

doCip

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1. EDITORIAL

The announcement of New Zealand's approval of the Declaration on the rights of indigenous peoples, and then of the revision of Canada's and the USA's position on it, opened the 9th session of the Permanent Forum on Indigenous Issues (PF), to which this issue of the Update is dedicated. Since then, the enthusiasm has waned: according to the statement by the International Indian Treaty Council at the Human Rights Council, the USA's "understanding" of rights such as self-determination, to lands and territories, and to free prior and informed consent, do not correspond with the Declaration adopted by the UN General Assembly (GA). In addition, at the 10th Conference of the Parties to the Convention on Biological Diversity held at Nagoya, Canada raised the sole objection to mentioning the Declaration in the preamble of the Protocol on Access and Benefit-sharing.

Discussions on the special theme, "Indigenous Peoples: Development with culture and identity", demonstrated a broad consensus for development based on self-determination, on parity between human rights and the rights of mother earth – that is, a consensus on "living well" – as well as on disaggregated data on indigenous peoples, and on long term engagement by States. Finally, indigenous peoples must be included from the very beginning in the elaboration of development projects.

Numerous concrete proposals were formulated, such as: holding a global summit on "Promoting indigenous culture and identity through self-determination", examination by the PF and Special Rapporteur James Anaya of the situation of peoples on the verge of extinction – especially when due to displacement, criminalization of indigenous movements, and the militarization of their territories; creation of an international indigenous judicial centre to verify the accuracy of information reaching UN institutions and Treaty Bodies; visits to conflict zones; and the inclusion, in States' reports to Treaty Bodies, of reports on their obligations deriving from the Declaration. An experts meeting on the elaboration of an exhaustive study of the Doctrine of Discovery in the seven PF regions was widely supported.

The relationship between indigenous rights and protecting biodiversity and forests was repeatedly affirmed, while the establishment of protected areas that exclude their indigenous inhabitants was largely criticised. Once again there was a lively discussion of the mechanism on Reducing Emissions from Deforestation and Forest Degradation (REDD). Whatever the outcome, the middle- and long-term strengthening of indigenous organisations' capacities is imperative.

The agenda of the 10th session of the PF notably includes follow-up on its recommendations; a half-day discussion on Central and South America and the Caribbean, and another on the right to water; and a discussion of the GA's decision to hold a World Conference on Indigenous Peoples at the end of the second Decade, in 2014. Finally, doCip will organise a day-long training session on the PF, the CERD, and the Universal Periodic Review, on Sunday, 15 May 2011.

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2. PERMANENT FORUM ON INDIGENOUS ISSUES

Ninth session, New York, 19 – 30 April 2010

This ninth session focused on “Indigenous peoples: development with culture and identity: articles 3 and 32 of the Declaration”. A dialogue with the Secretariat of the Convention on Biological Diversity drew attention to the need for indigenous peoples to influence CBD processes, of crucial importance to their rights and future. During discussions on future work and emerging issues, Permanent Forum members presented numerous reports and studies, and a thematic discussion on indigenous peoples and forests underscored the challenges that deforestation, agro-fuel plantations or protected areas bring to IPs, and the need to recognize their rights to their forests, and their contribution to forest protection and management.

Report on the Permanent Forum’s session¹

Opening Session

Tadodaho Sid Hill, Traditional Chief of the Onondaga Nation urges participants to put their minds together and give thanks to all beings.

Calling on governments, indigenous peoples (IPs), the UN system and all partners to ensure implementation of the Declaration (AFN and the **African Indigenous Caucus** applaud this), **UN Secretary-General Ban Ki-Moon** emphasizes that development must respect the right of IPs to self-determination through participation in decision-making on an equal basis, underpinned by their values of reciprocity, solidarity and collectivity.

Carlos Mamani Condori, elected Chairperson of the Permanent Forum, applauds the designation of 22 April as International Mother Earth Day. He emphasizes the importance of redefining development in a culturally appropriate way, and calls for promotion of IPs’ worldview in coping with climate change (also **Sha Zukang**). A number of UN human rights instruments – such as ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples (the Declaration) guaranteeing them full and effective participation in and consultation about development processes – are directly related to development (also **Sha Zukang**).

Sha Zukang, Under-Secretary-General for Economic and Social Affairs, notes that in recent years the Permanent Forum on Indigenous Issues (PF) has influenced the agendas and changed the awareness of other organizations (also **Ambassador Hamidon Ali**).

Ahmed Djoglaf, Executive Secretary of the Secretariat of the Convention on Biological Diversity, says conserving cultural and biological diversity can strengthen relations among States, support achievement of the MDGs, and contribute to peace.

Ambassador Hamidon Ali, President of the Economic and Social Council (ECOSOC), recalls that ECOSOC opened the way for NGOs to take a role in formal UN deliberations. With its wide civil society participation, the PF contributes to strengthening relations between Member States, the UN system and IPs worldwide.

Announcing **NEW ZEALAND**’s support for the Declaration, its **Minister of Maori Affairs** explains that it will rely upon its own distinct processes and institutions to continue to implement the Declaration’s principles, respecting both the relationship **Maori** have with their lands and resources currently and the legal regimes for the ownership and management of land and natural resources.

Members of the Permanent Forum on Indigenous Issues

2008 – 2010

Indigenous nominated experts: Hassan Id Balkassm (Africa), Margaret Lokawua, (Africa), Victoria Tauli-Corpuz (Asia), Elisa Canqui Mollo (Central and South America), Lars Anders Baer (Arctic), Pavel Sulyandziga (Russian Federation), Tonya Gonnella Frichner (North America), Michael Dodson (Pacific).

State nominated experts: Simeon Adewale Adekanye (African States), Liliane Muzangi Mbela (African States), Paimanach Hasteh (Asian States), Eugenio A. Insigne (Asian States), Andrey A. Nikiforov (Eastern European States), Carlos Mamani Condori (Latin American and Caribbean States), Bartolomé Clavero Salvador (Western Europe and other States), Carsten Smith (Western Europe and other States).

¹ This report is based on oral and written statements presented orally during the debates, as well as on the UNDPI press releases. The official report of this session is UN document E/2010/43-E/C.19/2010/15.

2011 – 2013

Indigenous nominated experts: Paul Kanyinke Sena (Africa), Raja Devasish Roy (Asia), Myrna Cunningham Kain (Central and South America), Saul Vicente Vazquez (Central and South America), Dalee Sambo Dorrough (Arctic), Anna Naykanchina (Russian Federation), Edward John (Northern America), Valmaine Toki (Pacific)

State nominated experts: Simon William M'Viboudoulou (African States), Paimanach Hasteh (Asian States), Andrey A. Nikiforov (Eastern European States), Helen Kaljulata (Eastern European States), Bertie Xavier (Latin American and Caribbean States), Alvaro Esteban Pop (Latin American and Caribbean States), Eva Biaudet (Western Europe and other States), Megan Davis (Western Europe and other States).

Relevant documentation for the 9th session of the PF

Documents submitted for the session

In this summary report, we mention some of the documents submitted to the 9th session, where relevant, but not all of them. In particular, the reports submitted to the PF by UN agencies and governments are not mentioned here. All the session's documents have a symbol beginning with E/C.19/2010 and are available on the website of the PF Secretariat at www.un.org/esa/socdev/unpfi (go to the page for the ninth session, then to the section *Documents*).

Other documents relevant to the session's debates include the UN Declaration on the Rights of Indigenous Peoples (see Update 79-80); the "Study on treaties, agreements and other constructive arrangements between States and indigenous populations", by Miguel Alfonso Martínez (E/CN.4/Sub.2/1999/20); as well as the "People's Agreement" of the World People's Conference on Climate Change and the Rights of Mother Earth, held in April 2010 in Cochabamba, Bolivia. This document is available on Internet at <http://pwccc.wordpress.com/support/>.

Statements presented on the floor during the session

All the written statements presented on the floor during the session and collected by doCip are available on our website at www.docip.org. Chose *Online documentation* in the menu *Documentation Centre*, then chose the *Conferences* mode and select *Permanent Forum 2010*: you will find the statements by agenda item. You can also use the Search mode if you look for a particular content and/or author (you can change your Search preferences, under Preferences, in order to be able to use several key words in each query).

The statements are available in their original language. doCip may have unofficial translations for some of them. If you are interested in a particular statement that is not in a language you understand, please ask doCip (giving the author's name, agenda item and conference where the statement was delivered). We will check if translations are available.

Item 3 – Special theme: “IPs: development with culture and identity: articles 3 and 32 of the Declaration”

Calling attention to different understandings of “development”, **Victoria Tauli-Corpuz** introduces the report of the Expert Group Meeting on “IPs: development with culture and identity” (E/C.19/2010/14). While the dominant society assumes human progress and development depend on sustained economic growth as measured by the gross domestic product, IPs find this model causes inequality and injustice, promotes over-consumption, and destroys the world's ecological systems along with IPs' economies (also **Michael Dodson, Global Indigenous Peoples'** and **Youth Caucuses, North American, Asian and Pacific Indigenous Caucuses, Project Access - Global Capacity Training 2010, APIYN, IOIRD, ECMI, CONAP, CCNMWK, NICARAGUA, VENEZUELA**). Many participants agree that IPs should develop their own models of development, based on self-determination and consistent with their world views and the concept of “living well” (**Elisa Canqui Mollo, Carlos Mamani Condori, Tonya Gonnella Frichner, UNESCO, Global Indigenous Peoples', Youth and Women's Caucuses, North American and Asian Indigenous Caucuses, IPs' Organizations of Australia, APIYN, CAO, CCNMWK, IOIRD, CONAMAQ, CISAN/MV/CPINM/CIAPI/CEDHUNG, ATTTA, a Quechua Parliamentarian of Peru, BOLIVIA, NICARAGUA, VENEZUELA, ECUADOR, CHILE, FINLAND, MEXICO, GUATEMALA**). Despite positive gains in standard setting, traditional knowledge is still being undermined; therefore IPs' organizations must be supported to continue and expand their engagement with ongoing international processes (also **UNESCO, IPs' Organizations of Australia, Commission on IPs of the Guatemalan Parliament**). IPs' interests, knowledge and experience must be integral to constructing knowledge about them (also **UNESCO, North American Indigenous Caucus, Pacific Indigenous Caucus** for Samoa, **APIYN, CAO**). The PF must adopt and

disseminate a code of research ethics (also **Tonya Gonnella Frichner, CIPIACI**). As both a means of communication and a documentation system, languages must be protected in development processes (also **UNICEF, UNESCO, UNDP, Michael Dodson, Global Indigenous Youth and Women's Caucuses, North American Indigenous Caucus, NINPA, IPSF, WPIA, YM, TdU/GE**). Indigenous researchers and input from IPs on the UN framework are important to advance the business and human rights agenda (also **Tonya Gonnella Frichner**), especially regarding extractive industries. (Also expressing concern about the negative effects of the mining industry are **Asian Indigenous Caucus, Project Access - Global Capacity Training 2010, CAPAJ, CCNMWK** regarding Guatemala, **CAOI, APIYN, FINLAND**.) The UN Development Programme (UNDP) must create a development index and empowerment measures specific to IPs, and ensure that IPs take part in consultation processes over the Millennium Development Goals (MDGs).

Introducing the report of the Inter-agency Support Group (IASG) on the special theme (E/C.19/2010/17 and E/C.19/2010/CRP.3), **UNESCO** emphasize "putting people at the centre" of development, through cultural diversity, tolerance and pluralism. Climate change adaptation strategies should link cultural and biological diversity, giving voice to IPs' knowledge, experience and perspectives (also **UNDP, IFAD, North American and Pacific Indigenous Caucuses, IIFW, ARNA, CAO, ICC, BRAZIL, EU**). **UNESCO** stress the importance of mother-tongue, intercultural education (also **IOM, UNICEF, COLOMBIA, BRAZIL, CANADA, HOLY SEE**), urge action on mainstreaming the Declaration into all UN policies and programmes (also **North American Indigenous Caucus, APIYN, IOIRD**), and emphasize the plural identities and multiple cultural affiliations of indigenous individuals and communities (also **Global Indigenous Peoples' Caucus, VENEZUELA**).

Emphasizing that MDG indicators are based on a "tyranny of averages", **UNDP** urge stronger capacities to produce and analyse disaggregated data to reveal inequalities among specific groups (also **UNESCO, UNFPA, WHO, Tonya Gonnella Frichner, Elisa Canqui Mollo, IPs' Organizations of Australia, ECUADOR**). **Elisa Canqui Mollo** responds that IPs have been left out of the whole MDG process; repeated PF recommendations to adjust the indicators have been ignored.

UN Declaration on the Rights of Indigenous Peoples

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Dialogue with UN agencies

The **International Organization for Migrations (IOM)** say IPs face pressure, including by governments, to assimilate to their non-indigenous host communities – a loss of identity that can prevent individuals from accessing state benefits.

The **International Labour Organization (ILO)** affirm IPs' right to self-determined development, to setting their own priorities, and to informed consent (also **Carlos Mamani Condori, Bartolomé Clavero Salvador, IFAD, Global Indigenous Youth and Women's Caucuses, North American and Asian Indigenous Caucuses, Project Access - Global Capacity Training 2010, ICC, APIYN, CAO, CCNMWK, NINPA, ECMI, EU, GERMANY, MEXICO, NICARAGUA**). They call for long-term commitment, as shorter term "effectiveness" considerations can push IPs' rights aside (also **Carlos Mamani Condori, Victoria Tauli-Corpuz, UNESCO**).

The **Food and Agriculture Organization (FAO)** report on their work empowering smallholder communities to conserve their traditional systems.

FAO/IITC urge the IASG, States, and UN agencies to incorporate their cultural indicators in their assessments. The PF should voice support for such collaborative efforts between an indigenous organization and a UN agency.

Emphasizing intercultural understanding, the **UN Population Fund (UNFPA)** call for the introduction of non-negotiable cultural elements into services, so that IPs can use these without compromising their identities.

The **UN Institute for Training and Research** (UNITAR) informs on its problem-solving and conflict-resolution trainings for IPs to conduct successful negotiation processes on marginalization from political and economic processes and conflict over land and resources.

The **World Health Organization** (WHO) inform that, worldwide, the health and living conditions of IPs are invariably below the general population, and that many illnesses suffered by IPs are associated with lifestyle changes caused by displacement and acculturation.

UN-Habitat offer guidance to governments and local authorities on urban IPs, and appreciate Canada's ongoing support of sustainable urban development with culture and identity.

UNESCO refer to IPs' input on the Convention on safeguarding intangible heritage, and highlight the provision in the Convention on diversity of cultural expressions which says the holders of intangible heritage are also the ones defining it.

The **International Fund for Agricultural Development** (IFAD) says IPs' cultural heritage and identity are assets to overcome poverty.

UNICEF inform on their efforts to understand and prevent suicide among indigenous youth in Latin America and the Caribbean, and to promote birth registration so as to combat child abuse, trafficking and exploitation. They are developing child-friendly versions of the Declaration.

Elisa Canqui Mollo says approaches to IPs' development must be based on "living well", and no one can be said to be "living well" until everyone is.

Referring to UNDP's human development approach, unchanged since before the Declaration's adoption, **Bartolomé Clavero Salvador** informs that by adding a reference to articles 3 and 32 of the Declaration, the PF intended to make clear that "development with culture and identity" must be understood in terms of IPs' rights to self-determination, and to decisions over their own development.

Dialogue with IPs

In spite of overwhelming evidence that education in the mother tongue is crucial for culture and identity, **Michael Dodson** says support for indigenous languages continues to be contested at all levels over issues such as cost, the effort required to document and record languages based on oral tradition, the impact of first language acquisition on academic success in the language of transaction, and teacher training (also the **Innu Nation** for Quebec; **BOTSWANA** for the **San**). In the classroom, the language of instruction is associated with status and superiority (also **Hassan Id Balkassm**). Though English, as the language of transaction, is important for IPs in Australia, policy developments privileging English in the classroom are based on political imperatives driven by the short-term need to improve standardized test scores.

The **Global Indigenous Peoples' Caucus** call for implementation of the Declaration to alleviate the daily human rights violations suffered by IPs (also **Global Indigenous Youth** and **Women's Caucuses**, **North American** and **Asian Indigenous Caucuses**, **CUBA**, **NICARAGUA**). States must stop persecuting IPs who resist development projects (also **Global Indigenous Women's Caucus**, **Asian Indigenous Caucus**, **CAOI**, **CCNMWK**).

The **Global Indigenous Youth Caucus** warn that consultation seeking IPs' free prior and informed consent must be substantive, culturally understandable, and on an equal footing (also **NINPA**); there can be no real free prior and informed consent as long as some IPs speak on behalf of the colonizers (also **Yamasi people**).

According to the **Global Indigenous Women's Caucus**, indigenous women are responsible for managing the earth's nurturing gifts. The PF should study the situation of unrepresented and unrecognized IPs in its 2011 agenda (also **KKF/MoF**).

Because indigenous women are essential for transmission of cultural practices and indigenous identity, **IWWF** call for their full participation in decision-making, especially regarding development processes affecting IPs' lives (also **Global Indigenous Women's Caucus**, **ECMI**).

The **North American Indigenous Caucus** recommend the PF address specific violations of IPs' rights related to ecologically and culturally destructive modes of development (also **CCNMWK**), and institute an early warning and urgent action procedure for violations such as those faced by the **Athabasca Chipewyan** people because of tar sands exploitation.

Deploring US military firebombing in Hawai'i, which affects fragile ecosystems and the health of all, the **Pacific Indigenous Caucus** warn that a similar fate awaits Guam, where the imminent arrival of 20,000 US military personnel will destroy the reef ecosystem and negatively impact the local indigenous economy. States must return ceded lands to Native Hawai'ians, Iwi lands to the **Maori**, and traditional lands to the people of Rapa Nui (also **NICARAGUA** for all States). Pacific nations who so desire must be re-inscribed on the UN decolonisation list (also **ATTTA** for French Polynesia).

Because Asian countries neglect education and health, the **Asian Indigenous Caucus** say that viable traditional practices go unsupported or unprotected for future generations. The theme of the 2011 PF should be free prior and informed consent. They call for a process to establish a strong mechanism for redress (also **Global**

Indigenous Women's Caucus, APIYN, CAOJ, and for an end to ethnocide of: the **Suy** people of Cambodia; the peoples of Jarkhand, Orissa, and Chhattisharh in India; and the **Khow** and **Kalash** peoples of Chitral, Pakistan.

A collective statement submitted by **SGF** calls for an official UN Expert Meeting on water, with IPs' direct testimony (also **Global Indigenous Women's Caucus, CAPAJ, Global Indigenous Peoples' Caucus**). The river of the **Zuni**, understood as an umbilical cord connecting them to their eternal place, is now dry because of the Ramah Dam.

CAOI are dismayed that while the sacred coca leaf is prohibited, Coca Cola and Pepsi Cola flourish.

To guarantee food security and promote traditional production methods, **ECMI** call for national policies to include indigenous women's full participation.

Addressing the rights of IPs in isolation, **CIPIACI** urge investigation – guided by self-determination (no forced contact) – of the situation in the Amazon, Gran Chaco and the Eastern Region of Paraguay. States must recognize and protect isolated IPs' territories, which provide their living conditions and socio-cultural continuity (also **IFAD, CAOJ**).

States must stop concessions to extractive companies that merchandise water, and acknowledge indigenous ceremonial and social practices of sustaining water supply in the Andes (**CAPAJ**).

Development means strengthening IPs' identities and cultures, and opening up to opportunities to improve their living conditions (**CONAP**).

CCNMWK call attention to Guatemala's eternal policy of exclusion and racism toward IPs, lamenting that IPs' lives, lands, resources and very existence are being destroyed by dozens of mega projects.

Highlighting legislation drafted by indigenous groups, the **Commission on IPs of the Guatemalan Parliament** urges the PF to help them press the Guatemalan Government to pass this in 2010.

IOIRD explain that the treaty between the **Maskwacis Cree** and the British Crown, and subsequently Canada, is *prima facie* evidence of the IPs' inherent right to self-determination – because without it, there would have been no basis for the IPs agreeing “to have good relations” with these States.

Despite ongoing violations of their rights as descendants of New Jersey's original inhabitants, the **Sand Hill Band of Indians** have never completely abandoned their land; their very existence as a people is at stake in their claim to recover it.

In Quebec, the **Innu Nation** deplore the low rate of secondary school completion due to the non-adaptive curriculum, under-financing, non-mother-tongue instruction, socio-economic problems engendered by colonisation, and isolated communities. Quebec's curriculum ignores indigenous history, values, epistemologies and learning methods, and the Canadian Government fails to finance development of indigenous curricula and pedagogical materials appropriate to Innu students.

Because the Arctic sea ice is breaking up, ships now can enter IPs' coastal communities, bringing “opportunities” such as offshore oil drilling, hydro-electric dams and large aluminium smelters. **ICC** support a global indigenous summit on “Promoting Indigenous Culture and Identity through Self-Determination”.

Despite the post-apartheid democratization in Southern Africa, **WIMSA** are dismayed that the **San** are still grouped together with the **Khoi** and designated “Khoisan”, based on their shared language roots. States and academics must designate the San (agriculturalists) separately from the Khoi (hierarchical herders).

In many African constitutions, IPs are referred to only as “minorities”. **FWCLP** applaud the Central African Republic for ratifying ILO Convention 169 (also **ILO**), and call for Cameroon to stop expelling **M'bororo** people from forests without their free prior and informed consent.

APIYN urge governments to recognize customary laws and collective rights of IPs over their land and resources (also **ONIC/ECMIRS**), and to repeal repressive laws and policies suppressing indigenous communities (also **NICARAGUA**). International funding agencies and other UN bodies should support preservation and promotion of IPs' culture and traditions, including alternative media created by IPs (also **Asian Indigenous Caucus**).

The **IPs' Organizations of Australia** are dismayed at the invasive Northern Territory Emergency Response, and urge the Government to recognise and support IPs' identity as peoples with the right of self-determination.

Calling for swift resolution of land claims in accord with the 1880 treaty between Tahitian chiefs and the French (also **ATTTA**), **ARNA** explain that indigenous “tree trunk people” of the French Polynesian archipelago, **Ta'ata Tumu**, are the inseparable product of their territories. IPs must be recognized as depositories, sole guardians, and beneficiaries of all natural resources now known or discovered in future within their territories, as well as of their cultural and intellectual property (also **ATTTA, African Indigenous Caucus**); the international community must strengthen protective mechanisms (also **USA**).

Although IPs have maintained their lands, culture, traditional knowledge and resources from the beginning of time (also **NEPAL, AUSTRALIA**), **NINPA** warn that they now are seriously marginalized by the dominant cultures in Nepal, and will soon be extinct unless indigenous culture is promoted.

MCTP urge the Ukrainian Government to construct schools in the **Crimean Tatar** settlements, renovate unique objects of their cultural heritage, assist with developing digital and print media in the Crimean Tatar language, and assist in repatriating over 100,000 still deported Crimean Tatar people.

Dialogue with States

MEXICO expresses its concern with promoting and protecting IPs' constitutional rights at the local level.

NICARAGUA hopes that the USA will implement principles of “living well” and contribute to reversing the imbalance that threatens humanity.

CUBA says adoption of the Declaration marks a new stage of working together for the effective recognition of IPs' self-determination.

VENEZUELA informs that its Constitution has been translated into various indigenous languages.

ECUADOR deplores the racial bias against IPs in its institutions. To implement the indigenous model of “living well”, various actions are being taken on intercultural public policies, use of disaggregated data, and a national plan against racism and exclusion.

PERU says it will promote IPs' rights in line with the Declaration and ILO Convention 169.

BOLIVIA warns that if the theme of mother earth is not tackled at a global level, there will be no development at all (also **Global Indigenous Peoples'** and **Women's Caucuses**).

Acknowledging the role of traditional land occupation to maintain environmental balance, **BRAZIL** is developing a specific policy for sustainable development with identity in full consultation with IPs.

As more than 70 percent of its IPs are in cities, **CHILE** says the new Government's policy must pay greater attention to the urban indigenous situation.

Dismayed by the disproportionate poverty, unemployment, environmental degradation, health care gaps, violent crime, and bitter discrimination suffered by its IPs, the **USA** commits to strengthening relationships on a government-to-government basis (**AFN** applaud this); it will formally review its position on the Declaration.

CANADA calls attention to the importance of raising IPs' educational attainment (also **APIYN**). It emphasizes its commitment to addressing violence and discrimination against women, through concrete actions in law enforcement and justice, and through partnerships for the delivery of child and family services.

NEPAL notes the increased participation of IPs under its inclusive development process.

AUSTRALIA recognises that for IPs, development requires recognition of and respect for their unique cultures and attachment to land and waters.

The **TORRES STRAIT REGIONAL AUTHORITY (TSRA)** highlights IPs' millennia-long relationship to the sea. Because Torres Strait borders Papua New Guinea and Indonesia, efforts to maintain that border and defend against overfishing should be balanced by government recognition that IPs own their seas.

In the north Siberian area, the **RUSSIAN FEDERATION** provides direct State support for small indigenous groups to create the conditions necessary for sustainable development, and points to legal amendments that address IPs' priority access to fisheries and hunting grounds.

Because indigenous issues form an integral part of its human rights policy, the **EUROPEAN UNION (EU)** encourages States to translate the Declaration into IPs' languages (also **NICARAGUA**).

SWEDEN reports on two **Saami** language centres being established under the leadership of the Saami Parliament. Sweden affirms its commitment to the Nordic Saami Convention, and expresses thanks to the Special Rapporteur on IPs for meeting with Nordic officials (also **NORWAY**).

NORWAY emphasizes that Declaration articles 3 and 32 must be linked (also **NEPAL**). Even when consultations with the Saami Parliament do not result in agreement, the meetings ensure that decision-makers understand **Saami** points of view. Norway calls for the special status of indigenous parliaments to be reflected in the PF.

FINLAND informs that its Constitution recognizes the **Saami** as IPs with the right to maintain and develop their own language and culture, including traditional livelihoods.

SPAIN underlines the importance of indigenous film and communications initiatives to raise society's awareness of IPs' issues.

GERMANY stresses participation of indigenous political organizations from Latin America in the international negotiations on climate change.

Noting the impact of the worldwide financial crisis on IPs, the **HOLY SEE** raises the question of implementing cultural ethics in development, and calls attention to its promotion of indigenous language centres and its commissioning of translations into indigenous languages, including for use in the Catholic Church rites and prayers.

Item 4 – Human rights

AIDSESEP highlight the numerous social conflicts based on environmental issues in Peru, most of them caused by extracting operations in IPs' territories (also a **Quechua Parliamentarian of Peru**, **ONIC/ECMIRS** for

Latin America). The Peruvian Government must establish, with IPs, an institution to implement public policies respecting IPs' rights and development with identity (also **CONAP** emphasizing dialogue).

The **Yamasi people of North America** call on the PF, Human Rights Council (HRC) and international community to address the crimes committed against IPs in wars of aggression, such as the USA against the **Yamasi** and other IPs.

NPMHR warn that India presents the political conflict with the **Naga** people as an underdevelopment issue to be solved by programmes of development coupled with assimilation, thus legitimizing the destruction of mother earth. **NPMHR** recommend that India dialogue with the Naga people, recognize and respect their self-determination, and stop military and propaganda operations in Nagaland. The World Bank, Asian Development Bank, and UN agencies operating in Naga areas must apply safeguard policies on IPs and respect their governing structures.

ICITP warn about possible inter ethnic conflicts in Assam, because of India's politics of rule and divide, and open violations of constitutional provisions protecting human rights, labour rights and migrant rights. India must implement the Declaration and confer full autonomy to Assam (also **ICITP-NEZ/ARSU/UPFA** for the **Rabha** people).

In West Papua, indigenous territories are targeted for a large-scale agribusiness and energy development project in Merauke, which will exacerbate the human rights situation, while a massive influx of workers will threaten IPs' existence. **AMAN** request the PF and the Special Rapporteur on the human rights and fundamental freedoms of IPs (SRIP) to conduct studies on such projects around the world. Indonesia should invite the SRIP and the Special Rapporteur on the Right to Food to visit and report on IPs' situation in West Papua.

Under the Special Autonomy granted in 2001 by Indonesia, **WPIA** denounce further degradation of West Papua IPs' dire situation, and underscores complete lack of assistance to refugees that voluntarily repatriated to West Papua. IPs from West Papua demand peace and justice, and recognition of their self-determination.

The 2004 French Polynesia Autonomy Act grants only some competences to the local government, the French Government keeping the most important ones. **ATTTA** recommend affirmation of IPs' right to self-determination (also **Asian Indigenous Caucus**, emphasizing peoples under foreign domination) and recognition of the French Polynesian IPs' collective rights.

Reporting on the history of land dispossession, increased unemployment and outmigration of the **Nogai** people in the Republic of Dagestan, **RONPDR-Birlik** call for the creation of their self-governed territorial entity.

EF report on desecration of sacred sites or remains of the **San Carlos Apache** of Arizona (USA), the **Bassa** people in Cameroon, the **Breton** community in France and the **Aboriginal Wamba Wamba Nation** in Australia.

Prevalence of tuberculosis indicates ill-functioning healthcare services and infringement of the right to health; **Margaret Lokawua** calls on the PF and WHO to address this epidemic among IPs (also **African Indigenous Caucus**).

Item 4a – Implementation of the Declaration

James Anaya, Jannie Lasimbang, Carlos Mamani Condori, OHCHR, Canada's Truth and Reconciliation Commission, the Global Indigenous Peoples' and Women's Caucuses, ICC, AUSTRALIA and DENMARK welcome New Zealand's endorsement of the Declaration.

James Anaya, Carlos Mamani Condori, OHCHR, Canada's Truth and Reconciliation Commission, the Global Indigenous Peoples' Caucus, ICC, AUSTRALIA and DENMARK welcome the announcements by the USA and Canada on reviewing their position on the Declaration. The **Global Indigenous Youth Caucus** urge them to expedite its adoption and implementation with IPs' participation (also **QNW** for Canada).

The **African Indigenous Caucus** report on IPACC strategy for the Declaration's implementation, emphasizing independent National Human Rights Institutions, media, and civil society; close work with the African Commission on Human and Peoples' Rights (ACHPR); promotion of women's rights with indigenous leaders; training and capacity building on the Declaration; developing capacity for advocacy at national level; and linking indigenous and human rights to good governance and democracy.

CISAN/MV/CPINM/CIAPI/CEDHUNG urge Mexico to strengthen communal police, given increased presence of crime organisations in indigenous communities, and protect communal radio stations.

CIDOB/CNAMIB call for respect towards freedom of expression of IPs and, in particular, indigenous women, and underscore violations of IPs' right to decision-making over their natural resources in Bolivia.

ONIC/ECMIRS underscore violent, massive evictions of IPs from their lands in Colombia in favour of business projects. In Argentina, IPs that defend their rights and territories live under constant threat due to the dominant neoliberal model. **ONIC/ECMIRS** urge States to strengthen capacity building for indigenous youth on

development with identity; pay attention to IPs' proposals for participation in decision making; and establish mechanisms for consultation in accordance with ILO Convention 169 (also **AIDSESEP** for Peru).

ICTIP-NEZ/ARSU/UPFA call on UN agencies to address IPs' grievances, including the **Rabha** people in Assam, India.

SGC/CHRO/PACOS denounce Japan's reluctance to disseminate the Declaration among local governments; this is impairing achievement of the **Ainu** peoples' rights to participate in decision-making and to free prior and informed consent regarding the use of their lands, resources and sacred sites (also **ONIC/ECMIRS** for South American States and mining activities). The SRIP should address this issue with Japan.

NCFCE call for recognition of the **Bedouin** people's villages in the Negev desert in Israel; for ensuring their access to basic infrastructure and services, and their political representation; and securing their land ownership.

MEXICO reports on preventing discrimination in the labour and education sectors, and on raising awareness of indigenous communities about the Declaration through communal radio broadcasting and translation in indigenous languages (also **CAIPCD** for the Caribbean Antilles).

To enhance political and social stability, **GUATEMALA** commits to promote IPs' equal enjoyment of their rights while fully respecting their particularities and initiatives.

AUSTRALIA recalls its support for the Declaration and its efforts to close the gap between indigenous and non-indigenous Australians (the **Australian Indigenous Youth Delegation** acknowledge this); it supported the establishment of a national indigenous representative body, the National Congress of Australia's First Peoples, which will allow for IPs' concerted engagement with State bodies.

Informing on their bilateral cooperation, **DENMARK** commends Bolivia's progress on public policies, political participation and land management in favour of IPs.

Follow-up on the visits to the Paraguayan and Bolivian Chaco regions in 2009²

Carlos Mamani Condori introduces the dialogue with Bolivia on recommendations of the mission's report (E/C.19/2010/6).

BOLIVIA introduces its report on the mission's recommendations (E/C.19/2010/12/Add.1). IPs' rights to free prior and informed consent, and to consultation on hydrocarbon-related activities were introduced in 2007. A Chaco special police commando is to protect the **Guaraní** people and freedom of movement, but faces opposition by local authorities. An inter-ministry transitory plan for the Guaraní aims at guaranteeing their individual and collective rights, starting their territorial reconstitution, and ensuring a life in dignity to freed families. The Guaraní peoples' plan aims at their equitable development based on their resources; developing services in education, health, housing, sanitation, infrastructures and research; affirming their identity, organisational structure, and territorial autonomy; and asserting their rights. Due to the composition of the judiciary, some land claims regarding the Chaco region are blocked in the national agrarian tribunal.

Bartolomé Clavero Salvador requests concrete information on: application of the right to consultation on hydrocarbon-related activities; the Chaco special police commando's action towards people in servitude; attention to communities freed from servitude; achievements by bodies addressing labour rights and eradication of servitude; and a possible transitory regime to expedite judicial processes to obtain the freedom of Guaraní people (also **Michael Dodson**, suggesting to bring such cases before the appeal court).

Michael Dodson enquires on: judicial action against landowners impeding return of lands and freedom of Guaraní people; human rights training to Chaco law enforcers; public legal services for indigenous communities; adequate functioning of the Supreme Court and Constitutional Tribunal; land reform, provision of training and children's education; and addressing pervasive sexual exploitation of children.

APG urge (also **Bartolomé Clavero Salvador**) supporting, in line with ILO Convention 169 and the Declaration, fulfilment of the Bolivian Government's commitment to solve indigenous land issues and to reconstitute the Guaraní nation's territory; eradication of all servitude and forced labour (also the **Project Access – Global Capacity Training 2010** for IPs' worldwide) of the Guaraní people in the Chaco (**BOLIVIA** commits to this); and obtaining the Guaraní people's free prior and informed consent on any project that may affect them.

The **UN Country Team in Bolivia** reports on its actions with the Government and IPs regarding the Guaraní people. OHCHR is overseeing application of human rights. ILO is supporting labour inspection activities and training public officers and other stakeholders on indigenous and labour rights, and on consultation processes (also **BOLIVIA**). UN agencies are aware of the need to coordinate their services and scale them up in the Chaco.

² See also Update 89-90 for the presentation and discussion of the PF mission during its eight session.

Key concerns are land and territory, water, education and health, agreements with IPs on labour rights and eradicating servitude.

BOLIVIA reiterates information on IPs' right to consultation on hydrocarbon-related activities, the Chaco special police commando, and Guaraní communities' land claims blocked in the national agrarian tribunal. Development of services includes housing and telecommunication projects. The Bolivian judiciary, organised to favour powerful interests, is to be renewed soon through elections. Terms of reference are being established for the Supreme Court and Constitutional Tribunal. The Ministry of Education is supporting school building and equipment.

Carlos Mamani Condori calls on increased efforts towards recognition of the Guaraní people's rights, since bringing their issues before national land courts has caused them greater insecurity. He introduces the dialogue with Paraguay on recommendations of the mission's report (E/C.19/2010/5).

PARAGUAY presents its report (E/C.19/2010/12/Add.2). Various measures supported by ILO aim at improving compliance with labour standards, including a Chaco labour office and labour inspections; a special tripartite commission; and awareness-raising workshops and trainings on labour rights with regional entities, employers, and the society at large. Other efforts include investigations into discrimination against indigenous communities, and increasing the presence of State authorities in the Chaco. ILO Convention 169 will be disseminated in Spanish and Guaraní.

CAPI acknowledge the results of the PF mission, including motivating the Government to search for solutions to the situation of the Guaraní and other IPs. Paraguay must comply with the PF recommendations, ensure the review of all property titles of indigenous communities and guarantee strategic trans-boundary protection of IPs (also **Tonya Gonnella Frichner**; **PARAGUAY** informing on steps in this direction). The PF must continue to encourage Paraguay to comply with articles 2, 4 and 32 of the Declaration; and to work towards immediate eradication of the causes of poverty among IPs, notably those living in isolation, forced into contact through uncontrolled deforestation (also **Bartolomé Clavero Salvador**).

As alternatives to purchase by the State or expropriation of land claimed by Guaraní communities, **Tonya Gonnella Frichner** suggests speedy review of land titles and compensation for the State's improper recognition of illegitimate titles. She enquires on: compliance with recommendations by regional human rights mechanisms; the consistency of the Code of criminal procedure with ILO Convention 169; the position of INDI, the lead state agency for indigenous policy, and of the ethnic rights department, with regard to IPs' self-determination; ensuring a strictly neutral position of law enforcers in the Chaco, and a central focus on indigenous children's education.

The **UN Country Team in Paraguay** supports the country in addressing challenges including IPs subjected to forced labour and child labour, and facing critical living conditions; and the need to strengthen the State's action with regard to the rights to prior consultation, to territories, to a life in dignity and to protection against forced labour (also **CAPI**). Land issues of marginalized indigenous communities must be solved; and data collection on indigenous communities enhanced.

PARAGUAY reports on reorganisation, in conformity with self-determination, of INDI and, at a later stage, of the ethnic rights department of the Public Prosecutor's Office, which oversees application of IPs' constitutional and legal rights in the administration of justice, and of customary law. Expropriation or purchase are the only ways to recover IPs' lands. Expropriation of ill-gotten lands, which requires a judicial ruling, has led to agreements benefiting some indigenous communities. A special subcommittee on land restitution for Chaco indigenous communities addresses relevant rulings of the Inter-American Court of Human Rights. Several provisions of the Code of criminal procedure take into account IPs' cultural characteristics and customary practices. The national police are strengthening their oversight in internal affairs, and organising trainings on indigenous and human rights. Paraguay informs on its approach to intercultural indigenous education – through training of indigenous teachers, collaboration with communities, expansion of infrastructures in rural areas, and increased school enrolment.

Bartolomé Clavero Salvador welcomes this new practice of dialogue among governments, indigenous organizations and UN agencies (also **Carlos Mamani Condori**, **Hassan Id Balkassm**, **DENMARK**, **Asian Indigenous Caucus**, **CAASM**, **AIDSESP** for Peru). The PF needs to persevere in the monitoring of the Chaco situation (also **PARAGUAY**).

Carlos Mamani Condori stresses that many IPs have lost lands and territories during colonization, in the absence of written ownership titles.

Item 4b – Dialogue with the SRIP

James Anaya, Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people (SRIP), emphasizes continued coordination among himself, the PF and EMRIP (also **Asian Indigenous Caucus, DENMARK, Jannie Lasimbang**), and meetings with IPs about specific situations during the sessions of the PF and EMRIP (the **Pacific Indigenous Caucus** welcome this). He routinely examines written information submitted to him about alleged violations of IPs' rights, and works to advance national reforms to implement the Declaration (also **Asian Indigenous Caucus**; the **Amazigh Indigenous Caucus** enquire on this). His third annual report to the HRC addresses extractive industries. Alleged violations of IPs' human rights, which occur on every continent, include infringement of rights of consultation and consent, especially regarding displacement and natural resources extraction (also **AMAN** for West Papua; **Elisa Canqui Mollo** emphasizing cultural loss); denial of IPs' land and resources rights; IPs in voluntary isolation (also **CAOI, CIPIACI**); threats and violence against IPs and indigenous individuals; and concerns about legislative reforms. Regarding development, IPs' particular concerns stem from their extreme social and economic disadvantages, land dispossession and historical exclusion from State decision-making. With regard to States' development projects that negatively impact IPs – due to their exclusion from design and implementation, absence of appropriate mitigation measures, non-recognition of indigenous property rights and absence of equitable benefit-sharing – article 32 of the Declaration provides a template for such development projects to actually advance IPs' development interests. As for State development initiatives targeted to IPs, an integrated approach is needed to advance IPs' rights and self-determination, enabling them to strengthen their education and skills in relevant areas, such as design and implementation of development activities, including large-scale projects; boosting their self-government structures; and strengthening their opportunities to participate as equal partners. States should avoid making development assistance to IPs conditional upon predetermined outcomes.

Jannie Lasimbang, Chairperson-Rapporteur of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), argues that through its mandate based on studies, the EMRIP can contribute to a better understanding of the Declaration and its application. The EMRIP has developed working relationships with other universal and regional human rights mechanisms (also **James Anaya**, encouraged by the **Asian Indigenous Caucus**). The HRC strongly encouraged States to use and disseminate the EMRIP's first study on IPs' right to education. The PF could collaborate in disseminating information about the EMRIP, and in following up on its studies and advices.

Carlos Mamani Condori underscores inadequate implementation of ILO Convention 169 in most Latin American countries, in particular about intrusion of extractive corporations (also **AIDSESP** for Peru).

The **Office of the High Commissioner for Human Rights (OHCHR)** highlights its activities in promoting IPs' rights, including promotion of the Declaration in the work of National Human Rights Institutions (the **Asian Indigenous Caucus** welcome this). A recent General Comment by the Committee on Economic, Social and Cultural Rights regarding the rights to participate in cultural life contains detailed references to IPs. The HRC Universal Periodic Review (UPR) also produces recommendations on IPs.

The **International Union for Conservation of Nature (IUCN)** informs on the Conservation Initiative on Human Rights, aimed at incorporating human rights in conservation policy and practice, including promotion of IPs' rights, identity and culture, as well as effective integration of the Declaration in the work of the partnering conservation organisations.

The **Global Indigenous Youth Caucus** underscore the need to incorporate the Declaration into domestic law, so that governments can be held accountable (also **Margaret Lokawua, Asian Indigenous Caucus, IPs' Organisations from Australia, YM; ICC** stressing IPs' participation). The SRIP should focus on language revitalization; investigate a bias against indigenous youth in criminal justice systems; and encourage development of indigenous courts premised on restorative justice.

ICC insist that no qualifications be placed on the Declaration, and that implementation of all articles is crucial for IPs (also **Global Indigenous Peoples' Caucus; QNW** and **IOIRD** for Canada; **EMETRDF/LL** for Kenya). Support to the Declaration and recognition of IPs' rights do not automatically translate in full realization, and much more must be done (also **Carlos Mamani Condori, CISAN/MV/CPINM/CIPI/CEDHUNG, ONIC/ECMIRS, CAOI, a Quechua Parliamentarian of Peru/PIA**). The PF and SRIP should carry out a gap analysis on adhesion of existing legislation and policies to the Declaration, IPs' involvement in the Declaration's implementation, and indicators of self-determined development.

Central and South America

The **Caribbean Indigenous Caucus** recommend a special regional consultative session with the Caribbean IPs, including from Puerto Rico, with support and participation of the IASG and the SRIP.

Reporting on an aeolian-windmill park in the **Wayuu** territory in Colombia, with IPs participation, **FAWK** are interested to learn from similar experiences.

Regretting that governments' and UN agencies' reports contain no responses to IPs' long-lasting perils and problems (also **NICARAGUA**), **CAOI** call for speedy liberation of indigenous leaders incarcerated for defending their peoples' land (also **CPMPX**). Most important are IPs' rights to territories, consultation, free prior and informed consent, and self-determination. **CAOI** underscore Colombian IPs' emergency situation (also **ONIC/ECMIRS**), threatened because of forced displacements or for asserting their rights. The PF should address protection of IPs threatened by physical extinction, militarization and criminalization (also **Global Indigenous Youth Caucus** for the SRIP).

COLOMBIA reports on consultation guidelines based on ILO Convention 169 being directed to all governmental bodies, and consultation processes being held on various policies and laws. A concerted action plan for 2010-2011 targets indigenous women. Regarding implementation of the decisions of its Constitutional Court related to violence affecting indigenous communities, safeguard plans are being elaborated in collaboration with the concerned communities, and similar plans will be elaborated for all IPs. Colombia looks forward to a visit by the PF (also **CAOI**; **Carlos Mamani Condori** thanks Colombia). **Bartolomé Clavero Salvador** expresses doubts about Colombia's diligence in fulfilling the mandate of its Constitutional Court to safeguard IPs' rights and existence, as IPs are opposing the presence of the Colombian armed forces, supposed to protect them.

ECUADOR informs on progress in the establishment, with UNDP, of the International Trust Fund related to its Yasuni ITT Initiative, aimed at reducing the exploitation of natural resources, conserving biodiversity and protecting voluntarily isolated IPs.

BRAZIL reports on improvements within the National Foundation of Indians (FUNAI), including a participatory management system, improved training and working conditions for staff, and increased protection of voluntarily isolated IPs.

Recalling the struggle of its IPs to gain self-determination and set an autonomous region, **NICARAGUA** calls on every country where IPs live to grant them autonomy and self-government, and on the UN to support IPs' processes to recover their self-determination.

North America

The **North American Indigenous Caucus** warn that IPs see development in terms of destructive activities that governments force on the land they are trying to protect, and of consequent violations of their human rights.

IOIRD draw attention to the insidious oppression and human rights violations that IPs experience in Canada. IPs' treaty rights must be respected to ensure good relations between the Government, Canadians, the natural environment and IPs.

Africa

The **African Indigenous Caucus** underscore marginalization and exploitation of indigenous women; and human trafficking, particularly involving children (also **MEXICO** for Latin America). The SRIP should visit areas of conflicts that involve IPs in Africa. An international indigenous legal centre should ensure accuracy of information reaching UN agencies and treaty monitoring bodies.

The **Amazigh Indigenous Caucus** underscore repressions against IPs asserting their rights in Kabylie and the **Amazigh** area; environmental degradation and security concerns in the **Tuareg** territories due to uranium and other natural resources exploitation, as well as geopolitical interests.

Asia and the Pacific

The **Asian Indigenous Caucus** encourage the SRIP to realize unofficial visits where States have not invited him; urge States, the UN system, and private corporations to implement the SRIP's recommendations with regard to the duty to consult (A/HRC/9/9); express interest in participating in the SRIP's upcoming study on legal pluralism and indigenous customary law; and inform on establishment of an ASEAN Intergovernmental Commission on Human Rights – with whom the PF and SRIP should collaborate on IPs' issues – and commitment by the Asian Forum of Parliamentarians on Population and Development to uphold IPs' rights in national legislations. IPs' efforts in organizing workshops on the Declaration with the SRIP, state agencies, National Human Rights Institutions, UN agencies and IPs' representatives, should be supported.

The **Pacific Indigenous Caucus** draw the SRIP's attention to ongoing military activities on IPs' lands, and pollution by nuclear testing and consequent radiation-related illnesses, by the USA, UK and France. The SRIP should study climate change and IPs' rights in the Pacific region.

The **IPs' Organizations of Australia** thank the SRIP for underscoring their key issues in his country report. Expressing concern at Australia's disregard of the SRIP's report on the Northern Territory Emergency Response intervention, they seek the Government's formal response (also **Pacific Indigenous Caucus**). States must respond to country reports by special procedures with IPs' participation, and implement public strategies to respond to recommendations (also **CISAN/MV/CPINM/CIAPI/CEDHUNG** for Panama).

Reporting on violations of indigenous women's and girls' rights in the Chittagong Hill Tracts (CHT, Bangladesh), Burma, Assam (India), and Malaysia, including sexual abuse by state-sponsored settlers, logging

workers or armed forces; assault, arrest and torture; and attempts at murder of human rights defenders, **AIWN/TF** urge implementing the Declaration in combating discrimination and violence against indigenous women; and the SRIP and SR on Violence against Women to investigate violence against indigenous women in Malaysia, Bangladesh, Burma and India.

CRA make specific recommendations to address India's failure to recognize the Adivasi as IPs, lasting exclusion, and a seemingly deliberate strategy to force IPs to take to arms, so that they can be eliminated, under the "terrorist" label, allowing for private companies to acquire their lands and resources.

Underscoring the high level of militia violence in the North-East India – Myanmar borderlands, **KOHR** recommends a PF mission to assess the situation; ending violations of the **Kuki** people's rights and enabling their exercise; and the area's rehabilitation and development to avoid further violence.

AUSTRALIA informs on a consultation process aiming at restoring the Racial Discrimination Act in relation to the Northern Territory Emergency Response, as from July 2010. (The **IPs' Organizations of Australia** denounce a slow process.)

Europe, the Circumpolar and Russia

DENMARK asks for specific information in country reports on IPs' right to free prior and informed consent, on access and benefit-sharing, and on protected areas. The SRIP should focus on IPs in Africa (also **Amazigh Indigenous Caucus**).

Middle East

SUA call on the SRIP to seek an invitation from Turkey, Syria, Iraq and Lebanon to report on the situation of the **Syriac/Aramean** peoples.

Bartolomé Clavero Salvador suggests extending coordination to the Human Rights Treaty Bodies, to encourage them to request States to report on their human rights obligations based on the Declaration (also **Asian Indigenous Caucus**). The PF, SRIP and EMRIP should underscore their common interpretation of, and commitment to, the Declaration (also **Asian Indigenous Caucus, SC, IOIRD**).

Hassan Id Balkassm recalls that national constitutions should be overhauled to ensure respect for IPs' traditional heritage.

While welcoming the statement by IUCN, **Victoria Tauli Corpuz** underscores violations of IPs' rights in relation to protected areas and the misguided current ethics of environment conservation that ignore IPs' rights (also **James Anaya**), in spite of evidence of IPs' fundamental role in protecting biodiversity of their territories through their traditional knowledge and practices (also **Tonya Gonnella Frichner** regarding the Doctrine of Discovery). Conservation organisations will hopefully really seek to integrate human rights to their activities (also **James Anaya**). The SRIP should analyze the convergences, as well as potential conflicts, between IPs' human rights and the rights of mother earth, as this could lead again to environmental conservation that ignores IPs' rights (also **Pacific Indigenous Caucus**).

James Anaya stresses that implementing the Declaration is an intergenerational task that will demand a lot of cooperation between IPs and States (also **Asian Indigenous Caucus**). In spite of States' efforts, there are ongoing deep-seated problems and he reiterates the recommendations of his country reports for concerted action. He recalls that education is a cross-cutting human right and its realization a condition for the enjoyment of other human rights.

Underscoring the relevance of the EMRIP's studies to this discussion, **Jannie Lasimbang** hopes that the study on IPs' right to participate in decision making will contribute to asserting indigenous governance, laws, and institutions as an important part of IPs' control of development in their territories. As for education, IPs should work and seek support to establish their own learning institutions, in order to ensure control over inter-generational knowledge transfer.

Item 5 – Half-day discussion on North America

The first speaker on the panel, **Fred Caron, Assistant Deputy Minister of Indian and Northern Affairs of Canada**, urges improvement of IPs' education and participation in the economy, as Canada's "well-being gap" has not narrowed since 2001 (also **IOIRD**). Informing that decisions on land claims require IPs' approval and are protected by the Constitution, he calls attention to Canada's formal apology to indigenous communities affected by the residential schools.

Calling for full endorsement and implementation of the Declaration (also **AFN, NAFC**), **Tonya Gonnella Frichner, PF member for North America**, commends both Canada and the USA for moving towards endorsing the Declaration (also **Carlos Mamani Condori, Victoria Tauli-Corpuz, Chief Oren Lyons, North American Indigenous Caucus, Global Indigenous Youth Caucus, IOIRD, NAFC, Province of Manitoba**). She explains that despite IPs' sovereignty and international standing embodied in their treaties with the British

Crown, the USA, and Canada, colonizers' claims to IPs' lands are underpinned by the Doctrine of Discovery, thwarting IPs' claims (also **Kimberly Teehee, North American Indigenous Caucus**).

Informing on the need for IPs' representatives in the US Government, **Kimberly Teehee, Senior Policy Advisor for Native American Affairs of the United States**, recalls that after the forced removal known as the Trail of Tears, vast communities from New York to Florida were dispossessed and assimilated, sinking them deeper into poverty.

Chief Oren Lyons of the **North American Indigenous Caucus** says that using the name "indigenous peoples" to replace "indigenous populations" reflects the move away from Doctrine of Discovery principles. The challenges of drafting the Declaration in the 1980's and 1990's were met by IPs working together alongside people such as Erica-Irene Daes and Miguel Alfonso Martinez (also **Carlos Mamani Condori**). He salutes the achievement of the Declaration (also **Shawn A-in-chut Atleo, Hassan Id Balkassm**) and says discussions of jurisdiction and authority are secondary to the challenge of facing climate change crises collectively.

National Chief Shawn A-in-chut Atleo calls for a focus on citizenship rather than the Indian Act's focus on IPs' status, which increases divisiveness (also **North American Indigenous Caucus, IWA**). He calls for full involvement of IPs in the UN water declaration process (also **African Indigenous Caucus**) and for an experts' meeting on water; and urges action on recommendations of the People's Agreement of the World People's Conference on Climate Change and the Rights of Mother Earth (April 2010, Cochabamba, Bolivia). Regarding Canada-USA border issues, he invokes IPs' right (article 36 of the Declaration) to maintain and develop contacts, relations and cooperation (also **Haudenosaunee Delegation**), and urges the USA to confirm North American IPs' right to cross the Canada-USA border without a passport (also **North American Indigenous Caucus**). He deplores high rates of violence against indigenous women and girls, including the 580 missing and murdered in Canada (also **Fred Caron**), and requests the SRIP to specifically monitor this critical issue (also **Global Indigenous Youth Caucus** for the Mexico-USA border). He urges following the recommendations of the Expert Group Meeting report on the role of the PF, including creating a PF procedure to remind States of the binding characteristics of human rights (also **FPCI/LL**); and recommends training programmes for national parliamentarians and public officers (also **Global Indigenous Youth Caucus**).

The **United Nations Environment Programme** (UNEP) applauds the Arctic's response to climate change as a model for future crises.

The **North American Indigenous Caucus** call on the PF, EMRIP and HRC Advisory Committee to follow the Treaty Study recommendation to establish (with public funding) an "entirely new, special jurisdiction" within States to deal exclusively with indigenous issues (also **IOIRD** for the OAS, **FSIN/KOCN/PCN**).

The **Global Indigenous Youth Caucus** urge the PF to have an indigenous youth representative, selected by indigenous youth.

IOIRD say that by limiting its endorsement of the Declaration to what already exists in its national legislation, Canada is in danger of legitimizing existing injustices and discrimination in domestic situations (also **North American Indigenous Caucus, AFN**).

Michael Dodson informs on the World Indigenous Nations' (WIN) Games and Wilton Littlechild's leadership in their development (also **Fred Caron, Province of Manitoba**), which originated in a 1977 resolution presented to the Indian Sports Olympic Organisation. Winnipeg, Manitoba will be the site of the 2012 WIN Games, a worldwide event celebrating the IPs' contemporary sports, traditional games, and cultures. He calls on States, IPs, and friends to support these games (also **Province of Manitoba, IOIRD, YM**).

Recounting his childhood experience in a Residential School, the Minister of the **Province of Manitoba**, Canada, calls attention to the effects of forced adoption, sexual abuse, and forced sterilization and abortion on IPs.

The **Government of Nunavut**, Canada, reports that its economic goals are linked to education and transmission of traditional **Inuit** knowledge, values and language; it calls for sustained funding for Inuit language programmes, adequate to fully integrate Inuit perspectives.

Fighting for over 50 years for urban IPs' issues, **NAFC** state that although over half of all IPs in Canada live in cities, funding for them is only a fraction of what other IPs receive.

Urging action on legislation to make Canadian extractive companies live up to international human rights norms when they operate overseas, **ICN/MWC** emphasize broad support for this Bill, but the Canadian Government is actively opposed to it.

The **Haudenosaunee Delegation** deplore the 2009 decision to place armed guards at Akwesasne on the Canada-USA border – done without forewarning and without the free prior and informed consent of the Mohawk people who live there. They call for direct **Mohawk** and **Haudenosaunee** dialogue with Canada and the USA, and ask the SRIP to visit the Mohawk Nation.

Because Canada is a successor nation to treaties made with the British Crown in 1874, **FSIN/KOCN/PCN** say international law is being violated by imposition of Canada's domestic law on IPs.

IWA are dismayed at Canada's discriminatory and racist statement on the Durban Declaration of 2001 that "the term 'indigenous peoples' does not imply any rights under international law".

AFN emphasize the interaction between domestic and international law in interpreting human rights and related State obligations, with the Declaration providing a crucial framework towards ensuring IPs' justice, dignity, security and well-being.

Item 6 – Comprehensive dialogue with UN agencies and funds

John Scott, Focal Point for NGOs at the **Secretariat of the Convention on Biological Diversity (SCBD)** informs on IPs' participation in the CBD Conference of Parties (COP) and Working Group on Article 8j (WG8j). The CBD Voluntary Fund for Indigenous and Local Communities has an indigenous selection committee and prioritizes women and youth. The CBD aims at: conservation of biological diversity, its sustainable use, and fair and equitable sharing of benefits from genetic resources. Traditional knowledge, along with "access to genetic resources and associated traditional knowledge and equitable sharing of benefits arising from their utilisation" (ABS) is a cross-cutting issue. The CBD recognize indigenous and local communities' traditional dependence on biological resources, and the contribution of traditional knowledge to biodiversity conservation and sustainable use. The WG8j is responsible for developing and implementing an extensive work programme regarding traditional knowledge, and has several mechanisms ensuring participation of indigenous and local communities. In October 2010, the CBD COP-10 will adopt a code of ethics to protect indigenous intellectual property and cultural heritage, following a PF recommendation in 2003.

Victoria Tauli Corpuz expresses deep concern about the negotiations of the Protocol on ABS, establishing the international framework by which States will access and commercialize genetic resources and associated traditional knowledge (also **BRAZIL**). She warns about the COP-10 adopting a Protocol on ABS that does not fully recognize IPs' traditional knowledge, rights, and permanent sovereignty over natural resources (also **Global Indigenous Peoples' Caucus**). She enquires on ways to draft better recommendations to the CBD, on the Declaration's impacts on SCBD's activities, and on its incorporation of indigenous youth's perspectives.

Margaret Lokawua enquires on the effectiveness for IPs of the capacity-building activities on ABS in Africa (also **Victoria Tauli-Corpuz**).

Addressing the negotiations on the Protocol on ABS, the **Global Indigenous Peoples' Caucus** object to the States' claim of full sovereignty over natural resources, and affirms, recalling the PF expert group meeting on this protocol: international recognition of IPs' human rights, including sovereign rights on land and resources; and States' obligation to guarantee respect of these rights (also **Pacific and Asian Indigenous Caucuses**). The CBD Parties must use the term "indigenous peoples" (also **Pacific Indigenous Caucus**), and include clear reference to the Declaration.

The **Asian Indigenous Caucus** enquire on: integration of the Declaration's provisions and traditional knowledge as a cross-cutting theme in the revised CBD Strategic Plan; ensuring IPs' central role in implementation; promoting education and public awareness on biological and cultural diversity, with IPs' participation; strengthening recognition of IPs' free prior and informed consent; and developing indicators on biodiversity protection in IPs' lands. The CBD Parties must stop all support to industrial and protected areas projects carried out without IPs' free prior and informed consent; increase financial support to IPs' and local communities' projects, and ensure application of safeguards to funding by conservation bodies.

The **Pacific Indigenous Caucus** enquire on States' increasing contributions to the CBD Voluntary Fund to ensure greater representation of Pacific IPs in CBD meetings; and consideration by the WG on ABS of the indigenous and local communities' consultation on the protocol on ABS. The PF should undertake a technical review of the proposed Protocol on ABS.

CAIPCD enquire on articulation of the Protocol on ABS with an upcoming regional CARICOM law for the protection of traditional knowledge, traditional cultural expressions and genetic resources.

ECUADOR informs on efforts to ensure IPs' rights as part of their "living well" and responsibility towards nature, and compatibility between the indigenous and ordinary judiciary (also **James Anaya**), while requesting continued UN support at global and country level.

In protecting biological endangered species, **IUCN** recognizes both their importance for IPs' livelihoods, and IPs' contribution in identifying and monitoring them. IUCN will continue to promote recognition of IPs' rights, including to free prior and informed consent, regarding protected areas, so as to enhance their stewardship ability; to support IPs' conservation practices based on their rights and responsibilities; and to ensure gender-balanced access to resources, control of traditional knowledge and participation in governance.

Regarding the Protocol on ABS, **John Scott - SCBD** informs that the CBD Parties, which are required by Article 8j to respect, preserve and promote traditional knowledge with the knowledge holders' approval, disagree on whether this amounts to free prior and informed consent. The African region, and Asian and Latin American governments have concerns about IPs' capacity to negotiate agreements, and seek to play an active role in

protecting their interests, including their free prior and informed consent. Some developed countries consider that traditional knowledge is under IPs' sole authority. As the Protocol on ABS must be adopted by consensus, negotiations have to seek a middle ground. Governments increasingly understand that their sovereignty over natural resources is limited. The Global Indigenous Caucus must respect the position of IIFB, the IPs' Caucus at the CBD. IPs and States, who take indigenous issues very seriously, must respect each other. As the first piece of international law to be adopted since 2007, the Protocol will show whether the Declaration is being taken into account in international law development. In Africa, IPs participate in capacity-building workshops organised by a multi-donor initiative (full details at www.abs-africa.info).

Florina Lopez, Chair of the **IWBN**, Latin American branch, reports on workshops they organize in Latin America with Spain's support, so that IPs and local communities improve their participation in the CBD's very complex processes, which IPs need to influence. Many issues under the CBD are of crucial importance to IPs and their resources, biodiversity, ways of life, and future generations. IPs must also be able to advocate about the relevance of human rights to CBD issues. Indigenous women must strengthen their capacities in negotiating and decision making on CBD-related issues both at the global and national levels, as implementation of decisions will take place in countries (also **John Scott - SCBD**, acknowledging this work and looking for donors to replicate it elsewhere).

John Scott - SCBD supports the idea of a substantial SCBD unit on IPs' issues: the decision depends on the COP. For the International Year of Biodiversity, a conference on biological and cultural diversity is co-organised in June by the CBD and UNESCO; global and regional community education and public awareness materials are developed, including for indigenous youth. Supplementary support for the Voluntary Fund is welcome; however, the Fund prioritizes indigenous participants from the developing world. About indigenous youth's involvement, an IASG meeting with all regional and thematic indigenous caucuses during PF sessions is to be institutionalised, as well as a Youth Caucus pre-session meeting (also **Global Indigenous Youth Caucus**). A better understanding of the structure of UN agencies would help the PF in crafting more effective recommendations: to this end, possible measures include technical advice by IASG members, capacity-building visits to agencies (also **UN-Habitat**), and refining the PF portfolio system (also **Pacific Indigenous Caucus**). As for the CBD, political recommendations must be directed to the COP's 193 States Parties. Working Groups can make draft recommendations to the COP, which could direct instructions to another working group if relevant. Such a process would take at least two years. The SCBD's main job is to implement COP decisions. IPs should lobby States Parties, based on their commitment to IPs' effective participation, to adopt decisions useful to IPs and provide funding for implementation. As to the Declaration, the SCBD, as part of the UN system, has a role in promoting human rights, but no advocacy mandate. Recognition of IPs' rights depends on the States. The SCBD staff is well aware of indigenous issues and the Declaration. Local communities' increasing affirmation, which the SCBD supports, could strengthen the argument for the phrase "IPs and local communities".

UN-Habitat reports on the IASG annual meeting, held in Nairobi, Kenya, focusing on IPs' rights in Africa. Participants called for a UN regional joint programme on IPs and for building IPs' capacities on their rights and on economic matters; emphasized the UN collaboration on IPs' constructive engagement with governments; and noted the increased commercial pressure on land and resultant evictions, an issue the ACHPR should address. The IASG should elaborate recommendations on identifying IPs' issues and implementing related policies based on country-level data. UN agencies need to ensure a sustainable, coordinated, and participatory approach to IPs' issues. The IASG discussed challenges related to policy guidelines pertaining to IPs (**Carlos Mamani Condori** acknowledges this). They recommended participation of interested stakeholders in the PF in-depth dialogues with UN agencies, mainstreaming IPs' issues into country programming, a knowledge-sharing network to join forces and expertise on IPs' issues, and collaboration with the ACHPR.

Item 7 – Future work of the PF, including ECOSOC and emerging issues

Presentation of studies and reports

Victoria Tauli-Corpuz, presenting the *Study on the impacts of the global economic crisis on IPs* (supported by the **Asian Indigenous Caucus**) says this crisis, seen as built into the organisation and principles of the financial system, has brought about invalidation of the theory of self-corrective markets, and the need for reforms, namely of accountability systems. It is also an opportunity for IPs to promote their economic thinking about their self-determined development and ecosystems approach (also **Carlos Mamani Condori** stressing the "living well" model). Many IPs see this crisis as linked to the global ecological crisis, resulting from an economic model promoting unfettered markets, export orientation, debt dependence, overconsumption and overproduction. In the USA, the crisis has increased IPs' already disproportionate poverty and unemployment rates, as well as suicide rates, which mostly affects indigenous youth; reduced gaming revenues; and has significantly impacted the construction, extraction, and maintenance sectors, where most IPs are active. In South East Asia, IPs have faced rising unemployment and sharp decrease in remittances, due to massive lays-off of overseas workers. The crisis'

positive impacts for IPs and the environment include a decrease in mining exploitation, in industrial activities, and in tourism.

The **Global Indigenous Youth Caucus** underscore that the economic crisis threatens indigenous youth's right to education by forcing them to work longer hours. The PF must review issues of poverty and land rights. Governments must stop relocation and legally protect IPs. The Youth Caucus denounce arrest of three **Khmer Krom** monks in 2007 by Vietnam. (VIETNAM strongly objects to this statement.)

The **Asian Indigenous Caucus** recommend that the PF follow up on in-depth dialogues and recommendations with UN agencies.

The **IPs' Organizations of Australia** say agreements negotiated in good faith between traditional owners and the extractive industry are now vulnerable to changes in global financial markets (also **Pacific Indigenous Caucus**). The Government's determination to ensure growth might lead to introduction of regulatory schemes to protect investments, reducing IPs' participation. IPs must have full recognition of their rights to land and resources in accordance to the Declaration (also **Pataxó people/UNICEF**, **Global Indigenous Youth Caucus** emphasizing effects of climate change) and to free prior and informed consent (also **Pacific Indigenous Caucus**, **Global Indigenous Youth Caucus**, **EMETRDF/LL**).

Northern African governments should dialogue with the **Amazigh** people to safeguard the region's peace; apply the Declaration; and invite the SRIP (**CAASM**).

Presenting the report (supported by the **Asian Indigenous Caucus**) of the *International Expert Group Meeting on Indigenous Children and Youth in Detention, Custody, Foster-Care and Adoption* (E/C.19/2010/CRP.8), Rapporteur **Andrea Carmen** underscores indigenous children's and youth's rights to continue to be part of their own nations and cultures and to be cared for integrally; IPs' rights to self-determination, to free prior and informed consent, to full participation in decision-making, to maintain and transmit their cultures, and to maintain their families' and nations' integrity and well-being; and States' obligation to uphold their human rights commitments. The well being and integral development of indigenous children and youth are sacred responsibilities for IPs, States and relevant international bodies. The existing human rights framework is not being implemented in addressing multi-faceted discrimination (also **IPs' Organizations of Australia**). Experts are alarmed by the disproportionately high numbers of indigenous youth in criminal detention (also **Global Indigenous Youth Caucus**, **IPs' Organizations of Australia**, **Pacific Indigenous Caucus**), due to the States' failure to meet their human rights obligations, including to protect children from all forms of abuse (also **IPs' Organizations of Australia** stressing policies of removal of indigenous children), and due to denial of access to traditional lands (also **APIYN** for Asia). Experts call for IPs' full participation in preventative care, support services and culturally-relevant rehabilitation programmes (also **APIYN**, **IPs' Organizations of Australia**); and for disaggregated data on indigenous children (also **APIYN**, **CISAN/MV/CPINM/CIAPI/CEDHUNG**). States must include the rights of indigenous children and youth in their reports to UN human rights bodies, especially regarding the Convention on the Rights of the Child (CRC) (also **Pataxó people/UNICEF**, **APIYN**), and comply with the CRC General Comment 11. Regional human rights systems should recognize IPs' customary legal and governance systems. IPs should develop and share their own healing models.

Tonya Gonnella Frichner recalls the PF recommendation that governments ensure protection and rehabilitation for indigenous children and youth in detention (also **APIYN**).

The **IPs' Organizations of Australia** call on States to use detention only as last resort and work with IPs to surmount the over-representation of indigenous youth in the justice system (also **APIYN**); and encourage States and IPs to discuss and share best practices. The PF should identify ways to increase indigenous youth's participation in the UN (also **Pacific Indigenous Caucus**, **APIYN**).

APIYN recommend ending the violence against youth and children, and securing IPs' right to defend their rights, lands and resources (also **Pataxó people/UNICEF**, **Elisa Canqui Mollo**, **NICARAGUA**, **ONIC/ECMIRS** for South America).

NWAC/AILA/FEWF/SGF/IOIRD call for a follow-up meeting in 2010 including the Global Indigenous Youth Caucus (also **IITC/AILA/SGF/FEWF/NWAC/IEN/IIFW/IWA/IOIRD**); for special attention, through gender-based and culturally relevant analysis, to the effects of discrimination experienced by indigenous women, including inadequate support to single-parented low income families, and criminalization of sexually exploited indigenous girls. The PF should adopt the recommendations of the Expert Group Meeting.

Hassan Id Balkassm presents the *Study on the extent to which climate change policies and projects adhere to the standards set forth in the Declaration* (E/C.19/2010/7), with regard to definition of climate change; aims of the UN Framework Convention on Climate Change (UNFCCC); international law on mitigation and adaptation; and competing interests of developed and developing States, with the most vulnerable calling for strong commitments (also **GUATEMALA**).

Paimanach Hasteh discusses potential effects of climate change adaptation and mitigation measures and policies on IPs' rights, namely to self-determination; securing ancestral lands and waters to provide the basis for IPs' economic, social, cultural and spiritual development; and the right to free prior and informed consent, underscoring in particular the need to provide IPs with accurate and timely information, and States' obligation to respect IPs' decision-making structures and processes.

IOIRD recognise indigenous women's role in climate change negotiations. The PF should continue promoting IPs' rights under treaties (also **CPMPX**) with regard to climate change, and the rights of mother earth (also **IPSF**).

IEN propose a study on the human rights impacts of climate mitigation measures, to be presented at the PF 10th session.

Pavel Sulyandziga, presenting the *Study on Corporations and Indigenous Peoples* (E/C.19/2010/CRP.1) (endorsed by **IOIRD**), says large-scale projects under way across the globe are threatening IPs' material, spiritual and ethnic survival (also **Carlos Mamani Condori**, **Asian Indigenous Caucus**, **CAOI**, **CISAN/MV/CPINM/CIAPI/CEDHUNG**). Governmental paternalist policies lead to acute social problems in indigenous communities, which lack power to face down transnational corporations (TNCs). With regard to ensuring IPs' management of their lands, there is some progress in Canada, thanks to a rise in indigenous corporations. In the Russian Federation, IPs are being included in project management in the northern region, and in social and environmental impact assessment. When signing contracts with such corporations, national governments should guarantee IPs' rights (also **CISAN/MV/CPINM/CIAPI/CEDHUNG**) through compliance with the Declaration and relevant ILO Conventions (also **IOIRD**, **Carlos Mamani Condori**). Corporate policies helping improve IPs' socio-economic conditions in the Russian Federation (**Carlos Mamani Condori** stresses this as best practice) must recognize IPs' economic, community and governance structures on an equal footing with State structures.

Carlos Mamani Condori underscores the colonialist viewpoint of most extraction TNCs (also **CPMPX**).

ALSWA note the increasing pressure on IPs from States and industries to gain access to traditional lands (also **BOLIVIA**, **Pacific Indigenous Caucus**), and the need for corporate social responsibility initiatives to mitigate the negative impacts of development projects on local communities by engaging with them on the basis of free prior and informed consent (also **Pacific Indigenous Caucus**). **ALSWA** call on Australia to develop accountability systems to ensure that maximized corporate social responsibility standards are maintained by Australian corporations both within and outside Australia. A corporate social responsibility mechanism should be developed within the UN human rights framework (also **Pacific Indigenous Caucus**).

SIPC/Yamasi people denounce the USA's failure to recognize their self-determination, and to discuss with them the impacts of ecological degradation it has caused.

A **Quechua Parliamentarian of Peru** reports on environmental degradation caused by extensive mining concessions on indigenous lands, leading to out migration of IPs, the main stewards of natural resources.

Carsten Smith presents the report on *Indigenous fishing rights in the seas* (E/C.19/2010/2). These must be derived from international instruments regarding coastal waters and protection of indigenous cultures, chiefly article 27 of the International Covenant on Civil and Political Rights (ICCPR) and ILO Convention 169. Their analysis supports the view that long-standing traditional coastal usage protects the right to fish as an essential part of the culture (also **Michael Dodson** suggesting a PF recommendation along this line, **Pacific Indigenous Caucus**, **IPs' Organizations of Australia**, **IWA/NKIKLH**). In Norway, fishing is the main livelihood for coastal **Saami** communities. In the 1980s state regulations placed quotas on cod catches, but most small-scale **Saami** fishermen fall outside these rules. A draft statute by the Coastal Fishing Committee recognizes **Saami** rights to fish, based on their historical use and on international law. The Ministry of Fisheries announced that it would propose certain fishing rights to the Norwegian Parliament, but would not recognize the international law position, nor accept any preferential fishing rights to specific areas for the **Saami**. The **Saami** Parliament is likely to fight for a result closer to the draft statute.

Michael Dodson says in spite of Australian IPs' historical and holistic connection to the sea, there has been no comprehensive recognition of exclusive indigenous rights to native "sea-country" (also **IPs' Organizations of Australia**, **Pacific Indigenous Caucus**). Recent legal developments tend to recognise non-exclusive native fishing rights (also **NSWALC** for New South Wales), while continuing to protect State ownership of natural resources. The Torres Strait treaty between Australia and Papua New Guinea recognises indigenous offshore rights to fish and safeguards ways of life of traditional inhabitants.

As traditional subsistence fishing methods provide both highly nutritious food sources and positive mental health outcomes to **Aboriginal** communities, the **IPs' Organizations of Australia** stress that Australia's reluctance to address IPs' fishing rights might undermine both its commitment to "close the gap" and its endorsement of the

Declaration. Australia should implement a human rights framework to strengthen Aboriginal cultural institutions, including fishing.

IWA/NKIKLH report on steps by the UNESCO, the World Heritage Committee (WHC), IUCN and the International Council of Monuments and Sites (ICOMOS) to establish protected areas and marine sanctuaries in the Pacific without due consultation with IPs, denying their uses of marine resources. The PF must address this as a global emerging issue; they call on UNESCO, IUCN, WHC and ICOMOS to suspend the Pacific World Heritage Action Plan pending consultation with the affected IPs; and push for implementation of the Declaration in the work of these organisations.

Bartolomé Clavero Salvador presents the first part of the *Study on consideration and recognition of mother earth rights* (E/C.19/2010/4), which emphasizes the failure to take into account IPs as peoples, and their rights, throughout the history of environmental policy, from the establishment of UNEP in 1972, through the World Nature Charter (1982), the development of the concept of sustainable development in 1987, and Agenda 21, whose chapter 26 applies the sustainable development paradigm to indigenous communities, without recognizing IPs as peoples or their self-determination. The UNFCCC and the Kyoto Protocol also ignore IPs' existence (also **Paimanach Hasteh**), responsibilities and rights. All these key issues are linked to rights acknowledged by the Declaration.

Carlos Mamani Condori outlines the Andean conception of mother earth: the sacred relationship with the earth refers to land as a living space, hosting and nurturing the community formed by all beings that inhabit the land. This conception protects all beings from depredation and misuse. "Living well" encompasses compliance with what makes possible a life in fullness, and passing such knowledge to the coming generation. Poor is the one who does not know how to respect the world, and mother earth gets angry at contravention. Spanish priests in the 16th century believed that the Indians regarded the earth as a goddess, and they violently imposed upon IPs the belief in a unique supreme being, which is completely foreign to IPs' religious thinking. The concept of mother earth should allow for development of a vision shared by IPs globally (the **Pacific Indigenous Caucus** emphasize "grandmother earth" for the Pacific IPs). Carlos Mamani Condori voices support for the rights of mother earth as outlined by Bolivian President Evo Morales (also **CONAMAQ, Margaret Lokawua**).

The **IPs' Organizations of Australia** underscore the difficulty of proving their connection to their traditional lands, and request Australia to amend the Native Title Act to shift the burden of proof from native title applicants to other parties.

Chile must refrain from privatizing water; stop dumping waste in indigenous land and waters; review its Constitution in conformity with international human rights developments; and respect **Mapuche** rights (**CPMPX**).

Introducing the *Study on the impact of climate change adaptation and mitigation measures on reindeer herding* (E/C.19/2010/15), **Lars Anders Baer** says that climate change, along with natural resources extraction, is already threatening the Arctic IPs' reindeer herding livelihoods and cultures (also **SWEDEN, WRH, Pavel Sulyandziga; Carlos Mamani Condori** for llama herders in the Andes). Efforts to mitigate climate change by increased use of renewable energy will intensify pressure on grazing lands (also **SC**): in the north of Sweden (the only Government that has investigated the impact of climate change-related measures on reindeer herding), the biggest aeolian-windmill park to date is planned. In the Russian Federation, there is an urgent need for legislation addressing reindeer herding rights, as already exists in the Scandinavian countries. Studies must be facilitated within the UN framework on changes in reindeer herding grazing land in the circumpolar North (also **SC** and the **Saami Parliamentarian Council** in relation to natural resources exploitation), to establish a holistic understanding of the ongoing rapid changes, in order to maintain the sustainability of indigenous reindeer herding societies and cultures (also **WRH**).

WRH call for regulation of increased human activity in the Arctic including resource development, transport and tourism; and for international integrated management plans for reindeer pastures and environmental protection in the Arctic, within the UN framework (also **Pavel Sulyandziga** stressing compliance with the Declaration).

SC denounce that the KfW IPEX-Bank, financing the aeolian-windmill park project, is in breach of its human rights obligations. Sweden is harshly criticized by the CERD and Human Rights Committee for failing to regulate resources development activities in **Saami** lands, and to enhance Saami communities' participation in decisions affecting them (**SWEDEN** takes note of this).

SWEDEN has mandated the Saami Parliament to study options for reindeer herding activities to face climate change.

Tonya Gonnella Frichner, presenting the *Preliminary study on the impact on IPs of the "doctrine of discovery"*, which has served as the foundation of the violation of their human rights (E/C.19/2010/13) (supported by the **Asian Indigenous Caucus**), urges convening an expert group meeting on this topic, and for a

comprehensive study to be conducted for each of the seven PF regions (also **Global Indigenous Peoples' and Youth Caucuses, Haudenosaunee Delegation, Michael Dodson, IITC/AILA/SGF/FEWF/NWAC/IEN/IIFW/IWA/IOIRD; FSIN/PCN/OFN/IOIRD** emphasizing Canada; the **North American Indigenous Caucus** emphasizing treaty rights; the **Pacific Indigenous Caucus** and **IPs' Organizations of Australia** emphasizing discussion of current laws perpetuating these doctrines). The root of IPs' shared problems, which the Declaration aims to address (also **Margaret Lokawua, FSIN**), is the legal construct known as the Doctrine of Discovery, an interpretive framework that violates IPs' human rights throughout the world. All IPs have suffered invasion and dehumanization, leading to the belief that the invaders have the right to do as they wish with IPs' lands and resources without their consent. Left unprotected by IPs' traditional knowledge, traditional territories become vulnerable to destruction. The doctrines of discovery and dehumanization, based on Papal Bulls of the 15th century that assert the superior right of a Christian monarch to dominion over "discovered" non-Christian lands (also **Carlos Mamani Condori; Hassan Id Balkassm** emphasizing the "philosophy of divine right"), then became institutionalized over the centuries (also **FSIN**). In 1823 the Doctrine of Discovery was officially adopted by the US Government when the Supreme Court referred to it as the principle by which "discovery" gives title to the government that authorized it.

FSIN underscore that the Doctrine of Discovery allowed Canadian courts to decide that IPs' treaties do not have any binding legal force (also **FSIN/PCN/OFN/IOIRD**). The concept of "shared sovereignty", considered by Canadian courts, would be a doctrine of reconciliation, which could help States and IPs to negotiate arrangements for the promotion of mutual interests on this small planet.

The UN Study on Treaties, Agreements and other Arrangements remains to be fully implemented, in particular regarding recognition that the Treaties of IPs in Canada are international treaties subject to international law. **FSIN/PCN/OFN/IOIRD** recommend that conclusions of the 2003 and 2006 UN seminars on treaties be fully implemented. A World Conference on IPs must mark the end of the Second Decade of the World's IPs (also **Shawn A-in-chut Atleo, FSIN/KOCN/PCN, FPCI/LL** emphasizing traditional knowledge).

The **IPs' Organizations of Australia** underscore the Doctrine of *Terra Nullius*, used in Australia to justify IPs' dispossession from their lands and waters, and non-recognition of their political sovereignty.

The **HOLY SEE** details how the Papal Bulls that paved the way for European expansion were abrogated over the centuries. Therefore, the use of the Doctrine of Discovery as a judicial precedent is not incumbent on the Church. The objective of the Church's education programmes has been to provide improved education, as key to development, to the indigenous populations. The Church has always sought communication and dialogue to deal with shortcoming and mistakes.

Carlos Mamani Condori invites the Holy See to participate in the working groups to discuss the Doctrine of Discovery.

Tonya Gonnella Frichner underscores that even though the Doctrine of Discovery may not have had value for the Holy See for centuries, it has been institutionalised in laws and policies, and founded a system of violence against IPs (also **Carlos Mamani Condori, Bartolomé Clavero Salvador**).

Bartolomé Clavero Salvador appreciates that the Holy See is moving to consider the Papal Bulls that opened the way to the invasion of the Americas as no more applicable. The Holy See refers to IPs' right to education, but not to their right to self-determination.

Murray Sinclair, Chair of the Truth and Reconciliation Commission of Canada, informs on the way IPs have been shaped by their experience with residential schools, with roughly seven generations being subject to a racist policy of total assimilation based on Christianization and the use of boarding schools to forcibly remove indigenous children from their families and communities (also **CANADA, Shawn A-in-chut Atleo, FSIN/KOCN/PCN**), with devastating impacts: loss of indigenous languages, knowledge, and parenting skills, unacceptably poor education results, high rates of suicide, family violence, substance abuse, high rates of incarceration, child welfare apprehensions, homelessness, and poverty (also **Australian Indigenous Youth Delegation** for Australia). However, IPs never assimilated. To face resistance Canada passed repressive legislation (also **QNW**). Only after World War II did Canada gradually restore basic human rights to IPs, and by 1995 had slowly ended the residential schools era. Its damaged survivors sought redress, and a settlement was arrived at in 2007, which included the survivors' stipulation that \$60 million of their compensation be set aside for a truth and reconciliation commission – to tell the true and complete story of residential schools (also **CANADA**). Deep-rooted disrespect for IPs, compounded by public policy and law, enshrines the view that white Euro-Canadians are superior, while IPs are blamed for their situation. This historical shaping of beliefs must be addressed for future reconciliation to take place (also **QNW**). An international decade of reconciliation should be established (also **Michael Dodson**).

The **Australian Indigenous Youth Delegation** recalls that indigenous young people must be able to enjoy both their basic rights to self determination and to education, and to attain the highest standard of education where they live (also **Pacific Indigenous Caucus** calling on States to develop monitoring mechanisms). Education

providers must participate in mandatory cultural awareness training, as education can act either as an agent of assimilation or of formation of indigenous identity (also **Hassan Id Balkassm**). Provision of incentives to indigenous children and young people to attend school away from their communities leads to reduced chances for post-secondary education, and increased risk of delinquency and drug addiction. States must ensure that schools are equally resourced, regardless of their location (also **Global Indigenous Youth Caucus, Pacific Indigenous Caucus, CONACI-Peru; QNW** for Canada); take into account the negative impacts of assimilationist policies on the education of indigenous youth; and ensure that education policies are consistent with article 14 of the Declaration (also **Pacific Indigenous Caucus, Global Indigenous Youth Caucus, Pataxó people/UNICEF**).

KKF/MoF recommend that Vietnam ensure that standards at boarding schools are equal to those of mainstream schools; permit teaching of indigenous arts, literature and histories; and ensure that access to education does not depend on ethnic identity. **KKF/MoF** request a constructive dialogue with Vietnam on recognition of the **Khmer Krom** and the **Montagnard** IPs. (**VIETNAM** rejects this statement and the legitimacy of its authors.)

CANADA states that the Settlement Agreement on residential schools signals an historic shift in relations with Aboriginal peoples, and further reports on that agreement's contents and implementation.

Pointing out that the *Comparative study on IPs and boarding schools* (E/C.19/2010/11) does not reflect its recent accomplishments, **CHINA** reports on progress in the education of ethnic and national minorities.

Responding about "unsympathetic" hostels created by the State for **San/Basarwa** children to get basic schooling (E/C.19/2010/11, para. 65), **BOTSWANA** states its responsibility to achieve education for all in line with the MDGs, and reports on measures to address challenges posed by boarding schools.

Margaret Lokawua, Hassan Id Balkassm and **Michael Dodson** welcome the interlinked reports on the Doctrine of Discovery and by the Canadian Truth and Reconciliation Commission. **Margaret Lokawua** underscores intense dehumanization of IPs in Africa through Christianization and land appropriation, leading to destruction of their social organization.

Hassan Id Balkassm refers to his own experience in non-boarding schools in Northern Africa, where indigenous children were cut from their identities through assimilation policies (also **Carlos Mamani Condori** for Latin America). Now the **Amazigh** people in Morocco are trying to reintroduce their language in schools (also **Amazigh Indigenous Caucus**).

Michael Dodson says that the Australian Government has not provided a comprehensive response to the recommendations of the 1999 "Bringing them home" report (about policies, practices and laws of forcible removal of indigenous children), and is not acknowledging the key finding that these policies, practices and laws are tantamount to genocide, which requires provision of reparations (also **Bartolomé Clavero Salvador** for both Australia and Canada, stressing the need to address this internationally in a judicially more rigorous manner).

IWF acknowledge important progress since the *1995 Beijing Platform for Action*, in international recognition of indigenous peoples' and women's rights, and in legislative, constitutional and institutional areas at national level. However, significant inequalities remain due to ongoing discrimination, according to a survey by **IWF**, who call on States, UN agencies and other relevant entities to: support intercultural prevention and eradication of violence against indigenous women; facilitate their full participation in state decision-making spheres (also **NACCHO; AIWN/TF** for the Beijing +15 review process and the MDGs; the **Pacific Indigenous Caucus** suggesting indigenous women's advisory bodies); develop with IPs a system of indicators to adequately measure progress; provide more resources for quality intercultural healthcare services; and support development processes led by indigenous women (also **EFW; QNW** for Canada).

NACCHO recall that the 1995 Beijing Platform for Action acknowledges barriers to women's full equity and advancement (also **Pacific Indigenous Caucus**). For indigenous women across Australia such barriers stem from ongoing colonial marginalization and oppression, and include recent removal of community development and employment programmes, and governmental punitive strategies regarding IPs' alcohol consumption, instead of rehabilitation and detoxification programmes.

Canadian legislation and human rights instruments do not sufficiently protect indigenous women from systemic discrimination. Gender equality is vital to IPs' self-determination. **QNW** call on Canada to harmonize its land claim process with the Declaration; eradicate all forms of gender discrimination in its policies; and eliminate assimilation policies.

Tonya Gonnella Frichner draws attention to **NWAC's** action plan, which includes advocacy on indigenous women's issues and measures to address violence against indigenous women (also **EFW** for Africa), including raising public awareness and accountability through data collection and publication (also **AIWN/TF**), closing economic and social gaps, and providing shelters and services for indigenous women victims of trafficking and family violence.

General debate

The **Organisation of American States** (OAS) reports on the negotiations of the draft American Declaration on the Rights of IPs, particularly in light of the adoption of the UN Declaration (**Bartolomé Clavero Salvador** enquires on this); and on a programme of action aimed at increasing IPs' participation in various decision-making processes. Other future activities include judicial assistance programmes for indigenous detainees, migrants and internally displaced persons.

Bartolomé Clavero Salvador stresses that international law is also being developed at regional level, for instance by the Inter-American human rights system, and calls for the PF increased cooperation with the Inter-American Commission on Human Rights.

The **World Bank** (WB) says revision of its operational policy on IPs for consistency with the Declaration is up to its Board of Executive Directors, to whom the WB management will highlight growing support by States for the Declaration, while noting absence of a uniformly accepted definition of free prior and informed consent, qualified endorsement of the Declaration by many States, and the Declaration's non-binding nature. The Bank considers that its current policy of requesting free prior and informed consultation coupled with broad community support is consistent with the Declaration (**Victoria Tauli-Corpuz** requests the WB to document this, for the PF to decide on the matter). As for forests and climate change, all investment projects financed under the Forest Carbon Partnership Facility will be screened for potential impacts on IPs, and whenever relevant, the Bank's operational policy on IPs will be applied.

Tonya Gonnella Frichner (supported by **Victoria Tauli-Corpuz**) expresses dismay that free prior and informed consultation will remain the paradigm in the WB policies regarding IPs.

Victoria Tauli-Corpuz recalls that most articles of the Declaration, also found in legally binding human rights treaties, are indeed legally binding on States.

Bartolomé Clavero Salvador warns that the WB is not entitled to reinterpret international human rights instruments. The Declaration, according to its article 42, is binding on the WB.

Michael Dodson expresses concern about the tendency of States and agencies to qualify the Declaration. Underscoring its articles 1, 2, 38 and 43, he stresses that States and other actors are meant to rearrange their constitutional arrangements to fit international law (also **CAASM**; **Bartolomé Clavero Salvador** regarding Colombia).

Carsten Smith informs that during the 2009 ECOSOC substantive session, some Member States noted that the PF is not mandated to monitor the Declaration's implementation. PF members will prepare a response based on article 42.

Elisa Canqui Mollo underscores the increasing prevalence of HIV/AIDS among IPs (also **African Indigenous Caucus**), especially in the neighbourhood of extractive industries and in urban areas. Strategies to address this epidemic must include advocacy for implementation of international human rights instruments, use of indigenous knowledge and indigenous social determinants of health in policy and programme planning, and respect for IPs' diversity. The PF should acknowledge the International Indigenous Group on HIV/AIDS; and urge States and the international community to support indigenous-driven initiatives.

IITC/AILA/SGF/FEWF/NWAC/IEN/IIFW/IWA/IOIRD recommend holding an expert group meeting on "reproductive and environmental health and justice, particularly for indigenous women" (also **Global Indigenous Peoples' Caucus**), to discuss disproportionate health impacts in highly polluted areas, affecting IPs' rights and future generations (also **EWF**).

Insufficient efforts to disseminate the Declaration lead to continued violations of IPs' rights in Mexico. **UNTI** recommend bilingual awareness-raising material and workshops, and inclusion of the Declaration in indigenous education curricula (also **CISAN/MV/CPINM/CIAP/CEDHUNG**).

CONACI-Peru urge greater indigenous representation in the higher levels of government and in decision-making mechanisms on political and social affairs.

TdU/GE describe the efforts by the **Basque** people to maintain their ancient language. The PF must create a working group to examine linguistic development strategies.

YM call for the PF and UNESCO to support creation of IPs' museums, to promote IPs' unity.

OICL report on the current situation of Jewish tribal members facing eviction from lands granted to them; on reforestation efforts on arid land in Israel; and on water cleaning technologies.

VENEZUELA warns that many initiatives to allegedly protect biodiversity are promoting interests of those responsible for the world's destruction.

INDONESIA highlights regional autonomy as a way to maintain harmony and ensure the country's sustained development. The PF must continue its work on climate change and on the impacts of the economic and financial crisis, and improve its methods of work, to ensure trust and accountability.

IPACC stress that African IPs' traditional lifestyles allow the spontaneous regeneration of natural resources. Now they find themselves unable to adapt to recent changes affecting their food security (also **BOLIVIA**), because extractive industries and powerful individuals have exhausted resources (also **SIPC/Yamasi people** for the USA, **IPSF** for Pakistan, **CAOI**). Added to long-lasting marginalization and discrimination, climate change effects are increasing IPs' vulnerability (also **African Indigenous Caucus**, **Margaret Lokawua**; **EMETRDF/LL** for Ethiopia and Kenya). National climate change adaptation programmes fail to include IPs. The PF should multiply its case studies in order to make IPs' vulnerability more visible and to search for a common solution.

EMETRDF/LL draw attention to the imminent death of Lake Turkana on the Ethiopia-Kenya border, due to Ethiopia's building a huge hydroelectric dam upstream, leading to massive disruption of livelihoods in an already violence-stricken area. Kenya must carry out an impact study, including effects on indigenous populations.

Indigenous peoples and women, affected by climate change, must present alternative proposals based on their traditional knowledge in all decision-making spheres (also **Pacific** and **African Indigenous Caucuses**, **IPACC**, a **Quechua Parliamentarian of Peru**). **FPCI/LL** recommend that all climate change mitigation and adaptation plans guarantee respect for IPs' rights, their free prior and informed consent, and the full participation of indigenous peoples, women and youth (also **Pacific Indigenous Caucus**, **CAPI**, **AMAN**, **GUATEMALA**; **Bartolomé Clavero Salvador** including biodiversity).

A **Quechua Parliamentarian of Peru/PIA** denounce the carelessness of capitalist investments towards mother earth, which feeds the people and allows humanity to exist (also **BOLIVIA**, **CPMPX** for Chile). IPs and humanity must unite to defend life and the rights of the earth, linked to human and women's rights (also **BOLIVIA**, **ECUADOR**).

The **Pacific Indigenous Caucus** underscore threats brought by rising sea levels to many Pacific islands, and detrimental effects on IPs of relocation off traditional land (also **TSRA** for the **Torres Strait** people). States must support the Anchorage Declaration.

Increasing seasonal floods might force **Torres Strait** peoples to flee to mainland Australia. Governments must be held accountable for this, especially as **TSRA** are identifying trends while it is still possible to plan action in a coordinated manner. **TSRA** urge for continued monitoring of climate change impacts and for long-term solutions that will protect the Torres Strait land now and in the future.

DENMARK supports the creation of a grant mechanism to assist IPs' participation in forest investment strategies, namely through securing customary land tenure and resources rights, traditional forest management systems, and IPs' involvement in monitoring forest activities.

BOLIVIA denounces the mining industry and agribusiness companies' careless use of dangerous chemicals and urges them to respect environmental standards (also **Quechua Parliamentarian of Peru**).

GUATEMALA informs on inclusion of IPs and indigenous women in its national strategy on climate change.

In light of the recent financial crisis, **Tonya Gonnella Frichner** warns about leaving the protection of the very existence of humanity and mother earth to the carbon market.

Victoria Tauli-Corpuz argues that the Indigenous Caucus at UNFCCC have long discussed REDD-related issues without reaching a consensus. Future agreements on REDD must be built on the safeguard mechanisms contained in the draft agreement reached during the UNFCCC COP-15, with regard to respecting IPs' rights as set out in the Declaration, stopping conversion of natural forests into other uses, and ensuring good forest governance and the environmental integrity of REDD (also **DENMARK**, **Quechua Parliamentarian of Peru/PIA**). IPs' inclusion in REDD initiatives must be ensured at all levels (also **Paimanach Hasteh**, **DENMARK**).

Half-day thematic discussion on IPs and forests

The first speaker on the panel, **Jan McAlpine**, **Director of the Secretariat of the UN Forum on Forests**, emphasizes the importance of community-based forest management (also **INTII**, **Australian Indigenous Youth Delegation**, **Hassan Id Balkassm**, **Victoria Tauli-Corpuz**).

Emphasizing the importance of economic, commercial and cultural activities to forest protection, **Maria Teresa Mesquita Pessôa**, **Minister of FUNAI**, **BRAZIL**, says protection of IPs' traditional knowledge is as crucial as their right to health and land.

Victoria Tauli-Corpuz deploras colonialist and State-centric laws that prevent IPs from managing their forests (also **Hassan Id Balkassm** for the **Amazigh** in the Maghreb, **CAOI** for the Andes). The concept of scientific forestry promoted by intergovernmental institutions such as the FAO and UNEP contradicts IPs' traditional world views, traditional knowledge of the forest, and forest governance systems. Expressing dismay at the oil palm and agro-fuel plantations that displace IPs in the name of climate change mitigation, she also deploras conservation organizations' attempts to "protect" forests by driving out the IPs and converting their lands to

national parks or wilderness reserves (also **Abya Yala Indigenous Caucus**, **Elisa Canqui Mollo**, **FEWF**), as in Kenya's Mau Forest, where the **Ogiek** are being relocated with the help of UNEP. To end deforestation and protect biological and cultural diversity, she urges States to recognize IPs' rights to self-determination, to free prior and informed consent in all forest-related policies and programs, and to their traditional forest management and livelihoods (also **Carlos Mamani Condori**, **IUCN**, **AIPP**, **Australian Indigenous Youth Delegation**, **Abya Yala** and **Pacific Indigenous Caucuses**, **CSCIB**, **AFN/WLFN**, **FEWF**; **CONACI-Peru**, **Peruvian parliamentarian Gloria Ramos** and **Bartolomé Clavero Salvador** for Peru; **Elisa Canqui Mollo**, **BOLIVIA**, **SURINAME**, **GUATEMALA**, **GUYANA**). IPs' contributions to climate change mitigation practices must also be recognized (also **Jan McAlpine**, **Maria Teresa Mesquita Pessôa**, **Pavel Suylandziga**, **Gloria Ramos**, **GUATEMALA**, **VENEZUELA**, **Carlos Mamani Condori**).

Pavel Suylandziga informs that in the Far East of the Russian Federation, the lives of the **Udege** people have been interlinked with the taiga (boreal forest) and the rivers for thousands of years; they cannot continue developing their resources without safeguard for their rights and involving them in the decision-making process. The remaining Udege have struggled against threats such as industrial deforestation, a military highway across their hunting grounds, development and destruction associated with gold mining, development based on IPs' forged signatures, bribes of cash and cars to permit development, a national park that banned indigenous hunters, and outright sales of their land.

Tom Goldtooth of **IEN** deplores the widespread deforestation and designated over 30% of Canada's huge boreal forest for clear-cutting, mining, and tar sands oil extraction; forest mismanagement forces IPs into a market consciousness with regard to forests. Lamenting the divisions between IPs over participation in carbon offset systems, he expresses support (also **Tonya Gonnella Frichner**) for the statement regarding forests and REDD in the People's Agreement of Cochabamba condemning "*market mechanisms such as REDD (Reducing Emissions from Deforestation and Forest Degradation) and its versions + and + +, which are violating the sovereignty of peoples and their right to prior free and informed consent as well as the sovereignty of national States, the customs of peoples, and the rights of nature*" (also **Abya Yala Indigenous Caucus**, **AFN/WLFN**, **CSCIB**, **COINCABOL**, **FPCI/LL**, **AMAN**, **BOLIVIA**, **VENEZUELA**).

Responding about relocation of IPs from the Mau forest of Kenya, **UNEP** reports that it was instrumental in setting up the Ogiek Council of Elders to address IPs' concerns, and stands ready to receive any **Ogiek** concerns. Responding, **Victoria Tauli-Corpuz** reiterates her concerns because it appears that IPs are being removed to protect the forest. Those responsible for degrading the forests are shifting the blame to IPs, but the forest cannot be protected by excluding IPs. **UNEP** must examine whether the free prior and informed consent to relocate the Ogiek has really been properly obtained in this situation, where IPs have been divided by government ploys.

IUCN highlights IPs' right to decide on participating in REDD-type carbon trading projects (also **AIPP**, **BOLIVIA**, **DENMARK**, **INTII** for the **Kaweshkar**), and stresses that because sacred sites are so important for biodiversity and for culture, attention must be paid to properly managing the cultural and spiritual dimensions of protected areas (also **Asian Indigenous Caucus**).

The **Asian Indigenous Caucus** call on concerned Asian governments to stop illegal detention, killings and rape of IPs for using and protecting forests and forest resources; they call for programmes to strengthen and revitalize – and transmit to younger generations – indigenous knowledge and systems of forest governance. **UN** agencies must support and strengthen indigenous women's roles in forest conservation and management (also **Abya Yala Indigenous Caucus**, **BOLIVIA**).

Several Asian countries now in REDD programs do not recognize IPs within their borders as distinct peoples with inherent collective rights. **AIPP** call for States to stop all exploitation operations that dislocate IPs and deny their access to natural resources; and urge that laws and policies relating to forests be brought into line with the Declaration (also **Maria Teresa Mesquita Pessôa**, **Asian** and **Abya Yala Indigenous Caucuses**, **Australian Indigenous Youth Delegation**, **CSCIB**, **COINCABOL**, **FEWF**, **MOSOP** for Nigeria, **BOLIVIA**).

The **Pacific Indigenous Caucus** stress the need to protect coral reefs along with forests, a rich source for IPs for multiple purposes, and endangered by unsustainable extracting practices and poor water management. States must fully adopt the Akwe:Kon guidelines (also **Asian Indigenous Caucus**), and review unsustainable extraction activities in forests and water management.

The **Australian Indigenous Youth Delegation** notes that international legal recognition of IPs' unique relationship to forests is increasing along with the negative effects of forestry, deforestation and climate change.

CAOI remind that Andean forests and mountain ranges, already weakened by centuries of colonial mismanagement, are now rapidly deteriorating; ice caps are melting, trees are dying and animals are becoming extinct, while water resources are fouled by activities of extractive industries, and entire villages are forced to migrate (also **Australian Indigenous Youth Delegation**, **CSCIB**). They call for reparations to be paid by invader States for forest damage, and for developed countries to pay their ecological debt for greenhouse gas emissions (also **Tom Goldtooth**, **CSCIB**, **CAASM**, **IPSF**, **BOLIVIA**).

CSCIB call for governments to set up a world programme, managed by IPs, to restore native forests; and endorse the creation of a climate court, in order to hold TNCs to account for contamination and the greenhouse effect (also **COINCABOL**).

CSUTCB call for IPs to act concretely to preserve and conserve forests, otherwise all forests may be devastated in fifty or a hundred years from now.

Urging that funds earmarked for IPs' development go directly to them, **COINCABOL** remind that contamination of the earth – which threatens everyone – cannot be solved by giving alms to IPs and making them slaves of the new colonialism; rather, it needs IPs' global, holistic vision.

On behalf of the traditionally nomadic, seafaring **Kaweshkar** people, **INTII** inform that the rights of this nearly-extinct people to free prior and informed consent is being violated by the WB and its interventionist policies. **INTII** strongly object to UN “experts” drafting documents in the name of 300 million IPs, and recommend immediate restructuring of the PF.

AFN/WLFN are concerned that forest carbon standards and protocols are being adopted by governments without meaningful consultation with North American IPs. Many IPs are unaware of the profits made by governments and industry when IPs sign off on emissions trading contracts. IPs must fully understand the evolving economy involving greenhouse gas emission allowances and offsets, and its implications for IPs, so they can make community decisions on whether to opt in or not.

FEWF call for the PF to review violations of IPs' human rights in environmental legislation and conservation regulations (also **Australian Indigenous Youth Delegation**).

Alarmed at proposed Arizona land exchanges to overturn the protected status of **Apache** sacred sites, **SCAT** demand full government protection of these lands, as well as immediate removal of the Resolution Copper Company, which harms the physical and spiritual place itself, as well as its people.

OLIPAD report that pollution caused by the cut flower industry has triggered a water shortage for the **Larusa** in Tanzania, particularly affecting women and children, whose sanctity can best be preserved by protecting natural forests, ensuring safe drinking water, and safeguarding the equal opportunity for education (also **EWF**).

MOSOP call on Nigeria to stop construction of the huge military barracks in **Ogoni** territory, violating IPs' right to free prior and informed consent, with serious implications for biodiversity, cultural autonomy and food security. They ask the PF to continue to insist that REDD financing include strong human rights safeguards (also **Vittorio Prodi, Victoria Tauli-Corpuz**).

Lamenting the deadly social conflict between Amazonian IPs and the State, **Peruvian parliamentarian Gloria Ramos** deplores deliberate lack of Congressional action on a series of proposals developed by IPs' organisations and Peruvian authorities, including implementation of ILO Convention 169 (also **Bartolomé Clavero Salvador**). Because the Peruvian Government wrongly sees Amazonian IPs' livelihoods as based on agricultural activities rather than forest production, IPs are permitted to own agricultural land but not forest land; this ignores the material and spiritual relationship Amazonian IPs have with their forests and their primary role in conserving them.

Member of European Parliament Vittorio Prodi says carbon trading schemes are a form of compensation for keeping forests intact, thereby serving the environment (also **SURINAME**). To monitor the work forests do, satellites can measure several environmental parameters, backed up by *in situ* observation by IPs on the ground (also **Carlos Mamani Condori, Pacific Indigenous Caucus**).

Emphasizing that the definition of “forests” should not include plantations, **BOLIVIA** highlights the role, in deforestation, of colonial exploitation (also **Carlos Mamani Condori** for the Andean highlands), the capitalist system (also **CSCIB** for climate change), and overconsumption in developed countries.

Saying it has worked with IPs to create “communal indigenous forests” and ensure IPs' right to govern and manage their forests, **VENEZUELA** promises to support IPs in the face of capitalist interests trying to intervene in their forests.

SURINAME is participating in carbon trading discussions, including IPs' and other forest communities, and says the country should be compensated for maintaining its forests.

In partnership with the Government, IPs in **GUYANA** are developing a framework for “opting in” to carbon trading agreements, thus providing established standards allowing for IPs' decision making based on free prior and informed consent.

Citing poverty as an obstacle to forest governance, **GUATEMALA** says the REDD programme could help reduce deforestation while helping to reduce poverty (also **MEXICO**). Guatemala calls for educational policies that include awareness-raising activities about IPs' forest care and management; and for financial support to facilitate IPs' participation at regional and international discussions on forests.

With about 75% of its forests associated with indigenous communities, **MEXICO** emphasizes its plan to strengthen indigenous forest management, and Mexico's contribution to the design of the REDD programme.

Calling attention to the Congo Basin's role as an important reservoir of biodiversity and a tool in the fight against climate change and poverty, the **REPUBLIC OF THE CONGO** emphasizes the role of IPs in the conservation and sustainable development of forest ecosystems in Central Africa. Governments should adopt and implement a plan of action to protect Central African IPs' rights.

Denying discrimination, the **DEMOCRATIC REPUBLIC OF THE CONGO (DRC)** states that IPs face the same development-related problems as the general population: displacement to cities; uncompensated deforestation through logging, and lack of rights to subsoil resources.

Elisa Canqui Mollo says that because States see IPs as failing to exploit forest resources themselves, they grant concessions to others (also **Hassan Id Balkassm**); in order to force the States to listen to their point of view, IPs have stood up and said "no" to REDD proposals.

Tonya Gonnella Frichner says carbon trading mechanisms paradoxically invite IPs – who have for years warned of the climate change crisis – to become part of the same market-based system that created the climate crisis in the first place. She calls for more clarity about the REDD model (also **Margaret Lokawua**).

Margaret Lokawua raises the issue of IPs' and women's participation in the REDD negotiations (also **IUCN**). She highlights the importance of financial support to IPs in managing their forest systems.

Hassan Id Balkassm calls for UN specialised agencies in each country to encourage direct dialogue and a cooperation mechanism on forests between IPs and governments.

Applauding the statement by Gloria Ramos, **Bartolomé Clavero Salvador** highlights the importance for the PF of hearing parliamentarians, since Member States' delegates to the PF tend to defend only the views and policies of governments.

Lars Anders Baer informs on conflicts of interest between intensive forestry and reindeer herding, due to changing climate conditions in the North, which will affect the lives of **Saami** in the still-untouched region around the Arctic. He calls attention to the historic agreement between Saami reindeer herders, the Finnish Government, and business interests for a 20-year moratorium on 90 per cent of the forest.

Seeking clarification, **Victoria Tauli-Corpuz** asks whether REDD mechanisms that respected IPs' sovereignty and right to free prior and informed consent would be acceptable. IPs around the world are now discussing, in deliberation with their traditional authorities, whether to opt into REDD and use it to push States to reform their forest policies. She reminds that the PF mandate is to ensure IPs have the right to decide what will happen in their own territories. She emphasizes areas of agreement on REDD – for example, all IPs have agreed it would be best if carbon emissions were reduced, rather than using IPs' forests as a source of carbon credits so developed countries can avoid their obligations (also **FPCI/LL**). IPs are opposed to using the market to give more control to the rich.

Tom Goldtooth responds that the authors of the Peoples' Agreement of Cochabamba recognize that IPs from different regions are considering opting in to REDD initiatives. But although international NGOs are promoting REDD in indigenous communities, the continuing confusion about what is really involved indicates that free prior and informed consent is not being implemented regarding these market mechanisms (also **BOLIVIA**). He calls attention to the current debate on whether to fund REDD through carbon trading schemes or voluntary public funding. In any case carbon offset mechanisms do not add up to climate change mitigation: it is the carbon emissions from fossil fuels that must be addressed.

Victoria Tauli-Corpuz urges that the WB ensure implementation of its safeguard policy on IPs on all projects, and that the UN-REDD Programme be guided by the Declaration and by IPs' right to free prior informed and consent – otherwise the degradation of IPs' forests will continue and the whole planet and its people will lose (also **Carlos Mamani Condori**).

Carlos Mamani Condori underscores destruction of IPs' forests by colonialism, and then by capitalism; now, IPs' must be compensated. Without forest restoration, the negative impacts of climate change will be devastating. This is a matter of life and death.

Item 8 – Draft agenda for the 10th session of the Forum

Many speakers paid tribute to the outgoing Head of the PF Secretariat Elsa Stamatopoulou, as well as to the PF members who ended their term in 2010, in particular the Chairpersons, and welcomed the new members.

Michael Dodson recalls that 2011 will be a review year and the session will focus on development and environment. In 2012, the special theme will be the Doctrine of Discovery and its impacts on IPs' human rights. In 2011 there will be a half-day thematic discussion on water under item 7 (supported by the **Global Indigenous Peoples' Caucus, African Indigenous Caucus, SGF, IITC/AILA/SGF/FEWF/NWAC/IEN/IIFW/IWA/IOIRD**). The regional focus will be on Latin America and the Caribbean (**Carlos Mamani Condori** emphasizes the importance of this for both IPs and States).

Provisional agenda for the 10th session of the PF

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Follow-up to the recommendations of the PF:
 - (a) Economic and social development;
 - (b) Environment;
 - (c) Free, prior and informed consent.
4. Human rights:
 - (a) Implementation of the Declaration;
 - (b) Dialogue with the SRIP and other UN human rights mechanisms.
5. Half-day discussion on Central and South America and the Caribbean.
6. Comprehensive dialogue with UN agencies and funds.
7. Future work of the PF, including issues of the ECOSOC and emerging issues.
8. Draft agenda for the 11th session of the PF.
9. Adoption of the report of the PF on its 10th session.

The **Global Indigenous Peoples' Caucus** acknowledge the work carried out during the session, including by the UN staff, officials and experts, and participating NGOs including doCip. An expert meeting should be convened on truth and reconciliation commissions to continue discussing the impact of children removal policies (also **IITC/AILA/SGF/FEWF/NWAC/IEN/IIFW/IWA/IOIRD**). The Global Caucus also recommend (while noting reservations by the Asian Indigenous Caucus) ratification of the work carried out in the Conference on Climate Change and the Rights of Mother Earth; a round table on the carbon market and related mechanisms; and a half-day discussion on the violations of IPs' human rights resulting from borders between States.

The **African Indigenous Caucus** recommend a half-day discussion on businesses and violations of IPs human rights' in Africa (also **MOSOP**; **CAOI** in general; **SUA** for Middle East IPs); and call for the PF support in organising international events on good practices for the implementation of the Declaration in Africa. The African Caucus regret African IPs' low representation at the PF and calls for increased solidarity from the indigenous global movement. (**Victoria Tauli-Corpuz** recalls that the regional focus was on Africa in 2006 and calls on African IPs to be well prepared when their turn comes back.)

The **Pacific Indigenous Caucus** recommend: that the sessions rotate between the regions annually to allow equitable access (also **ICITP-NEZ/ARSU/UPFA**, **Tonya Gonnella Frichner**); broadcast of the session by an indigenous media organisation, using information and communication technologies to allow for IPs' greater access (**Tonya Gonnella Frichner** supports this); and that the agenda of the 10th session allow IPs to comment on any of the PF six mandated areas (also **IITC/AILA/SGF/FEWF/NWAC/IEN/IIFW/IWA/IOIRD**) and on the second Decade and its Programme of Action.

Expressing concerns about the arrest and detention of a delegate of the Mongolian IPs in China on his way to attend the session, the **Asian Indigenous Caucus** urge implementing IPs' right to participate in the PF without any interference by governments (also **Global Indigenous Youth Caucus**). The agenda for the next session must provide for a full day of discussion on human rights (also **NPMHR**). (**CHINA** objects to the concept of Southern Mongolia and to the participation of the Southern Mongolian Human Rights Information Centre, and underscores its commitment towards its areas inhabited by ethnic minority peoples. **Victoria Tauli-Corpuz** acknowledges China's work for its ethnic minorities, but stresses the PF concerns over the human rights of delegates.)

BANGLADESH states that it has no indigenous populations, but tribal and ethnic minorities people, mostly in the Chittagong Hill Tracts; and reports on addressing recent clashes in the region, and on implementing the CHT Peace Accord, through withdrawal of military camps, survey of the region by the Chittagong Land Commission, education and health facilities, and development programmes. (**Victoria Tauli-Corpuz** highlights several laws in Bangladesh recognising the term "indigenous" regarding the CHT tribes. **Hassan Id Balkassm** underscores that IPs' organisations from Bangladesh have been acknowledged by the UN for years)

Hassan Id Balkassm calls on all States to acknowledge IPs' right to self-identification, as recognized in the Declaration, and the definition of IPs provided by ILO Convention 169. Non-recognition of IPs and their rights by African States (also **Global Indigenous Peoples' Caucus**) will lead to continued conflicts.

Michael Dodson urges the PF to discuss the administration of its speakers' list, warning that systematically giving priority to caucus or group statements hinders individual delegations' opportunities to speak under the relevant agenda item, leading to tensions with the Chairperson. The PF has a duty to maximize the opportunities for IPs' voices to be heard (also **CAOI**) as the collective objective of participants is to improve the situation of IPs everywhere, in line with their wishes. All participants must have absolute confidence in the integrity and credibility of the processes of engagement. (**Tonya Gonnella Frichner** supports these comments.)

Tonya Gonnella Frichner stresses the need for the PF to move towards a more constructive dialogue with States and IPs, including by holding some meetings in a more traditional setting.

Closing ceremony

Carlos Mamani Condori underscores that discussion of the special theme confirmed that governments must listen to IPs' views on development. Reference to respect for mother earth has been an important framework for discussion. The regional focus on North America highlighted ongoing processes of recognition of IPs. The dialogue with the CBD touched upon many areas of great relevance to IPs. Aspects highlighted during the round table on forests will be further debated in the 2011 Expert Group Meeting on forest and IPs (also **Asian Indigenous Caucus**). To face the challenges that remain at national and community levels, all parties must commit to improving IPs' living conditions, and develop close coordination to support IPs in exercising their right to self-determination.

Jomo Kwame Sundaram, UN Assistant Secretary-General for Economic Development, underlines the PF session's contribution to the celebration of the world's diversity, and the PF tripartite, creative dialogue to uphold respect for human rights and indigenous visions of development.

Tonya Gonnella Frichner, honouring the memory of Miguel Alfonso Martinez, stresses his outstanding work (also **Victoria Tauli-Corpuz**) as member of the Working Group on Indigenous Populations, as author of the "Study on treaties, agreements and other constructive arrangements between States and IPs", and as one of the drafters of the original 1993 Declaration, which everyone is encouraged to read.

Hassan Id Balkassm underscores governments' responsibility for the implementation of IPs' rights and of the PF recommendations.

Victoria Tauli-Corpuz underscores governments' growing participation in, and support of, the PF, a mechanism aiming at fostering dialogue among participants in order to address conflicts affecting IPs, which will only end with governments' support for their rights. Increasing participation of young indigenous delegates is crucial.

Fatima Mohamad says the farewell prayer in the almost extinct **Nubian** language, acknowledging this opportunity for the world's IPs to meet and work towards the Declaration's implementation. **Leroy Mobley**, of the **Global Indigenous Youth Caucus**, performs a closing song.

In closing, **Carlos Mamani Condori** expresses gratitude to his fellows PF members for their long-term commitment to IPs' cause (also **Victoria Tauli-Corpuz**). He thanks all observers for their contributions; all supporting NGOs – in particular doCip, for the long years of support to IPs; and all those who have made the session possible.

Abbreviations of NGO and indigenous peoples' organisations

AFN:	Assembly of First Nations
AIDSESP:	Interethnic Association for the Development of the Peruvian Rainforest
AILA:	American Indian Law Alliance
AIPP:	Asian Indigenous Peoples Pact
AIWN:	Asia Indigenous Women's Network
ALSWA:	Aboriginal Legal Service of Western Australia
AMAN:	Aliansi Masyarakat Adat Nusantara
APG:	Asamblea del Pueblo Guaraní
APIYN:	Asian and Pacific Indigenous Youth Network
ARNA:	Association Rohutu No' Ano'A
ARSU:	All Rabha Students' Union
ATTTA:	Association Taata Tumu / Taata Ai'a
CAASM:	Confédération des Associations Amazighes du Sud Marocain
CAIPCD:	Caribbean Antilles Indigenous Peoples Caucus & the Diaspora
CAOI:	Coordinadora Andina de Organizaciones Indígenas
CAPAJ:	Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos
CAPI:	Coordinadora de la Autodeterminación de los PI del Paraguay
CCNMWK:	Coordinación y Convergencia Nacional Maya Waqkib' Kej
CEDHUNG:	Centro de Educación en Derechos Humanos Ngobe Bugle
CHRO:	Chin Human Rights Organisation
CIAPI:	Comisión Internacional del Arte de los Pueblos Indígenas
CIDOB:	Confederación de Pueblos Indígenas de Bolivia
CIPIACI:	Comité Indígena Internacional para la Protección de los Pueblos Voluntariamente Aislados y en Contacto Inicial
CISAN:	Comunidad Integradora del Saber Andino
CNAMIB:	Confederación Nacional de Mujeres Indígenas de Bolivia
COINCABOL:	Coordinadora de Organizaciones Indígenas Campesinas de Bolivia
CONACI-Peru:	Coordinadora de Asociaciones Cristianas Indígenas del Peru
CONAMAQ:	Consejo Nacional de Ayllus y Markas del Qullasuyu
CONAP:	Confederación de Nacionalidades Amazónicas del Peru
CPINM:	Consultoría de los Pueblos Indígenas en el Norte de México
CPMPX:	Centro de Cultura Pueblo Mapuche Autónomo PELON XARU
CRA:	Chotanagpur Rising Association
CSCIB:	Confederación Sindical de Comunidades Interculturales de Bolivia
CSUTCB:	Confederación Sindical Unica de Trabajadores Campesinos de Bolivia
ECMI:	Enlace Continental de Mujeres Indígenas
ECMIRS:	Enlace Continental de Mujeres Indígenas Región Sudamérica
EF:	Ecospirituality Foundation
EMETRDF:	El-molo Eco-Tourism, Rights and Development Forum
EMWF:	Ethiopian Women's Federation
FAWK:	Fundación Anna Watta Kai
FEWF:	Flying Eagle Woman Fund
FPCI:	Fundación para la Promoción del Conocimiento Indígena
FSIN:	Federation of Saskatchewan Indian Nations
FWCLP:	Fourth World Centre of Law and Policy
GE:	Garabide Elkartea
ICC:	Inuit Circumpolar Council
ICITP:	Indian Confederation of Indigenous and Tribal Peoples
ICITP-NEZ:	Indian Confederation of Indigenous and Tribal Peoples - North East Zone
ICN:	Innu Council of Nitassinan
IEN:	Indigenous Environmental Network
IIFB:	International Indigenous Forum on Biodiversity
IITC:	International Indian Treaty Council
IIWF:	International Indigenous Women's Forum
INTII:	International Native Tradition Interchange, Inc.
IOIRD:	International Organisation of Indigenous Resource Development
IPACC:	Indigenous Peoples of Africa Co-ordinating Committee
IPSF:	Indigenous Peoples Survival Foundation

IWA:	Indigenous World Association
IWBN:	Indigenous Women's Biodiversity Network
KKF:	Khmer Kampuchea-Krom Federation
KOCN:	Kakisiwew-Ochapowace Cree Nation
KOHR:	Kuki Organisation for Human Rights
LL:	Land is Life
MCTP:	Mejlis of Crimean Tatar People
MoF:	Montagnard Foundation
MOSOP:	Movement for the Survival of the Ogoni People
MV:	Maya Visión
MWC:	Mining Watch Canada
NACCHO:	National Aboriginal Community Controlled Health Organisation
NAFC:	National Association of Friendship Centres
NCFCE:	Negev Coexistence Forum for Civil Equality
NINPA:	Nepal Indigenous Nationalities Preservation Association
NKIKLH:	Na Koa Ikaika o Ka Lahui Hawaii
NPMHR:	Naga Peoples Movement for Human Rights
NSWALC:	New South Wales Aboriginal Land Council
NWAC:	Native Women's Association of Canada
OFN:	Ochapowace First Nation
OICL:	Office of Israeli Constitutional Law
OLIPAD:	Olaji Lo Larusa Integrated Program for Agro-Pastoralists Development
ONIC:	Organización Nacional Indígena de Colombia
PACOS:	Partners of Community Organisations
PCN:	Peepeekisis Cree Nation
PIA:	Parlamento Indígena de América
QNW:	Quebec Native Women, Inc.
RONPDR-Birlik:	Regional Organization of Nogay People in Dagestan Republic – Birlik
SC:	Saami Council
SCAT:	San Carlos Apache Tribe
SGC:	Shimin Gaikou Centre (Citizen's Centre for Diplomacy)
SGF:	Seventh Generation Fund
SIPC:	Southeast Indigenous Peoples' Centre
SUA:	Syriac Universal Alliance
TdU:	Traits d'Union
TF:	Tebtebba Foundation
TSRA:	Torres Straits Regional Authority
UNTI:	Unión Nacional de Traductores Indígenas, México
UPFA:	United Peoples' Federation of Assam
WIMSA:	Working Group of Indigenous Minorities in Southern Africa
WLFN:	Wolf Lake First Nation
WPIA:	West Papua Interest Association
WRH:	Association of the World Reindeer Herders
YM:	Yurta Mira

3. UPCOMING MEETINGS AND DEADLINES FOR INDIGENOUS PEOPLES, APRIL TO JULY 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 "1session").

APRIL

22 April 2011 (celebrated throughout the world)

International Mother Earth Day

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

MAY

2 – 13 May 2011 (Geneva, Switzerland)

11th session of the Human Rights Council Universal Periodic Review

Countries scheduled for consideration (in this order): Belgium, Denmark, Palau, Somalia, Seychelles, Solomon Islands, Latvia, Sierra Leone, Singapore, Suriname, Greece, Samoa, Saint Vincent and the Grenadines, Sudan, Hungary, Papua New Guinea.

Office of the High Commissioner for Human Rights

Contact: OHCHR Civil Society Unit

United Nations, 1211 Geneva 10, Switzerland

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

E-mail: civilsocietyunit@ohchr.org

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

2 – 13 May 2011 (New York, USA)

19th session of the UN Commission on Sustainable Development

Department of Economic and Social Affairs

Division for Sustainable Development

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

Fax: + 1 212 963 4260

E-mail: See http://www.un.org/esa/dsd/dsd/dsd_contact.shtml

Web: http://www.un.org/esa/dsd/csd/csd_csd19.shtml

2 – 20 May 2011 (Geneva, Switzerland)

46th session of the Committee on Economic, Social and Cultural Rights (CESCR)

Countries scheduled for consideration: Germany, Republic of Moldova, Russian Federation, Turkey and Yemen

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 Web: <http://www2.ohchr.org/english/bodies/cescr/cescrs46.htm>

23 – 27 May 2011 (Geneva, Switzerland)

46th session of the Pre-Sessional Working Group - CESCR

Countries scheduled for consideration: Argentina, New Zealand, Peru, Slovakia and Spain

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 Web: <http://www2.ohchr.org/english/bodies/cescr/cescrwg46.htm>

9 – 13 May 2011 (Geneva, Switzerland)

18th session of the Intergovernmental Committee on Traditional Knowledge, Genetic Resources and Traditional Cultural Expression/Folklore

World Intellectual Property Organisation (WIPO)

34, chemin des Colombettes

PO Box 18, CH-1211 Geneva 20, Switzerland

Phone: +41 22 338 9111 Fax: +41 22 733 54 28

E-mail: Grtkf@wipo.int Web: <http://www.wipo.int/tk/en/>

9 May – 3 June 2011 (Geneva, Switzerland)

46th session of the Committee Against Torture

Countries scheduled for consideration: Finland, Ghana, Ireland, Kuwait, Mauritius, Monaco, Slovenia, Turkmenistan

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 Web: <http://www2.ohchr.org/english/bodies/cat/cats46.htm>

16 – 27 May 2011 (New York, USA)

Tenth session of the Permanent Forum on Indigenous Issues (Review Year)

Secretariat of the Permanent Forum on Indigenous Issues

United Nations, 2 UN Plaza, Room DC2-1454

New York, NY, 10017, USA

Phone: +1 917 367 5100 Fax: +1 917 367 5102

E-mail: indigenous_un@un.org

Web: http://www.un.org/esa/socdev/unpfii/en/session_tenth.html

16 – 24 May 2011 (Geneva, Switzerland)

64th World Health Assembly

World Health Organisation

Avenue Appia 20

1211 Geneva 27, Switzerland

Phone: +41 22 791 2111 Fax: +41 22 791 3111

Web: <http://www.who.int/mediacentre/events/governance/wha/en/index.html>

22 May 2011 (multiple venues)

International Day for Biological Diversity

Secretariat of the Convention on Biological Diversity

Contact: Mr. Ahmed Djoghlaif, Executive Secretary

413 St-Jacques Street, 8th floor, Office 800

Montreal, Quebec, Canada, H2Y 1N9

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

E-mail: secretariat@cbd.int Web: <http://www.cbd.int/idb/>

30 May – 17 June 2011 (Geneva, Switzerland)

17th session of the Human Rights Council

Office of the High Commissioner on Human Rights

Contact: OHCHR Civil Society Unit

United Nations, 1211 Geneva 10, Switzerland

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

E-mail: civilsocietyunit@ohchr.org

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

30 May – 17 June 2011 (Geneva, Switzerland)

57th session of the Committee on the Rights of the Child (CRC)

Countries scheduled for consideration: Bahrain, Cambodia, Costa Rica, Cuba, Czech Republic, Egypt, Finland

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 Web: <http://www2.ohchr.org/english/bodies/crc/crcs57.htm>

JUNE

1 – 17 June 2011 (Geneva, Switzerland)

100th International Labour Conference

International Labour Organisation

Contact: Official Relations Branch

Phone: +41 22 799 7732 Fax: +41 22 799 8944

Email: reloff@ilo.org Web: www.ilo.org/ilc

1 – 3 June 2011 (Montreal, Canada)

International meeting on Article 10 (Sustainable use of biological diversity) with a focus on Article 10 (c) (Customary use of biological diversity)

Secretariat of the Convention on Biological Diversity

Contact: Mr. Ahmed Djoghlaif, Executive Secretary

413 St-Jacques Street, 8th floor, Office 800

Montreal, Quebec, Canada, H2Y 1N9

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

E-mail: secretariat@cbd.int Web: <http://www.cbd.int/meetings/default.shtml>

4 – 5 June 2011 (Montreal, Canada)

Capacity-building workshop on Access and Benefit-sharing

Secretariat of the Convention on Biological Diversity

Contact: Mr. Ahmed Djoghlaif, Executive Secretary

413 St-Jacques Street, 8th floor, Office 800

Montreal, Quebec, Canada, H2Y 1N9

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

E-mail: secretariat@cbd.int Web: <http://www.cbd.int/meetings/default.shtml>

5 June 2011 (multiple venues)

World Environment Day

UN Environment Programme

United Nations Avenue, Gigiri

PO Box 30552, 00100 Nairobi, Kenya

Phone: +254 20 762 1234 Fax: + 254 20 762 4489/4490

E-mail: unepinfo@unep.org Web: <http://www.unep.org/wed/index.asp>

6 – 10 June 2011 (Montreal, Canada)

First Meeting of the Intergovernmental Committee for the Nagoya Protocol on ABS (ICNP-1)

Secretariat of the Convention on Biological Diversity

Contact: Mr. Ahmed Djoghlaif, Executive Secretary

413 St-Jacques Street, 8th floor, Office 800

Montreal, Quebec, Canada, H2Y 1N9

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

E-mail: secretariat@cbd.int Web: <http://www.cbd.int/meetings/default.shtml>

6 – 17 June 2011 (Bonn, Germany)

34th session of the Subsidiary Bodies for Scientific and Technological Advice (SBSTA) and for Implementation (SBI)

UN Framework Convention on Climate Change

Haus Carstanjen, Martin-Luther-King-Strasse 8

P.O. Box 260124, D-53153 Bonn, Germany

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

E-mail: secretariat@unfccc.int Web: <http://unfccc.int/meetings/items/2654.php>

20 – 24 June 2011 (Geneva, Switzerland)

58th session of the Pre-Sessional Working Group - CRC

Countries scheduled for consideration: Azerbaijan, Democratic Republic of Congo, Italy, Panama, Madagascar, Myanmar, Greece, Seychelles, Sweden, Togo.

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 Web: <http://www2.ohchr.org/english/bodies/crc/crcwg58.htm>

JULY

4 – 29 July 2011 (Geneva, Switzerland)

Substantive session of the UN Economic and Social Council (ECOSOC)

Division for ECOSOC Support and Coordination

Department of Economic and Social Affairs

1 UN Plaza, Room DC1-1428, New York, NY 10017

E-mail: ecosocinfo@un.org

Web: <http://www.un.org/en/ecosoc/index.shtml>

11 – 15 July 2011 (Geneva, Switzerland)

Fourth session of the Expert Mechanism on the Rights of Indigenous Peoples

Office of High Commissioner for Human Rights

Contact: Ms. Claire Charters, Indigenous Peoples and Minority Section

United Nations, 1211 Geneva 10, Switzerland

Phone: +41 22 928 9676 / 9640 / 9162 Fax: +41 22 928 9066

E-mail: expertmechanism@ohchr.org

Web: <http://www2.ohchr.org/english/issues/indigenous/ExpertMechanism/index.htm>

11 – 29 July 2011 (New York, USA)

49th session of the Committee on the Convention on the Eradication of all Forms of Discrimination Against Women (CEDAW)

Countries scheduled for consideration: Costa Rica, Djibouti, Ethiopia, Italy, Nepal, Republic of Korea, Singapore, Zambia.

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

Web: <http://www2.ohchr.org/english/bodies/cedaw/cedaws49.htm>

11 – 29 July 2011 (Geneva, Switzerland)

102nd session of the Human Rights Committee

Countries scheduled for consideration: Bulgaria, Ethiopia, Kazakhstan, Dominica.

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

Web: <http://www2.ohchr.org/english/bodies/hrc/hrcs102.htm>

18 – 22 July 2011 (Geneva, Switzerland)

19th session of the Intergovernmental Committee on Traditional Knowledge, Genetic Resources and Traditional Cultural Expression/Folklore

World Intellectual Property Organisation (WIPO)

34, chemin des Colombettes

PO Box 18, CH-1211 Geneva 20, Switzerland

Phone: +41 22 338 9111 Fax: +41 22 733 54 28

E-mail: Grtkf@wipo.int Web: <http://www.wipo.int/tk/en/>

25 – 29 July 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

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

4. OTHERS

OHCHR's Indigenous Fellowship Programme

The Indigenous Fellowship Programme (IFP) of the Office of the High Commissioner for Human Rights aims at providing indigenous men and women the opportunity to gain knowledge on the UN system and mechanisms dealing with human rights in general and indigenous issues in particular so they can assist their organizations and communities in protecting and promoting the rights of their people. Furthermore, each fellow should also at the end of the Programme be willing and able to give training within their communities and organizations in the fields of international human rights in general, and on IPs' rights in particular, and be able to disseminate the information and knowledge gained during the Fellowship Programme.

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

For more information on the program, the conditions for application, the selection process and the application forms, please visit the website mentioned below. Additional questions pertaining to this programme should be addressed to the Indigenous Fellowship Programme (see address below).

The deadlines for OHCHR Indigenous Peoples and Minorities Section to receive **applications for the 2012 Programme** will soon be published on the Programme's website. Please note that in order to be considered, applications must be fully completed and signed, and sent only by fax or regular post to the address below. Application forms also need to be accompanied by an **official recommendation letter** from the nominating **indigenous** organization or community.

Fellows of the 2011 Programme

English-speaking component

20 June – 22 July 2011 (based in OHCHR, Geneva, Switzerland)

- Ms. **Namthipkesone Bouttasing**, Khmu Lao Therng, Laos
- Ms. **Theh Mar**, Karenni, Myanmar
- Ms. **Susanne Amalie Andersen**, Saami, Norway
- Ms. **Bouba Aei Satu**, Mbororo, Cameroun
- Ms. **Nala Bradeen Mansell-McKenna**, Pakana/Palawa, Australia
- Mr. **Nyohla Mong**, Marma, Bangladesh
- Ms. **Melissa Clyde**, Navajo, United States of America
- Mr. **Vichet Mong**, Tampuan, Cambodia

Spanish-speaking component

2 May – 22 July 2011 (based in Deusto University, Bilbao, Spain and in OHCHR, Geneva, Switzerland)

- Mr. **Adalid Irías Martínez**, Lenca, Honduras
- Ms. **Millaray Alba Caniumán Ancalef**, Mapuche, Chili
- Mr. **Andrés Andrango Barahona**, Kitu Kara (Kichwa), Ecuador
- Mr. **Eriberto Américo Ayala**, Enxet, Paraguay
- Ms. **Luz Elba Gorostiola Herrera**, Mixteca, Mexico
- Mr. **Manoel Uilton Dos Santos**, Tuxá, Brasil
- Ms. **Martha Isabel Hernández Díaz**, Embera-Chami, Colombia

French speaking component

20 June – 22 July 2011 (based in OHCHR, Geneva, Switzerland)

- Mr. **Séverin Sindizera**, Batwa, Burundi
- Mr. **Lahoucine Amouzay**, Amazigh, Morocco
- Mr. **Diel Mochire Mwenge**, Batwa, Democratic Republic of Congo

Russian speaking component

27 June – 22 July 2011 (based in OHCHR, Geneva, Switzerland)

- Mr. **Anchy Itashev**, Telengit, Russian Federation/Altai Republic
- Mr. **Alexey Tsykarev**, Karel, Russian Federation/Karelia
- Ms. **Irina Soloduha**, Tubalar, Russian Federation/Altai Republic
- Ms. **Tatyana Kalyantgrau**, Chukchi, Russian Federation/ Autonomous Chukotsky Okrug
- Ms. **Elida Atlasova**, Yakagir, Russian Federation/Yakutia
- Ms. **Tatiana Demkina**, Tuvín-Tojin, Russian Federation/Tyva Republic
- Mr. **Dmitry Onenko**, Nanay, Russian Federation / Khabarovsk
- Ms. **Maya Sergina**, Saami, Russian Federation/Murmansk region

Contact:

Indigenous Fellowship Programme

Indigenous Peoples and Minorities Unit

Office of the UN High Commissioner for Human Rights

UNOG-OHCHR

CH-1211 Geneva 10 / Switzerland

Fax: + 41 22 917 9008

E-mail: fellowship@ohchr.org

Website: <http://www2.ohchr.org/english/issues/indigenous/fellowship.htm>

INFORM US OF YOUR CHANGE OF ADDRESS

Please inform us each time you change your e-mail/postal address, or phone/fax number so that we may keep our address book up to date. Send an email to docip@docip.org, subject: Change of Address. Many thanks !

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

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

by fax at: + 41 22 740 34 54

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

Thanks!

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.

Following are the deadlines for the **first cycle of application** in 2011:

- Call of applications to attend the **18th session of the Human Rights Council** and all sessions of the **treaty bodies taking place between September and December 2011**: 1 April 2011
- **Deadline** for the submission of applications: **1 June 2011**
- Intersessional meeting of the Board of Trustees: 25-29 July 2011
- **Announcement** of the selection: **8 August 2012**

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

For applications and more information:

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

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The Swiss Agency for Development and Cooperation

The Canton of Geneva

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