd.int) Web: <http://www.cbd.int/meetings/default.shtml>

31 October – 25 November 2011 (Geneva, Switzerland)

**47<sup>th</sup> session of the Committee Against Torture**

Countries scheduled for consideration: Bulgaria, Djibouti, Germany, Greece, Madagascar, Morocco, Paraguay, Sri Lanka, Tunisia

Office of the High Commissioner for Human Rights

United Nations, 1211 Geneva 10, Switzerland

Phone: +41 22 917 9706 Fax: +41 22 917 9008

E-mail: [cat@ohchr.org](mailto:cat@ohchr.org) Web: <http://www2.ohchr.org/english/bodies/cat/cats47.htm>

NOVEMBER

7 – 11 November 2011 (Montreal, Canada)

**15<sup>th</sup> Meeting of the Subsidiary Body for Scientific and Technological Advice (SBSTA)**

Secretariat of the Convention on Biological Diversity

Contact: Mr. Ahmed Djoghlaif, Executive Secretary

413 St-Jacques Street, 8<sup>th</sup> floor, Office 800

Montreal, Quebec, Canada, H2Y 1N9

Phone: +1 514 288 2220 Fax: +1 514 288 6588

E-mail: [secretariat@cbd.int](mailto:secretariat@cbd.int) Web: <http://www.cbd.int/meetings/default.shtml>

14 November – 2 December 2011 (Geneva, Switzerland)

**47<sup>th</sup> session of the Committee on Economic, Social and Cultural Rights (CESCR)**

Countries scheduled for consideration: Argentina, Cameroon, Estonia, Israel and Turkmenistan

Office of the High Commissioner for Human Rights

United Nations, CH-1211 Geneva 10, Switzerland

Phone: + 41 22 917 9703 Fax: + 41 22 917 9008

E-mail: [cescr@ohchr.org](mailto:cescr@ohchr.org) Web: <http://www2.ohchr.org/english/bodies/cescr/cescrs47.htm>

21 – 25 November 2011 (Geneva, Switzerland)

**Intersessional meeting of the Board of Trustees of the UN Voluntary Fund for Indigenous Populations**

Office of the High Commissioner for Human Rights

Secretariat of the Voluntary Fund for Indigenous Populations

United Nations, 1211 Geneva 10, Switzerland

Phone: +41 22 928 9737 / 9314 Fax: +41 22 928 9010

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

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

28 November – 9 December 2011 (Durban, South Africa)

**17<sup>th</sup> session of the Conference of Parties (COP 17) of the UNFCCC**

**7<sup>th</sup> session of the COP serving as meeting of the Parties to Kyoto Protocol**

UN Framework Convention on Climate Change (UNFCCC)

Haus Carstanjen, Martin-Luther-King-Strasse 8

PO Box 260124, D-53153 Bonn, Germany

Phone: +49 228 815 1000 Fax: +49 228 815 1999

E-mail: [secretariat@unfccc.int](mailto:secretariat@unfccc.int) Web: <http://unfccc.int/meetings/items/2654.php>

DECEMBER

2 – 9 December 2011 (Geneva, Switzerland)

**47<sup>th</sup> session of the Pre-Sessional Working Group - CESCR**

Countries scheduled for consideration: Bulgaria, Ecuador, Ethiopia, Mauritania and United Republic of Tanzania

Office of the High Commissioner for Human Rights

United Nations, CH-1211 Geneva 10, Switzerland

Phone: + 41 22 917 9703 Fax: + 41 22 917 9008

E-mail: [cescr@ohchr.org](mailto:cescr@ohchr.org) Web: <http://www2.ohchr.org/english/bodies/cescr/cescrwg47.htm>

15 – 16 December 2011 (New York, USA)

**Second Intersessional Meeting for the UN Conference on Sustainable Development (Rio+20)**

Department of Economic and Social Affairs

Division for Sustainable Development

2 UN Plaza, Room DC2-2220, New York, NY 10017, USA

Phone: + 1 212 963 8102 Fax: + 1 212 963 4260

E-mail: [dsd@un.org](mailto:dsd@un.org)

Web: <http://www.uncsd2012.org/>

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## 4. OTHERS

### UN Voluntary Fund for Indigenous Populations

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

These are the deadlines for the **second cycle of application**:

*15 August 2011: Call* of applications to attend the 19<sup>th</sup> session of the Human Rights Council and all sessions of the treaty bodies taking place between January and March 2012

*15 October 2011: Deadline* for the submission of applications

*21-25 November 2011: Intersessional meeting* of the Board of Trustees

*5 December 2011: Announcement* of the selection

These are the deadlines for the **third cycle of application**:

*1 September 2011: Call* of applications to attend the 11<sup>th</sup> session of the PF, the 5<sup>th</sup> session of the EMRIP and all treaty bodies' sessions taking place between April and August 2012

*1 November 2011: Deadline* for the submission of applications

*6-10 February 2012: Annual session* of the Board of Trustees:

*27 February 2012: Announcement* of the selection:

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

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

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

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

Please also note that the UN Voluntary Fund for Indigenous Populations is presently facing a major financial crisis.

Contact information:

*Secretariat of the Voluntary Fund for Indigenous Populations*

*Ms. Mélanie Clerc*

*Office of the United Nations High Commissioner for Human Rights*

*CH-1211 Geneva 10 - Switzerland*

*Phone: +41 22 928 9737 / 9314 - fax +41 22 928 9010*

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

For applications and more information:

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

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

by e-mail at: [docip@docip.org](mailto:docip@docip.org) (Subject: Update)

by fax at: + 41 22 740 34 54

by mail at: doCip, 14 avenue Trembley, CH-1209 Genève

Thanks!

**Contributors to this issue**

Pierrette Birraux, Geneviève Herold, Matthew Goodman.

**Translation**

Virginia Alimonda, Julie Graf, Karen Smith, Nathalie Stitzel.

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*The Canton of Geneva*

*City of Geneva*

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

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