



World Conference on Indigenous Peoples September 2014

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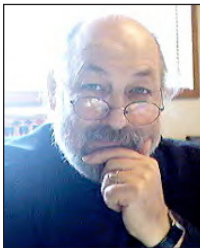


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Lukanka

Lukanka is a Miskito word for “thoughts”



RUDOLPH C. RYSER
Editor in Chief
Fourth World Journal



This issue of the Fourth World Journal has the quality of analysis, pronouncement, advocacy and process reflected in a compilation of documents and essays. A remarkable event took place in the national elections of the Republic of Bolivia in 2005. Juan Evo Morales Ayma, an Aymara born to subsistence farmers in Isallawi, Orinoca Canton with a population of little more than 6,500 people was elected President. He rose to the presidency as a leader of a rural laborers’ union and with the popular vote of 54% (the first time since 1978 that a candidate won with a majority) he assumed the presidency in January 2006. Ambassador Miguel d’Escoto Brockmann, then-President of the United Nations General Assembly named this anti-imperialist defender of indigenous peoples’ rights “World Hero of Mother Earth” at a United Nations Ceremony in November 2010 giving respect for Evo’s urging the UN General Assembly in April 2010 to recognize that day as International Mother Earth Day, or “Pachamama” as Mother Earth is said in Bolivia’s Aymara tongue.

President Morales’ Bolivia government sponsored a resolution approved by the United Nations Third Committee in 2010 to authorize the High Level Plenary Session of the United Nations that would be called the World Conference on Indigenous Peoples set for September 2014. It was thus that the 40-year period of “indigenous peoples’ ascendancy as a subject of international concern,” beginning in 1970, passed a new milestone. Not only had an indigenous person assumed supreme authority over an existing state when such a possibility was utterly unheard of in South America or anywhere else (indigenous Quechua and Aymara make up 55% of the population, 35% are mestizo, and 15% are of European extraction). President Morales’ rise to power electrified the world’s Fourth World peoples. His promotion of the World Conference on Indigenous Peoples further excited peoples all over the world who sensed perhaps the time was coming that indigenous peoples (1.3 billion strong with national populations ranging from 125 people to 25 million) just might be sitting at the international negotiating table of humanity. The time seems right for nearly 20% of the world’s peoples participate in decisions that affect their lives as well as the lives of all other humanity.

For more than one thousand years peoples the world over have struggled to meet each other on common ground where negotiations in good faith might be concluded to achieve comity—justice and common human courtesy between nations no matter their size or wealth. If this is truly the future of human kind then it may be noted

that the spark that began the process truly began with the courage of an Aymara leader born to subsistence farmers in south central Bolivia.

To be sure, bestowing a noble name on a political leader and convening a meeting in September of 2014 will not in and of themselves change things. A new process has been initiated that replaces forty-years of study by the United Nations; and the conditioning of political leaders—state leaders and indigenous nation leaders alike. A vocabulary has been developing that permits indigenous leaders from different parts of the world to speak with each other in a way that advances their differing political agendas. Meanwhile the vocabulary being developed permits indigenous leaders and states' leader to find the best ways to trod new common ground.

In this issue of the Fourth World Journal we have compiled the most influential essays and documents that have developed shortly before the announcement of the World Conference on Indigenous Peoples in 2010 and since. The dynamics of states' government officials attempting to find language that accommodates the entrance of new international players, and the challenging results of efforts by indigenous peoples from all regions of the world to formulate themes and topics considered appropriate for initial discussions at the World Conference are presented in this issue.

It is our hope that merely seeing the raw versions of documents and ideas when read together will provide a strong sense of where the global dialogue is now focused in matters concerning the Fourth World. It is our hope that this issue of the Journal will remain in

your collection to remind you of the ideas and actions that started the 21st century phase of indigenous peoples moving toward the negotiating table as members of the human family.



Background

This edition of the Fourth World Journal is dedicated to documenting the issues, concerns and processes leading up to the United Nations High Level Plenary Session called the World Conference on Indigenous Peoples scheduled to convene at the UN Headquarters in New York City on 22 September for two days. The Conference from our point of view is only a small step toward the day when indigenous nations will be sitting at the international negotiating table with leaders of states' governments. Many frustrations, missteps, confusions will accompany genuine achievements and progress toward that day. This is an archival edition to remind us of the dialogue that has just begun after more than 40 years of modest attempts at including indigenous peoples in the global dialogue.

Many indigenous leaders will not move toward the negotiating table and prefer to remain within the bounds of an existing state. Still other nations will seek to engage states' governments, international institutions and a new vocabulary for securing the future existence of indigenous peoples throughout the world. Read these original documents and essays and then look for more about the debate as it unfolds in real time over the next months and years.

During the past several years various important issues of global importance have attracted indigenous nations' interest and concern. The global treaty on climate change is one such issue of importance. In this section we offer an essay describing some of the issues, concerns and policies that bear upon one indigenous nation's efforts to engage the climate change debate. This reflects the difficulties of engaging the international arena to secure a seat at the table.

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Negotiating a Seat at the Table: Indigenous Nations, the States and the human condition

Rudolph C. Rýser, Ph.D.

We are living at the beginning of an era that demands our greatest commitment to the common good and our willingness to draw on the knowledge and good will of all humanity. We face now the greatest challenges for all of humanity that once affected only the native peoples and we must now all seek to redress the adverse affects of climate change, global disease, and reactionary extremist violence. The challenge is not just for those who sit in the chambers and halls of government, but for all of us. While not all have been invited to the table to negotiate in a spirit of comity the remedies needed for human survival, it is time that all people become seated so we may benefit from the knowledge, intelligence and willingness of all peoples. It is about the struggle to become seated at the table as a member of the human family that I wish to speak.

The Table is set: Who is on the Menu?

Charged with restoring the health of the world states' governments have taken great efforts to negotiate new treaties to establish common human agreement on measures to ease the adverse affects of climate change and to make provision for adaptations necessary to ensure human survival. The tables where negotiations are located include those in Bali, Indonesia; Bonn, Germany; Poznan, Poland, and in Copenhagen, Denmark; South Africa and Mexico. One hundred ninety-two delegations of states' governments are regularly invited to sit at the table every year. The presumption is that these state delegations represent the people and interests within their state

boundaries. They do not, however, represent all of the more than 7000 indigenous nations in Europe, Asia, Africa, the Americas, Pacific Region and Melanesia (more than 1.3 billion people) in whose territories 80% of the world's remaining biodiversity is located...the natural world necessary for life. "Cultural diversity ensures biological diversity" is the message represented by the diversity of indigenous nations. The evidence is clear: Where there is life there is cultural diversity and biological diversity and conversely where there is cultural and biological diversity there is life. And yet, the indigenous nations with the richness of life and the knowledge necessary for survival are not invited to sit at the table. The journey of the world's original nations reaching for the negotiating table—to join humanity—is one of the greatest challenges of our time.

The point that is only now slowly becoming clear to increasing numbers of people—and hopefully you are among them—is "though Climate Change is global its adverse affects are local." Climate Change affects different ecosystems differently. A standard, global solution either for mitigation or adaptation is neither reasonable nor desirable. Only negotiations that include good faith agreements between indigenous nations in each state can produce the effective and beneficial result moderating the adverse effects of climate change. Indigenous nations around the world live in and have adapted to their specific ecosystem and it is there that adaptation is necessary and standards for climate change mitigation must be defined.

(Excerpts from an address originally delivered by Rudolph C. Rýser, Ph.D. as a part of the Antioch University – Seattle, Center for Creative Change Global Issues and Perspectives Lecture Series, May 7, 2009. Seattle, Washington.)

What indigenous nations do or do not do by way of setting and exercising cultural standards for climate change mitigation and adaptation will actually determine the outcome of the climate change challenge.

The “Right” is permission, “Power” is control.

Having “rights”: as in Human Rights, land rights, civil rights, health rights and the right to food are capacities, conditions and material things are granted as entitlements permitted by those who exercise power. So it is that as a consequence of Constitutions in France, India, Costa Rica and the United States of America, for example each and every citizen in those countries possess “rights”. The right of free speech and the right to freely assemble are among such rights that people in a few countries take for granted as freedoms that may exercised with minimal interference from the State. But, the State has the power to withdraw those rights and thereby cut short the exercise of those freedoms.

In all instances, power, or the capacity to exert control or impose changes on people or things determines who exercises “rights.” Power is that much-coveted quality that challenges the idealist’s appeal for freedom, creativity, and social comity. When in the hands of the tyrant “rights” of all kinds suffer. When in the hands of the idealist “rights” will flourish.

In an environment where the actors holding power are unevenly corrupt and idealistic, how do those without power advance their public causes? If one does not have power, how does one get power? Does one pursue the “right” or does one pursue the power?

The Decline and Rise of Longhouse Power

An example of power we can consider existed in North America. Three-hundred eighty years ago, the dominant social, economic and political powers in what is North America’s central region were scores of nations where towns and temporary settlements of decentralized populations living in family longhouses traded with each other and occasionally warred on each other. There was no state power. The power rested in each longhouse in varying degrees. Each of several thousand longhouses with populations of 25 people to sometimes as many as 450 people in each structure stood as an extended family: autonomous in many ways and fully capable of exerting control and imposing changes on people, things and the environment. In other words, each longhouse exercised power. What this meant in real terms was that each longhouse and all the related longhouses directly decided their own future. They determined matters of life and death. These societies exercised power for more than ten thousand years in these lands.

Two major historical events, disease and the invasion of lands by outsiders over a period of one hundred years from 1507 to 1774 rapidly reduced the population and the power of the Longhouse Peoples from strong and dynamic societies to mere shadows of what had been the reality for so long. Perhaps ten-years before outsiders arrived at the shores of the Longhouse peoples many thousands were killed by invasive diseases like influenza and then chicken pox—the early imports on the Atlantic coast from Skanian fishermen from what is now Northern Europe and Basque and Breton fishermen from the western shores of Europe. They all sought to fish the abundant code from what is now the coasts of Newfoundland and

Maine. For the two hundred years after the early 1500s experienced mysterious deaths in their populations and especially along the coastline the numbers of Longhouse peoples rapidly declined as a direct consequence of wave after wave of introduced diseases: chicken pox, influenza, yellow fever, measles, typhus, bubonic plague, cholera, diphtheria, polio, and pertussis—among others. (Read Robert Boyd’s detailed and authoritative book “The Coming of the Spirit of Pestilence” for his well-written examination of the role of disease in the breakdown of nations.) As these diseases took their toll, the lands on which there had been thriving societies were quickly taken up by invading peoples from Holland, Sweden, France, the United Kingdom and eventually what became United States and Canada. The consequences of globalization that had begun in the late 1400’s with Spanish and Portuguese explorations in the Atlantic and the English and Chinese explorations in the Pacific overwhelmed the Longhouse Peoples and many other indigenous nations around the world. Just as that expansive movement had rubbed out peoples on North America’s southern regions and the east coast by reducing the populations by as much as 80%, the Longhouse peoples suffered losses of as much 30% and 80% across the continent.

Imagine, if you will, having a society in which you had spiritual leaders, great producers of food, clothing, and canoes for travel; you had builders of birch, pine and cedar longhouses from trees 25 feet in diameter, keepers of the forest, and among them all the knowledge of thousands of years. And, in a short span of a few generations most of those people were gone—dead—from mysterious causes that medicine people and healers could not prevent. These huge losses left great gaps in the public knowledge, understanding and experi-

ence. The knowledge of some families completely disappeared. Some nations invented the practice of stealing people from other nations in battles to repopulate their longhouses. The practice gave rise to great battles and extended wars further devastating already vanquished peoples. Invasions into the countries of indigenous peoples from Europe and China; and consolidation of power by indigenous nations as well destabilized indigenous communities as much as they upset the cultural and power structures that had long prevailed.

It was after these years of death that many indigenous nations began to rebuild—to establish anew a modified way of life often in new lands and with generations of acquired peoples. With diminished numbers certainly, but with the will to survive, reclaim cultural ways and reclaim the capacity to decide a future for themselves the Longhouse peoples began a long journey to restore their place among other human beings.

After centuries of rebuilding or simply adapting to the new environment where new peoples settled around the areas previously occupied by indigenous nations, the Longhouse peoples began to stand again. For about 200 years, until about the 1960s Longhouse peoples all across the continent pursued their “rights.” They demanded that their “rights” should be respected under treaties signed with the United States and with Canada and in Mexico with the King of Spain. Those rights, for the most part were not respected. Still, native leaders pressed the state governments of the United States, Canada and Mexico to not only respect those rights but also “fulfill” those rights. Slowly as decades passed some of those rights were affirmed in accord with treaties, compacts and other agreements even though most of the land on which the nations

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depended was taken into control by settlers. Land Rights, rights to fish and hunt, rights to keep one's children, rights to religion, rights to practice ceremonies were some of those rights granted by the now powerful governments of the United States, Canada and others. Leaders of the Lakota, Kiowa, Quinault, Snohomish and other peoples exerted themselves to achieve the establishment or restoration of rights. They traveled to the halls of the United States Congress, stood in the chambers of the federal courts and sat at long tables of the various government administration arguing and appealing for the rights documented in treaties and other agreements—most of the time outside and away from the public eye.

In the 1960's leaders of the Red Lake Chippewa, White Mountain Apache, Colville Confederated Tribes, Yakama Nation and the Quinault Nation began to recognize that their rights were important, but the power to decide would ensure the safety and continuity of the various peoples. "We shall have our governments and they shall become our means to retrieve lost lands, protect our peoples and ensure the future prosperity of generations to come," said one leader. "Strengthen our governments!" proclaimed the new leader of the Quinault Indian Nation Joe DeLaCruz in the early 1970s.

For the first time since the end of the years of death and three-hundred years after the beginning of that long and terrifying age, leaders of what would now be called "nations" and "tribes" saw that power was essential to survival. And it was in the exercise of the principle of "self-determination" (proclaimed by US President Woodrow Wilson in January 1918), and the doctrine of "sovereignty" (the 14th and 16th century European concept of absolute rule) that the nations and tribes of

North America began to reclaim their power to engage the power of the state—the very state—that by now surrounded them instead of bordered them.

As American Indians in the United States we had to face what had become the formidable power of the federal state and other states—all of which claimed the power of self-government and sovereignty over territories—including indigenous territories. Indigenous leaders needed to find a way to turn state power aside and ease tensions with the domestic states while directly challenging the power of the relatively new states' governments. First indigenous leaders pushed by way of protest marches. They demanded control over fishing and management of the fisheries. They won attention at great cost of lost lives and treasure to achieve this modest gain. The next challenge came in the Courts of state law. In both instances indigenous people won a little but lost some of what they had already gained. For instance, Indian people in the US Pacific Northwest had original control over all of the salmon in their rivers, but the courts cut that control in half so that only fifty-percent of the fish would be under Indian control. That was accepted in the name of a compromise. It was a win of sorts. After pushing in the US Courts for several years on a wide range of topics, it became abundantly clear that the US Courts would not render decisions favoring Indian sovereignty over the soil and over people. The courts would recognize "Indian rights" but they would not step far in the direction of recognizing Indian sovereignty.

I began working in Indian Affairs when I was 23 years old. I had passion, energy and a thorough commitment to restoring Indian Country, Indian Peoples, to their rightful place among the peoples of the world. In the

late 1960s and early 1970s I became deeply engaged in the efforts to establish self-determination as a principle guiding Indian nations' policies. I drafted the Declaration of Sovereignty with the likes of a young Samish leader Ken Hansen, and Colville tribal activist Wendell George, a young woman leader from Colville Bobbi Minnis and Sherwin Broadhead staff aid to the Lion of Idaho Senator William Bora. After reading a United States government report to the Commission on Security and Cooperation in Europe where the officials of the US in 1979 announced they were conducting relations with Indian nations on a government-to-government basis I introduced the term "government-to-government" into American Indian political lexicon to establish Indian nations as legitimate governing authorities in their dealings with the state government and the federal government. And I wrote language into federal appropriation legislation establishing US Congressional policy affirming the self-government as a power of Indian nations. I learned that words count. To fashion a movement, to define the agenda one must practice the art of writing and giving meaning to words that count. This lesson has served Indian Country and me well for forty years.

Working with American Indian leaders in the latter part of the 1970s we began to shift gears when we concluded that Indian nations had won only some of their power back as a result of court decisions. In the 1980s working with leaders such as Joe DeLaCruz of the Quinault, Roger Jim and Russell Jim of the Yakama, Lucy Covington and Mel Tonasket of the Colville Confederated Tribes, Cal Peters of the Squaxin Island Tribe, Forest Kinley, Sam Cagey and Henry Cagey of the Lummi Tribe Indian nations moved to seek negotiations instead of court battles with the states. We sought negotiations on matters of taxation,

environmental regulation, fisheries management, forest management, child welfare and delivery of health services and education.

By 1987 a great deal had been won back to the control of Indian governments through negotiations and the process was then turned toward the US government. We worked to negotiate intergovernmental compacts on self-government that at least temporarily reduced the power and influence of the Bureau of Indian Affairs in the internal affairs of Indian communities.

These efforts not only had effects in the United States, but in Canada, Taiwan, the Philippines, Europe, and more recently in Africa and South and Central America.

Compact or Memorandum of Agreement?

Compacts on Self-government were negotiated in the early 1990s first by the Quinault, Lummi, Jamestown S'Klallam, Mille Lac Ojibwa. These new compacts had all the characteristics of new treaties between Indian governments and the United States government. One hundred and seventeen years after the United States government officially stopped making treaties with Indian nations, the modern American Indian leadership pushed the US government to negotiate treaty agreements again: Compacts of Self-Governance. More than three hundred Indian governments entered into compacts with the United States to affirm their power to govern themselves. Negotiations had achieved what political protests, lawsuits and even new federal legislation could not achieve: the affirmation of tribal government—the power to govern once again.

While still incomplete, the process of negotiating self-government compacts emboldened a new generation of tribal leaders

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like Jose Garcia, President of the All Indian Pueblo Council and President of the National Congress of American Indians, Henry Cagey, Chairman of the Lummi Indian Nation and Fawn Sharp, President of the Quinault Indian Nation to reach for the international table to participate in the negotiation of the new international treaty on Climate Change.

In 2006, the Quinault Indian Nation hosted a conference on climate change where the concept and principles for dealing with the emerging problem were obscured by the US Environmental Protection Agency. The Agency held the view that carbon gas emissions were not having an effect on climate. The Quinault government insisted that glaciers were melting in the Olympic range and the river temperatures were changing, animal migrations were different and fishing patterns were different. President Fawn Sharp, then a first term elected leader of the Quinault Indian Nation decided that Climate Change threatened the very existence of the nation she was chosen to lead. The threat demanded bold action and leadership.

Traveling to meet with tribal leaders in British Columbia, Washington, Oregon and Idaho and then throughout the country, President Sharp and I met with and called on leaders of other Indian governments to join the Quinault Indian Nation's effort to build a consensus on climate change that would drive common agreement for defining solutions.

**A Strategy for building a consensus on climate change emerged.
Local, state, federal and international policy must flow together.**

We began defining the policies in the Quinault government that would help that nation

ease the adverse affects of climate change and begin the process of adaptation in response to changes. We wanted to ensure the sovereignty of Quinault territory, promote the use of native sciences with western sciences to address some aspects of Green House Gas emissions. In March of this year working with key advisors to President Sharp we drafted a new law that lays out the Quinault government's climate change policies and sets in place a special task force to define methods, policies and practices to guide the Quinault people as they seek to remedy the adverse affects of Climate Change.

A crucial part of the Quinault Law – preempt state and federal regulations.

Turning to the State of Washington President Sharp and Chairman Cagey jointly signed a letter calling on the Governor of the State Christine Gregoire to meet with them to fashion cooperative and constructive intergovernmental approaches to climate change. Even as the Indian governments urged the State to sit at the table with their governments to negotiate good approaches to climate change the Quinault government drew up policies, practices and methods for dealing with climate change for legislation under consideration by California Congressman Henry Waxman's Energy and Commerce Committee. Calling for the use of native sciences, whole life risk management analysis, and measures to specifically address on the ground changes due to climate the Quinault proposals urged the Congress to act with dispatch. The same proposals were placed before the National Congress of American Indians to urge the Congress on this new path.

Even as the efforts were launched within the Quinault nation, with the state of Washington and with the Federal government the

President Sharp and I traveled as the Quinault delegation to the 14th meeting of the Climate Change talks in Poznan, Poland. These talks are intended to develop a new international treaty to replace what are called the Kyoto protocols.

Let me tell you about this meeting and what our goals were...

1. Establish initial talks with appropriate states' government representatives to formalize the Quinault government's participation in the United Nations Framework Conference on Climate Change negotiations at the Conference of Parties 15 in Copenhagen, Denmark
2. Seek international support for Quinault climate change priority policies of "whole life risk assessment, carbon emissions cap and dividend, application of traditional knowledge on problems of climate change, and asserting Quinault sovereignty over QN Territory
3. Identify international allies who will support Quinault climate change priority policies.
4. Identify international allies who will support Quinault climate change priority policies.

A New Proposal to Set the Table

President Sharp and I observed that indigenous peoples were completely marginalized and prevented from contributing to the discussions on climate change in Poland. She became determined to change that and immediately developed a proposal for the establishment of an Intergovernmental Contact Group on Climate Change that would be made up of five indigenous nations (including Quinault) and five states' governments. She met with representatives of Denmark, the Netherlands,

Germany and Bolivia and proposed that they join her government in the formation of the Intergovernmental Contact Group. She urged that the Contact Group could serve as the intermediary between the 192 state governments and the 7000 indigenous nations and provide. In fact the Contact Group would serve as a small negotiating table for the new treaty. But one large problem loomed to prevent this tribal plan from becoming a reality: The United States of America. It is the United States government that must be the fifth state government on the Contact Group or the other governments will not join. The Quinault took the responsibility for meeting with the United States government to encourage it to join. At the same time Quinault took the lead to encourage four other indigenous nations to join the process.

Each state government and each nation government was to be responsible for fielding positions and viewpoint of either the states or the nations. The process, if the United States joined would begin in the summer of 2009, but the US government did not join. The Contact Group died. Had the Contact Group materialized the great achievement nation and state negotiations over Climate Change would have moved indigenous nations from the margins to the negotiating table.

From the first contacts between indigenous nations and the Kingdoms and their successor states, indigenous peoples have faced what Jarred Diamond referred to as "Guns, Germs and Steel." These three powerful forces forced indigenous nations into oblivion and many that fell to their knees. Their resilience has the world now acknowledging 1.3 billion people on six continents and the place at the table may yet be filled.



World Conference Introduction

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United Nations World Conference on Indigenous Peoples (WCIP)

Establishing a Seat at the International Table: Indian Government participation and Agenda for the High Level Plenary Meeting of the UN General Assembly

September 2014

(Originally published January 2013 as a special report by the Center for World Indigenous Studies and prepared by the Good Government Research Group)

(This report #7 in a series surveys the successive meetings and preparations conducted since the 10 August 2011 report of Aotearoa Indigenous Rights Trust, Asia Indigenous Peoples Pact and the Sámi Parliament of Norway/Sámediggi/Sametinget. The report provides a background on the World Conference on Indigenous Peoples, discusses the involvement of American Indian nations in the World Conference on Indigenous Peoples scheduled for September 2014 at the United Nations in New York City.)

Introductory Glossary of Terms:

- ECOSOC: Economic and Social Council
- EMRIP: Expert Mechanism on the Rights of Indigenous Peoples
- EU: European Union HRC: Human Rights Council
- IP: Indigenous Peoples
- PFII: United Nations Permanent Forum on Indigenous Issues
- Special Rapporteur: A person designated by the Committee to prepare reports, carry out studies

- SR: Special Rapporteur on the Rights of Indigenous Peoples
- the Declaration: United Nations Declaration on the Rights of Indigenous Peoples
- UN: United Nations UNHCR: United Nations Commission on Human Rights (now NRC)
- UNGA: United Nations General Assembly
- WCIP 2014: World Conference on Indigenous Peoples 2014

Background

The Third Committee of the United Nations General Assembly considered and adopted resolution (A/C.3/65/L.22/Rev.1) deciding to organize and convene a High Level Plenary meeting of the UN General Assembly “to share best practices on the realization of the rights of Indigenous peoples” and to “pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples. “The General Assembly allocates to its Social, Humanitarian and Cultural Affairs Committee, commonly referred to as the “Third Committee,” according to the Third Committee mission agenda items relating to a range of social, humanitarian affairs and human rights issues that affect people all over the world.¹ The resolution was submitted at the request of the Plurinational State of Bolivia

Establishing a Seat at the International Table: Indian Government part. & Agenda for High Plenary

and with the endorsement of Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, Guatemala, Honduras, Mexico, Nicaragua, Norway, Panama, Peru, Uruguay and the Bolivarian Republic of Venezuela.

On 16 November 2010, the Third Committee of the United Nations General Assembly adopted the following resolution (A/C.3/65/L.22/Rev.1):

Decides to organize a high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, to be held in 2014, in order to share perspectives and best practices on the realization of the rights of Indigenous peoples, including to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples, and invites the President of the General Assembly to conduct open-ended consultations with Member States and with indigenous peoples' representatives in the framework of the Permanent Forum on Indigenous Issues, as well as with the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur in order to determine the modalities for the meeting, including indigenous peoples' participation at the Conference.

The proposal for a World Conference on Indigenous Peoples (WCIP 2014) was presented by The Plurinational State of Bolivia.

The following States endorsed the resolution: Argentina, Australia, Benin, The Plurinational State of Bolivia, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, Guatemala, Honduras, Mexico, Nicaragua, Norway, Panama, Peru, Uruguay and the Bolivarian Republic of Venezuela.

During the 10th session of the Permanent Forum on Indigenous Issues (PFII) held in May of this year in New York, an initial dialogue was held with the Office of the President of the General Assembly to hear indigenous people's views about the WCIP 2014. (E/2011/43E/C.19/2011/14)

Further, in support of the resolution of the Third Committee of the United Nations General Assembly, the PFII (E/2011/43E/C.19/2011/14) welcomed the invitation of the Sámi Parliament of Norway to host a preparatory meeting of indigenous peoples in June 2013 to consolidate indigenous people's strategies and inputs for the WCIP 2014.

On 15 July, 2011, at the end of the 4th session of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) in Geneva, an indigenous caucus meeting was held to discuss the WCIP 2014. The caucus was informed about consultations held during the week by a number of indigenous peoples and the consensus that had emerged regarding the creation of an indigenous global coordinating committee and the drafting of a concept paper. The caucus welcomed the initiatives taken during the week and noted that the concept paper would

The Committee discusses the advancement of women, the protection of children, indigenous issues, the treatment of refugees, the promotion of fundamental freedoms through the elimination of racism and racial discrimination, and the right to self-determination. The Committee also addresses important social development questions such as issues related to youth, family, ageing, persons with disabilities, crime prevention, criminal justice, and international drug control.

Extracted from the "Draft Concept Paper for the World Conference on Indigenous Peoples 2014 compiled by the International Indian Treaty Council.

be ready by 5 August 2011.²

United Nations Declaration on the Rights of Indigenous Peoples

The World Conference on Indigenous Peoples 2014 is mainly focused on measures to be considered by States' Governments to implement the UN Declaration on the Rights of Indigenous Peoples adopted by the General Assembly in 2007.

Indigenous governments may get a copy of the Declaration from the CWIS website (cwis.org) or on the UN Permanent Forum on Indigenous Issues website:

<http://social.un.org/index/Indigenous-Peoples/DeclarationontheRightsofIndigenous-Peoples.aspx>

In the year 1973, the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities decided to undertake a ten-year study of the "situation of indigenous peoples" and designated Jose R. Martinez Cobo, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities authored "Study on the Problem of Discrimination against Indigenous Populations." Before Dr. Martinez Cobo's study was completed in 1983, the Sub-Commission under the Economic and Social Council decided to form the UN Working Group on Indigenous Populations (1982) with the mission to consider "the situation of Indigenous Peoples." Beginning in the early 1980s the Working Group (made up of five members assigned from the Human Rights Commission with a settled membership led by the Chairperson-Rapporteur Dr. Erica-Irene A. Daes (of Greece)) who began conducting Working Group meetings in Geneva, Switzerland annually with participation from states'

government representatives (members of the UN) and representatives of non-governmental organizations and representatives of indigenous communities and governments. No prohibition was set regarding participation as was the usual practice of UN agencies and Councils. The Working Group was mandated:

- To review events relating to the promotion and protection of human rights and fundamental freedoms of indigenous peoples; and to analyze this material and send its report to the Sub-Commission on the Promotion and Protection of Human Rights. For this, the Working Group receives and analyses oral and written information presented to it by indigenous organizations, governments, specialized agencies and other UN organs.
- To give particular attention to changes in international standards relating to the human rights of indigenous peoples.
- The Working Group was not authorized to examine concrete complaints of alleged human rights violations with the aim of formulating recommendations or adopting decisions on concrete cases or countries though in fact such matters were frequently presented to the Working Group.

The Working Group decided that participation was open to any and all representatives registered to participate. The result was that upwards to 600-700 representatives functioning as delegations from non-governmental organizations, indigenous communities and indigenous governments traveled to Geneva over a period of ten years to present testimony, comments, remarks and "interventions"

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(prepared statements) that were dully recorded by the Working Group. Between 25 and 40 states' governments also participated as did non-governmental organizations and specialized agencies of the United Nations. As the years passed the Working Group decided in 1986 that they had received sufficient information to warrant drafting of a Declaration that could be considered by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, then by the Economic and Social Council and finally by the UN General Assembly. The Working Group's agenda for the years following 1986 focused on drafting the Declaration. During that time following ten years, the United States, Canada, New Zealand, Australia, Brazil and others objected to the use of the following language proposed for inclusion in the draft Declaration:

1. Peoples
2. Territory
3. Collective Rights
4. Self-Determination

These terms are terms of art used in international law; and opposition from the various states including the United States, Australia, and Canada, judging from their repeated remarks, was based on their desire to prevent consideration by the UN to "internationalize" Indigenous peoples' rights and to ensure that indigenous peoples would remain under domestic control of each government.

Preparatory Initiatives: Indigenous Global Coordinating Group

The Indigenous Global Coordinating Group (IGCG) was established during the

Indigenous Peoples' Brainstorming Meeting held in Copenhagen January 12-13, 2012 to organize participation in the UN World Conference on Indigenous Peoples during the preparatory period leading up to the Conference in 2014, and organize participation in the Conference. The IGCG expects to serve as the organizational mechanism that will review and report the priority topics to the World Conference sessions. The IGCG convened a 2-day planning session in Thailand's border-town of Chiang Mai on October 4 and 5 2012. Kenneth Deer (a member of Mohawk from Kanawake) of and Alyssa Macy (member of Confederated Tribes of Warm Springs) have been participating in the IGCG as the North American Delegation. Their principle emphasis in terms of policy has been "treaty enforcement and preservation."

The IGCG urged in January 2012 that the President of the UN General Assembly appoint Ambassador Luis Alfonso de Alba (Mexico) and Mr. John Henricksen (Saami Parliament, Norway) as facilitators for the World Conference preparatory process.

Members of the Indigenous Global Coordinating Group (2012) are³:

- Africa: Joseph Ole Simel
- Asia: Joan Carling
- Central & SA Carib Am: Florina Lopez
- Arctic Region: Hjalmar Dahl
- Eastern Eur, Russ, Cnt Asia: Rodiyon Sulyandziga
- North America: Kenneth Deer

3. This list was reported by the United Nations Permanent Forum on Indigenous Issues. The Permanent Forum on Indigenous Issues is serving as the official "touch stone" for the preparatory process and formulation of participation modalities. <http://social.un.org/index/IndigenousPeoples/WorldConference/IndigenousPeoplesVoicesontheWorldConference.aspx>

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- Women's Caucus: Alyssa Macy
- Youth Caucus: Tania Pariona

Regional Indigenous Preparatory meetings convened beginning in Nairobi, Kenya Africa (20-21 November 2012), Bangkok, Thailand, Asia (8-9 November 2012), Nuuk, Greenland, Arctic (23 – 24 October 2012) and other regional sessions are planned as follows:

- North America: 27-28 February 2013
- Indigenous Women's Caucus: 27-30 March 2013
- Central and South America and the Caribbean: Dates to be confirmed
- Eastern Europe Russian Federation, Central Asia and Transcaucasia: Dates to be confirmed
- Pacific: Dates to be confirmed Indigenous Youth Caucus: Dates to be confirmed
- **Meeting to be held in Alta, Norway in June 2013 hosted by the Sami Parliament of Norway**

To facilitate indigenous peoples' preparations for the World Conference, the Sami Parliament of Norway has extended an invitation to indigenous peoples to attend a Global Preparatory Indigenous Peoples' Conference on the World Conference on Indigenous Peoples, to be held in Alta, Norway from 8th to 13th June 2013, to consolidate indigenous peoples' strategies and priorities for the World Confer-

ence. For more information about Indigenous Peoples Preparatory Conference in Alta 2013, please contact:

Mr. John B. Henriksen
International Representative Sámediggi - the Sami Parliament in Norway
John.henriksen@samediggi.no

Mrs. Hege Fjellheim
Departemental Director for Rights and International issues Sámediggi - the Sami Parliament in Norway
Hege.fjellheim@samediggi.no

North American Indigenous Peoples' Preparatory Meeting – Feb 28 – Mar 1 2013

Debra Harry (dharry@ipcb.org), Executive Director of the Indigenous Peoples Council on Biocolonialism⁴ (a non-governmental organization) and Arthur Manuel, former Chief of the Neskonlith Band of the Secwepemc Nation and Spokesperson for the Indigenous Network on Economies and Trade (INET) (amanuel@telus.net) are co-coordinators for this meeting of North American indigenous peoples to consider agenda items and position to be taken at the World Conference on Indigenous Peoples in September 2014. The Preparatory Meeting is planned to convene at Kumeyaay Territory at the Sycuan Resort (sycuanresort.com). Participants must register for the session by or before February 22, 2013 following the link: <http://www.eventbrite.com/event/5180499012> . A separate registration is required to participate in the North American

4. The IPCB's mission is: The IPCB is organized to assist indigenous peoples in the protection of their genetic resources, indigenous knowledge, cultural and human rights from the negative effects of biotechnology. The IPCB provides educational and technical support to indigenous peoples in the protection of their biological resources, cultural integrity, knowledge and collective rights. The Board of Director Chair is Judy Gobert, Dean, Math and Science, Salish Kootenai College; Vice Chair is Jonathan Marks, Ph.D., Department of Sociology and Anthropology, University of North Carolina; Secretary is Pemina Yellow Bird, member of the North Dakota Intertribal Reinterment Committee. <http://www.ipcb.org/>

Indigenous Peoples' Caucus Preparatory Meeting convening at Sycuan on March 2-3. Register following the link: <http://www.eventbrite.com/event/5174280412>

Basic Global Organizing Group Strategy for Indigenous Peoples' Participation

- a. Work closely with the United Nations Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), the Special Rapporteur on the Rights of Indigenous Peoples (SR) James Anaya and the coordinators appointed by the President of the General Assembly regarding the preparations of the WCIP 2014, especially in defining the arrangements for the preparatory process.
- b. Draft clear recommendations for the arrangements for the preparatory process (with the support and endorsement of the United Nations Permanent Forum on Indigenous Issues, the EMRIP and the SR).
- c. Ensure consistent and effective participation of indigenous peoples (IP) in all preparatory activities organized by the UNGA President and related bodies including the development of the agenda, the implementation of the WCIP 2014 itself, the development and adoption of its outcome document and follow-up and implementation.
- d. Lobby States, including the EU, and gain their support for the common position of indigenous peoples for the WCIP 2014. The common position will be reached through regional and global meetings of indigenous peoples.
- e. Conduct technical workshops with States

that support indigenous peoples' rights in order to gain their support for the IP common position and to discuss strategies regarding how to gain the support of other States.

- f. Consistently raise the WCIP 2014 and the issue of indigenous peoples' participation in all UN fora. The HRC will receive reports from the EMRIP as well reports of the SR. This is an opportunity for indigenous peoples to raise the issue of full and effective participation of indigenous peoples at all stages of preparation and decision making of the WCIP 2014.
- g. Undertake fundraising to ensure indigenous peoples participation in the preparatory stages of the WCIP 2014 as well as the Conference itself.
- h. Lobby States, including the EU, to gain support for the concerted input and influence of indigenous peoples at the different preparatory stages of the WCIP 2014 in the UN system.

Ensuring an Open and Transparent Process

- a. Ensure that we do not lose what we have already gained. The Declaration is the most comprehensive and advanced of international instruments dealing with indigenous peoples' rights. Any outcome document of the WCIP 2014 must be consistent with the Declaration and not seek to minimize or define the rights within it.
- b. Engage in a multi pronged approach including global, regional and country level initiatives to effectively prepare for the WCIP 2014.
- c. Establish an indigenous global coordinat-

- ing committee for the WCIP 2014 and its mandate to conduct the preparatory process with representation of the seven socio cultural regions, indigenous women and youth. This body shall be established by September 2011.
- d. It is critical that the indigenous global coordinating committee members are finalized soon in order to continue our work for the WCIP 2014 in a more coordinated fashion. An email group consisting of the committee members will be created. This email group will serve as a link between the regions and the indigenous global steering committee.
 - e. The indigenous global coordinating committee shall design the framework for the desired outcome of the WCIP 2014 by indigenous peoples, and coordinate regional meetings/workshops and meetings of women and youth.
 - f. Hold national and regional preparatory meetings to draw up the priority issues and concerns that shall be addressed by the WCIP 2014 and include clear recommendations.
 - g. Undertake fund-raising to hold national and regional preparatory meetings/ activities.
 - h. Hold an IP global preparatory meeting in Alta, Norway in June 2013 to be hosted by the Sámi Parliament of Norway.
 - i. Have a consensus document adopted at the IP global preparatory meeting in Alta, Norway. Such a document must be drafted and agreed to amongst indigenous peoples prior to the IP global preparatory meeting in Alta, Norway. The document could be adopted by consensus in Alta, Norway.
 - j. The consensus document of the IP global preparatory meeting in Alta, Norway shall formulate the common position of indigenous peoples and shall be presented to States, including the EU, for their support and endorsement.
 - k. Ensure that advocacy work and lobbying regarding the common position of indigenous peoples continues after the Alta Meeting until the holding of the WCIP 2014.
 - l. Ensure that all key documents including this document and the common position of indigenous peoples are translated from the source language into English, French, Russian and Spanish to ensure a common understanding amongst indigenous peoples.
 - m. Create and implement a strategy as to how to influence the UNGA for a resolution on indigenous peoples having global and regional preparatory processes.

Considerations for Indian Government Agenda at the WCIP 2014

UN General Assembly Draft Conference Procedures:

The UN Secretariat began developing a Draft Resolution for consideration by the UN General Assembly providing an explanation of the Conference procedures. Here are the main elements of that draft as edited to the present date:

- 1. Decides that the high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous

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- Peoples, will be held on Monday 22 of September and the afternoon of the Tuesday 23 of September 2014⁶;
2. Encourages all Member States to consider being represented in the World Conference on Indigenous Peoples at the Head of State or Government Level;
 3. Decides that the organizational arrangements of the World Conference on Indigenous Peoples shall be as follows:
 - i. The World Conference will be composed of two plenary meetings, in the form of an opening and a closing session, three interactive round tables and one informal panel discussion. The opening meeting will start at 9:00 a.m and on the afternoon of Monday 22 of September two round tables will take place simultaneously;
 - ii. The speakers at the opening session will be the President of the General Assembly, Heads of the Secretary-General, the High Commissioner for Human Rights, the Chair of the Permanent Forum, three representatives of indigenous peoples who will be proposed [Reference to EMRIP and the Special Rapporteur deleted and moved to d) below; 9 Indigenous reps reduced to 3; 'after consultations with Indigenous peoples' replaced with 'after consultations with Member States']
 - iii. The informal round tables and the interactive panel discussion will be chaired by one Member State and of indigenous peoples [requirement for consultation with Indigenous peoples deleted,]
 - iv. The Chair of the Permanent Forum, the Chairperson Rapporteur of the Expert Mechanism and the Special Rapporteur on the Rights of Indigenous Peoples should be invited to participate in the interactive panel discussion;
 - v. the proceedings of the round tables and interactive panel discussion shall be webcast;
 - vi. The co-chairs of the round tables and the panel discussion will present summaries of the discussions at the closing plenary meeting⁷;
4. Organizations and institutions of indigenous peoples interested in participating in the high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, and whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, should be invited to submit applications to the Secretariat through an open and transparent accreditation procedure, in accordance with established practices for the accreditation of representatives of organizations, and institutions of indigenous peoples observed by the UN Permanent Forum on Indigenous Issues and the UN Expert Mechanism on the Rights of Indigenous Peoples, and consultation with States concerned; [Deletes: Indigenous peoples, nations, councils, parliaments, governments, organizations and institutions, interested in participating in the World Conference are encouraged to register with the Secretariat of the Permanent Forum; participation of Indigenous

6. The Indigenous Global Coordinating Group originally proposed 3 days for the Conference and the earlier draft of the proposed procedures stated 2 days and now the present draft indicates 1 ½ days.

7. The previous item (vi.) has been deleted, which stated: f) The outcome document of the World Conference will be adopted at the closing plenary meeting;

peoples organizations and institutions to be decided by Member States;]

5. Decides that the high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, shall resulting in a concise action oriented outcome document, [NEW TEXT] and requests the President of the General Assembly to prepare a draft text on the basis (DELETES: an inclusive process] of consultations with Member States, as well as indigenous peoples, [DELETES REFERENCE TO THE UNPFII, EMPRIIP AND SR] and by taking into account the views emerging from the preparatory process and the informal interactive hearing referred to in the paragraph above of the present resolution [NEW TEXT] and to convene an inclusive and open informal process of consultations at an appropriate date in order to provide input for sufficient consideration by Member States and agreement by the of the outcome document by the General Assembly prior to formal action at the high level meeting. (edits appear in original text)⁸

Indigenous Nations' Topics and Proposals

As the Draft Procedures being considered by the UN General Assembly suggest, indigenous nations (read: "institutions") and their non-governmental organizations are invited to submit topics and policy proposals concerning the implementation of the UN Declaration on the Rights of Indigenous Peoples. The preparatory process contemplates the following steps for developing the topics and policies to be considered"

1. Indian governments have their own very specific topics affecting their interests.
2. Regional Intertribal organizations consolidate those topics and policies.
3. Indian governments and organizations participate in an Indigenous Global Coordinating Group sponsored Regional Preparatory Meeting where topics and policies are discussed and further refined.
4. Regional Preparatory Meeting topics and policies are submitted to the Indigenous Global Coordinating Group for final refinement and submission to the UN Secretariat.
5. UN Secretariate distributes topics and policies to member states' governments for the Plenary Meeting of the United Nations.

Conclusion

Indigenous nations and peoples have been a subject of international discussion, debate and agreements for more than 80 years, but only since 1972 when the matter of indigenous peoples' rights was placed on the table of the United Nations Economic and Social Council have indigenous nations actively made efforts to enter into a direct dialogue with States' governments at the international level. During the last thirty years indigenous nations have actively participated in United Nations Working Group on Indigenous Populations sessions to help frame the language for what became the UN Declaration on the Rights of Indigenous Peoples adopted finally in 2007 by the UN General Assembly.

8. This sentence makes the outcome document solely in the hands of Member states and replaces previous text: "in order to prepare an action oriented document for its adoption during the World Conference."

Owing to the initiative of the Bolivian government (whose president is an Aymara Indian, President Evo Morales) the UN received a resolution to convene a World Conference on Indigenous Peoples.

While Indigenous nations and organizations are invited to “actively participate” in the proceedings, their credentials are likely to be classified as “non-governmental.” This remains a serious impediment to “sitting at the table” to engage on policies that directly affect the rights and interests of indigenous peoples.

The “outcome document” from the Conference is presently slated to be a “sense of the conference” instrument that will not be placed for the UN General Assembly for adoption.

Indian governments will be in the position of continuing (as has been the pattern for the last thirty years) to “lobby” states’ government delegations to establish informal relations while seeking to establish more formal relations on a government, by government basis.

Preparatory: Global Coordinating Group

The United Nations High Level Plenary Meeting that would be called the World Conference on Indigenous Peoples had a framework for member states to work within, but indigenous peoples did not have a global mechanism. An ad hoc body recognized by the UN Permanent Forum on Indigenous Issues was formed shortly



after the UN announced that it would convene the world conference. It would be called the International Indigenous Global Coordinating Group and individuals familiar with the UN system were invited to sit on this body. It was impossible to have more than 5,000 indigenous nations select representatives to this body that would coordinate indigenous peoples' participation in the UN process. Individuals became members of this body by designation from non-governmental organizations and small groups of activists. Some of the documents of the Global Coordinating Group are published here.

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Terms of Reference for the GCG

The Indigenous Global Coordinating Group (GCG) is tasked with the coordination of Indigenous participation at all levels leading up to and including the UN World Conference on Indigenous Peoples 2014 (WCIP 2014) by doing the following:

- a. Informing and educating Indigenous Peoples in order to enable them make informed decisions regarding the WCIP 2014;
- b. Promoting the right of Indigenous Peoples to participate at all levels of the WCIP 2014 process and facilitating Indigenous Peoples' participation in the process;
- c. Providing feedback to the co-facilitators of the WCIP 2014, on the basis of Indigenous consultations in the respective regions and caucuses;
- d. Distributing information about the WCIP 2014 in their region to as many peoples, nations and communities as possible;
- e. Sharing and coordinating information with other regional representatives;
- f. Making recommendations for consideration for regional and global Indigenous caucuses regarding the WCIP 2014;
- g. Establishing and maintaining relationships with governments and permanent missions at the UN in order to ensure an open line of communication and to support the Copenhagen meeting resolution;
- h. Lobbying governments to achieve the goals and objectives of Indigenous Peoples for the WCIP 2014;
- i. Promoting the objectives of the Copenhagen meeting resolution;
- j. Communicating and coordinating with the Permanent Forum on Indigenous Issues (PFII), the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) and the Special Rapporteur on the Rights of Indigenous Peoples, on issues related to the WCIP 2014;
- k. Soliciting and securing adequate funding for Indigenous Peoples participation in the WCIP 2014 process at all levels, including meetings of the GCG, regional prep-coms, the Indigenous Peoples Prep Conference in Alta, Norway 2013 and the WCIP 2014 itself;
- l. Communicating input from Indigenous Peoples to ensure constant Indigenous participation through every aspect of the WCIP 2014;
- m. Communicating, cooperating and planning with the organizers of the Indigenous Peoples Prep Conference in Alta, Norway in order to secure a successful outcome;
- n. Coordinating and organizing Indigenous Peoples caucuses and meetings about the WCIP 2014 in connection to UN meetings including during the sessions of the PFII and the EMRIP;
- o. Participating in and coordinating if required local and regional processes;
- p. Contributing to the organizing and plan-

ning of the WCIP 2014;

- q. Coordinating Indigenous Peoples processes at different levels including youth and women;
- r. Following through with necessary activities of the WCIP 2014 for up to six months after the conference such as wrapping up loose ends, disseminating outcome documents and evaluating the conference and the work of the GCG; and
- s. Carrying out any other activities needed to accomplish the goals and objectives of Indigenous Peoples for the WCIP 2014.

Global Coordinating Group Detail Description

The Indigenous global coordinating group (GCG) is made up of members from the 7 Indigenous regions of the world as well as the Indigenous youth and Indigenous women’s caucus. Each region or caucus can have up to two members and one alternate. The GCG is supported by its Secretariat, Tracey Castro Whare and Inger Johanne Mudenia.

Region/Caucus	Member	Member	Alternate
Africa	Joseph Ole Simel	Saoudata Aboubacrine	
Arctic	Hjalmar Dahl	John Henriksen	Sara Larsson
Asia	Joan Carling	Binota Moy Dhamai	Ang Kaji Sherpa
Latin America	Florina Lopez	Marta Sánchez	Nancy Iza
North America	Kenneth Deer	Debra Harry	Art Manuel
Pacific	Ghazali Ohorella		Menase Kaisiepo
Russia	Rodion Sulyandziga		Dmitry Berezhkov
Indigenous women	Tarcila Rivera Zea	Alyssa Macy	Vicky Tauli-Corpuz and Kamira Nait Sid
Indigenous youth	Tania Pariona	Tomas Aslak Juuso	Eleanor Goroh
<u>Rapporteur/</u> Secretariat	Tracey Castro Whare		
Secretariat support	Inger Johanne Mudenia		

The GCG has met five times since its establishment. Each region or caucus has been represented by at least one or if funds have allowed two members. The GCG has created Terms of Reference for itself as well as for the

Indigenous co-facilitator. It has also formed a fundraising committee and a communications group. All members serve in their volunteer capacity.

The GCG is primarily responsible for

lobbying for the full and effective participation of Indigenous peoples in the preparatory processes leading up to, during and after the World Conference as well as raising funds to ensure that the Indigenous preparatory process is realized. All GCG members are responsible for the dissemination of information, fundraising and planning within their respective region or caucus.

AFRICA

The African region maintains a listserv to facilitate communication regarding the World Conference on Indigenous Peoples. As an Indigenous person or organization from Africa you can connect by visiting the link below. Please include a short introductory note with your request to join the listserv. <https://groups.google.com/forum/#!forum/wcip2014africa>

ARCTIC

If you are an Indigenous person or organization from the Arctic region and you want to know more about the World Conference on Indigenous Peoples please contact Hjalmar Dahl jalma@greenet.gl and John Henriksen John.Henriksen@samediggi.no

ASIA

If you are an Indigenous person or organization from Asia and you are interested in the World Conference on Indigenous Peoples you can contact Joan Carling joan@aippnet.org, Binota Moy Dhamai bdtripura@gmail.com and Ang Kaji Sherpa kajikisan@hotmail.com

LATIN AMERICA

If you are an Indigenous person or or-

ganization from Latin America and you are interested in the World Conference on Indigenous Peoples, you can contact Florina Lopez florina.lopez@gmail.com, Marta Sánchez marthasanchez@yahoo.com and Nancy Iza nancy.iza@gmail.com

NORTH AMERICA

Information related to the World Conference on Indigenous Peoples for the North American Region is being shared on the North American Regional Indigenous Peoples' Caucus (NAIPC) listserv. If you are an Indigenous person or organization from North America please see the link below to join this list. <http://lists.nativeweb.org/listinfo.cgi/naipc-list-nativeweb.org>

PACIFIC

The Pacific region maintains a listserv to facilitate communication regarding the World Conference on Indigenous Peoples. If you are an Indigenous person or organization from the Pacific you can connect by visiting the link below. Please include a short introductory note with your request to join the listserv. <https://groups.google.com/forum/?fromgroups#!forum/wcip2014pacific>

RUSSIA

If you are an Indigenous person or organization from Russia and you are interested in the World Conference on Indigenous Peoples, please contact Rodion Sulyandziga rodion@raipon.info and Dmitry Berezkhov dmr.bkv@gmail.com

WOMEN

The Global Indigenous Women's Caucus

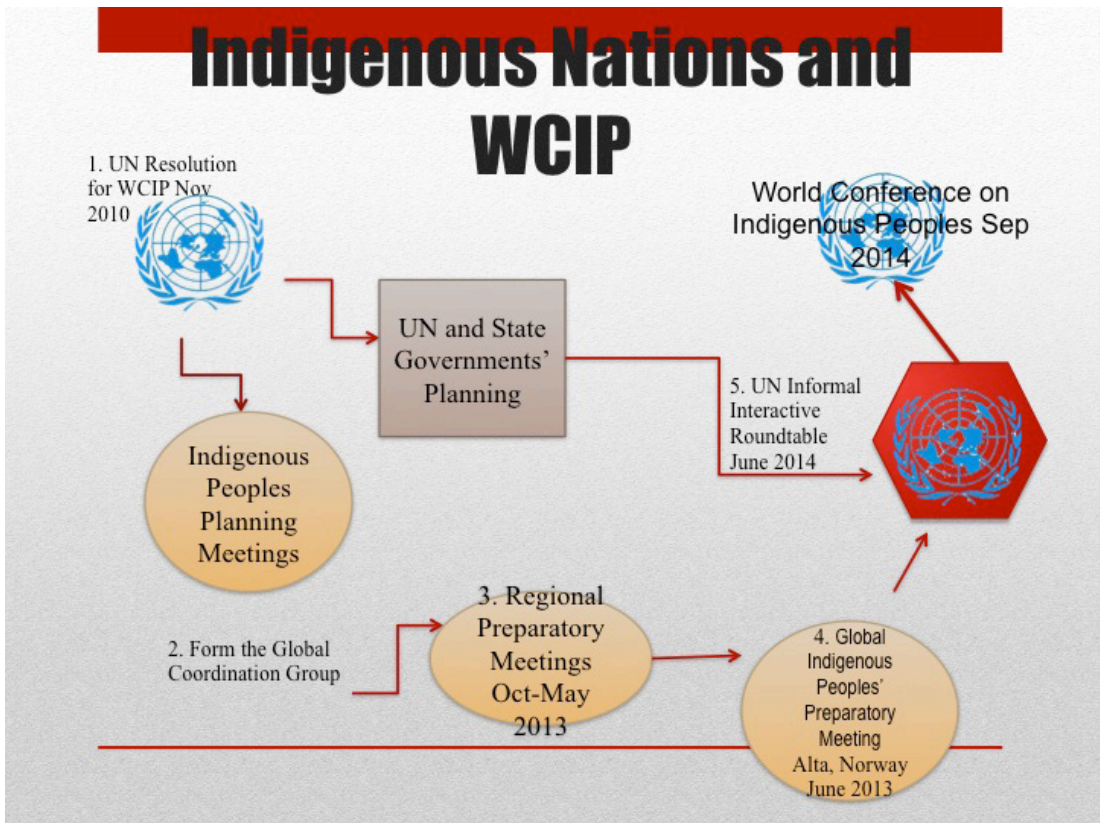
Global Coordinating Group Description

maintains a listserv to facilitate communication about the World Conference on Indigenous Peoples. If you are an Indigenous woman or Indigenous women's organization visit the link below to be added to that list.
<https://groups.google.com/forum/#!forum/global-indigenous-women-caucus>

YOUTH

If you are an Indigenous youth, the Global Indigenous Youth Caucus maintains a listserv to facilitate communication regarding the World Conference on Indigenous Peoples. You can connect by visiting the link below. Please include a short introductory note to your request to join the listserv.

<https://groups.google.com/forum/#!forum/un-indigenous-youth-caucus>



Indigenous Nations and WCIP

Indigenous peoples' representatives from non-governmental organization, communities and indigenous customary and constitutional governments converged in a process parallel to a process conducted by member UN governments to prepare for an Interactive Dialogue in June of 2014 in preparation for the World Conference on Indigenous Peoples-September 2014 at the UN Headquarters in New York City. Controversy abounded in each of the regional meetings about whether indigenous would enjoy the right and reality of participating in the global meeting. Would the meeting be "about" or "with" indigenous peoples' representatives?

Open-ended Indigenous Peoples' Brainstorming Meeting on the World Conference on Indigenous Peoples 2014 Copenhagen, Denmark on 13 – 14 January 2012

Rapporteur's report
16 March 2012

A. Background

In order to continue the preparatory work undertaken by Indigenous peoples in relation to the World Conference on Indigenous Peoples 2014 (WCIP 2014), the government of Greenland, the International Working Group on Indigenous Affairs (IGWIA) and the Sami Parliament of Norway jointly hosted an open-ended Indigenous peoples' brainstorming meeting in Copenhagen, Denmark, 13 – 14 January 2012 (the Copenhagen meeting).

Indigenous representatives from each of the seven global regions were invited to attend along with representatives of Indigenous women and youth. The three UN mandates that deal specifically with Indigenous peoples' rights - the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), the Permanent Forum on Indigenous Issues (PF), and the Special Rapporteur on Indigenous Peoples (SR) - also attended¹. An interactive dialogue was also held on the second day with numerous State representatives. There were also some Indigenous media present who filmed and reported on the Copenhagen meeting.

B. Opening remarks

The Premier of Greenland, Mr Kuupik Kleist welcomed the participants to the meeting and confirmed his governments support for the

WCIP 2014. He noted the concern raised by many Indigenous peoples of ensuring that their full and effective participation prior to, during, and after the WCIP 2014 must be addressed. He agreed that the UN Declaration on the Rights of Indigenous Peoples (the Declaration) should be the underlying normative framework for the WCIP 2014. He also noted that the WCIP 2014 must do more than produce a long list of recommendations; it must also take decisions to strengthen the institutional framework of the UN system so that Indigenous peoples' rights and their coordination within the UN become the responsibility of day to day top management.

Mr Villy Søvndal, the Danish Minister of Foreign Affairs also addressed the meeting. He spoke of the long and ongoing partnership between his government and the government of Greenland. He also noted his government's support for Indigenous peoples at the international level and confirmed its ongoing support of Indigenous peoples' rights as well as support for the WCIP 2014.

C. Appointments

The meeting appointed Mr Joseph Ole Simel and Ms Tarcila Rivera as co-facilitators. Ms Tracey Castro Whare was appointed the Rapporteur.

D. Summary of discussion

The genesis of the WCIP 2014 is General As-

¹ A full list of participants is attached as Appendix A.

sembly resolution A/C.3/65/L.22/Rev.1 (GA resolution) which states:

Decides to organize a high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, to be held in 2014, in order to share perspectives and best practices on the realization of the rights of Indigenous peoples, including to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples, and invites the President of the General Assembly to conduct open-ended consultations with Member States and with indigenous peoples' representatives in the framework of the Permanent Forum on Indigenous Issues, as well as with the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur in order to determine the modalities for the meeting, including indigenous peoples' participation at the Conference.

Whilst participants noted their concern that Indigenous peoples had not been involved in the drafting of the GA resolution and that it had been a State initiative, it was accepted that regardless of how the WCIP 2014 came about, Indigenous peoples need to make the most of the opportunity, Indigenous peoples need to shape the WCIP 2014 and play an active role before, during and after the WCIP 2014, and that Indigenous peoples need to act with one mind and passionately to address the issues. Others noted that it is a tremendous opportunity and a good faith initiative that should be welcomed, and that challenges that arise could be solved by constructive dialogue.

It was noted that the wording of the GA reso-

lution refers to a high-level plenary session and that this is different to a World Summit or a World Conference. The latter two require preparatory conferences and regional preparatory meetings that the UN and States fund, whereas a high-level plenary session does not have regional preparatory meetings and is therefore less expensive.

Participants noted that the WCIP 2014 is linked to the 2nd Decade of Indigenous Peoples and the Plan of Action. The WCIP 2014 will coincide with the end of the 2nd Decade and can be used for reflecting on the past as well as looking forward. It was also noted that not many of the recommendations of the 2nd Decade Plan of Action have been implemented.

It was noted that the WCIP 2014 will not occur in a vacuum, there are many international meetings that will occur prior to and after the WCIP 2014 that Indigenous peoples also need to be aware of and consider in strategic outcomes. For example, the WCIP 2014 must be linked to other global work like the Rio 20+ where Indigenous peoples have already had positive input into key documents, the Millennium Development Goals which will be edited in 2015 and the 3rd international expert meeting on Treaties, Agreements and Other Constructive Arrangements which may be held later this year. Outcomes of meetings prior to the WCIP 2014 can feed into the work before the WCIP 2014 whilst key outcomes of the WCIP 2014 could be included in processes occurring after the WCIP 2014.

It was noted that there have been three clear Indigenous responses to the GA resolution, the first being the offer of the Sami Parliament of Norway to host a global preparatory meeting

of Indigenous peoples in June 2013, in Alta, Norway. The second was the drafting of a concept paper by Indigenous peoples to assist Indigenous peoples to communicate globally and facilitate discussion and lastly, the Copenhagen meeting itself which is an opportunity to kick start the process of Indigenous peoples' participation in the WCIP 2014. There was general agreement that the Copenhagen meeting is timely and has an important function to play in bringing participants together to generate as many ideas, issues and suggestions as possible.

It was noted that the GA resolution throws up a number of issues and challenges that Indigenous peoples need to address. Responding to these issues and challenges can be solved with constructive dialogue, and it was emphasized that Indigenous peoples should think beyond the current limitations of the UN system, to not accept existing rules and to be innovative in creating new solutions. The WCIP 2014 can also be used as an opportunity to confront issues head on and could advance Indigenous peoples' rights and objectives, for example, the lack of recognition of Indigenous peoples by many African States, or the right of free, prior and informed consent. These and other issues could be put forward to generate clarity that could lead to a high level of consensus. It was also noted that there are dangers in opening these discussions as States could try to limit Indigenous peoples' rights.

There was agreement that there are two broad areas that Indigenous peoples need to address. The first relates to the full and effective participation of Indigenous peoples in UN processes leading up to, during, and after the WCIP 2014. The second area is the substantive content of the WCIP 2014.

D1. Full and effective participation

A number of issues were canvassed such as the ongoing meetings between States and the President of the General Assembly in New York. The next meeting is to be held the week after the Copenhagen meeting and the question was raised as to how Indigenous peoples can make concrete proposals to these meetings. It is clear that there are times when Indigenous peoples need to engage with the UN and States in the lead up to the WCIP 2014. Ensuring this happens is an issue that needs to be addressed. One idea was to nominate an Indigenous co-facilitator to work alongside the State-nominated facilitator that the President of the General Assembly will appoint. Another idea was to create an Indigenous global coordinating group to act as a focal point so that information can be disseminated. This group could also work on the modalities of the WCIP 2014. Another idea was to lobby for the adoption of a further GA resolution that clearly defines Indigenous peoples participation in the WCIP 2014 process (a resolution of this type has the support of Mexico). Another idea was that further GA resolutions to define the modalities of the WCIP 2014 could also be adopted.

It was noted that any further GA resolutions should be endorsed by the EMRIP and the PF, and that Indigenous peoples' participation at the WCIP 2014 could be defined by looking at how Indigenous peoples participate in the PF, and that consideration should also be given to how previous World Conferences and World Summits addressed issues of participation by non State organizations. It was agreed that Indigenous peoples' participation is crucial if the WCIP 2014 is going to reflect Indigenous concerns and initiatives. It was also agreed

that the recognition and status of Indigenous peoples at the UN must continue in an organized and deliberate way in order to develop the status of Indigenous peoples' organizations beyond the current limits of only having the same status as non-governmental organisations.

The 3 UN mandates explained how they see their involvement in the WCIP 2014. The EMRIP has included a new agenda item – the WCIP 2014 – in their next session. The PF noted it has a leading role to play given its mandate – to provide advice and coordination to the UN – and the fact that it is based in New York. The SR saw his role as more tangential to the WCIP 2014. Participants questioned how these three UN mandates could leverage their parent bodies to a greater degree in order to have them adopt resolutions that support the WCIP 2014.

D2. Substantive content

The second broad area of discussion was the substantive content of the WCIP 2014. It was noted that there is overwhelming support for the Declaration to be the normative framework for the WCIP 2014, that the rights that the Declaration contains are not diminished in any way through the WCIP 2014 process and that the Declaration be acknowledged as the framework that brings Indigenous peoples' rights together. It was also noted that the implementation of the Declaration must be strengthened and enhanced, and that many Indigenous peoples have international documents that guarantee their rights and that those instruments must also be implemented. One idea suggested was that in order to gain support for Indigenous concerns, Indigenous peoples should propose solutions to existing global problems that also address Indigenous concerns, for example,

climate change and Indigenous land management practices.

It was also noted that lands and territories must make up one of the key areas that the WCIP 2014 addresses. Other participants were cautious in their aspirations and noted that Indigenous peoples must be realistic and strategic in what the WCIP 2014 can achieve. It was further noted that the outcome document is likely to be drafted in New York following past practice. As such, Indigenous peoples need to strategise how Indigenous peoples can have input into that process. Similarly, a Plan of Action could be the outcome document of the WCIP 2014, that is, a political Declaration. Indigenous input into such a document also needs to be addressed. It was noted that the WCIP 2014 could be used to take stock of the implementation (or lack thereof) of the Declaration. The suggestion was also made that the EMRIP and the PF hold organized dialogue sessions between States and Indigenous peoples prior to the WCIP 2014.

D3. Strategies

There were a number of fundamental overarching strategies that came out of the Copenhagen meeting. It was suggested that the WCIP 2014 include a celebratory aspect which acknowledges the survival of Indigenous peoples despite the ongoing process of colonisation. Such a celebratory focus would also raise awareness of Indigenous peoples' issues globally. It was agreed that Indigenous peoples must raise awareness amongst themselves in relation to the WCIP 2014. This process has begun by the dissemination of the concept paper, and must continue by ensuring that relevant and timely information is disseminated to Indigenous peoples. It was suggested that a media strategy needs to be created to educate

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mainstream media about Indigenous peoples so that Indigenous stories are recorded and reported correctly, and that the use of social media platforms could be used for raising awareness amongst non-Indigenous as well as Indigenous peoples.

There was agreement that promoting a Convention based on the Declaration should not be included in the WCIP 2014 as a high-level plenary session was not the appropriate place for such an instrument to be drafted. Further, it was agreed that the focus should be on the implementation of the Declaration, not on its content being redefined or limited, and that it is incorrect to say that the Declaration is not binding as parts of the Declaration are already found in existing international law.

It was noted that Indigenous peoples must ensure the development of ideas that will allow for the highest level of participation of Indigenous peoples in all fora.

It was stated that Indigenous peoples need to ensure that national governments work with Indigenous peoples to financially support Indigenous peoples' national and regional preparatory meetings and that such meetings be used to disseminate information, further strategise and create momentum and interest in the WCIP 2014.

One participant relayed their experience at attending the high-level plenary meeting to commemorate the Durban Declaration. Only 10 non-governmental organizations were allowed to speak, security was incredibly tight and speaking time was decreased for non-governmental organizations as more and more States exceeded their speaking times. This experience was shared as a worst case scenario that must

not be repeated in relation to the WCIP 2014.

Participants encouraged each other to make sure that Indigenous leaders and chiefs attend the WCIP 2014 as it is a high-level meeting and Indigenous peoples must be represented by their own leaders.

The importance of trying to find consensus was also noted so that Indigenous peoples would have a strong collective position.

There was discussion about the role and mandate of an Indigenous global coordinating group as well as the idea of an Indigenous co-facilitator. Questions such as what is their role and who do they report to were raised. Whilst some preferred to have a longer discussion about these ideas, others preferred to adopt these ideas during the Copenhagen meeting in order to best use the time and people resources that were present.

It was agreed that full and effective participation of Indigenous peoples in the WCIP 2014 was an ongoing issue that needs to be addressed. It was also noted that Indigenous peoples input into the outcome document of the WCIP 2014 was another important issue that must be anticipated and planned for. Previous high-level meetings have followed the process whereby State representatives in New York draft the outcome document. It was suggested that Indigenous peoples need to decide on a number of key issues that can be put forward for the outcome document and that that the process of drafting could start now. It was noted that the two international Decades of the World's Indigenous Peoples have produced a raft of recommendations that could be used. Mention was also made of the specific mandates that now exist within the UN that focus

on Indigenous peoples' rights, for example, the PF. Those mandates need to progress their jurisdictions and the WCIP 2014 could be used to achieve that end.

Participants voiced the view that Indigenous peoples need to start somewhere, and that the Copenhagen meeting was a good sized meeting with representatives from all the different regions and that the time should be used as effectively as possible to achieve as much as possible. Many agreed with the idea of a drafting group. There was general agreement that Indigenous peoples need to get the word out that the WCIP 2014 is happening, as well as give real consideration as to how participation will work.

The suggestion was made that funds should be made available to ensure balanced participation so that all regions could hold their own regional meetings. Those regional meetings could then feed into the global Indigenous preparatory meeting in Norway in 2013 which would be an excellent opportunity to find consensus on issues and recommendations for the WCIP 2014.

There were suggestions that regional and national preparatory meetings need a document of some sort to work with that has input from Indigenous peoples globally and that Indigenous peoples need to collaborate globally as well as take into account national issues. Some participants stated that they had an assumption that in Alta, Norway, a document will be finalized by consensus that will be the document that is presented to the WCIP 2014 on behalf of Indigenous peoples. Further, that in order to ensure the full and effective participation of Indigenous peoples at the WCIP 2014, a GA resolution should be drafted soon by Indigenous peoples to ensure that Indigenous

peoples' governments attend as Indigenous governments or as experts.

The Chair of the PF advised the meeting that the PF members have a preparatory meeting in February and that this year they plan to have a half day discussion during the session on future work that includes the WCIP 2014. During the PF there will also be a high-level plenary session to commemorate the Declaration. These are two good opportunities for the regions to address the content of the WCIP 2014. The Chair also noted that States have indicated that they want a resolution on the modalities of the WCIP 2014 by the end of this year therefore it is important to ensure that the Indigenous peoples' position is put forward soon. Concern was raised that a half day discussion on future work during the PF was not enough time to fully discuss the WCIP 2014 as well as other future work.

It was noted that both the PF and the EMRIP recommendations have addressed the WCIP 2014, and that they need to get their parent bodies to adopt resolutions regarding the WCIP 2014. It was further noted that the PF is the most relevant UN mandate holder to deal with the WCIP 2014. The session of the PF in 2014 is going to be four months prior to the WCIP 2014. The question was raised as to whether the PF in May 2014 ought not to be an entire session on the WCIP 2014. Timing will be a key issue.

Another idea was that the WCIP 2014 ought to have a status report on the situation of Indigenous peoples. This report should be available in 2014, and include the contributions of Indigenous peoples; it could also include all UPR reports and the jurisprudence of treaty bodies. Is this something the PF ought to be resourcing? A further idea was that the PF

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hold a half day dialogue on the modalities of the WCIP 2014. It was noted that the PF has an important function to play because it can act as co-facilitator between States and Indigenous peoples.

It was noted that preparatory meetings must be officially recognized by the UN so that the results of such meetings are formally included in the WCIP 2014. Such preparatory meetings also need resources.

It was reiterated that the framework of the Declaration is fundamental to the workings of the WCIP 2014.

Another idea that was put forward was that Indigenous peoples need to use caucus meetings at all international meetings to discuss the WCIP 2014 in order to raise awareness and continue with the work that needs to be done.

The Chair of the EMRIP also advised the meeting that the next session of the EMRIP will have a half day discussion on the WCIP 2014.

Another idea was that States should be required to submit a document to the WCIP 2014 outlining what steps they have taken to implement the Declaration.

A further idea raised was to create an Indigenous global coordinating group made up of people from the seven global regions, as well as one woman and one youth from the respective caucuses. There was discussion that global coordination could take place with the global coordinating group and that this would standardize and create consistency at the local level. This group would engage with the UN if and when required, however

their main objective would be to assist with and have input into the logistics of the WCIP 2014. Questions were raised about the role that this group would play and who they would be accountable to, as well as confirming that this group was not and could not be a representative group. Whilst everyone agreed their primary focus was on logistics, it could not be ruled out that they may at times need to take decisions for their regions. Given it is unclear at this stage what kinds of questions/issues are likely to arise, it was noted that it is difficult to provide any clear guidance as to how these questions/issues will be addressed.

Another suggestion was the call for a document that crystallizes Indigenous issues. Such a document could identify tasks, who would complete them, process issues amongst Indigenous peoples, and Indigenous peoples and States, as well as the substance of the WCIP 2014. The concept paper was considered a good starting point and the following suggestions were made as further content that could be added to the concept paper.

1. Key timelines and dates Indigenous peoples need to be familiar with.
2. What are the key meetings nationally, regionally and internationally?
3. What are the key existing international documents for the WCIP 2014?
4. What are the key Indigenous peoples' documents covering substantive issues?
5. Communications – what are the key messages that Indigenous peoples need to deliver to Indigenous peoples as well as to States and the media?

6. Contact details for key Indigenous peoples who will be part of the global coordinating group.
7. What are the key regional preparatory meetings that will be held and how can they work alongside Indigenous woman and youth caucuses?
8. What are the financial resources available to support preparatory meetings as well as Indigenous peoples' involvement in the WCIP 2014?
7. Outcomes – there is a tendency to have a Program of Action, Indigenous peoples need to avoid a “shopping list” of recommendations. Indigenous peoples need to remember what past World Conferences have achieved for example, the Vienna Declaration led to the establishment of the High Commissioner for Human Rights. Indigenous peoples have a number of mechanisms at the UN already and do not need more.

Other questions that were raised that could also be included in the concept paper were:

1. Whether the UN Voluntary Fund for Indigenous populations can have their mandate expanded for the WCIP 2014?
2. If States contribute to the WCIP 2014, what fund do they contribute to?
3. The PF could consider the country and UN organizations status reports with a consistent set of indicators.
4. There ought to be an extensive report re status of Indigenous peoples that could include the outcomes of the UPR process, treaty body work etc.
5. Issues of land and territories are key issues that will need to be addressed. Indigenous peoples need to list and prioritize issues to focus on.
6. The WCIP 2014 will seek to adopt an outcome document. Indigenous peoples could also have a declaration that is drafted and adopted by Indigenous peoples. Such a declaration could focus on Indigenous peoples' relationships with States.
8. There is some interest in looking at what article 73 of the Charter means for Indigenous peoples. The wording is very relevant to Indigenous peoples.
9. Bring the media on board especially in relation to exhibitions at the time of the WCIP 2014.
10. Work towards a resolution that the Copenhagen meeting can adopt.

D4. Local and regional Indigenous preparatory meetings

Given that the UN and States will not be holding regional preparatory meetings in preparation for the WCIP 2014, it falls upon Indigenous peoples to organize their own preparatory meetings within their countries and regions. Participants noted that due to limited financial support, it is imperative to use whatever opportunities were available to meet and discuss the WCIP 2014, for example, using existing meetings and adding a further day to discuss the WCIP 2014, or placing the WCIP 2014 on the agendas of existing meetings.

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Each region advised the meeting of current developments in their regions regarding the WCIP 2014.

Africa – There is a meeting in Kenya in February for IFAD and Rio+ 20, this is an opportunity that can be used. Given the size of Africa, there needs to be at least two regional meetings - one in the south, the other in the east. If these meetings can come up with good ideas, they can form the basis of the African Indigenous peoples' position which will mean that not everyone needs to go to the WCIP 2014.

Arctic – Ever since the announcement of the Sami Parliament in Norway to hold a preparatory meeting, the Sami people have been trying to coordinate their efforts. John Henriksen has been appointed as the representative of the three Sami Parliaments and resources have been allocated to this process. The Sami Council is also involved. The Sami are cooperating with other Arctic peoples such as the Inuit, the Inuit Circumpolar Council (ICC) and the government of Greenland. They plan to use UN meetings as venues to have discussions on the WCIP 2014. The ICC is the coordinator for the WCIP 2014 to disseminate information to the region. A human rights group has been established in Greenland who will also work on preparations and their next meeting will be in February. There is contact with the Greenland and Danish government.

Asia – Indigenous peoples have an annual meeting in February in Indonesia. There will be time to discuss the WCIP 2014 and they plan to hold a regional meeting by the end of this year. The meeting could be held back to back with the IFAD regional meeting to optimize available funds. In terms of logistics, numerous translators are required and sufficient

time must be set aside for travel document requirements. This is being raised now so that the Sami Parliament is aware of these logistical issues for Asian Indigenous peoples. Logistics should not be a limitation for the participation of grass roots Indigenous peoples.

Latin America – plan to host a meeting in 2013. The Andean Council would like to organize the preparatory meeting, yet to be confirmed. There is a meeting of COICA on 22 January in preparation for the Rio+ 20 meeting where the WCIP 2014 will be discussed.

North America – In February or March there is an annual preparatory meeting for the PF. Part of the agenda will be at least a half day to discuss the WCIP 2014 and Rio+ 20.

Pacific – In Australia, the National Congress of Australia's First Peoples will hold a Pacific regional meeting in early 2013. The Pacific is looking to AusAid and NZ Aid to contribute funds. Australia has been responsive to recent calls for financial assistance, for example, to the Voluntary Fund of WIPO. There has been no discussion regarding content yet. The Pacific has good email networks that can be used, so far basic information about the WCIP as well as guidance and focus as to what is discussed has been provided. In Hawaii, some Indigenous peoples have a strong distrust of the UN system and it will be difficult to engage them in this process.

Russia – RAIPON hosted its council meeting in November 2011 and undertook a brainstorming session. They raised four critical issues, the implementation of the Declaration at the national level, lands and territorial rights, natural resources, and relationships between corporations and Indigenous peoples.

Women – The UN is prepared to hold a world conference for Indigenous women before the end of this year. There is also an expert meeting of the PF regarding violence against Indigenous women and girls. Both these fora can be used to raise awareness.

Youth – the youth caucus is going to have a meeting to discuss the WCIP 2014. The caucus wants to have synergy with regional meetings and use the same resources.

Global preparatory meeting in Alta, Norway

A presentation was made by a representative of the Norway Parliament to explain what steps they had taken towards planning for a global Indigenous preparatory meeting in Alta, Norway, in 2013. Alta has the capacity to cater for 1600 people and bookings have already been tentatively made. The Sami Parliament needs confirmation that Indigenous peoples want a global preparatory meeting. The Copenhagen meeting noted their appreciation of the Sami proposal which was endorsed. The meeting also noted that the Sami should work closely with any established global coordinating group in order to progress matters forward.

E. Resolution

As a result of the discussions during the Copenhagen meeting, a resolution was adopted by consensus.²

F. Interactive Dialogue

A number of State representatives were invited to meet with the participants of the Copenhagen meeting. A summary of the discussions

of the Copenhagen meeting was given to the State representatives.

Norway fully supported the GA resolution to hold the WCIP 2014. They are also supporting members of the Sami Parliament in their desire to hold a global Indigenous preparatory meeting. Whilst they were unable to make specific comments on issues and questions raised from the Copenhagen meeting they could communicate ideas and proposals to their government for consideration.

Guatemala noted that they support the full and effective participation of Indigenous peoples at all levels of the UN. They considered the issue of land, territories, natural resources and consultation to be important. They agreed to take note of Indigenous peoples' issues and concerns and relay them to the government.

Mexico noted the Copenhagen meeting was a great initiative for discussion and consultation. They noted it was important to listen to the views and concerns of Indigenous peoples and analyze what they have to say. As the Ambassador of Mexico has said previously, Mexico is in favour of Indigenous participation in all stages of the WCIP 2014. Mexico noted there are technical issues to address in the elaboration of a resolution regarding the modalities of the WCIP 2014. Next week there is a meeting in New York with the President of the GA, Indigenous peoples and State representatives about the WCIP 2014. Mexico supports all Indigenous efforts and agrees that the Declaration is the framework.

Bolivia also noted that the Copenhagen meeting and meetings like it were required to continue the work towards the WCIP 2014.

² See Appendix B.

Not all people present during the interactive dialogue were State representatives. A retired Danish participant, who has worked for many years on Indigenous issues, noted that the Secretariat should draft a background document regarding what has been achieved in the last two decades. He noted there is a lack of awareness amongst the UN and the public at large about Indigenous peoples. The document would raise awareness, and could address the question of where we should go from here? Whilst much has been achieved internationally there is still an implementation gap. The timing of the WCIP 2014 is important, 9 August would not be good because States are not in New York, 13 September would be better or a date in December.

Denmark noted that the coordination and facilitation of meetings is an important part of this process. The WCIP 2014 is a high priority in Denmark. Denmark will work in collaboration with the Government of Greenland in making the preparatory work as good as it should be. It is obvious that Indigenous peoples should be involved in all stages of the WCIP 2014. If the WCIP 2014 is a success, it could be a perfect ending of the 2nd decade. Participation with dignity could be accomplished and the WCIP 2014 is a golden opportunity to make it happen.

Canada noted that it supports the objective of the WCIP 2014. They are in the early stages of planning their participation and welcome the views of Indigenous peoples and UN

mechanisms that will be reported back to Canada.

The Greenland representative in the Danish Parliament raised the question of how to secure the recognition of Indigenous peoples' own meetings as part of the WCIP 2014 process. They also noted that attending Indigenous caucus meetings is critical and that it will be very important to be well prepared and that the co-chairs of the caucus give priority to this.

Another Danish participant noted the implementation of the Declaration was important and that the WCIP 2014 was an opportunity to take stock of this. The Millennium Development Goals were also another opportunity to review progress of the implementation of Indigenous peoples' rights. Another Danish participant raised the question of what kind of commitments can come out of the WCIP 2014, and what are the accountability mechanisms. In their experience, Indigenous issues were regarded as being difficult and were therefore not operationalized. There needs to be a commitment to Indigenous peoples' rights within the current development paradigm. There needs to be institutional policies that set a minimum standard, as well as monitoring mechanisms at the institutional level.

Appendix A: List of Participants

Pacific	
Les Malezer	Australia
Tracey Castro Whare	New Zealand
Leon Siu	Hawaii
North America	
Ed John	Canada
Kenneth Deer	Canada
Andrea Carmen	USA
Kent Lebsack	USA
Latin America	
Diego Ivan Escobar Guzman (<i>South America / Amazon region</i>)	Colombia; Foro de Abya Yala
Gilberto Solano (<i>Central America</i>)	Panama; El Consejo indígena Mesoamericano (CIMA)
Veronica Huilipan (<i>South Cone / Argentina</i>)	Argentina; Confederación Mapuche
Africa	
Joram Useb (<i>South Africa</i>)	Namibia
Joseph Ole Simel (<i>East Africa</i>)	Kenya
Saoudata Aboubacrine (<i>Western Africa</i>)	Burkina Faso
Arctic	
John Henriksen	Sámi Parliamentarian Council
Hjalmar Dahl	ICC, Greenland
Ronald Barnes	Alaska
Russian Fed.	
Rodion Sulyandziga	RAIPON
Anastasia Chukhman	Information Center Lach, Petropavlovsk-Kamchatsky
Asia	
Joan Carling	Asia Indigenous Peoples Pact / Philippines-Thailand
Rukka Sombolinggi	AMAN / Indonesia
Vicky Tauli-Corpuz	Tebtebba / Philippines

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Indigenous Women	
Tarcila Rivera	Red Intercontinental de mujeres
Indigenous Youth	
Alancay Morales	Indigenous youth caucus
UN Mandates	
James Anaya	Special Rapporteur
Mirna Cunningham	Chair-PF
Vital Bambanze	Chair- EMRIP
UN Support Staff	
Sonia Smallacombe Maia Campbell	PF SR
Other Participants	
Megan Alvanna-Stimpfle	Alaska - Arcticimperative.com
Grace Gao	Academic from University of Helsinki
Co-Organisers	
Tove Søvn Dahl Pedersen	Greenland Representation Denmark
Susan Frydendahl	Greenland Representation Denmark
Mira Kleist	Greenland Representation Denmark
Marianne Lykke Thomsen	Government of Greenland
Hege Fjellheim Sarre	Sámi Parliament in Norway
Jon Petter Gintal	Sámi Parliament in Norway
Inger Johanne Mudenia	Sámi Parliament in Norway
Lola García-Alix	IWGIA
Kathrin Wessendorf	IWGIA
Käthe Jepsen	IWGIA
Interpreters/Resource People	
Patricia Borraz / Spanish><English	Almáciga - Madrid Spain
Mònica Castell / French><Spanish	Barcelona, Spain
Micheal Martina / Spanish><English	Comunicando, Copenhagen
Michael J.H. Davies / French><English	MJD Translating, Roskilde
Daria Morgounova / Russian><English	Copenhagen
Svetlana Klimenko / Russian><English	Copenhagen
Helene Gjerding / Spanish><English	Copenhagen
Alona Yefimenko / Social interpreter Rus<>Eng	Indigenous Peoples Secretariat Arctic Council, Copenhagen

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Opening session - Friday 13 January		
Denmark	Villy Søvndal	Minister of Foreign Affairs
Greenland	Kuupik Kleist	Premier
Interactive dialogue - Saturday 14 January		
Norway	Ambassador Jørg Willy Bronebakk	Norway's Embassy in Denmark
Bolivia	Ambassador Eugenio Poma	Bolivia's Embassy in Denmark and Nordic countries
Guatemala	Ambassador Juan Leon, Cultural Attaché and Cooperation Issues	Guatemala's Embassy in Denmark and Nordic countries
Mexico	Mariana Olivera West	Mexico's Embassy in Denmark
Denmark	Ambassador Tyge Lehmann	
Canada	Political Councillor Kim Girtel	Canada's Embassy in Denmark
Denmark	Ida Nicolaisen	Former member of UN PF
Denmark	Birgitte Feiring	Consultant
Denmark	Rune Hørby	Danish Ministry of Foreign Affairs
Greenland/Danish Parliament	Sara Olsvig	Member of the Danish Parliament

Appendix B

The participants at the open-ended Indigenous Peoples' Brainstorming Meeting on the World Conference on Indigenous Peoples 2014, held in Copenhagen, Denmark, 13 – 14 January 2012 (the meeting) decide by consensus³ on the following arrangements which must be adopted for the purpose of ensuring the full and effective participation of Indigenous Peoples in the World Conference on Indigenous Peoples 2014 (the World Conference) as established by resolution A/C.3/65/L.22/rev.1 of the United Nations General Assembly.

In making this decision we affirm that the World Conference must be consistent with the standards established by the United Nations for acknowledging and respecting the rights of the Indigenous Peoples of the world, and being no less than the standards established in the United Nations Declaration on the Rights of Indigenous Peoples.

We set out the following requirements which we believe are the minimum terms for the full and effective participation of Indigenous Peoples in the World Conference.

1. An indigenous nominated co-facilitator be appointed alongside the facilitator that the President of the General Assembly will appoint to work on the modalities of the World Conference. The meeting nominated John Henriksen, the Representative of the Sámi Parliamentarian Council, to be appointed as the indigenous co-facilitator.
2. An indigenous global coordinating group of nine members has been established comprising Indigenous representatives

from each of the seven Indigenous regions being Africa, Arctic, Asia, Latin America, North America, Pacific and Russia plus one Indigenous woman and one Indigenous youth.

3. Indigenous Peoples delegations must be able to fairly achieve accreditation to the World Conference and any of the relevant preparatory meetings.
4. Indigenous Peoples governing institutions, including nations, councils, parliaments and governments, including traditional governments, should be acknowledged as governments and accredited to participate as peers with States.
5. Where Indigenous Peoples decide to convene local, national, regional and global preparatory processes leading up to the World Conference then those meetings should be officially recognized as part of the preparatory process of the World Conference.

We call upon States and agencies of the United Nations to provide funds for the full and effective participation of Indigenous Peoples in the World Conference, taking due-account of the preparatory processes.

³ Ronald Barnes did not support the resolution.

Report of the Informal Meetings of the Global Coordinating Group (GCG) for the WCIP 2014

By Vicky Tauli-Corpuz, for the Global Indigenous Women's Caucus
and the Asian Indigenous Peoples' Caucus
January 28-30, 2013
New York City

Introduction

This is my personal informal report of what happened in New York during the GCG meetings and also the meetings of the group with other entities.

Attendees

John Henriksen (Arctic Caucus Rep.)
Tracey Castro-Whare (GCG Secretariat)
Florina Lopez (Latin American-Caribbean Rep.)
Menase Kaisiepo (Pacific Rep.) and his father Kai Landow (Observer)
Vicky Tauli-Corpuz (Indigenous Women, alternate)
Kenneth Deere (North America Rep.)
Joel Cerda (translator)
Tania Pariona (Indigenous Youth Rep.)

There was no quorum, so these meetings were informal and this is an informal report meant to provide the information on what transpired in these meetings.

Co-Facilitators

John Henriksen shared why he withdrew as co-facilitator. He did not feel he could be effective as a co-facilitator if the North American caucus (NAIPC) will not endorse him and if some members of this caucus keep undermining his position, for example, by publicly stating that they do not support him as co-facilitator (as it happened during the 2012 PFII and the 2012 EMRIP sessions). Kenneth Deer explained that the NAIPC has no consensus that they will not support him and there was not any decision on this issue. Kenneth shared

that the National Congress of American Indians (NCAI) passed a resolution supporting an indigenous co-facilitator and supporting John Henriksen in that capacity. The Assembly of First Nations (AFN) might also do this. The regions present stated that they support him as co-facilitator. They also think that it is too bad that one region not having a decision, could jeopardize our chances of having a co-facilitator.

John Henriksen agreed that he would reconsider his position if the AFN letter of endorsement will come through. Kenneth Deer said Chief Ed John would look into the AFN endorsement. This was in light of the recommendations of the state members who support the WCIP, which said that if they meet with the PGA and strongly propose a co-facilitator, they would like to have a specific name that they will include in their proposal. They cannot afford to push for a co-facilitator and not give names. The friendly governments committed to speak with other governments from Africa and Asia to support the position to have two co-facilitators, one from States and one indigenous person. They will have a meeting with the PGA next week. The States also have to present a name from their side. Nicaragua and New Zealand are among those being considered.

Meeting with Ambassador Luis Alfonso de Alba, the Permanent Representative of the Mexican Mission to the UN in New York.

Ambassador de Alba announced that he was going to be moved away from New York

by the Mexican Government so he cannot be the co-facilitator any more. This was a shock to all of us and we expressed our regret about this. Anyhow, he shared his views on how to handle this. He expressed concern, that Indigenous Peoples are moving slowly. By this time, things should be already happening with more speed. He shared his observations on the new Presidency of the General Assembly (PGA). The new President is the Serbian Ambassador who is from the Eastern European Bloc. Russia is a part of this bloc. There seems to be hesitancy to have an indigenous person as a co-facilitator, which reflects the view of Russia.

Ambassador de Alba's suggested to have a meeting with those state members Friends of WCIP (e.g. Mexico, Bolivia, Guatemala, Nicaragua, Norway, Denmark, Sweden, New Zealand, etc.). Ambassador de Alba stressed that there is a need to get the UN Secretary General to appoint a staff person who will be helping in the work for the WCIP. Otherwise, it will be difficult to move things within the UN.

He also shared what happened in Guatemala during the Baktun in Dec. 2012. Several governments were there and some discussions on the WCIP were done.

There will be meetings held with the Friends of the WCIP to put more pressure on the PGA to continue having an indigenous person as co-facilitator. Ambassador de Alba clearly stated to PGA that he would not be a co-facilitator for States if there is no indigenous co-facilitator. Ambassador de Alba expressed his concern about the withdrawal of John and he hopes this will be resolved the soonest time possible.

De Alba also shared the plans in terms of bringing together governments from the Latin American and Caribbean region and Indigenous Peoples in Oaxaca, Mexico. Saul Vicente

(member of the PFII) is helping to organize this. He encouraged the various regions to also hold similar meetings because the negotiations around the outcome document, which is substantial, will be an uphill battle. The negotiations will be mainly between governments, so it is crucial that governments from the various regions are convinced to support the Indigenous Peoples' proposals. This means engaging in serious advocacy work with governments at the national level is needed and also at the regional level.

My own view: It is really crucial that we work at the national level because decisions of Ambassadors in New York will depend on instructions from the National Capitals. We do not like to see a situation like what happened in 2006 when the African Group of Countries blocked the adoption of the UNDRIP at the Third Committee. We had to scramble to get support from the national capitals and reach out to the African governments to change their position. We should learn from this experience and seriously do our assignments in ensuring that governments in our countries will not become the obstacles towards having a good and acceptable WCIP Outcome Document. This means that some portion of funds we raise should be allotted to regional and national work.

Alta Preparatory Meeting

John Henriksen shared state of raised funds, hotels, conference site, delegations, etc. The following summarizes his report: The

- Sami Parliament and the Norwegian Ministry of Foreign Affairs (\$850,000 USD from Sami Parliament and \$850,000 USD from MOFA) will provide a total of \$1.7 M USD for the Alta meeting, mainly. They computed how this will be used and there will be a shortage of \$800,000 to ensure the participation of 57 delegates each from

all the regions. They can fund only around 34 persons per region. So we have to raise additional funds to bring the remaining 20 persons. Estimation is \$4,000 USD for each person. This includes fares, lodging, etc.

- The place is prepared for 800 persons. 400 will be the official delegates and 400 will be observers from other indigenous caucuses, NGOs, Academia, funders, government representatives, multilateral bodies, etc. The Sami Parliament suggests that each observer will have to pay registration fees: \$ 400 – for indigenous observers and \$800 for governments, NGOs, and academics. The question is how to raise the balance needed to ensure the participation planned earlier.
- The dates for the event are as follows:
 - 8 June 2013: arrival of delegates and observers: Municipality of Alta will host a reception for the conference.
 - 8-9 June: caucus meetings
 - 10-12 June: Conference Proper
 - 13 June: Departure
- Flights from different countries will either land in Oslo or in Copenhagen. There will be chartered flights from those places to Alta.
- IWGIA will handle the resources and fix up flights of funded participants and help in visa processing. The Norwegian Ministry of Foreign Affairs will also help with visa procurement. No problems are foreseen for indigenous passports.
- All hotels in Alta are reserved for the conference participants. There is a soccer field that is big enough to accommodate the whole conference. Translations into Spanish, French and Russian and Sami will be made available. DOCIP will help with the technical services, e.g. translation of documents, on-site, printing, etc.

- With regards registration of participants and observers, John stressed that the website for the Conference already be set up because while this is not in place, the Sami Parliament cannot make the links for registration, etc.
- Provisions are being made for cultural events and also a market place where participants can bring their goods to be sold to the public.
- Color-coded badges will be made.
- Since the money from IFAD (International Fund for Agricultural Development) will only come much later, John asked the Sami Parliament for the possibility to advance \$200,000, which will be reimbursed when the IFAD money comes in. Vicky Tauli-Corpuz volunteered to ask IFAD if this is possible but found out that it is not.

Draft Programme for the Alta Conference

The General Programme recommended:

1. Traditional Opening Ceremony
2. Election of Conference Officers: Co-Chairs, Rapporteur
3. Adoption of Agenda
4. Presentation of Regional Caucus Prep. Meeting Reports and those from the Women and Youth Prep. Meetings.
5. General Debate
6. Presentation of Draft Consolidated Report from the results of regional and women and youth Declarations.
7. Working Groups – regional and women and youth caucuses to discuss Draft presented earlier and make recommendations for changes.
8. Other matters
9. Adoption of Alta Declaration

Fund-Raising

Vicky Tauli-Corpuz shared the discussion she had with David Kaimowitz regarding Ford Foundation funding. David said they allotted \$3,000,000 for the WCIP, which includes pre-WCIP and post –WCIP processes and the WCIP proper. The rough estimates of how they are dividing this are the following:

- 800,000 – 900,000 USD: for GCG Operations and regular functioning, including preparatory meetings of caucuses.
- 800,000-900,000 USD: for Strategic Proposals to make the WCIP a success: e.g. campaigns to get UN Agencies to commit more resources and programmes for Indigenous Peoples, strategic communications, participation in negotiations, etc. These strategic proposals can be submitted by anybody who has such plans. These will come in form of proposals to be submitted directly to Ford Foundation. The work of the UNPFII directly related to the WCIP will also come from this. This includes strengthening of Secretariat and publications.
- 800,000-900,000 USD: allotted for existing Ford Foundation Grantees, which are Indigenous Peoples' organizations or institutions. These projects will also be in line in ensuring that results of the WCIP and preparatory processes will be implemented.
- 300,000 USD: allotted for participation in the WCIP, side events, etc.
- It was agreed that other sources will be tapped to ensure that the shortfall is met.

Communications Strategy

Tracey shared that IWGIA already sent the

contract for signing to the Communications firm which will be commissioned to take care of developing the website. However, it seems it will only be at the end of Feb. or later that this will be set up. GCG members stressed that this should be already up by now. So the recommendation is that a temporary website be set up ASAP which can be used while the one being designed by the firm is still not up. The money from the Sami Parliament (\$18,000-\$19,000 USD) to translate documents into Spanish, French and Russian is already available so that when the website is up, it will be in these languages, as well.

The plans supported by David Kaimowitz (Ford Foundation) to get Burness Communications to help develop a strategic communications plan was discussed with Myrna Cunningham of the PFII. The PFII is also developing its communications work. A strategy meeting will be held with Burness Communications during the PFII session in May 20-30, 2013.

Regional/Caucus Preparatory Meetings

It was reported that the African, Arctic and Asian Indigenous Peoples' Preparatory Meetings were already finished and plans for the forthcoming meetings of other caucuses were presented.

Tracey shared how the budget will be shared amongst the caucuses who have not yet met. This is the proposal:

- Latin America \$ 62,000;
- North America \$ 35,000;
- Pacific \$ 106,000;
- Women \$ 44,000;
- Youth \$ 18,500.

This is based on the proportionate distribution using the initial proposals made from the regions and other caucuses. Tracey has been communicating with the regions on this, and

has asked them to make their comments.

It is still understood that all remaining preparatory meetings be held before the end of March. This will give time for members of the Consolidating Committee for the Draft Declaration to do their task.

Meetings with Mandate Holders, e.g. Members of the UNPFII and EMRIP: Chief Ed John (Chair), Myrna Cunningham (Focal person for WCIP), Alvaro Pop, Kanyinke Sena, Chandra Roy, Mirian Masaquiza, Jose Carlos Morales (EMRIP). Tania Pariona (Indigenous Youth) also joined. SR James Anaya, sent his regrets for his absence.

The GCG shared discussions with Ambassador de Alba as well as suggestions on how to make the UN Secretariat move to address the work needed to advance the preparations for WCIP.

Myrna Cunningham shared the plans of the PFII in pursuing the work on the WCIP and also the problems they face. They are meeting with Ambassador de Alba, the Friends of the WCIP, the Vice-President of the Ford Foundation, the Deputy Secretary General of the UN and also the Under-Secretary General who is the head of DESA, Mr. Wu. The Permanent Forum does not have resources and there is nobody within the PFII Secretariat who is assigned fulltime to deal with the WCIP alone. So there is a need to address these issues.

Jan Eliason – (former Swedish Ambassador and also a former President of the UNGA) He is convinced that indigenous peoples can contribute in the needed action to make peace with nature and the environment. He sees the WCIP as a bridge towards the post 2015 Development Agenda and the Sustainable Development Goals. Supports the WCIP and proposed that the UN Secretariat forms a

Working Group to help to make the WCIP a success. He wants to see a clear Road Map on where we want to go.

Meeting with Dr. Wu of DESA – also expressed support for the WCIP. Will look into how the PFII secretariat can be more helpful in the work towards WCIP.

Meeting with Pablo Farias, Vice-President for Economic Opportunity and Assets Program, Ford Foundation. Present were all the GCG members, Myrna Cunningham for the PFII, Jose Carlos Morales for EMRIP and Kevin Curry for FF (newly recruited to work on the grant for the WCIP activities)

Pablo Farias welcomed everybody and presented Ford Foundation's commitment to support the WCIP, in particular the indigenous peoples' full and effective participation. Asked us what stage we are in, in terms of preparations and what our plans are towards Alta and WCIP.

Myrna Cunningham presented the plans of the PFII.

Vicky Tauli-Corpuz thanked the Ford Foundation support and presented the GCG-state of preparations and some ideas on outcomes of the WCIP

John Henriksen presented the preparations for Alta.

Meeting with Representatives of the PGA: Ambassador Dejan Sahovic who is the Senior Special Advisor to the President and Sifu from South Africa. Present are the members of the PFII and GCG members.

The PGA was on a mission so he could not personally meet with us. Tracey gave an update on GCG activities and what the GCG is. Myrna Cunningham presented what the PFII wants the PGA's Office to do. It was stressed that the PGA should still appoint two

co-facilitators, one from States and one from Indigenous Peoples.

Sahovic stated that this will be communicated with the PGA and he hoped that John Henriksen would still be the co-facilitator from Indigenous Peoples' side. This meeting was important because it is good for the PGA to know that Indigenous Peoples from all the regions have their focal persons in the GCG and for them to meet with these persons.

PFII members invited the PGA to open the 2013 session of the PFII. The Secretariat will follow this up with the PGA's office. Discussions also went into where the PFII meeting will be held considering the renovations taking place.

It seemed that Sahovic and Sifu were committed to help in making the PGA more responsive to the requests of the Indigenous Peoples.

Recommendations for the Indigenous Women's Caucus.

These are recommendations from me in terms of what the caucuses can do. These were not discussed in the meetings held in New York.

- The Indigenous Women's Caucus should already have a discussion on how to hold the preparatory meeting. A final decision on when and where this will be held has to be done. Will the original plan of having this on March be pursued? Considering that the original budget of around \$180,000 has not been secured, can we work with the \$44,000 tentatively allotted for this?
- How will the programme be shaped? Who will write the invitations? Representatives from the regions have to

be identified. How many from each region considering the budget we have to work with?

- Respond to Tracey's email regarding the division of the budget should be done before Feb. 15. How can agreement be reached on this?
- The indigenous women's caucus can also prepare a communications strategy and outreach to governments to get them to support the proposals from the caucus and the Alta Declaration.

Preparatory Regionals & Alta Conference

Indigenous representatives on six continents, the Pacific Region and a Women's and Youth Caucus convened regional meetings around the world to formulate "themes" and "topics" important to each region. The results of these sessions are published here. After the regional and caucus sessions were concluded up to 52 individuals from each of the regions and caucuses traveled to the Sami town of Alta in Norway to negotiate a combined document that would be called the Alta Declaration--published here as well.

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Resolution of the 6th Congress of the Indigenous Peoples of the North, Siberia and Far East of the Russian Federation

From:

<http://www.raipon.info/en/the-vi-congress.html>

April 24, 2009, Moscow

The 6th Congress of the Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation (hereinafter referred to as the Congress) representing 40 peoples of the Russian Federation declared that its main objective is the preservation and development of their traditional lifestyles as an inseparable component of the ethno-cultural diversity of the peoples of Russia. The Congress points out that the federal authorities have been engaged in legislative activities aimed at ensuring sustainable socio-economic and ethno-cultural development of the indigenous peoples of the North, Siberia and the Far East of the Russian Federation.

The Congress welcomes the approval by the Government of the Russian Federation of the Concept of the Sustainable Development of the Indigenous Peoples of the World, Siberia and the Far East, hereinafter referred to as the Concept, which promotes the creation of the prerequisite conditions and stimuli for the sustainable development of the indigenous people both with the support by the state and through mobilization of the internal resources of the peoples themselves.

The Congress supports the interaction of the federal authorities and NGOs of the indigenous peoples in preparing the Concept and the draft Plan of Measures for its implementation in 2009 – 2011. The Congress approves of some work by the federal authorities of a number of entities of the Russian Federation in solving the important problems of socio-

economic and ethno-cultural development of indigenous peoples in refining the regional legislation aimed at the protection of the rights of indigenous peoples.

The Congress welcomes the establishment of the National Organizing Committee for conducting the Second International Decade of the Indigenous Peoples of the World declared by the UN General Assembly, which started implementing the set of urgent measures for the preparation and conducting the Second International Decade of the Indigenous Peoples of the World.

The Congress also welcomes the adoption by the General UN Declaration on the Rights of Indigenous Peoples, which declared a wide set of individual and collective rights, including the right to the conservation and development of their cultural peculiarity and a specific identity, the rights to education and participation in the economic and social life of the society in which indigenous peoples live.

The Congress supports the intention of the Russian and foreign nongovernmental organizations to promote the conservation and development of the indigenous peoples of the North, Siberia and the Far East and calls upon the strengthening of their interaction with the federal authorities.

The Congress calls upon the leaders of the UN members countries to use wider the experience of the Russian Federation and to contribute actively to the Second International Decade of the Indigenous Peoples of the World.

At the same time, the Congress pays attention to the fact that until recently there remain some unsolved problems preventing the sustainable development of indigenous peoples of the North, Siberia and the Far East of the Russian Federation and their successful adaptation to present-day conditions, including:

- Ineffective management in integrated approach to the problems of sustainable development of the indigenous peoples of the North, Siberia and the Far East of the Russian Federation ;
- The absence of effective mechanisms of involvement of indigenous peoples of the North, Siberia and the Far East of the Russian Federation in developing and making decisions regarding the socio-economic and cultural development, protection of the traditional environment, traditional lifestyle, traditional economy and occupations on the principle of voluntary, prior and informed agreement by the indigenous peoples as proclaimed by the UN Declaration on the Indigenous Rights ;
- Imperfect legislation, lacking a number of norms guaranteeing the indigenous peoples of the North, Siberia and the Far East some specific rights in conformity with the Constitution of the Russian Federation;
- Impossibility of the implementation of the right to use lands of various categories and other natural resources required for the leading and conservation of the traditional lifestyle, economy and occupations of the indigenous peoples of the North, Siberia and the Far East of the Russian Federation in connection with their distribution on the basis of competitions and tenders.

In order to ensure the legal rights and interests of the indigenous peoples of the North, Siberia and the Far East of the Russian Federation, the Congress believes that the following problems should be solved:

1. The refinement of the legislation regarding the protection of indigenous peoples of the North, Siberia and Far East, including the rights to long-term use of lands of various categories, the use of natural resources required to maintain the traditional lifestyle, traditional economy and occupations serving as a basis for their sustainable development;
2. Ensuring the protection of the native environment, traditional lifestyle and traditional subsistence economies of indigenous peoples of the North, Siberia and the Far East, including the development and adoption of the federal laws : «On the Amendments to the Federal Law «On Traditional Subsistence Areas of Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation» with the retaining of the status of the traditional subsistence territories as protected areas, «On the Protection of the Native Environment, Traditional Lifestyle and Traditional Subsistence of the Indigenous Peoples of the Russian Federation»;
3. Approval of the method for assessment and redemption of the damage to the native environment and traditional lifestyle caused by the detrimental impact of the industrial use of natural resources and removal of lands for state and municipal use at the sites of traditional life and traditional subsis-

- tence of the indigenous peoples of the North, Siberia and the Far East;
4. Incorporation of enactments establishing the rights of the indigenous peoples of the North, Siberia and the Far East into a special legal institution;
 5. Solution to the problems of socio-economic development of the indigenous peoples of the North, Siberia and the Far East and elimination of unemployment among them on the basis of governmental support by introducing state orders for traditional subsistence products of indigenous peoples, organization of high-level processing and marketing of the products of reindeer herding, fishing, sea fisheries, hunting, gathering and development of crafts;
 6. Development of the social infrastructure facilities, medical, educational, cultural, social, transport and other facilities in the areas of the traditional life and traditional subsistence activities of the indigenous peoples of the North, Siberia and the Far East, taking into account their traditional lifestyles and culture;
 7. Augmentation of the social protection of the indigenous peoples of the North, Siberia and the Far East ;
 8. Taking measures to render healthier the demographic situation among the indigenous peoples of the North, Siberia and the Far East;
 9. Settlement of the issues of guaranteed representation of the indigenous peoples of the North, Siberia and the Far East in legal (representative) authorities of the entities of the Russian Federation and the representative authorities of the local administration; including the candidate lists of the political parties and election in the state authorities and inclusion onto the lists of candidates from political parties of for election to the regional representative (legislative) state authorities of representatives of the indigenous peoples of the North, Siberia and the Far East to ensure representation of the above-mentioned peoples in the government bodies of the Russian Federation;
 10. Establishment of an institution of the authorized representatives of indigenous peoples of the North, Siberia and the Far East on the federal and regional levels ;
 11. Establishment of a special division for protection of the rights and socio-economic development of the indigenous peoples of the North, Siberia and the Far East under a federal executive authority;
 12. Development of the mechanism of contribution by indigenous peoples of the North, Siberia and the Far East to the development and implementation of enactments and state decisions regarding the protection of their native environment, socio-economic and cultural development, including the preparation and implementation of the plan for measures of under the Concept; preparation and implementation of the measures under the state support of economic and social development of the indigenous peoples of the North, Siberia and the Far East through allocations from the budget of subsidies to the budgets of the entities

of the Russian Federation;

13. Development and implementation of the measures of state support of economic development of indigenous peoples of the North, Siberia and the Far East under conditions of the world economic crisis;
14. Augmentation of the role of territorial public self-administration by the indigenous peoples of the North, Siberia and the Far East where they have been traditionally residing.
15. Increase in the effectiveness of measures for the development of the cultures of indigenous peoples of the North, Siberia and the Far East due to their vulnerability in the face of modern industrial impact on the environment.

The Congress calls upon the President of the Russian Federation, Federal Assembly of the Russian Federation, the Government of the Russian Federation, legislative authorities (representative) and executive authorities of the entities of the Russian Federation, the international governmental and nongovernmental organizations to take the necessary measures to fulfill the above objectives.

RECOMMENDATIONS

Recommendations of the VI Congress of Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation

April 24, 2009, Moscow

VI Congress of Indigenous People of the North, Siberia and the Far East of Russian Federation (hereafter called Congress) representing in the fully authorized way 40 indigenous ethnoses of the North, Siberia and the Far East of Russian Federation (hereafter

called indigenous people) having heard the reports and accounts from delegates to and participants in the Congress on the existing socio-economic status of indigenous people calls upon the President of Russian Federation, State Duma of the Russian Federation, the Government of Russian Federation, regional legislative and executive authorities of Russian Federation, international intergovernmental and non-governmental organizations, business and industrial companies and indigenous people organizations to take necessary measures for implementation of the following recommendations:

The President of Russian Federation:

- To authorise federal executive authorities:
- To introduce amendments to the legislation on land in Russian Federation in the parts related to execution of indigenous people right for gratuitous use of different categories of land as well as of natural resources in the areas traditionally inhabited by indigenous people and used for traditional economic activities;
- To introduce changes to the legislation on subsoil resources and the use of subsoil resources in Russian Federation in the parts related to secured execution of indigenous people rights for conservation of traditional environment and traditional life style during development of subsoil resources in the areas traditionally inhabited and used for traditional economic activities by indigenous people, following the principles of free precautionary and conscious choice and consent of these indigenous people and also the rights for compensation of damage made to traditional environment of indigenous people making it impossible to continue traditional economic activities;

- To carry out integrated assessment of environmental, economic and social impacts from the implementation of state programmes for development of oil and gas deposits and development of hydro-energy complex in the areas of the North, Siberia and the Far East and adjacent shelf on the traditional environment and traditional life style of indigenous people;
- To secure implementation of provisions of the UN Declaration on Indigenous Peoples Rights during further improvement of legislation in Russian Federation.
- To recommend to the Presidential Plenipotentiary Envoys in federal districts to carry out, jointly with indigenous people organizations, annual monitoring of violations of indigenous people rights;
- To recommend to the Presidential Plenipotentiary Envoy in North-Western Federal District that a consultative experts council on indigenous peoples issues is established and includes authorised representatives of indigenous people;
- To introduce for ratification by the Federal Assembly of Russian Federation Convention 169 of the International Labour Organization “On Indigenous and Tribal Peoples” signed in 1989; Federal Assembly of Russian Federation
- To develop and adopt the Federal Law “On amendments to the Federal Law “On the Guarantees of Indigenous Peoples Right in Russian Federation” to authorise the Government of Russian Federation to develop and approve methodology for assessment of damage to traditional environment and traditional life-style of indigenous people caused by economic activities of individuals and organizations, and for the procedures to assign the citizens of Russian Federation to certain indigenous ethnoses of the North, Siberia and the Far East;
- To develop and adopt the Federal Laws “On conservation of traditional environment, traditional life style and traditional land use of indigenous peoples of Russian Federation” and “On introduction of amendments to certain legislative acts of Russian Federation linked to adoption of the Federal Law “On conservation of traditional environment, traditional life style and traditional land use of indigenous peoples of Russian Federation”;
- To develop and adopt the Federal Law “On amendments to the Federal Law “On the Traditional Land-Use Territories of Indigenous People of the North, Siberia and the Far East of Russian Federation” and to certain legislative acts of Russian Federation” as concerns applications and appeals from indigenous people, their unions or authorized IP representatives for designation of traditional land-use territories of indigenous people of the North, Siberia and the Far East of Russian Federation as well as management and control of their gazettment, functioning and protection;
- To introduce amendments to the Federal Law “On Fisheries and Conservation of Aquatic Biological Resources” as concerns priority access rights for indigenous people to the fishing plots and to aquatic biological resources (such as signing the agreements on the use of fishing areas with individuals that belong to indigenous people of the North, Siberia and the Far East of Russian Federation or their communities and family enterprises without the tenders

for the rights to use fishing areas; providing exempt mechanisms in terms of timing and areas for harvesting of aquatic biological resources, sex and age ratios and total amounts of aquatic biological resources to be harvested; allocation of exclusive indigenous peoples rights for harvesting of certain types of aquatic biological resources, specifics of marine mammals harvesting etc.);

- To introduce amendments to the Tax Code of Russian Federation as concerns the use of terminology in compliance with the Federal Law “On General Principles for Set Up And Operations of Indigenous Communities And Community Enterprises of Indigenous Peoples of The North, Siberia And The Far East of Russian Federation” and the Federal Law “On Fisheries and Conservation of Aquatic Biological Resources”, as well as for provision of tax exemptions and preferences to indigenous communities and community enterprises carrying out traditional land use;
- To develop and adopt the Federal Law “On Game-Hunting” as concerns secured priority access of indigenous peoples, their communities and other types of indigenous organizations to the game-hunting areas and game resources;
- To develop and adopt the Federal Law “On Marine Mammals Harvesting by Indigenous People of the North, Siberia and the Far East of Russian Federation”;
- To develop and adopt the Federal Law “On the Northern Reindeer Herding”; To introduce amendments to the legislation on land in Russian Federation in the parts related to execution of indigenous people right for gratuitous use of different categories of land as well as of natural resources in the areas traditionally inhabited by indigenous people and used for traditional economic activities;
- To develop and adopt the Federal Law “On amendments to some legislative acts of Russian Federation” (to the Water Code, Forest Code and Land Codes of Russia, and to the Federal Laws “On the turnover of agricultural lands” and “On specially protected natural areas”) as concerns introduction of regulatory mechanisms for implementation of priority rights of indigenous people of the North, Siberia and the Far East of Russia to use renewable natural resources and the areas (aquatories) where they can be harvested;
- To develop and adopt the Federal Law “On amendments to the Forest Code of Russian Federation and to certain legislative acts of Russian Federation” as concerns specifics of forest management and the use of forest resources in the areas traditionally inhabited and used economically by indigenous people;
- To develop and adopt the Federal Law “On amendments to the Federal Law “On Subsoil Resources” as concerns specifics of subsoil resource development in the areas traditionally inhabited and used for traditional economic activities by indigenous people to secure full implementation of their rights for conservation of traditional environment and traditional life style, following the principle of free precautionary and conscious choice and consent of these indigenous people, and also the rights for compensation of damage made to traditional environment

and traditional economies of indigenous people;

- To develop and adopt the Federal Law “On introduction of amendments to certain legislative acts of Russian Federation” as concerns regulation of payments for the lands of different categories in the areas traditionally inhabited and of traditional economic activities of indigenous people;
- To develop and adopt the Federal Law “On amendments to the Federal Law “On Environmental Impact Assessment” in terms of obligatory assessments of overall acceptability of planned industrial or other developments in order to prevent unfavourable impacts from these activities on the natural environment, traditional land-use and traditional life-style, economic activities and harvesting practices of indigenous people and related social, economic and other consequences of those development projects that are subject to EIAs;
- To develop and adopt the Federal Law “On amendments to the Federal Law “On the Main Guarantees of Voting Rights and the Rights for Referenda to the citizens of Russian Federation” and to the Federal Law “On the general principles of organization of legislative (representative) and executive governing bodies in the regions of Russian Federation” as concerns additional guarantees of electoral rights for the indigenous citizens, including the quotas for representation of indigenous people in legislative (representative) authorities in those regions of Russian Federation where indigenous people live;
- To develop and adopt the Federal Law “On amendments to Article 16 of the Law of Russian Federation “On Education” and to Article 11 of the Federal Law “On Higher and Post-Graduate Professional Education” to provide for quotas in target education groups for representatives of indigenous people of the North, Siberia and the Far East of Russian Federation;
- To develop and adopt Federal Law “On amendments to Article 12 of the Law of Russian Federation “On Education” as concerns inclusion of nomad schools into the list of educational bodies;
- To develop and adopt the Federal Law “On Amendments to the Law of Russian Federation “On Education” and to the Federal Law “On the general principles of organization of legislative (representative) and executive governing bodies in the regions of Russian Federation” in the parts providing for authorised rights and responsibilities of state government authorities in the regions of Russian Federation to develop within the existing system of education the conditions for conservation and development of indigenous peoples languages and for teaching of mother tongue indigenous languages as part of obligatory school curricula;
- To develop and adopt the Federal Law “On amendments to the Federal Law “On additional guarantees of social support for orphans and for children left without parental care” to assign provisions for social support during the study period to students and undergraduates from indigenous people of the North, Siberia and the Far East;
- To develop and adopt the Federal Law “On the Sea of Okhotsk”;
- According to Paragraph 2 Article 5 of the

Federal Constitutional Law “On designation within Russian Federation of the new administrative region of Russian Federation as a result of merging of Krasnoyarsky krai, Taimyr (Dolgano-Nenets) Autonomous Region and Evenk Autonomous Region” – to develop and adopt the Federal Law “On the Status of Taimyr (Dolgano-Nenets) Autonomous Region and Evenk Autonomous Region as part of Krasnoyarsky Krai” to provide for retaining the status of autonomous regions for these two administrative subregions;

- To support adoption of the Federal Law □ 429576-4 “On amendments to the Federal Law “On retirement pensions in Russian Federation” in the part that provides for definition of baseline portion of retirement pensions taking into account regional coefficients for those people who live in the areas with severe climate conditions though not belonging to the areas of Extreme North and the areas assigned to this category.

The Government of Russian Federation

1. To develop and approve regulatory legal acts of the Government of Russian Federation:
 - “On the measures of state support to traditional economic activities of indigenous people” to provide for the state government order for the products of traditional land use and traditional economy of indigenous people of the North, Siberia and the Far East;
 - “On the strategy of relationships between indigenous people of the North, Siberia and the Far East with industrial companies operating in the areas traditionally inhab-

ited and used for traditional economic activities of these people”;

- “On the land planning and land management of reindeer pastures in different zones of reindeer herding”;
- “On the methods to assess the loss imposed as a result of damage to traditional environment and traditional life style of indigenous people as a result of economic activities by organisations and individuals”;
- “On the procedure and regulations for documental proof of the indigenous people status for the citizens of Russian Federation identifying themselves as indigenous people of the North, Siberia and the Far East”;
- “On the increase and subdivision of quotas for (harvesting) of aquatic biological resources into two types: quotas to support traditional life-style and subsistence of indigenous people, and quotas to carry out traditional economic activities”;
- “On prophylactic medical examination of indigenous people of the North, Siberia and the Far East to prevent social diseases, reduction of child mortality, and mortality from alcoholism, traumatism and suicides in the areas traditionally inhabited and used for traditional economies of indigenous people of the North, Siberia and the Far East of Russian Federation”;
- “On the special rule on funding for small-size schools, boarding schools and preschool educational institutions in the areas traditionally inhabited and used for traditional economic activities of indigenous people of the North, Siberia and the

- Far East of Russian Federation”;
- “On re-training and re-education of persons that belong to indigenous people of the North, Siberia and the Far East of Russian Federation who are disengaged from traditional economic activities”;
 - “On conservation and development of traditional knowledge, and cultural and spiritual heritage of indigenous people of the North, Siberia and the Far East of Russian Federation”;
 - “On the promotion of folk crafts and traditional products of indigenous people of the North, Siberia and the Far East at the Russian and international markets”;
 - “On employment of people that belong to indigenous people of the North, Siberia and the Far East of Russian Federation”;
 - “On the standard regulation on the nomadic comprehensive school”;
 - “On the measures of state governmental support to the target training and re-training of professionals from indigenous people of the North, and for provision of text-books and methodology materials for the system of primary, secondary and higher education taking into account modern technologies to learn languages and to study cultures of indigenous people”;
 - “On support to small and medium-size businesses and entrepreneurship by indigenous people of the North, Siberia and the Far East of Russian Federation” (in the part that provides for support to increase efficiency of traditional activities, including development of the financial system to support loans, credits and leasing);
- “On the measures to secure implementation of obligations by Russian Federation that are provided for by the International Whaling Convention”;
2. To amend the Statement of the Government of Russian Federation No. 713 from 17 June 1995 “On the approval of rules for registration and signing out of the citizens of Russian Federation to record them at the temporary living/presence and permanent living address within the Russian Federation and on the list of officials responsible for registration” to provide for registration of citizens who live in the areas outside legally recognized communities and follow nomadic of half-nomadic life style;
 3. To authorize the Ministry of Regional Development of Russian Federation to continue together with the Association of Indigenous People of the North, Siberia and the Far East of Russian Federation and regional and ethnic indigenous people organizations the work needed to improve and define more specifically the List of Areas Traditionally Inhabited and Used for Traditional Economic Activities of Indigenous People of the North, Siberia and the Far East of Russian Federation that outlines the area governed by legislation on indigenous people rights;
 4. To authorize the Ministry of Agriculture of Russian Federation to assist in setting up and development of management institutions for reindeer herding by indigenous people of the North, Siberia and the Far East of Russian Federation, and to take measures to support the leading role of Russian in Global Association of Reindeer Herders;

5. To authorize the Ministry of Education of Russian Federation to facilitate and ensure development of the Institute of the Northern Peoples as the center for ethno-linguistic and ethno-cultural education and research that ensures targeted training and re-training of professionals among indigenous people of the North, Siberia and the Far East; development of integrated plan to provide workbooks and methodological materials for the system of primary, secondary and higher education taking into account the modern techniques of leaning languages and culture of indigenous people of the North, Siberia and the Far East;
 6. To ask the Russian Academy of Sciences to consider the possibilities to restore the Institute of the Issues of Indigenous People of the North in Siberian Branch of the Russian Academy of Sciences and to give it the legal status of an independent legal body that would be able to carry out integrated fundamental and applied research on the issues of socio-economic and cultural development of indigenous people of the North, Siberia and the Far East;
 7. To authorize the Ministry of Natural Resources and Environment to develop a “Set of Measures for Conservation of Marine Biological Resources in the Kamchatka Fishing Areas during Development of Oil Deposits at the Continental Shelf of Russian Federation”, that includes the development of the Federal Law “On the Sea of Okhotsk”, which provides for the priority to secure wise use of aquatic biological resources and for the integrated management plan of the natural resources in the Sea of Okhotsk, allocation and legal designation of the areas important for fisheries at the West Kamchatka shelf (to secure zoning of the Sea of Okhotsk) where the works for excavation of carbohydrates will be banned completely;
 8. To secure successful implementation of the Concept for Sustainable Development of Indigenous People of the North, Siberia and the Far East of Russian Federation – to consider the opportunity to set up in the Government of Russian Federation a Coordinating Body to monitor implementation of the Concept workplan and to assign the Association of Indigenous People of the North, Siberia and the Far East within the Coordinating bodies as the plenipotentiary representative of indigenous people of the North, Siberia and the Far East of Russian Federation.
- State governing authorities in the administrative regions of Russian Federation where indigenous people live:**
- According to the provisions of the federal legislations and to the norms of international law and international agreements signed by Russian Federation – to involve authorized indigenous people representatives in the process of development of laws and other regulatory acts of regional legislation that touch upon the interests of indigenous people;
 - In the processes to improve regional legislation on indigenous people life style to apply wider the provisions of the UN Declaration on Indigenous Peoples Right;
 - To adopt regulatory legal acts to secure traditional environment and traditional life style of indigenous people, - in the regions where it has not yet been done;

- To carry out an inventory of sites traditionally inhabited by indigenous people and used for traditional economic activities of indigenous people as well as assessment of natural resources, and also to compile the registers of cultural heritage objects acknowledged by these people;
- To assess cultural, environmental and social impacts in the process of decision making on the issues of natural resource development in the areas traditionally inhabited and used for traditional economic activities of indigenous people taking into account the consequences of the proposed development work and in compliance with the principle of free-will precautionary and informed consent of indigenous people;
- To carry out referenda when the system of territorial set up of the local self-governance is subject to reforms in the areas, traditionally inhabited and used for traditional economic activities of indigenous people;
- To develop a mechanism that would provide for implementation of indigenous people rights for participation in the preparations of programmes for economic development of the regions, in the process of ethnological assessments related to the projects for industrial development in the areas traditionally inhabited and used for traditional economic activities of indigenous people;
- To develop legal regulatory acts on conservation of indigenous people sacred sites;
- To intensify cultural education and advocacy work for full acknowledgement of the value of cultural and natural heritage

of indigenous people, and the value of their traditional knowledge and practices of land-use and of the use of natural resources.

Non-governmental organisations

- To support information sharing with indigenous people organizations, and to disseminate through press and media information of their life, cultures and current challenges, as well as on the projects targeted to solve existing problems;
- To assist indigenous people in development and implementation of Russian and international charity projects aimed to develop culture, health care, education, self-governance, environmental protection and nature conservation, and to improve their socio-economic status;
- To support development of modern communication networks to save indigenous peoples' languages, cultures and traditional forms of using nature, to facilitate exchange of experience with other indigenous people of the Arctic region, to help promote the value and importance of their traditional cultures;
- To assist indigenous people in defending their rights.

International organizations:

- To address the UN Permanent Forum on Indigenous Peoples Issues, all the UN structures, Council of Europe, European Union, and the Arctic Council to provide further support to implementation of joint projects for sustainable development of indigenous people. Industrial companies and private business sector:

- To follow the principle of free-will, precautionary and informed consent of indigenous people and other international standards in the field of human rights and main freedoms of indigenous people during planning and execution of economic activities in the areas traditionally inhabited and used for traditional economic activities by indigenous people.

Association of Indigenous Peoples of the North, Siberia and the Far East of Russian Federation

- To improve ideology, strategy and tactics of the Association to meet the challenges of socio-economic and cultural development of indigenous people;
- To continue coordination of activities carried out by all non-governmental indigenous people organizations;
- To develop a Concept to set up the Parliament of Indigenous Peoples of the North, Siberia and the Far East;
- To intensify activities for dissemination of Association work experience in the field of information sharing and legal education of indigenous people;
- To develop the strategy of relationships between indigenous people of the North, Siberia and the Far East with industrial companies operating in the areas traditionally inhabited and used for traditional economic activities of these people;
- To initiate development of programmes for conservation and development of native languages and cultures, traditional forms of economic activities, education and health care for indigenous people;
- To improve the mechanisms for interaction between Association and the state authorities at the federal and regional levels and with the local municipality authorities to defend and secure enforcement of indigenous people rights;
- To continue jointly with the Ministry of Regional Development of Russian Federation and regional and ethnic indigenous people organizations the work to improve and define more specifically the List of Areas Traditionally Inhabited and Used for Traditional Economic Activities of Indigenous People of the North, Siberia and the Far East of Russian Federation;
- To make known and widely publicize through press and media, including discussions in the UN, the Arctic Council and other international and intergovernmental organizations the cases and facts on violations of indigenous people rights;
- To expand the network of information centers in the areas traditionally inhabited and used for traditional economic activities by indigenous people;
- To develop proposals for training of indigenous people representatives as management and governing staff;
- To improve interaction of Association with Russian and international non-governmental organizations in order to seek support to the projects on organizational development and capacity building in organizations and communities of indigenous people of the North, Siberia and the Far East of Russian Federation;
- To initiate the work for collation of information on the objects of cultural and natu-

ral heritage of indigenous people using the traditional knowledge of indigenous people themselves;

- To work out the Association Policy on Youth, to introduce the position of Vice-President for the Youth Policy, to carry out trainings for young indigenous people, and to improve interaction with state authorities to stimulate young indigenous people to come back to their traditional areas after graduation and/or training received;
- To declare 2010 as the Year of Indigenous People Youth;
- To assist in preparation and running of the Youth Congress of Indigenous People of the North, Siberia and the Far East;
- To develop feasible Action Plans based on proposals from the Congress delegates.

Address to the Government of the Russian Federation by the delegates of the 6th Congress of the Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation regarding the construction of the Evenk Hydropower Station

The delegates of the 6th Congress of the Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation heard the addresses by the delegates of the Congress representing the indigenous peoples of the Krasnoyarsk Territory and also an address to the Government of the Russian Federation by the delegates of the 3rd Congress of the Evenks of Russia (March 11-15, Yakutsk), and address of February 20, 2009 by the Evenk Public Movement for the Support and Promotion of the Development of the Indigenous Peoples of the North Nyeramni (Walking Forward) and the Evenk Association of the Indigenous

Peoples of the North Arun (Revival) on the need to ban the construction of the Evenk Hydropower Station.

Among the major hazards of the construction the following were mentioned:

- high probability of the destruction of the native areas of traditional subsistence of seven thousand Evenk – Ile - an indigenous people of the Russian Federation, and also the flooding of several villages, including the Tura village, the monuments of culture, and sacral sites, which would actually imply the destruction of the northwestern Evenks as a people ;
- flooding of about 1 million of hectares of larch forests virtually unaffected by human activities, which are of extreme importance to the conservation of the native environment, and traditional subsistence practices : reindeer herding, hunting and fisheries;
- contamination of huge resource of drinking water of the region as flooding may involve the radioactive brine chamber of at least a single of the three subterranean nuclear explosions in the floodplain of the Nizhnyaya Tunguska River in the 1970s ;
- as a consequence, there may be some fatal changes in the climate for a huge region.

Unfortunately, until today there has been no reliable information available for the Evenkia population as to the possible consequences of such a large-scale project as the construction of the hydroelectric power station.

«Ousting the people from the only ecological niche acceptable for life implies intrusion and destruction of the lifestyle, of the

economic basis, actually the extinction of the Evenks living there and conducting their traditional subsistence lifestyle » - says the address of the Evenk representatives.

The Congress deems it necessary to conduct integrated studies of all ecological, social, social and economic consequences of the construction of the Evenk Hydropower Station and to perform special ethnological assessment of the impact of the Evenk Hydropower Station impact on the environment and the traditional lifestyle of the indigenous peoples living in the zone of the Project impact. The Congress also believes necessary a public discussion of the findings of the assessment of the project and in case the above detrimental effects are confirmed, a decision should be made to ban the construction of the Evenk Hydropower Station and its exclusion from the Master Plan for the Disposition of the Energy Industry Facilities until the Year 2020.

On behalf of the delegates of the 6th Congress of the Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation

President of the Association
S.N. Kharyuchi

Option letter by the delegates of the VI Congress of indigenous peoples of the North, Siberia and the Far East of the Russian Federation

President of the Russian Federation Dmitri Anatolievich Medvediev

Chairman of the Government of the Russian Federation Vladimir Vladimirovich Putin

Dear Dmitry Anatolievich!

Dear Vladimir Vladimirovich!

The delegates to the VI Congress of Indigenous Peoples of the North, Siberia and the Russian Far East, held April 23-24 in Moscow are turning to you because of the catastrophic situation in Kamchatka province regarding the organization and conduct of the tender over the fishing grounds for traditional fisheries of Indigenous Peoples.

The Association of indigenous small-numbered indigenous peoples of the North, Siberia and the Far East of Russia, and organizations of indigenous peoples of Kamchatka have repeatedly appealed to authorities to make the necessary changes to the register of fishing sites, which in its present form deliberately ignores the specifics of the localities assigned, has no scientific justification. Most of the areas in which indigenous peoples of Kamchatka have for centuries fished in their traditional ways protected the spawning grounds of the pacific salmon, have been transferred into the register of sites for commercial fishing and have been divided up between commercial entities.

For the fishing as a part of the traditional way of life and traditional economic activities of indigenous peoples, sites have been assigned which are not suitable for this purpose, are located far from their traditional places of residence, and which make it impossible to use traditional fishing methods. Thus, federal laws have been breached as well as international principles and legislative norms which stipulate that indigenous peoples enjoy preferential access to biological resources and have the first right to fishing sites and, ultimately, have access to traditional food.

Today in Kamchatka a tender is being held which will bring fishing sites under the control

of the successful bidders for a period of 20 years. This creates the danger that indigenous peoples will never been able to return to their traditional fishing grounds on their rivers. Additionally, the Commission which oversees catch of anadromous fish species in Kamchatka Krai in 2009 set the limit of production to 100% of the expected permissible maximum for some rivers in the area traditionally inhabited by indigenous Peoples of Kamchatka. The commission set particularly ruinous conditions for fishing on the river Kovran, the location of the only settlements where the Itelmen indigenous people constitute the majority.

Thus, the Indigenous Peoples of Kamchatka, for whom fishing is not just a traditional way of nature use but the sole source of livelihood, have been put into a situation where they are deprived of the last piece of bread as a result of uninformed decisions by the authorities of Kamchatka Krai. Nearly 20 thousand indigenous inhabitants of Kamchatka are losing the opportunity to engage in traditional fishing, which is the basis of their existence. Furthermore, the permission of industrial fishing in the spawning rivers and in areas traditionally inhabited by indigenous peoples and of drift-net fishing will inevitably lead to depletion of fish stocks in Kamchatka, that is, to the destruction of traditional territory of indigenous people.

This comes at a time when the state is taking major decisions such as the recent approval of the Concept of Sustainable Development of Indigenous Peoples of the North, Siberia and the Far East and while, according to the greeting address from the President of the Russian Federation to the VI Congress of Indigenous Peoples of the North, Siberia and the Far East «the State is taking all steps necessary to preserve the traditional way of life of Indigenous

Peoples to address the challenges in the field of socio-economic tasks lying ahead ».

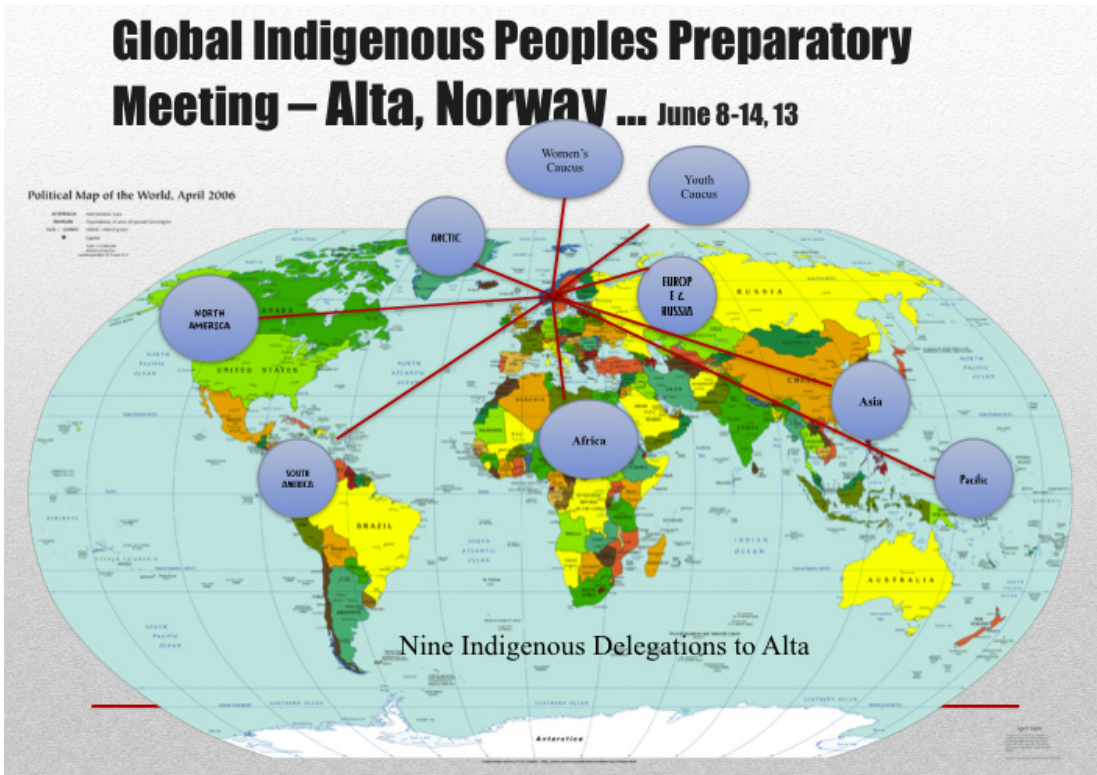
Any continued denial of access of indigenous people of Kamchatka to their traditional fishing grounds may not only aggravate social instability in the region, but also lead either to illegal fishing, or to mass starvation among the indigenous inhabitants of Kamchatka.

Dear Dmitry Anatolievich!

We ask you to urgently intervene and take steps to ensure the constitutional rights of indigenous peoples of Kamchatka Krai to the protection of their native environment and traditional way of life!

Yours sincerely,

SN Kharyuchi
President of the Association



Global Indigenous Peoples Preparatory Meeting, Alta, Norway, June 8-14, 2013

More than 450 representatives of indigenous peoples' non-governmental organizations, constitutional and customary governments and the United Nations Permanent Forum converged on the Sami town of Alta in Norway in June 2013 for the Global Indigenous Peoples' Preparatory Meeting hosted by the Sami Parliament.

Nuuk Arctic Declaration on the World Conference on Indigenous Peoples 2014

Adopted in Nuuk, Greenland, Oct. 23-24, 2012

Representatives of Inuit and Sami peoples gathered at Nuuk, Greenland, October 23- 24, 2012,

Welcome the decision of the United Nations General Assembly to organize a high-level plenary meeting of the General Assembly to be known as the World Conference on Indigenous Peoples, to be held in 2014, in order to share perspectives and best practices on the realization of the rights of indigenous peoples, including to pursue the ends of the United Nations Declaration on the Rights of Indigenous Peoples¹

Welcome further the United Nations General Assembly resolution A/66/296² of 17 September 2012, concerning the organization of the High-level Plenary Meeting of the General Assembly, to be known as the World Conference on Indigenous People, which contains constructive ways of ensuring indigenous peoples' substantive participation in the World Conference process;

Welcome and support the Inari Declaration on the World Conference on Indigenous Peoples, adopted by representatives of Sami institutions and organizations in Finland, Norway, Russia and Sweden, in Inari, Finland, 27 - 28 June 2012;

Urge Inuit and Sami representatives participating in the process towards the World Conference on Indigenous Peoples, to promote and advocate for an action-oriented outcome of the World Conference, with the aim of achieving full and effective implementation of the rights of indigenous peoples, including the human rights recognized in the United Nations Declaration on the Rights of Indigenous Peoples;

Encourage Inuit and Sami representatives participating in the process towards the World Conference on Indigenous Peoples, to advocate for the inclusion of the following provisions and initiatives in the outcome document of the World Conference:

Reaffirm that indigenous peoples are free and equal to other peoples, and that indigenous peoples, in the exercise of their rights, including their human rights, shall be free from discrimination of any kind, in particular discrimination that is based on their indigenous origin or identity;

Reaffirm further that indigenous individuals and groups are entitled to full enjoyment and effective implementation of all human rights recognized in international law without discrimination, including indigenous women, children, youth, elders and persons with disabilities, and bearing in mind that the rights and freedoms recognized in the United Nations Declaration on the Rights of Indigenous Peoples are equally guaranteed to male and female indigenous individuals;

¹ Resolution A/65/198 of 21 December 2010;

² A/66/L.61

Reaffirm also that traditional knowledge, traditional cultural expressions and genetic resources are integral parts of indigenous peoples' right to cultures, livelihoods and identities, and contribute to sustainable development of resources in indigenous territories;

Emphasize that indigenous languages constitute core elements of their cultures, and recognize that indigenous peoples have the right to use their language in all aspects of life;

Recognize the urgent need to take decisive and concrete measures to ensure full and effective implementation of indigenous peoples' rights, including the rights recognized in the United Nations Declaration on the Rights of Indigenous Peoples, with a particular focus on land and resource rights, and their right to self-determination;

Reaffirm that the rights recognized in the United Nations Declaration on the Rights of Indigenous Peoples constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world;

Recall that the United Nations Declaration on the Rights of Indigenous Peoples obliges States, in consultation and cooperation with the indigenous peoples concerned, to take measures, including legislative measures, to achieve the ends of the Declaration;

Noting that the ILO 169 remains a relevant international standard in recognizing and protecting the rights of indigenous peoples;

Welcome the report of the Secretary-General on the ways and means of promoting participation at the United Nations of indigenous peoples' representatives on issues affecting them;

Recognize that in order to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, it is appropriate to establish a voluntary international mechanism to receive and consider communications from indigenous peoples claiming that their rights to territories, lands and resources, and/or their right to self-determination have been violated;

1. Indigenous Peoples' Right to Self-determination

Reaffirm the commitment of all States to fulfill their obligations to promote universal respect for, and observance and protection of all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law;

Underscore that respect for the right to self-determination constitutes a pre-requisite for the realization of all other human rights and fundamental freedoms;

Underscore also that indigenous peoples' right to self-determination encompasses the right to identify who belongs to the people in accordance with the traditions and customs of the people concerned, compatible with international human rights standards;

Recommend that States, in order to fulfill their obligations to guarantee the realization of indigenous peoples' right to self-determination, as a matter of urgency, establish national committees, or other

constructive mechanisms, consisting of State and Indigenous Peoples' representatives, with the aim of reaching substantive agreements on the content and scope of indigenous peoples' right to self-determination, as well as on how this right can be effectively implemented;

Call on States to facilitate the effective implementation of the right to self-determination, including through the allocation of sufficient financial resources, to be determined through agreement with the indigenous peoples concerned;

2. **Indigenous Peoples' Rights to Territories, Lands, Waters, Resources and Traditional Livelihoods**

Recognizing that control by indigenous peoples over developments affecting their territories, lands, waters, coastal waters and other resources enables them to freely pursue their traditional livelihoods and economic, social and cultural development, **including to maintain and strengthen their food security**, in accordance with their own aspirations and needs;

Recognizing also that States have an obligation to ensure the full and effective implementation of indigenous peoples' rights to continuously pursue their traditional livelihoods, including hunting, fishing and herding in accordance with their own traditions and customs;

Recommend that States establish national judicial institutions tasked with identifying such lands, waters, coastal waters and other resources to which the indigenous peoples concerned have established ownership and usufruct rights, and to demarcate such lands and resources in order to fulfill their obligations concerning legal recognition and protection of the lands, territories, waters, coastal waters and other resources that indigenous peoples' have traditionally owned, occupied or otherwise used or acquired;

Recommend further that States, in cooperation with the indigenous peoples concerned, establish national committees, or other mechanisms, consisting of State and Indigenous Peoples' representatives with the aim of reaching agreements on the content and scope of such indigenous peoples' rights to territories, lands, waters, coastal waters and other resources that are not fully determined by indigenous peoples' property rights to land, such as the scope of benefit-sharing rights and the relationship between indigenous peoples' property rights to land and competing activities, including competing industrial activities;

Call on States not to develop or implement agreements on environmental protection in manners harmful to indigenous peoples' traditional livelihoods or in violation of their human rights, including rights to practice sustainably their traditional livelihoods;

3. **Extractive Industries**

Reaffirming that indigenous peoples' rights to land and natural resources require third parties to obtain the free, prior and informed consent before entering their territories;

Recognizing that the Arctic is subject to a constantly accelerating amount of industrial activities, and that Arctic indigenous communities and traditional livelihoods are under rapid and increasing pressure from, among others, oil and gas, mining, forestry and wind mill industries, and associated infrastructure developments;

Underscoring that existing corporate social responsibility regimes, such as the OECD Guidelines and the Global Impact, fail to ensure that private entities operating in the Arctic conduct themselves in a manner respectful to the rights of the indigenous peoples of the Arctic;

Recommend that the Arctic Council adopts, at its Ministerial Meeting in 2015, in close collaboration with the Permanent Participants of the Arctic Council, Sami parliaments and competent Arctic self-governments, a comprehensive long term strategy for sustainable and equitable resource extraction in the Arctic region, to end and prevent uncontrolled, unmanaged and unsustainable industrial practices;

Recommend further that the Arctic Council adopts, at its Ministerial Meeting in 2015, an ethical code of conduct, committing private entities operating in the Arctic region not to engage in practices harmful to the environment and to respect human rights, particularly those of the indigenous peoples of the Arctic;

Recognizing further that most Arctic indigenous communities are in a vulnerable position vis-à-vis private entities, lacking the resources and capacity to represent themselves adequately in relationship with the industry;

Call on States, and other competent governments and parliaments in the Arctic, to ensure that Arctic indigenous communities can adequately represent themselves vis-à-vis the industry, through rendering it mandatory for private entities engaging in industrial activities in the Arctic to fairly and equitably share profits with affected indigenous communities, as well as through other means to promote capacity building;

Call also on States to facilitate the implementation of the United Nations Guiding Principles on Business and Human Rights, through agreements with the indigenous peoples concerned;

4. Optional Protocol to the United Nations Declaration on the Rights of Indigenous Peoples

Consider the denial of indigenous peoples' right to self-determination and their rights to territories, lands and resources is the most fundamental violation of their collective human rights;

Recognize the urgent need for the establishment of effective international measures to guarantee and monitor the implementation of indigenous peoples' right to self-determination, and their rights to territories, lands and resources, without prejudice to the rights which peoples under colonial or other forms of alien domination or foreign occupation have under existing international procedures;

Recommend that the United Nations Permanent Forum on Indigenous Issues, at its 14th session, presents a draft Optional Protocol to the United Nations Declaration on the Rights of Indigenous Peoples, outlining a proposed structure and mandate for an international mechanism tasked with overseeing the implementation of indigenous peoples' rights to lands, waters, coastal seas and other

resources, and indigenous peoples' right to self-determination, based on communications submitted by States, or by indigenous peoples;

Recommend further that the United Nations General Assembly, following the presentation by the United Nations Permanent Forum on Indigenous Issues at its 14th session of a proposal for a draft Optional Protocol to the United Nations Declaration on the Rights of Indigenous Peoples, establishes an inclusive process that allows the United Nations General Assembly, at its earliest convenience, to adopt a resolution establishing an Optional Protocol to the United Nations Declaration on the Rights of Indigenous Peoples, based on the said proposal by the United Nations Permanent Forum on Indigenous Issues;

5. Further measures for the implementation of rights of indigenous peoples

Recognize that States are obliged to take concrete and action-oriented measures to recognize, realize, concretize and substantively implement the rights of indigenous peoples;

Recommend that States present annual reports on what measures they have taken to effectively implement the rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples, to be presented to the United Nations Special Rapporteur on the Rights of Indigenous Peoples and other relevant United Nations institutions and processes;

Recommend also that those States that have received an official visit by the United Nations Special Rapporteur on the Rights of Indigenous Peoples report annually about what measures they have taken to effectively implement the recommendations made by the Special Rapporteur;

Recommend as well that States, in their reports to the United Nations Human Rights Council's Universal Periodic Review, report on what measures they have taken to effectively implement the Expert Advices by the United Nations Expert Mechanism on the Rights of Indigenous Peoples;

Encourage those States that have not yet endorsed the United Nations Declaration on the Rights of Indigenous Peoples to join these ranks of States and Indigenous Peoples that have affirmed and are committed to the principles and rights enshrined in the Declaration;

Encourage further those States that have not yet ratified or acceded to the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries to do so;

Recommend that States, in consultation and cooperation with indigenous peoples, as a matter of urgency, initiate a comprehensive review of existing national legislation, including constitutional provisions, with the aim of ensuring that national legislation is fully consistent with or exceeding existing international standards concerning the rights of indigenous peoples;

6. Culture, Language, Education and Health

Recognize the need to adopt effective measures to guarantee indigenous peoples and individuals the right to the full enjoyment of all human rights and fundamental freedoms as recognized in international human rights law, including their right to culture, language and education;

Call on States to cater for an environment that allows indigenous children and youth with a background in indigenous peoples' traditional livelihoods to participate actively in such livelihoods, to ensure the transfer of customs, belief systems, values and traditional knowledge from generation to generation as a pre-requisite for maintenance and evolvement of indigenous cultures, identities and languages;

Call also on States to ensure that indigenous youth can participate in decision making processes specifically affecting them, including through providing sufficient resources for such participation;

Call further on States to ensure that indigenous children and youth to have access to education in and on their mother tongue, and that educational systems are also in other ways accustomed to their cultural identity, background and heritage;

Recommend that States facilitate the possibility to develop high quality and culturally appropriate educational and health policies, programs and services for indigenous peoples, which incorporates their needs, histories, identities, values, beliefs, cultures, languages and knowledge, and to secure adequate funding for such policies, programs and services;

Recommend further that States facilitate the possibility for indigenous peoples to develop their own academic institutions, research programs, and to develop, with the participation of indigenous peoples, binding standards requiring all research pertaining to indigenous peoples to be conducted in an ethical manner;

7. Indigenous Peoples' Cross-border Rights

Reaffirming that indigenous peoples divided by national borders have the right to maintain and develop contacts, relations and cooperation with their own members, as well as with other peoples, across national borders;

Recommend that States, in consultation and cooperation with the indigenous peoples concerned, as a matter of urgency, take effective measures to guarantee the exercise and ensure the implementation of indigenous peoples' cross-border rights, including their civil, political, economic, social and cultural rights, through legally binding conventions between the States concerned, and establish judicial mechanisms to monitor the implementation of such conventions;

8. The United Nations System and International Cooperation

Recommend that the United Nations General Assembly organizes a comprehensive high-level review of the progress achieved in the implementation of the recommendations adopted at the World Conference on Indigenous Peoples, with the aim to further strengthen the realization of the rights of indigenous peoples, to be held during its 74th session [September 2019 – September 2020];

Request the United Nations to establish, as a matter of priority an appropriate mechanism for considering the ways and means of promoting participation at the United Nations of indigenous peoples' representatives on issues affecting them;

Recommend further that the United Nations General Assembly appoints an Under-Secretary General for Indigenous Peoples, with the aim to strengthen United Nations capacity and efforts towards ensuring the full realization of the rights of indigenous peoples, and in order to ensure that that these rights are taken into account in all activities of the United Nations

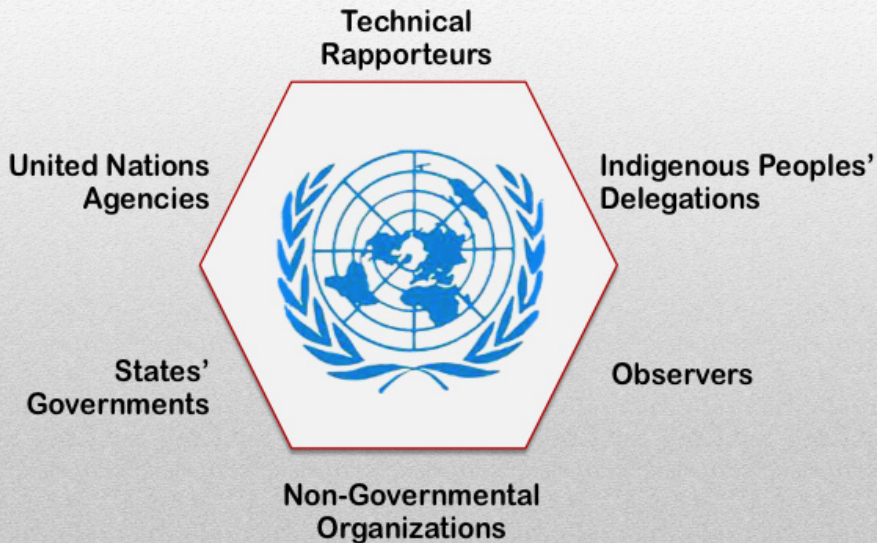
Recommend also that all United Nations agencies and programmes engaging in activities impacting on indigenous peoples appoints an officer, or establishes a team of officers, with particular responsibility to ensure that all such activities are responsive to and adapted for the particular situation of indigenous peoples;

Recommend States to review national and international cooperation policies and funding programs with the view to establish effective policies and programs to support and to strengthen capacities at national regional and global levels for the recognition and implementation of the UN Declaration on the Rights of Indigenous Peoples (2007) and ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989);

Call on the OECD³ to develop appropriate economic cooperation and development policies and guidelines in support for the rights of indigenous peoples, **and to strengthen the content and focus of the Guidelines for Multinational Enterprises in order to protect and uphold the rights of indigenous peoples;**

Call on States to facilitate the full and effective participation of indigenous peoples' representatives in all UN and other international processes and meetings of relevance to them;

UN Informal Interactive Roundtable June 2014



UN Informal Interactive Roundtable, June 2014

Plans were outlined by the UN General Assembly for an Informal Interactive Roundtable to convene in June 2014 where all of the parties concerned with the World Conference would have an opportunity to engage in dialogue.

African Declaration On the World Conference on Indigenous Peoples 2014

The African Regional Preparatory Meeting in Nairobi, Kenya, Nov. 20-21, 2012

Representatives from indigenous peoples from the five regions of Africa, recognizing the wide diversity of indigenous peoples in Africa,

Welcome the opportunity to raise the voices of African indigenous peoples as part of the preparatory process of the High-level Plenary Meeting of the UN General Assembly to be known as the World Conference on Indigenous Peoples as approved in GA Resolution A/65/198;

Welcome further GA Resolution A/66/296 specifying the modalities of participation by indigenous peoples in the World Conference;

Urge African indigenous peoples' representatives participating in the process towards the world conference to:

Present a unified African voice, while recognizing regional, linguistic, and livelihood diversity of African indigenous communities,

Model effective and equitable inclusion of women and youth in the African delegation,

Seek dialogue with state actors prior to and during the World Conference on issues of relevance to indigenous peoples, and to

Seek practical and concrete outcomes from the World Conference in relation to commitments and proposed actions from United Nations bodies, national governments, and regional human rights institutions such as the African Commission on

Human and Peoples' Rights;

Encourage African indigenous peoples' representatives participating in the process towards the world conference and in the world conference itself to advocate for substantive discussion of the following priority concerns of African indigenous peoples:

Rights to land and productive resources, specifically including territorial recognition, Free Prior and Informed Consent, benefits sharing, and evictions,

Conflict and its impact on indigenous peoples,

Rights to self-determination and self-governance,

Discrimination, both direct and indirect,

Environmental justice, including climate change and destruction of natural environments upon which IPs depend,

Conduct of multinational corporations and conservation organizations in relation to IP communities and lands, especially the link between the actions and omissions of governments and these actors;

Impunity for human rights violations, especially extrajudicial killings and enforcement of decisions and judgments that vindicate indigenous peoples' rights,

Denial of the right to political/legislative recognition, representation and participation, also including language recognition,

Marginalisation from social services, with a priority on education and health,

Rights of indigenous women, including concerns over harmful practices, rights of widows, and the impact of displacement and conflict on women and girls,

Right of indigenous peoples to receive information , and

Right of indigenous peoples to promote and practice their culture and religion.

Mandate African indigenous peoples' representatives participating in the process towards the world conference to seek inclusion in the outcome document of the following commitments to action:

Reaffirm that indigenous individuals and groups are entitled to full enjoyment and effective implementation of all human rights recognized in international law;

Reaffirm that the rights recognized in the United Nations Declaration on the Rights of Indigenous Peoples constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world;

Recall that the United Nations Declaration on the Rights of Indigenous Peoples obliges States, in consultation and cooperation with the indigenous peoples concerned, to take measures, including legislative measures, to achieve the ends of the Declaration;

Recognizing the substantive work of the African Commission and its Working Group

on Indigenous Peoples/Communities in clarifying the characteristics and concerns of indigenous peoples in Africa and in elaborating the obligations of African States in relation to indigenous peoples¹;

Noting that the ILO Convention no. 169 on Indigenous and Tribal Peoples in Independent Countries remains a relevant international standard in recognizing and protecting the rights of indigenous peoples;

Call on African States to

Adopt and domesticate specific legal frameworks that recognize, protect and promote indigenous peoples as rights-holders, including ratification of ILO Convention No.169 on indigenous peoples,

Reaffirm their commitment to respect, protect and fulfil the rights of African indigenous peoples enshrined in the African Charter on Human and Peoples' Rights and its associated protocols;

Encourage the establishment of a permanent monitoring mechanism within the United Nations system that is empowered to receive complaints on indigenous peoples' rights and to forge links with regional human rights mechanisms such as the African Commission on Human and Peoples' Rights.

Right to land and productive resources, specifically including territorial recognition, Free Prior and Informed Consent, benefits sharing, and evictions.

Recalling that as clarified by the African

¹ Communication 276 / 2003 – Centre for Minority Rights Development (Kenya) and Minority Rights Group International on Behalf of Endorois Welfare Council v. Kenya, Decision on the Merits, 2010 [hereinafter Endorois decision]; Communication 155/96 (2001), The Social and Economic Rights Action Center and the Center for Economic and Social Rights v. Nigeria; Report of the African Commission on Human and Peoples' Rights Working Group on Indigenous Populations/Communities, ACHPR/IWGIA, 2005, ACHPR DOC/OS(XXXIV)/345.

Commission on Human and Peoples Rights, a key characteristic of indigenous peoples in Africa is that they occupy and use a specific territory and in many cases have a sacred relationship with their ancestral lands²;

Recognizing that control over and access to traditional territories enables them to freely pursue their traditional livelihoods and economic, social and cultural development, including to maintain and strengthen their food security, in accordance with their own aspirations and needs;

Recognizing indigenous peoples' right to property as a collective, including their rights to freely dispose of their wealth and natural resources including traditional knowledge³;

Recognizing further the right of indigenous peoples to free, prior and informed consent in relation to development, use, or dispossession of their lands and the resources thereon (including water, forest, mineral, geothermal, and other resources);

Recommend that States urgently comply with judgments of their own national courts and with decisions of regional bodies such as the African Commission on Human and Peoples' Rights and African Court in relation to the property rights of indigenous peoples;

Recommend that States establish and provide adequate resources for national institutions to provide effective redress for historical

injustices in relation to indigenous peoples' territories and natural resources⁴;

Recommend further that States provide immediate redress, including compensation, and humanitarian assistance as necessary to indigenous peoples who have been forcibly evicted from their ancestral territories⁵;

Call on States to reaffirm the rights of indigenous peoples to their economic, social and cultural development with due regard to their freedom and identity and the recognition that the right to development is both procedural and substantive, obliging States to ensure that development is equitable, non-discriminatory, participatory, accountable, and transparent, with equity and choice as important overarching themes⁶;

Conflict and its impact on indigenous peoples.

Recognizing the right of indigenous peoples to peace and security⁷;

Noting the multiple causes, types, and impacts of conflict in the African context including violations of human rights and humanitarian law on a massive scale, attacks by governments and security forces upon their own citizens, attacks by paramilitary, militia groups and criminal gangs, localized conflict between communities, and election-related violence;

² *Endorois decision*, paras. 150, 154, 162.

³ African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), *entered into force* Oct. 21, 1986 [hereinafter African Charter], arts. 14, 21; United Nations Declaration on the Rights of Indigenous Peoples, Human Rights Council, Report to the General Assembly on the First Session of the Human Rights Council, at 58, U.N. Doc. A/HRC/1/L.10 (2006) [hereinafter UNDRIP], arts. 31, 26.

⁴ UNDRIP art. 27

⁵ *Endorois decision*, Recommendations; UNDRIP arts. 8(2), 10, 28.

⁶ *Endorois decision*, para. 278, African Charter, art. 22

⁷ African Charter art. 23; UNDRIP art. 7.

Recognizing that indigenous peoples often are vulnerable to the consequences of conflict because of their historical marginalization, and noting that indigenous women and girls are especially vulnerable to the consequences of insecurity which range from death and injury to sexual violence to loss of freedom of movement,

Call on States to

Provide security to indigenous populations while respecting the human rights of all indigenous peoples, and taking special measures to ensure protection for indigenous women and children;

Refrain from further militarizing indigenous peoples' territories

Ensure that indigenous peoples' legitimate representatives, including women and youth, are constructively engaged in peace building processes at the national and local level.

Indigenous Peoples' Right to Self-determination.

Reaffirm the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law;

Underscore that respect for the right to self-determination constitutes a pre-requisite for the realization of all other human rights and fundamental freedoms;

Recommend that States, in order to fulfil their obligations to guarantee the realization of indigenous peoples' right to self-determination, establish national committees, or other

constructive mechanisms, consisting of State and Indigenous Peoples' representatives, with the aim of reaching substantive agreements on the content and scope of indigenous peoples' right to self-determination, as well as on how this right can be effectively implemented; Environmental justice, including climate change and destruction of natural environments upon which indigenous peoples depend.

Taking into consideration the Malabo African Union General decision to ensure that Africa's interests on the Green Economy issues within the context of sustainable development and poverty eradication and institutional frameworks for sustainable development are defined and taken into account;

Taking into consideration Resolution No. ACHPR/Res153(XLVI)09 on "climate change and human rights and the need to study its impact in Africa", adopted by the African Commission on Human and Peoples Rights, calling for a human rights-based approach to climate change in Africa;

Acknowledging that the principles, agreements and commitments established in the Rio Declaration of 1992, Agenda 21 and the Johannesburg Plan of Implementation are still fully in effect, and the need to strengthen the commitments as defined in these agreements in the upcoming Rio+20 Conference;

Reaffirming the Pan African Climate Justice Alliance (PACJA) led African Civil Society Limbe Declaration on Rio+20;

Noting with concern the past and on going degradation of indigenous peoples territories as a result of climate change, erosion, industrial action, and toxic dumping;

Encourage States to establish sustainable development councils at the national level,

with meaningful participation of indigenous peoples.

Call on States to accelerate the implementation of Principle 10 of the Rio 1992 Declaration by first implementing the current UNEP guidelines on this principle with a view to initiate an African Convention on Principle 10.

Discrimination, both direct and indirect,

Reaffirming that indigenous peoples are free and equal to other peoples, and that indigenous peoples, in the exercise of their rights, including their human rights, shall be free from discrimination of any kind, in particular discrimination that is based on their indigenous origin or identity;

Expressing grave concern in relation to the discrimination against indigenous peoples in Africa, including state policies that fail to recognize or accommodate indigenous languages, discriminatory treatment by state and non-state actors in education, employment, and health care and access to other services, lack of access to identity documents, and other forms of discrimination;

Recommend that States establish specific national institutions mandated to document discriminatory practices and advocate within governments for legal and policy changes to eliminate discrimination;

Recommend that States, in consultation and cooperation with indigenous peoples, as a matter of urgency, initiate a comprehensive review of existing national legislation, including constitutional provisions, with the aim of ensuring that national legislation is fully consistent with or exceeding existing international standards concerning the rights of indigenous peoples;

Call on States to develop affirmative action policies to redress historical discrimination, in consultation with indigenous peoples.

Conduct of multinational corporations and conservation organizations in relation to indigenous peoples and lands.

Recognizing the close link between the actions and omissions of governments and the activities of multinational corporations and conservation organizations in Africa;

Recognizing further that indigenous peoples are in a vulnerable position vis-à-vis private entities, often lacking the resources and capacity to represent themselves adequately in relationships or negotiations with private industry, parastatals, and conservation conglomerates;

Call on States to develop clear, comprehensive, and mandatory policies on consultation with indigenous peoples for corporate, parastatal, academic/research, and conservation entities that undertake activities that impact indigenous peoples and their territories;

Call also on States to make it mandatory for private entities engaging in industrial, conservation, or tourism activities to fairly and equitably share profits with affected indigenous communities;

Recommend that States support, through financial support and a conducive policy environment, the development of bio-cultural protocols for indigenous communities;

Call also on States to facilitate the implementation of the United Nations Guiding Principles on Business and Human Rights, through agreements with the indigenous peoples concerned;

Impunity for human rights violations, especially extrajudicial killings and enforcement of decisions and judgments that vindicate indigenous peoples' rights.

Welcoming the establishment of the African Court on Human and Peoples' Rights⁸;

Noting with grave concern the absence of commitment to the rule of law in many African States as demonstrated through failure of state authorities to investigate crimes against indigenous peoples, failure to arrest and try perpetrators of crimes against indigenous peoples, and failure to implement judicial and human rights decisions which vindicate the rights of indigenous peoples;

Noting also with concern the on going violations of the rights of indigenous activists and human rights defenders, including extrajudicial executions, arbitrary detentions, cruel and inhuman treatment including sexual and gender-based violence, and harassment;

Encourage African States to sign and ratify the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights including making a declaration under Article 34 accepting the competence of the of the Court to receive cases under article 5 (3) of the Protocol;

Encourage the United Nations and international community to apply pressure on African governments to reaffirm and actualize their commitment to the rule of law;

Call on African governments to consult with indigenous peoples on the development of national commissions of inquiry or other investigative mechanisms to document impuni-

ty concerns and to make recommendations to governments on ending impunity for violations of the human rights of indigenous peoples.

Denial of the right to political/legislative recognition, representation and participation.

Reaffirming the right of indigenous peoples to participate in the political and cultural life of his or her own community as well as the political life of the nation as whole;

Noting with concern the continuing lack of recognition for many indigenous peoples in Africa, specifically the failure to recognize the existence of indigenous peoples, failure to register indigenous organizations, failure to recognize traditional leaders as legitimate representatives of their people, failure to accommodate indigenous governance structures in the larger political system, and failure to collect and disaggregate data on indigenous peoples;

Recommend that States, in consultation with indigenous representatives, establish national focal points on indigenous peoples to facilitate their engagement with and recognition by the state;

Recommend further that States amend or remove constitutional, legislative or policy barriers to recognition of indigenous communities;

Call on States to consult with indigenous peoples on development of modalities to enhance their political representation at all levels of government;

Call also on the United Nations and the international community to apply diplomatic and other pressure on States to enhance recognition and political participation of indigenous

⁸ June 9, 1998, OAU Doc. OAU/LEG/EXP/AFCHPR/PROT (III).

peoples;

Marginalization from social services, with a priority on education and health.

Welcoming the protections for the right to health and education in international law, and especially in the African Charter on Human and Peoples' Rights⁹;

Noting with the concern the historical and continuing marginalization of indigenous peoples which takes the form of physically removing indigenous peoples from territories that are close to educational and health services, failing to equitably locate education and health services near indigenous communities, financial barriers to accessing education and health services, and failing to provide services that take account of indigenous peoples' language and culture;

Noting with grave concern the disproportionate impacts of this marginalization on indigenous women and girls;

Encourage States to develop laws and policies that require equitable distribution of health and educational services in African nations;

Further encourage States to provide training to education professionals and health care professionals on the rights and cultures of indigenous peoples in their countries;

Call on States to establish affirmative action programs that address historical marginalisation, such as provision of scholarship funds for indigenous peoples and free health care for indigenous peoples, especially maternal health services.

Rights of indigenous women and girls.

Welcoming the Protocol to the African Charter on the Rights of Women in Africa and the establishment of a Special Rapporteur on the Rights of Women in Africa;

Welcoming the UN Committee on the Elimination of Discrimination Against Women's statements, recommendations, and general comments relevant to the status of indigenous women;

Reaffirming the rights of all indigenous individuals to non-discrimination and equality before the law¹⁰;

Expressing grave concern about the status of indigenous women in African nations, in particular higher rates of poverty, food insecurity, sexual and gender-based violence, harmful practices justified by perpetuation of culture, mal-treatment of indigenous widows, and discrimination against indigenous girls;

Encourage States to ratify and effectively implement the Protocol to the African Charter on the Rights of Women in Africa known as the Maputo Protocol; Further encourage States to collect and make public disaggregated data on the status of indigenous women and girls;

Encourage United Nations bodies to continue to monitor the rights of indigenous women and to make clear recommendations to African States regarding their obligations with respect to indigenous women and girls;

Call on indigenous communities to end harmful practices that undermine the empowerment and equal participation of women and girls in the cultural life of the community and

⁹ African Charter arts. 16, 17; UNDRIP arts. 14,

¹⁰ African Charter, arts. 2, 3.

the nation as a whole;

Right of indigenous peoples to receive information.

Reaffirming the right of all indigenous peoples and individuals to receive information¹¹;

Recalling the importance of accurate and complete information to the process of free, prior and informed consent and to building the capacity of indigenous peoples to direct their own development;

Encourage States to develop programs, in consultation with indigenous peoples, that provide them with information about their rights and about the issues, process and decisions that affect them, especially proposed development projects, in a manner that reflects their unique language and culture;

Call on States to support indigenous peoples in establishing their own media in their own languages and to have access to all forms of non-indigenous media without discrimination¹²;

Right of indigenous peoples to promote and practice their culture and religion.

Reaffirming the rights of indigenous people to practice and promote their culture, including their religion¹³;

Call on States to cater for an environment that allows indigenous children and youth with a background in indigenous peoples' traditional livelihoods to participate actively in such livelihoods, to ensure the transfer of customs,

belief systems, values and traditional knowledge from generation to generation as a prerequisite for maintenance and evolution of indigenous cultures, identities and languages;

Call also on States to ensure that indigenous youth can participate in decision making processes specifically affecting them, including through providing sufficient resources for such participation;

Call further on States to ensure that indigenous children and youth have access to education in and on their mother tongue, and that educational systems are also in other ways accustomed to their cultural identity, background and heritage;

Adopted on the 21st November, 2012 in Nairobi, Kenya.

11 African Charter, art. 6.

12 UNDRIP art. 16.

13 African Charter, art. 8; UNDRIP art. 31.

A Call to Action from Indigenous Peoples in Asia to the World Conference on Indigenous Peoples

Indigenous Peoples' have diverse solutions to the 21st Century Global Crises

The inter-related social, economic, ecological and climate crises of the 21st century are reflective of deep structural imbalances in social and ecological relationships within society and with the natural world.

The historic colonization of indigenous peoples and the enclosure and exploitation of their lands, territories and resources within colonial and modern-day states, has brought forth and united a global movement of indigenous peoples, committed to upholding fundamental human rights and the continued survival and well-being of the world's indigenous peoples.

The intensification of economic globalisation and the financial reach of transnational corporations have penetrated into all areas of indigenous lives and ancestral lands, accompanied by gross violations of their human rights. The negative impact on peoples and Mother Earth, brought about by the dominant paradigm of modern economic growth and development, calls out for alternative and diverse visions of social and ecological futures drawing upon the perspectives and positive contributions of indigenous peoples towards addressing the contemporary global crises.

The Asia Preparatory Meeting for the World Conference on Indigenous Peoples (WCIP) held in Bangkok on November 8-9, 2012

Welcomes the United Nations General Assembly (UNGA) Resolution A/RES/65/198 dated 3 March 2011 to organize

a high-level plenary meeting of the General Assembly to be known as the World Conference on Indigenous Peoples (WCIP), to be held in 2014, to share perspectives and best practices on the realization of the rights of indigenous peoples, including those acknowledged in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP);

Further welcomes the UNGA Resolution A/66/L.61 dated 17 September 2012, stating that the WCIP shall result in a concise action-oriented outcome document taking into account the views emerging from preparatory processes through informal interactive hearings and inclusive and open informal consultations among and between member states and indigenous peoples;

Convinced that the WCIP offers the opportunity to build on the UNDRIP and the existing internationally-agreed development goals to further propel the realisation of indigenous peoples' human rights in the coming decades, and the inclusion of indigenous visions in the post-2015 development agenda of the UN, including the elaboration of Sustainable Development Goals (SDGs).

Underlines that the adoption of the UNDRIP, by the UNGA in 2007, with the overwhelming favorable votes of most UN members states from Asia and the rest of world, represents a global commitment towards addressing the historical injustice perpetrated against indigenous peoples and highlights the contemporary imperative to respect, protect and promote the collective and individual human rights and fundamental freedoms of indigenous peoples, throughout the world;

Reiterates that the standards and principles contained in the UNDRIP should be regarded as the principal guiding document to enhance harmonious and cooperative relations between states and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith¹;

Welcomes, the work of the UN Permanent Forum on Indigenous Issues (UNPFII), the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) and the Special Rapporteur on the Rights of Indigenous Peoples, all of which provide avenues for a more focused engagement on indigenous peoples' issues within the UN system;

Implementation of International Commitments for Sustainable Development

Highlights the outcome document "The Future We Want" of the UN Conference on Sustainable Development (Rio +20), which stresses the importance of the participation of indigenous peoples in the achievement of sustainable development, and recognizes the importance of the UNDRIP in the context of global, regional, national, and sub-national implementation of sustainable development goals and related strategies²

Highlights also the recognition of indigenous peoples' rights and the importance of their traditional knowledge, innovations and practices by relevant Rio Conventions and processes – such as the Strategic Plan for Biodiversity (2011-2020) and Aichi Biodiversity Targets, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their

Utilization, Non-legally Binding Instrument on All Types of Forests; as well as various programmes on Reducing Emissions from Deforestation and Forest Degradation (REDD+) under the UN Framework Convention on Climate Change (UNFCCC)

Welcomes the establishment of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) and the inclusion of diverse knowledge systems, including indigenous and local knowledge, in its work in order to enhance the best available policy-relevant information on biodiversity to assist decision-makers;

Notes the work of WIPO's Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) with the objective of reaching agreement on a text(s) of an international legal instrument(s), which will ensure the effective protection of Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions (TCEs);

Notes the adoption of policies and strategies on Indigenous Peoples by several UN agencies, international financial institutions and bilateral and multilateral development agencies;

Expresses concern that indigenous peoples continue to be among the most impoverished sections of society, and that the specific needs and circumstances of indigenous peoples have not been adequately addressed and targeted by the Millennium Development Goals (MDGs) and in Poverty Reduction Strategies;

¹"Preambular" Paragraph of UNDRIP, http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

²"Paragraph" 49 of "The Future We Want", <http://www.uncsd2012.org/content/documents/727The%20Future%20We%20Want%2019%20June%201230pm.pdf>

Also concerned that despite the existence of multiple treaties and other legal instruments on cultural diversity and traditional knowledge, the commercialization of indigenous cultures and the misappropriation of indigenous and traditional knowledge and heritage continues;

Recognizes the outstanding challenges in meeting the goals and objectives of the Second International Decade of the World's Indigenous Peoples (2004-2014) and in the operationalization of strategies, policies and programmes of UN agencies

Underlines the opportunities offered to States and indigenous peoples, in the national implementation of these internationally agreed goals, to enter into new, equal and respectful partnerships and strengthen existing ones, in the elaboration of plans, policies, laws and administrative measures, consistent with the UNDRIP, and indigenous peoples' priorities for self-determined sustainable development;

Emphasizes that the realization of the UNDRIP and other international human rights principles and standards, as well as internationally agreed development goals requires that they be incorporated into and elaborated in laws, policies, and administrative measures at national and local levels, with the full and effective participation of indigenous peoples;

Reiterates the principle and right of free, prior and informed consent (FPIC) of indigenous peoples in the implementation of the aforesaid international commitments, underlining the building of long-term partnerships for sustainability and development effectiveness;

Highlights the need for an in-depth understanding of the context of indigenous peoples and communities in Asia and appropriate operational guidelines to address the priority thematic issues of indigenous peoples in the region.

Context of Indigenous Peoples in Asia

Mindful of the rich history of diverse civilizations, cultures and political and legal systems in existence in Asia;

Celebrates Asia, as the global region, which is home to two-thirds of the world's indigenous population, with diverse peoples representing distinct identities, cultures and customary law regimes of indigenous peoples;

Recalls that indigenous peoples in Asia have suffered colonization, marginalization, exclusion, discrimination, forced assimilation, and exploitation of their lands, territories and resources;

Concerned that several treaties, agreements and other constructive arrangements between indigenous peoples and Asian states and their predecessor colonial or other states are not being recognized, observed and enforced in their true spirit;

Concerned at the weak levels of implementation by Asian states of the safeguards contained in the policies and strategies on Indigenous Peoples, recommendations of various inter-governmental human rights treaty bodies and UN mechanisms and procedures with a view to addressing the concerns of indigenous peoples;

Expresses concern that while some Asian states provide constitutional and other formal recognition to the identity and rights of

indigenous peoples, several other Asian states are still reluctant to recognize and respect the identity, dignity, rights and political and juridical systems of the indigenous peoples living within such countries;

Further expresses concern at the non-inclusion of the rights of indigenous peoples by the Association of Southeast Asian Nations (ASEAN), including the ASEAN Human Rights Declaration that was adopted in November 2012, and apprehending that the economic integration plan and the free trade agreements of the ASEAN would further marginalize indigenous peoples and promote trafficking of persons for labor;

Alarmed about the accelerating encroachment into indigenous peoples' territories and the exploitation of their natural resources by corporations as well as governmental, non-governmental and other entities, without the FPIC of the peoples and communities concerned;

Welcomes some progress towards the implementation of the UNDRIP in Asia, and the ratification by some Asian states of the ILO Convention No. 169 and urges other States to ratify the said convention;

Encouraged at the initiation and continuance of dialogues between some Asian states and indigenous peoples seeking to resolve violent conflicts and disputes by entering into treaties, agreements and other constructive arrangements;

Encouraged that indigenous peoples in Asia continue to assert their distinct identities, self-governance, juridical systems and socio-cultural institutions, traditional livelihoods and resource management systems in their interface with mainstream national, political, cultural and economic systems and legal frameworks.

Asian Indigenous Peoples' Quest for Self-determination and Self-governance

In Asia, there have been positive developments in the realization of the right of self-determination and governance including through indigenous peoples' movements and struggles. Some States already recognize indigenous peoples' collective rights and customary governance systems within international, regional and national legal frameworks.

Some states have established national institutions mandated to promote and implement indigenous peoples' rights, such as ministries, departments, councils, commissions and other statutory bodies, among others. These institutions administer specified regions, areas and other territories, provide mandatory representation and reserved seats in legislative bodies and public offices and educational institutions, enable customary and traditional governments and justice institutions to function autonomously, provide land titles, resolve land disputes and formulate and implement national plans for the development of indigenous peoples, among others.

Indigenous peoples are increasingly being represented and engaging in the promulgation, reform and implementation of laws, programs and policies at the national level, including the inclusive state-restructuring process that was institutionalized in the Interim Constitution of Nepal and the Supreme Court decisions in India recognizing the adivasis as indigenous peoples.

On the other hand, indigenous peoples continue to assert their self-determined development and ownership and control of their ancestral territories, domains and lands through collective action and by asserting their right to free, prior and informed consent

(FPIC) with regard to development and use of their lands, territories and resources.

Indigenous peoples have achieved the aforesaid gains through their self-organization, self-governance systems, indigenous peoples' movements and by maximizing available spaces for political participation and collaboration with governments, UN agencies, NGOs, academia, media and other sectors.

However, indigenous peoples in Asia face even greater and grave challenges, issues and gaps in the full realization of their right to self-determination including autonomy and self-governance.

National laws of most Asian countries are a colonial legacy, inconsistent with the customary laws of indigenous peoples, and violative of their human rights and fundamental freedoms.

The weak implementation of existing constitutional, other legal provisions and international commitments that acknowledge indigenous peoples' rights, including the right to FPIC, lead to serious conflicts and divisions within indigenous peoples and communities and to conflicts between indigenous peoples and other segments of the population of their countries. Political misrepresentation of indigenous peoples and patronage politics further marginalize indigenous peoples.

Most Governments in Asia lack political will to address self-determination and collective rights of indigenous peoples as demonstrated in their failure to address indigenous peoples' issues, and to respond in an appropriate and adequate manner to recommendations of UN human rights treaty bodies and other human rights oversight mechanisms of the UN.

States in Asia have persistently invoked the principle of "non-interference in national sovereignty and territorial integrity" to justify the violation of the right of self-determination and other rights of indigenous peoples. Some states in Asia continue to ignore, misinterpret and demonize the indigenous peoples' right of self-determination, autonomy and self-governance against the spirit of the UN Charter, UNDRIP and other international human rights instruments and create huge hindrances to promote and strengthen peaceful co-existence, social harmony, and sustainable and culturally appropriate development of the states and their citizens, including indigenous peoples.

Several states are reluctant to implement the right to self-determination of indigenous peoples leading to marginalization, discrimination and exploitation of indigenous peoples, which violates human rights and fundamental freedoms.

Borders established by States have divided indigenous peoples whose territories cut across State borders, affecting their identity and integrity, inter and intra-indigenous relations, contacts and their ways of life in general.

Indigenous peoples in Asia therefore recommend the following:

1. For States to conduct constitutional and other legal reforms to incorporate the right of self-determination of indigenous peoples - consistent with the UN Charter, UNDRIP, International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR) and other international human rights standards. Further, states should establish competent imple-

- mentation mechanisms, and allocate adequate resources to promote the effective implementation of this right.
2. For States to meaningfully comply with treaties, agreements and other constructive arrangements between indigenous peoples and Asian States to respect the right to self-determination including autonomy and self-governance of indigenous peoples.
 3. For States to recognize and strengthen indigenous peoples' communities, organizations, movements, governance and management systems over their lands, territories and resources as the organizational expression of the exercise of their right to self-determination and build up and strengthen the capacity of indigenous women and youth, their organizations and movements for their full and effective participation in decision-making at all levels.
 4. For States to ensure the respect and recognition of the rights of Indigenous peoples, in particular those divided by international borders, to maintain and develop contacts, relations and cooperation, and other activities with their own members as well as other peoples across international borders.
 5. For States, UN Bodies and NGOs to facilitate systematic dialogues of indigenous peoples with ASEAN, South Asian Association for Regional Cooperation (SAARC) and national governments to allow constructive discussions on how the right of self-determination can be implemented in accordance with the UNDRIP and other international human rights standards.
 6. For States to initiate and continue dialogues with indigenous peoples to resolve violent conflicts and disputes and enter into treaties, agreements and other constructive arrangements where such conflicts and disputes are present or are imminent.
 7. For Asian governments to recognize, observe and enforce, in their true spirit, the treaties, agreements and other constructive arrangements entered into by them and their predecessor colonial or other states with indigenous peoples.
 8. For Asian governments to ensure the full and effective participation of indigenous peoples in all policy decision-making in matters that affect them.

Asian Indigenous Peoples Suffer Militarization and Conflicts

Indigenous peoples in Asia continue to face discrimination, land alienation, forced population transfer, displacement, human rights abuses, genocide, cultural assimilation and denial of access to justice.

Indigenous Peoples territories were divided during colonial period by applying a "divide and rule" policy for colonial interests and such a legacy continues to exist in some of the successor modern states.

The unauthorized and illegal influx and migration of non-indigenous populations in large numbers into indigenous territories is unabated leading to their minoritization, marginalization and conflicts with non-indigenous communities and between indigenous communities as well as the loss of our lands, territories and resources.

Globalization and liberalization policies accompanied by militarization and aggressive development policies have violated our basic human rights, forcing indigenous peoples to resort to resistance movements, initially through democratic processes, and later through armed struggle for self-defense. In response, States have treated this resistance with repression leading to heavy militarization, conflicts and gross human rights violations in indigenous peoples' territories in Asia.

Of deep concern are the increasing labeling of activists of legitimate indigenous peoples' movements as "terrorists", declaring indigenous peoples' territories as "disturbed areas" to legitimize full-scale military operations, permitting unlawful killings and other human rights violations through legal or quasi-legal arrangements, known variously as "Operation Greenhunt", "Operation Cleanheart", "Operation Conflagration", "Operation Upliftment", or "Oplan Bayanihan".

The continuing militarization of numerous territories of indigenous peoples in Asia has led to gross human rights violations, including genocide, unlawful killings, torture, unlawful detention, forced disappearances, rape and other sexual violence against women and children characterized by a culture of impunity whereby perpetrators of such violations escape detection and punishment.

Furthermore, youth and children are being recruited into paramilitary and militia forces while educational institutions are being used for military or "security" purposes.

Militarization is one of the most common serious issues facing indigenous peoples in Asia, where military power is used not only to violently suppress indigenous movements for self-determination and autonomy but

also to breakdown the territorial integrity of indigenous peoples, as well as to promote and protect the interest of State-sponsored bodies or other private companies or multinational corporations.

Indigenous Peoples in Asia therefore recommend the following:

1. For States to ensure that territories of indigenous peoples in Asia be free of state military interventions and that military bases or military training centres installed in indigenous territories be not established without their (FPIC).
2. For governments in Asia to evolve effective mechanisms to trace the genuine root causes of unrest and address the problems through appropriate political solutions given the increasing trend of unrest and conflicts in indigenous peoples' territories.
3. For states to recognize and respect the cross border rights of indigenous peoples.
4. For states to ensure access to justice for indigenous peoples through formal justice institutions, national human rights institutions and other forms of redress, including by taking into account indigenous peoples' customary laws, institutions and processes.
5. For States to establish national human rights institutions, where they have not already done so, and in those where such bodies are present, to strengthen them, in partnership with indigenous peoples.
6. For national and regional human rights bodies to identify an indigenous

peoples' focal person to cater mainly to the human rights concerns of indigenous peoples.

7. For Asian governments to regulate the illegal and unauthorized influx of migrants or aliens in indigenous peoples' territories and to review and revoke policies that promote such influx and migration.
8. For UN bodies, competent and independent experts, including Special Rapporteurs, to conduct impartial investigations on the human rights situation of indigenous peoples in Asia in relation to policies of governments, such as the Armed Forces (Special Powers) Act (AFSPA) and other anti-insurgency policies, which facilitate extra-judicial killings, massacre, rape, use of children as human shields and use of mercenaries and foreign security agencies to protect the interests of mining companies.
9. For Asian governments to exercise political will to end impunity and undertake concrete measures to stop militarization of indigenous territories, prosecute human rights violators and ensure justice, reparation and rehabilitation to human rights victims.
10. For the UN Human Rights bodies, including the Special Rapporteur on indigenous peoples, extra-judicial killings (EJK), internally displaced persons (IDP), violence against women, religious intolerance, enforced disappearances, food, etc and other relevant special procedures to conduct monitoring visits to the concerned countries and territories and to other-

wise communicate with Asian states and corporations to facilitate compliance with international human rights standards and norms.

11. For States in Asia to continue to engage in dialogues with indigenous peoples to review their repressive military and policing policies to address the issues arising out of militarisation in indigenous peoples' territories.

Securing Lands, Territories, Resources and Local Economies

Asian indigenous peoples continue to value our ways of life, local economies, proven sustainable agricultural practices such as rotational agriculture or swidden farming, pastoralism, hunting and gathering, as well as our contributions to food sovereignty and fulfilling the right to food for all indigenous communities.

States, the private sector and NGOs have some good practices in promoting livelihood projects, access to markets, and co-management in protected areas that strengthen the security of indigenous peoples' ownership and/or access to their traditional lands, territories, resources and socio-cultural relations and traditional occupations.

However, the recent history of decolonization in various parts of Asia and the emergence of new states in the post-colonial period, seeking to achieve economic growth and modernization has led to enclosure policies and practices and the exploitation of the lands, territories and resources of indigenous peoples.

Asian states and other states and non-state entities have forged agreements on unsustainable resource exploitation in indigenous peoples' territories.

Aggressive land and infrastructure development, extractive industries, climate change mitigation activities, establishment and management of protected areas, including areas inscribed on the World Heritage List, and other forms of encroachments upon indigenous peoples' lands, territories and resources have led to persistent violations and breaches of human rights and fundamental freedoms perpetrated by States.

The entry of projects such as mining, mega-hydro electric projects, oil exploration, national parks and conservation projects, plantations, geothermal plants and economic land concessions without the (FPIC) of indigenous peoples have dispossessed them and otherwise adversely impacted their territories and ways of life.

Indigenous Peoples in Asia therefore recommend the following:

1. For States to institute mechanisms and procedures to ensure that FPIC is practised in all stages of the project cycle in cases where indigenous peoples are affected by development operations, extractive industries, and conservation initiatives, among others. The process of providing or withholding consent by indigenous peoples should be made by freely chosen representative institutions and organizations of indigenous peoples, and such decision should be respected by all concerned actors.
2. For States and international development agencies to adopt their post-2015 development agenda and approaches in such a manner that they respect and support holistic and ecological practices of indigenous communities, adopt pluralistic legal frameworks that acknowledge customary

tenure, resource management and sustainable use practices, for the well-being of all.

3. For States to respect the particularities, rights and knowledge of indigenous women in relation to land rights and access to and control over resources, and to prohibit all forms of racial and gender-based discrimination, including those based upon the caste system.
4. For States to design land development projects in such a manner so that they avoid evictions, forceful dislocation and disruptive shifts in land rights and increased land concentration, destruction of livelihoods and environment, food insecurity and poverty, and violation of human rights.
5. For States to establish effective complaints mechanisms and redress mechanisms including through traditional conflict resolution mechanisms and indigenous legal systems.
6. For States to duly demarcate indigenous peoples' lands and territories in accordance with customary law and process, including through good practices on community mapping, in partnership with indigenous peoples.
7. For States to reform laws, policies and practices relating to lands, territories and natural resources affecting indigenous peoples, consistent with the provisions of ILO Convention No. 169, UNDRIP and other relevant international human rights instruments, which enshrine the permanent sovereignty of indigenous peoples over lands, territories and resources.
8. For States to comply fully and effectively with international human rights standards

in order to respect, promote and ensure the collective and individual rights of indigenous peoples over their lands, territories and resources, including the right of indigenous peoples to freely pursue their local economies and self-determined development in accordance with their culture, needs, worldviews and aspirations.

Culture and Spirituality are the Foundations of Indigenous Peoples' Self-determined Development

Some Asian governments have adopted constitutional recognition and have instituted legislative frameworks that respect and protect indigenous peoples' rights to their diverse cultural traditions and identities, as well as the cultures of indigenous peoples as part of national cultural heritage.

However, indigenous peoples in Asia are currently facing great loss of their cultures and identities as a result of exploitation and commercialization of cultures, materialistic influences on the youth, severance from their lands, territories and resources as well as entrenched structures and policies that have undermined the indigenous traditional cultures and customary law practices of indigenous peoples.

There is continuing theft of indigenous knowledge and cultural heritage, which are inadequately protected at national, regional and global levels. The current intellectual property regimes remain limited and ineffective with respect to the protection of indigenous knowledge, while facilitating misappropriation of knowledge and heritage in the name of intellectual property.

Despite this, indigenous peoples have persisted

in practising, innovating and maintaining their cultures and indigenous knowledge, including through customary sustainable use, management and conservation of lands and resources, and the maintenance of their health and juridical systems and institutions;

The indigenous peoples in Asia therefore recommend the following:

1. For States to discontinue discriminatory treatment towards indigenous peoples, and instead promulgate teaching of indigenous languages in mainstream and indigenous peoples' own institutions, and promote other inter-related cultural systems encompassing indigenous health, inter-generational transfer of knowledge, social norms and beliefs.
2. For States to take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity in partnership with indigenous peoples.
3. For States, without prejudice to ensuring full freedom of expression, to encourage privately owned media to adequately reflect indigenous cultural diversity in a manner that is accurate and respectful.
4. For State-owned media and Privately-owned media to fully respect the right of FPIC of indigenous peoples to any documentation and broadcasting of their cultures and traditions.
5. For States to continue to find ways to help strengthen and revitalize indigenous cultures, languages and identities by safeguarding the important links to customary lands, territories and resources, and by supporting inter-generational platforms for the transmission of customs, belief

systems, values and traditions.

6. For States to ensure the participation of indigenous youth and women in decision-making processes affecting them, including through provision of adequate resources and space for such participation;
7. For States to ensure that indigenous children and youth have access to education in their mother tongue, and to develop culturally appropriate educational programs, which accurately incorporate their histories, identities, values, beliefs, cultures, languages and knowledge.
8. For States to provide greater access for indigenous media professionals to information and all forms of media without discrimination, and provide technical assistance and resources in setting up their own media in their own languages.

GENERAL RECOMMENDATIONS

In addition to the recommendations on thematic issues, indigenous peoples in Asia give the following general recommendations:

1. For the UN General Assembly to appoint an Under-Secretary General for Indigenous Peoples.
2. For the UN to establish mechanisms to strengthen indigenous peoples' participation in governance and advisory bodies of the UN. It should include Agencies, Programmes and Funds, and other international organizations providing funds or undertaking programmes and projects affecting indigenous peoples, including, among others, for the strengthening of internal institutional capacities for implementation and effective engagement with

indigenous peoples.

3. For the UN and its member states to advance the generation and compilation of disaggregated data and statistics on the state of indigenous peoples, including indices of indigenous peoples' well-being for inclusion in the post-2015 sustainable development framework.
4. For the UN and its member states to advance the use of indicators relevant for indigenous peoples in the monitoring of progress in indigenous peoples' self-determined development, national sustainable development plans and global sustainable development goals.
5. For relevant institutions at the global, regional and national levels to establish a stronger monitoring and reporting mechanism on the implementation of the UNDRIP.
6. For the ASEAN Intergovernmental Commission on Human Rights (AICHR) to establish a Working Group on Indigenous Peoples.
7. For the SAARC to establish a human rights commission and a Working Group on Indigenous Peoples.
8. For the Asian States to continue dialogues, consultations and partnerships with indigenous peoples on ways and means to foster better relationships with them, and to enable indigenous citizens of those states to fully exercise their civil, political, economic, social and cultural rights in a truly non-discriminatory manner, free from all forms of discrimination whether based on race, ethnicity, religion, spirituality, class, caste, gender, age, disability or otherwise.

A Circumpolar Inuit Declaration on Sovereignty in the Arctic

We, the Inuit of Inuit Nunaat, declare as follows:

1. Inuit and the Arctic

- 1.1 Inuit live in the Arctic.** Inuit live in the vast, circumpolar region of land, sea and ice known as the Arctic. We depend on the marine and terrestrial plants and animals supported by the coastal zones of the Arctic Ocean, the tundra and the sea ice. The Arctic is our home.
- 1.2 Inuit have been living in the Arctic from time immemorial.** From time immemorial, Inuit have been living in the Arctic. Our home in the circumpolar world, Inuit Nunaat, stretches from Greenland to Canada, Alaska and the coastal regions of Chukotka, Russia. Our use and occupation of Arctic lands and waters pre-dates recorded history. Our unique knowledge, experience of the Arctic, and language are the foundation of our way of life and culture.
- 1.3 Inuit are a people.** Though Inuit live across a far-reaching circumpolar region, we are united as a single people. Our sense of unity is fostered and celebrated by the Inuit Circumpolar Council (ICC), which represents the Inuit of Denmark/Greenland, Canada, USA and Russia. As a people, we enjoy the rights of all peoples. These include the rights recognized in and by various international instruments and institutions, such as the Charter of the United Nations; the International Covenant on Economic, Social and Cultural Rights; the International

Covenant on Civil and Political Rights; the Vienna Declaration and Programme of Action; the Human Rights Council; the Arctic Council; and the Organization of American States.

- 1.4 Inuit are an indigenous people.** Inuit are an indigenous people with the rights and responsibilities of all indigenous peoples. These include the rights recognized in and by international legal and political instruments and bodies, such as the recommendations of the UN Permanent Forum on Indigenous Issues, the UN Expert Mechanism on the Rights of Indigenous Peoples, the 2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP), and others.

Central to our rights as a people is the right to self-determination. It is our right to freely determine our political status, freely pursue our economic, social, cultural and linguistic development, and freely dispose of our natural wealth and resources. States are obligated to respect and promote the realization of our right to self-determination. (See, for example, the International Covenant on Civil and Political Rights [ICCPR], (Art. 1.)

Our rights as an indigenous people include the following rights recognized in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), all of which are relevant to sovereignty and sovereign rights in the Arctic: the right to self-determination, to freely determine our political status and to freely pursue our economic,

social and cultural, including linguistic, development (Art. 3); the right to internal autonomy or self-government (Art. 4); the right to recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with states (Art. 37); the right to maintain and strengthen our distinct political, legal, economic, social and cultural institutions, while retaining the right to participate fully in the political, economic, social and cultural life of states (Art. 5); the right to participate in decision-making in matters which would affect our rights and to maintain and develop our own indigenous decision-making institutions (Art. 18); the right to own, use, develop and control our lands, territories and resources and the right to ensure that no project affecting our lands, territories or resources will proceed without our free and informed consent (Art. 25-32); the right to peace and security (Art. 7); and the right to conservation and protection of our environment (Art. 29).

1.5 Inuit are an indigenous people of the Arctic. Our status, rights and responsibilities as a people among the peoples of the world, and as an indigenous people, are exercised within the unique geographic, environmental, cultural and political context of the Arctic. It has been acknowledged in the eight-nation Arctic Council, which provides a direct, participatory role for Inuit through the permanent participant status accorded the Inuit Circumpolar Council (Art. 2).

1.6 Inuit are citizens of Arctic states. As citizens of Arctic states (Denmark, Canada, USA and Russia), we have the rights and responsibilities afforded all citizens

under the constitutions, laws, policies and public sector programs of these states. These rights and responsibilities do not diminish the rights and responsibilities of Inuit as a people under international law.

1.7 Inuit are indigenous citizens of Arctic states. As an indigenous people within Arctic states, we have the rights and responsibilities afforded all indigenous peoples under the constitutions, laws, policies and public sector programs of these states. These rights and responsibilities do not diminish the rights and responsibilities of Inuit as a people under international law.

1.8 Inuit are indigenous citizens of each of the major political subunits of Arctic states (states, provinces, territories and regions). As an indigenous people within Arctic states, provinces, territories, regions or other political subunits, we have the rights and responsibilities afforded all indigenous peoples under the constitutions, laws, policies and public sector programs of these subunits. These rights and responsibilities do not diminish the rights and responsibilities of Inuit as a people under international law.

2. The Evolving Nature of Sovereignty in the Arctic

2.1 “Sovereignty” is a term that has been used to refer to the absolute and independent authority of a community or nation both internally and externally. Sovereignty is a contested concept, however, and does not have a fixed meaning. Old ideas of sovereignty are breaking down as divergent governance models, such as the European Union, evolve. Sovereignities

overlap and are frequently divided within federations in creative ways to recognize the right of peoples. For Inuit living within the states of Russia, Canada, the USA and Denmark/Greenland, issues of sovereignty and sovereign rights must be examined and assessed in the context of our long history of struggle to gain recognition and respect as an Arctic indigenous people having the right to exercise self-determination over our lives, territories, cultures and languages.

- 2.2 Recognition and respect for our right to self-determination is developing at varying paces and in various forms in the Arctic states in which we live. Following a referendum in November 2008, the areas of self-government in Greenland will expand greatly and, among other things, Greenlandic (Kalaallisut) will become Greenland's sole official language. In Canada, four land claims agreements are some of the key building blocks of Inuit rights; while there are conflicts over the implementation of these agreements, they remain of vital relevance to matters of self-determination and of sovereignty and sovereign rights. In Alaska, much work is needed to clarify and implement the rights recognized in the Alaska Native Claims Settlement Act (ANCSA) and the Alaska National Interest Lands Conservation Act (ANILCA). In particular, subsistence hunting and self-government rights need to be fully respected and accommodated, and issues impeding their enjoyment and implementation need to be addressed and resolved. And in Chukotka, Russia, a very limited number of administrative processes have begun to secure recognition of Inuit rights. These developments will provide a foundation on which to construct future, creative governance arrangements tailored to diverse circumstances in states, regions and communities.
- 2.3 In exercising our right to self-determination in the circumpolar Arctic, we continue to develop innovative and creative jurisdictional arrangements that will appropriately balance our rights and responsibilities as an indigenous people, the rights and responsibilities we share with other peoples who live among us, and the rights and responsibilities of states. In seeking to exercise our rights in the Arctic, we continue to promote compromise and harmony with and among our neighbours.
- 2.4 International and other instruments increasingly recognize the rights of indigenous peoples to self-determination and representation in intergovernmental matters, and are evolving beyond issues of internal governance to external relations. (See, for example: ICCPR, Art. 1; UNDRIP, Art. 3; Draft Nordic Saami Convention, Art. 17, 19; Nunavut Land Claims Agreement, Art. 5.9).
- 2.5 Inuit are permanent participants at the Arctic Council with a direct and meaningful seat at discussion and negotiating tables (See 1997 Ottawa Declaration on the Establishment of the Arctic Council).
- 2.6 In spite of a recognition by the four coastal Arctic states (Norway, Denmark, Canada, USA and Russia) of the need to use international mechanisms and international law to resolve sovereignty disputes (see 2008 Ilulissat Declaration), these states, in their discussions of Arctic

sovereignty, have not referenced existing international instruments that promote and protect the rights of indigenous peoples. They have also neglected to include Inuit in Arctic sovereignty discussions in a manner comparable to Arctic Council deliberations.

3. Inuit, the Arctic and Sovereignty: Looking Forward

The foundations of action

- 3.1 The actions of Arctic peoples and states, the interactions between them, and the conduct of international relations must be anchored in the rule of law.
- 3.2 The actions of Arctic peoples and states, the interactions between them, and the conduct of international relations must give primary respect to the need for global environmental security, the need for peaceful resolution of disputes, and the inextricable linkages between issues of sovereignty and sovereign rights in the Arctic and issues of self-determination.

Inuit as active partners

- 3.3 The inextricable linkages between issues of sovereignty and sovereign rights in the Arctic and Inuit self-determination and other rights require states to accept the presence and role of Inuit as partners in the conduct of international relations in the Arctic.
- 3.4 A variety of other factors, ranging from unique Inuit knowledge of Arctic ecosystems to the need for appropriate emphasis on sustainability in the weighing of resource development proposals, provide practical advantages to conduct-

ing international relations in the Arctic in partnership with Inuit.

- 3.5 Inuit consent, expertise and perspectives are critical to progress on international issues involving the Arctic, such as global environmental security, sustainable development, militarization, commercial fishing, shipping, human health, and economic and social development.
- 3.6 As states increasingly focus on the Arctic and its resources, and as climate change continues to create easier access to the Arctic, Inuit inclusion as active partners is central to all national and international deliberations on Arctic sovereignty and related questions, such as who owns the Arctic, who has the right to traverse the Arctic, who has the right to develop the Arctic, and who will be responsible for the social and environmental impacts increasingly facing the Arctic. We have unique knowledge and experience to bring to these deliberations. Inclusion of Inuit as active partners in all future deliberations on Arctic sovereignty will benefit both the Inuit community and the international community.
- 3.7 The extensive involvement of Inuit in global, trans-national and indigenous politics requires the building of new partnerships with states for the protection and promotion of indigenous economies, cultures and traditions. Partnerships must acknowledge that industrial development of the natural resource wealth of the Arctic can proceed only insofar as it enhances the economic and social well-being of Inuit and safeguards our environmental security.

The need for global cooperation

- 3.8 There is a pressing need for enhanced international exchange and cooperation in relation to the Arctic, particularly in relation to the dynamics and impacts of climate change and sustainable economic and social development. Regional institutions that draw together Arctic states, states from outside the Arctic, and representatives of Arctic indigenous peoples can provide useful mechanisms for international exchange and cooperation.
- 3.9 The pursuit of global environmental security requires a coordinated global approach to the challenges of climate change, a rigorous plan to arrest the growth in human-generated carbon emissions, and a far-reaching program of adaptation to climate change in Arctic regions and communities.
- 3.10 The magnitude of the climate change problem dictates that Arctic states and their peoples fully participate in international efforts aimed at arresting and reversing levels of greenhouse gas emissions and enter into international protocols and treaties. These international exports, protocols and treaties cannot be successful without the full participation and cooperation of indigenous peoples.

Healthy Arctic communities

- 3.11 In the pursuit of economic opportunities in a warming Arctic, states must act so as to: (1) put economic activity on a sustainable footing; (2) avoid harmful resource exploitation; (3) achieve standards of living for Inuit that meet national and international norms and minimums; and (4) deflect sudden and far-reaching demographic shifts that would overwhelm and

marginalize indigenous peoples where we are rooted and have endured.

- 3.12 The foundation, projection and enjoyment of Arctic sovereignty and sovereign rights all require healthy and sustainable communities in the Arctic. In this sense, “sovereignty begins at home.”

Building on today’s mechanisms for the future

- 3.13 We will exercise our rights of self-determination in the Arctic by building on institutions such as the Inuit Circumpolar Council and the Arctic Council, the Arctic-specific features of international instruments, such as the ice-covered-waters provision of the United Nations Convention on the Law of the Sea, and the Arctic-related work of international mechanisms, such as the United Nations Permanent Forum on Indigenous Issues, the office of the United Nations Special Rapporteur on the Rights and Fundamental Freedoms of Indigenous Peoples, and the *UN Declaration on the Rights of Indigenous Peoples*.

4. A Circumpolar Inuit Declaration on Sovereignty in the Arctic

- 4.1 At the 4th Inuit Leaders’ Summit, 6-7 November 2008, in Kuujuaq, Nunavik, Canada, Inuit leaders from Greenland, Canada and Alaska gathered to address Arctic sovereignty. On 7 November, International Inuit Day, we expressed unity in our concerns over Arctic sovereignty deliberations, examined the options for addressing these concerns, and strongly committed to developing a formal declaration on Arctic sovereignty. We also

noted that the 2008 Ilulissat Declaration on Arctic sovereignty by ministers representing the 4ve coastal Arctic states did not go far enough in a5rming the rights Inuit have gained through international law, land claims and self-government processes.

- 4.2 The conduct of international relations in the Arctic and the resolution of international disputes in the Arctic are not the sole preserve of Arctic states or other states; they are also within the purview of the Arctic's indigenous peoples. Development of international institutions in the Arctic, such as multi-level governance systems and indigenous peoples' organizations, must transcend Arctic states' agendas on sovereignty and sovereign rights and the traditional monopoly claimed by states in the area of foreign affairs.
- 4.3 Issues of sovereignty and sovereign rights in the Arctic have become inextricably linked to issues of self-determination in the Arctic. Inuit and Arctic states must, therefore, work together closely and constructively to chart the future of the Arctic.

We, the Inuit of Inuit Nunaat, are committed to this Declaration and to working with Arctic states and others to build partnerships in which the rights, roles and responsibilities of Inuit are fully recognized and accommodated.

On behalf of Inuit in Greenland, Canada, Alaska, and Chukotka
Adopted by the Inuit Circumpolar Council, April 2009

Signed by Patricia A.L. Cochran, ICC Chair; Edward S. Itta, ICC Vice-Chair, Alaska; Tattiana Achirgina, ICC Vice-Chair, Chukotka; Duane R. Smith, ICC Vice-Chair, Canada; Aqqaluk Lyngge, ICC Vice-Chair, Greenland

Decisions and Recommendations of the North American Indigenous Peoples' Caucus Regarding the UN High-Level Plenary Meeting to be called a World Conference on Indigenous Peoples

Organizational Details

1. The North American Indigenous Peoples Caucus (NAIPC) met on March 1, 2 and 3, 2013 at the Sycuan Resort, in the traditional territory of the Kumeyaay Nation. The meeting was sponsored by the Sycuan Band of the Kumeyaay Nation, the Haudenosaunee, the Viejas Band of the Kumeyaay Nation, and the Lummi Nation.
 2. The NAIPC meeting was attended, for varying amounts of time, by approximately ninety- seven (97) representatives from fifty-four (54) Indigenous Peoples' Nations and organizations, including AIM West, American Indian Law Alliance, American Indian Movement of Colorado, Americans for Indian Opportunity, Arizona State University, Assembly of First Nations, Barbareno Chumash Council, Boys & Girls Clubs in Indian Country, Center for World Indigenous Studies, Central Council of Tlingit & Haida Indian Tribes of Alaska¹, Chiefs of Ontario, Citizen Potawatomi Nation², Coastal Band of the Chumash Nation, Confederated Tribes of the Colville Reservation, Continental Network, Emilio Institute for Indigenous Human Rights, Emerging Indigenous Leaders Institute, Ewiiapaayp Band of Kumeyaay Indians, Franks Landing Indian Community, Haudenosaunee, Hoopa Valley Tribe, Iipay Nation of Santa Ysabel, Indigenous Environmental Network, Indigenous Peoples Council on Biocolonialism, Indigenous World Association, Indigenous World Forum on Water & Peace, International Indian Treaty Council, Last Real Indians, Lipan Apache Women Defense,
- Lipan Apache Band of Texas, Mille Lacs Band, Miwok Nation, NATEA, National Indian Youth Council, Inc., Native American Rights Fund, Native Grounds, National Congress of American Indians, Navajo Nation, Oneida Nation Council of Chiefs, Quinault Indian Nation, Sacred Places Institute for Indigenous Peoples, San Carlos Apache, Seventh Generation Fund, TMTANF, Tonatierra Nahuacalli, UBCO, UC-Denver AISS/FWC, United Coalition to Protect Panhe/Acjachemem, United South and Eastern Tribes, Inc. (USET), Ute Mountain Tribe, Winnemem Wintu Tribe, and the Yurok Tribe. The North American expert to the UN Permanent Forum on Indigenous Issues, Ed John, was also in attendance.
3. The participants selected Arthur Manuel (Secwepemc) and Debra Harry (Kooyoee Dukaddo), to co-chair the meeting.
 4. Volunteers and nominations were taken for individuals to serve as the meeting rapporteurs. Volunteers included Steve Newcomb and Donna Goodleaf. Angela Mooney D'Arcy was nominated by Alfred Cruz of the United Coalition to Protect Panhe / Acjachemem. Janice Mokokis was nominated by Sharon Venne, an ambassador of Treaty Six and other Indigenous Nations. Steve Newcomb, Janice Makokis, Donna Goodleaf, and Angela Mooney D'Arcy agreed to serve as the rapporteurs of the meeting.

North America Indigenous Peoples Preparatory Meeting regarding the UN High Level Plenary to be called a World Conference on Indigenous Peoples

5. The North American representatives to the Global Coordinating Group, Kenneth Deer and Debra Harry, provided an overview and background to the HLP-WCIP for meeting participants. After extensive discussion the NAIPC agreed upon a strategy for the Indigenous Peoples Global Preparatory Meeting in Alta, Norway in June 2013 and at HLP- WCIP in 2014, and these decisions and recommendations will also serve as the NAIPC recommendation to the UNPFII-12, Agenda Item 6.
6. **North American Indigenous Peoples' Caucus Strategy for the Indigenous Peoples' Preparatory Meeting in Alta, Norway and the HLP/WCIP in 2014- Preamble to NAIPC Framework Regarding the HLP/WCIP in 2014**
 - 1) Following up on last year's NAIPC meeting at Niagara Falls, the North American Indigenous Peoples' Caucus decided to take a careful and vigilant approach to the 2014 UN High Level Plenary Meeting, which is "to be known as a World Conference on Indigenous Peoples." That stance by the NAIPC resulted in the "Caucus Strategy" statement presented herein.
 - 2) It was observed that the word "participate" was dividing the room and a suggestion was made that "participate" and "participation" be replaced with the position that NAIPC is going to "explore" or is "exploring" what the UN HLP is all about. Suggested text was offered by the North American Representative to the UNPFII. After a brief discussion, the word "participate" was removed from two places in the suggested text, and replaced with the words "exploring" and "explore."
 - 3) What led to NAIPC's cautious and vigilant approach, is the expressed concern that full "participation" in the HLP process, at this stage, can be viewed as providing active or tacit consent for states to proceed with their HLP and outcome document, which will be controlled by state governments, and which might well retreat from the successes of our work as nations and peoples over the past forty years, and might lead to an erosion of the provisions of the UN Declaration on the Rights of Indigenous Peoples that advance the rights and protections of Indigenous Nations and Peoples. Another expressed concern was whether Indigenous peoples "participation" is even possible given the constraints of the HLP framework.
 - 4) The result, arrived at by consensus, is that after an outcome document has been produced at the Indigenous Peoples' gathering in Alta, Norway, that document will be reviewed by the NAIPC "to explore and assess" the possible positive and negative impacts of the HLP/WCIP. After having explored and assessed that outcome document, the NAIPC will decide ("determine") at its gathering next year, 2014, about its "future involvement" with regard to the HLP/WCIP.
 - 5) Having agreed by consensus on a Caucus Strategy with regard to the HLP/WCIP, a decision was made to attend Indigenous Peoples' gathering in the Alta, Norway, but to attend as "Peoples and Nations with rights equal to all

other Peoples,” with “the inalienable right of and to self-determination are expressed in various international instruments (the Universal Declaration of Human Rights, Article 1 of the Human Rights Covenants, and U.N. Resolution 1514).”

- 6) At the gathering in Alta, the NAIPC will hold to the position that the Indigenous Peoples' outcome document shall protect and advance the inalienable and fundamental rights we have as Indigenous Nations and Peoples, and will attend the Alta, Norway meeting “fully and equally as Peoples and Nations to support the implementation of the provisions of the UN Declaration on the Rights of Indigenous Peoples that advance the rights and protections of Indigenous Peoples and Nations.”
- 7) On the basis of the careful and vigilant NAIPC Caucus Strategy statement, a decision was made to support the appointment of Mr. John Henrikson by the President of the General Assembly as Indigenous Co-facilitator so long as his actions are consistent with the mandate of the NAIPC strategy statement. It was also pointed out that as Indigenous Peoples and Nations we have “a right to interpretation” (Article 13, ¶ 2: “...to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through provision of interpretation or by other appropriate means”). Indigenous Nations and Peoples have a right to know how states are interpreting key language regarding the UN Declaration and the HLPM “to be known as a World Conference on Indigenous Peoples” so that as NAIPC continues to explore what the UN HLPM is all about,

NAIPC can make informed judgments with regard to every aspect of the UN High Level Plenary Meeting, with all necessary caution and vigilance.

- 8) We will advance the work of the NAIPC by exploring the possibilities of where this can go, including attending and participating in the Indigenous Peoples' preparatory gathering in Alta, Norway for the HLP/WCIP 2014, based on the following:
 - a) Advance the rights of Indigenous Peoples as Peoples and Nations with rights equal to all other Peoples³.
 - b) That we have and confirm the inalienable right to and of self-determination as recognized in various international instruments (the Universal Declaration of Human Rights, Article 1 of the Human Rights Covenants, and U.N. Resolution 1514), including Article 3 of the UN Declaration on the Rights of Indigenous Peoples, as well as our rights to our lands, territories, resources, treaties, languages and cultures.
 - c) At the global Indigenous Peoples' preparatory meeting we will advance the position that the Indigenous Peoples' “outcome document” shall protect and advance the inalienable and fundamental rights we have as Indigenous Peoples and Nations, including the right to participate fully and equally as Peoples and Nations to support the implementation of the provisions of the UN Declaration that advance the rights and protections of Indigenous Peoples and Nations.
 - d) The Caucus may propose and consider specific recommendations consistent with this decision.

e) That the Alta "outcome document" will be reviewed by NAIPC to explore and assess the possible benefits and negative impacts, and to determine future involvement including at the HLP/WCIP.

f) Key Themes:

- International oversight and monitoring mechanism to ensure implementation of the rights of indigenous Peoples
- Domination
- Decolonization
- Self-determination
- Culture, language and spirituality
- International personality of Indigenous peoples
- Free prior and informed consent
- Defense against ecocide, ethnocide and genocide
- Militarization
- International border issues
- Environmental including water rights
- Land rights
- Treaties and treaty rights
- Defense of Indigenous Peoples traditional knowledge and cultural expressions and genetic resources

g) Major Topics:

- Militarization borders/occupation,
- Violence against women, children, and elders
- True cost economy, poverty and economic development

- Forced assimilation,
- Recognizing Indigenous Peoples' contribution
- Land rights, and Territorial/jurisdiction
- Treaties, Agreements and other constructive Arrangements

The NAIPC Recommendations for Outcome Document

- 9) The NAIPC recommends that the entire UN system, especially the Permanent Forum, use the term Peoples at all times when referring to Indigenous Peoples.
- 10) The NAIPC recommends that a systemic analysis of the causation of colonization, domination and subordination be undertaken, that continued work be done on issues related to the use and impact of the racist Doctrine of Discovery that has allowed states to steal Indigenous lands and resources, and that a statement be drafted on the Doctrine of Discovery and that the Doctrine be repudiated in the HLP WCIP Outcomes Document.
- 11) The NAIPC recommends the organization of an official UN World Conference on Indigenous Peoples in accordance with the promises made by the UN during the Second Decade of Indigenous Peoples.
- 12) The NAIPC recommends that there be an international mechanism and oversight monitoring body for redress and restitution of treaty violations by states and/ or successor states.
- 13) The NAIPC recommends that the Outcome Document stress the importance of acknowledging the status of Indigenous

peoples in the North particularly regarding United Nations funding mechanisms.

- 14) The NAIPC recommends that the Outcome Document acknowledge water as a critical element for cultural, physical, and spiritual survival.
- 15) The NAIPC recommends that the Outcome Document take a position against Aquacide: the killing of the waters by dams, diversions, privatization, deprivations, extractive industrial and mega-agricultural developments, hydraulic -fracturing, toxins, and pollution, and other ways that inhibit or preclude Water's ability to nurture and support Life. This includes working to immediately halt Aquicide by all forms of exploitation, commodification, and other assaults that impede or destroy the life giving quality of Water.
- 16) The NAIPC recommends the creation of a body with a mandate to promote and monitor the implementation of the rights of Indigenous Peoples, including the UN Declaration on the Rights of Indigenous Peoples. The General Assembly should, in conjunction with Indigenous Peoples, establish a mechanism by a process which includes the full and equal participation of Indigenous peoples.
- 17) The NAIPC recommends further work be done related to combating violence against Indigenous women and girls, including explicitly linking the issue of environmental violence, including the connection between sexual violence against women and girls and extractive industries.
- 18) The NAIPC recommends that the situation of non-recognized Nations be included in the discussion of violence against women and girls, and that the State's refusal to acknowledge these Nations is a form of violence against Indigenous women and girls.
- 19) The NAIPC recommends that there be a move toward a world expert meeting to focus on the theme of domination, decolonization, and self-determination.
- 20) The NAIPC recommends that the Outcome Document address the issue of poverty as it relates to the Millennium Development Goals.
- 21) The NAIPC recommends that the Outcome Document reinforce the right of free prior and informed consent on all matters that effect Indigenous Nations and Peoples.
- 22) The NAIPC maintains a position that assigning a lesser or subsidiary role for Indigenous Peoples as compared to states in any phase of this High Level Plenary Meeting would constitute a violation of the very rights which it purports to affirm. Real participation is not the same as mere presence in the room.
7. The NAIPC selected Kenneth Deer and Debra Harry to serve as the primary representatives to the Global Coordinating Group, and Ron Lameman and Shannon Rivers to serve as alternates. It was agreed that the primary representatives will serve as alternates to each other as first priority, and the alternates will attend meetings if neither of the primary representatives can attend. Additionally, it was agreed that the GCG funding support be shared equally to both primary representatives to attend all GCG funded meetings and processes.
8. Nominations were made for the following individuals to serve on the GCG

consolidating group for the Alta outcome document on behalf of NAIPC: Roger Jones, Tim Coulter, Sharon Venne, Andrea Carmen, Steve Newcomb, Debra Harry, Marcus Lopez. Cecilia Belone requested a seat be held open for the National Indian Youth Council (NIYC). Elizabeth Kaplanek volunteered to serve on behalf of the youth. Howard Thompson recommended that the Caucus accept all the nominations. Cecilia Belone withdrew her reservation of a seat for the NIYC. Tim Coulter stated that he would serve in a supportive capacity to the drafting team. The NAIPC appointed Roger Jones, Sharon Venne, Elizabeth Kaplanek, Debra Harry, Marcus Lopez, Steve Newcomb, and Andrea Carmen to advance the NAIPC position in the GCG consolidating group process.

9. The NAIPC created subcommittees to develop the process for selecting NAIPC delegates to attend the Global Indigenous Preparatory Meeting in Alta, Norway in June 8-13, 2013. The subcommittee for the US-side developed a list of funded and unfunded/self-supporting Indigenous Peoples and organizations. The subcommittee for the Canada-side of the border developed an application and selection process. The final list of NAIPC delegates to attend the meeting in Alta is will be finalized depending upon availability of funding and other matters.

The Pacific Declaration of the Preparatory Meeting for Pacific Indigenous Peoples on the World Conference on Indigenous Peoples 2014

Redfern, Sydney, Australia, National Centre for Indigenous Excellence, 180 George Street, Redfern NSW 2016, 19-21 March 2013

We the Delegates gathered at the Preparatory Meeting for Pacific Indigenous Peoples on the World Conference on Indigenous Peoples 2014, on the lands of the Gadigal people of the Eora nation in Redfern, Australia 19-21 March 2013:

Welcome Resolution A/RES/65/198 of the United Nations General Assembly on 3 March 2011, to organize a high level plenary meeting of the General Assembly to be known as the World Conference on Indigenous Peoples (WCIP) to be held in 2014, to share perspectives and best practices on the realization of the rights of indigenous peoples, including those acknowledged in the United Nations Declaration on the Rights of Indigenous Peoples.¹

Welcome Resolution A/66/L.61 of the United Nations General Assembly on 17 September 2012, that the WCIP shall result in a concise action-oriented outcome document taking into account the views emerging from preparatory processes through informal interactive hearings and inclusive and open informal consultations among and between member states and indigenous peoples.²

We, the Delegates of the Indigenous peoples of the Pacific hereby declare that:

The assertion of sovereignty by colonial powers over Indigenous peoples, their ter-

ritories, lands, seas and resources were based on morally reprehensible theories that have no basis in fact or law. These theories were manifested in strategies designed to destroy Indigenous nations, including through:

- a) the dispossession of Indigenous peoples' lands and territories;
- b) the destruction of Indigenous peoples' political and legal institutions;
- c) the discriminatory practices of colonizing forces aiming to destroy Indigenous peoples' cultures;
- d) the failure to honour treaties with Indigenous nations;
- e) genocide, crimes against humanity, war crimes and the militarization of Indigenous peoples and their lands;
- f) the corporatization and commodification of Indigenous peoples and their worlds; and
- g) the imposition of development models that are making life on earth uninhabitable, of which the impacts of climate change could prove the most destructive.

The direct result of these actions is Indigenous peoples' current situation of marginalisation, inequality and overrepresentation in negative socio-economic indicators that work

¹ United Nations General Assembly, Resolution A/65/198 of 21 December 2010.

² United Nations General Assembly, Resolution A/66/L.61.

to render Indigenous peoples invisible.

Yet Indigenous peoples of the Pacific remain invincible. Indigenous resistance and resilience has seen Indigenous peoples in the Pacific:

- a) realise sovereignty over their nations in some specific cases through membership in the United Nations (UN) and in other cases over parts of their traditional lands;
- b) continue the evolution of standard setting established with the ILO Convention 169 and UN Declaration on the Rights of Indigenous Peoples;
- c) secure the recognition of their rights within the UN human rights treaty and charter bodies and mechanisms such as the Human Rights Council's Universal Periodic Review, the Permanent Forum on Indigenous Issues, the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples as well as UN agencies and programs; and
- d) continue to show the worth and value of the wisdom of their cultures for the future of the earth, which cultures provide the solution to many of the world's current crises, including the economic and environmental crises.

a) World Conference on Indigenous Peoples 2014 and Global Preparatory Conference

We assert that the rights of Indigenous Peoples of the Pacific be respected, promoted and fulfilled; and that those recommendations outlined below be considered at the Global Indigenous Peoples Conference on the World Conference on Indigenous Peoples in Alta,

Norway in June 2013, and the World Conference on Indigenous Peoples in New York in September 2014.

b) Review of involvement by Indigenous Peoples in the UN System

The following recommendations relating to Indigenous Peoples involvement in the UN system were endorsed by the delegates:

1. That the UN Human Rights Council implements special measures to ensure that Indigenous people with expertise in Indigenous Peoples' rights are appointed to all treaty bodies such as the Human Rights Committee (HRC). It was emphasised that such appointments will provide UN treaty bodies with greater understanding of Indigenous Peoples' rights and how those rights impact upon the monitoring of conventions and treaties.
2. That an independent mechanism be established by the World Trade Organisation, in conjunction with the United Nations Permanent Forum on Indigenous Issues (UNPFII) and the Expert Mechanism on the Rights of Indigenous Peoples (EM-RIP), to ensure the recognition and protection of Indigenous Peoples economic and property rights. For example by using compliance with international standards to grant licences for development and mineral extraction programs. Further, this mechanism should have a reporting and complaints system to be adjudicated by the HRC.
3. The UN member State reports for the Universal Periodic Review (UPR) should include mandatory consideration of Indigenous rights as outlined in the Declaration on the Rights of Indigenous Peoples

(the Declaration), alongside the Universal Declaration of Human Rights (UNDHR), and the UN Charter.

4. That an audit of the implementation of the Declaration and key recommendations from the following reports be made publically available:
 - i. Member State reports by the Special Rapporteur on the Rights of Indigenous Peoples.
 - ii. Periodic Member State reports, non-governmental organisation (NGO) shadow reports, and UN Committee observation reports regarding non-compliance with the UN international conventions.
 - iii. Reports of the UNPFII and EMRIP.
5. That funds are allocated for the organisation of parallel events, including event that promote Indigenous cultures, to accompany the World Conference on Indigenous Peoples so as to allow for the greatest participation of Indigenous Peoples in the Conference.
6. That the state governments of the Pacific create, in consultation with Indigenous peoples, a Pacific regional human rights system that includes an enforceable instrument on Indigenous peoples' rights, a human rights commission and a human rights court.

c) The 1st and 2nd Decade of Indigenous Peoples: What has worked, what is not working, what have we learnt and the way forward

If a Third International Decade of the World's Indigenous Peoples is adopted this meeting endorses the following recommenda-

tions:

1. That a UN High Commissioner on the Rights of Indigenous Peoples is established to offer the best expertise and support to the different human rights monitoring mechanisms in the UN system in relation to Indigenous Peoples.

d) Organisation of the WCIP 14

It was agreed delegates to the Alta meeting would be selected in accordance with the following selection criteria:

- a. Essential criteria for the sub-region delegate nominations:
 - i. Must be Indigenous
 - ii. Available to travel to the meeting
 - iii. Can obtain visa
 - iv. Over 18 years of age
 - v. Supported by or represent an Indigenous organisation or Indigenous Peoples nation/ clan/ group
 - vi. Experience at the United Nations
 - vii. Ability to draft recommendations
 - viii. Some experience in lobbying
 - ix. The delegate must not be a government employee
- b. Desirable criteria for the sub-region delegate nominations:
 - i. Expertise in a particular area
 - ii. Proven track record of working under pressure
 - iii. Proven experience working in large teams
 - iv. Ability to use Microsoft word, including track and change

v. Established relationships with representatives of the seven socio-cultural regional groupings (Indigenous Peoples regions) of Africa, Asia, Central America, Eastern Europe, South America, the Arctic and the Pacific vi. Established relationships with the Global Coordinating Committee (GCG) members

vii. Established relationships with representatives from Global Indigenous Caucus and/or Global Indigenous Women's Caucus and/or Global Indigenous Youth Caucus

c. Criteria to be considered by each sub-region when nominating Delegates:

- i. Inclusion of Youth (Emerging Leaders)
- ii. Inclusion of Elders
- iii. Inclusion of Women
- iv. Geographic distribution
- v. Balance of organisational and/or nation/clan/group representation
- vi. Continuity across all meetings and positions
- vii. Back up representatives for all meetings and positions

e) Health

The following recommendations on health were endorsed by the meeting:

1. States must adopt a clear, concrete and long-term national plan of action to achieve Indigenous health equality that:
 - i. comprises a detailed plan for the full realisation of the right to health;
 - ii. is adequately funded on a long-term basis

to meet the complex and multiple determinants of health, including long term funding to ensure the meaningful and effective participation of Indigenous communities and their representative organisations; and

iii. includes Indigenous Peoples and representative organisations in all aspects and stages of the action plan.

2. States in adopting measures to promote Indigenous health equality must adopt a broad and holistic definition of health, which:

- i. encompasses the social, economic, political and cultural determinants of health;
- ii. has a collective dimension; and
- iii. recognises the ongoing impacts of colonisation; and past and present government policies and practices on the health of Indigenous Peoples, and;
- iv. are consistent with a rights-based approach to health as outlined in the Declaration, Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and General Comment 14 of the Committee on Economic, Social and Cultural Rights.

3. States must enshrine the right to health in domestic law and regulation to ensure its justiciability and that effective protection and redress are guaranteed for Indigenous Peoples (for example regulation of health professionals to demonstrate cultural competence in Aotearoa). Consistent with Article 2 of ICESCR, legal protection must also include the right of non-discrimination as an essential measure to address institutional and systemic racism and to ensure health equality for Indigenous Peoples.

4. Health services for Indigenous Peoples must be delivered by States in a comprehensive, integrated and culturally appropriate way, which recognises the diverse range of determinants of Indigenous health and includes linkages with all other government initiatives that impact on the social and cultural determinants of Indigenous health.
5. States must ensure that community education and awareness programs around health promotion and primary prevention are designed in consultation with Indigenous communities to ensure that they are relevant and appropriate and are central to promoting health equality and the delivery of these activities should be a part of the funded core business of health service providers.
6. Consistent with the principle of 'progressive realisation' contained in the ICESCR States must maintain:
 - i. effective accountability and monitoring processes and must be established and maintained with the involvement and the participation of Indigenous Peoples and their representative organisations; and
 - ii. success must not be equated by merely enhancing access, but rather real and measurable health improvements.
7. The disproportionate prevalence in Indigenous populations of preventable diseases such as suicide, HIV, Malaria, Trachoma (WHO priorities), Tuberculosis, chronic ear infections and Bronchiectasis, should be a focus of the WCIP 14 within its health agenda.
8. That the UN encourage and supports States to develop and implement a genuine progress index/indicator as a true means of measuring wellbeing of their citizens, including Indigenous Peoples, as aligned with the UN Charter and International Treaties.
9. That high rates of suicides (particularly youth) and incarceration in Indigenous communities is highlighted as an extraordinary crisis and is considered a high priority for health policies and interventions both in terms of prevention and post traumatic events across families and communities.
10. That the WHO conducts a global study into suicide amongst Indigenous populations including through aggregated and standardised methods of data collection.
11. That the WHO acknowledges that there is no perfect way to treat disease and that western medicine is suitable to resolve some health issues, whilst traditional medicine is more suited for others.
12. That in accordance with Article 3 of the Declaration the WHO promotes the efforts of collaborative approaches in the resolution of disease and the service delivery of medicine and practitioners by equally respecting the professions of traditional medicine, culture and practices across all policies and practices of UN agencies.
13. In partnership with Indigenous Peoples, that states improve the efficacy of data collections on Indigenous People to ensure transparency and accountability; and that further development work is explored to adopt methodologies that best inform life expectancy before life expectancy estimates are published.

f) Justice

The following recommendations on justice were endorsed by the meeting:

1. That States must develop processes to ensure that both provisional and national laws, policies and procedures comply with international standards including human rights treaties and the Declaration.
2. That States and the UN develop processes which include access to remedies to hold transnational corporations to account for breaches of Indigenous Peoples collective and individual rights.
3. That States develop processes to increase Indigenous engagement and participation in justice systems including as lawyers, judges and support staff.
4. That States ensure that people incarcerated are granted their right to vote.
5. That the UN conduct a global study into the incarceration and overrepresentation of Indigenous Peoples in justice systems, including through aggregated and standardized methodologies of data collection.
6. That States review and consider the benefits of Indigenous customary laws and/or justice systems being better incorporated into their justice systems.
7. That States acknowledge that international law upholds the rights of colonial nations' justice systems, to the detriment of Indigenous justice systems. States should consider integrating traditional systems of justice into national legislation in conformity with international human rights law and international standards of justice.
8. That the UN establishes an international monitoring body to monitor the progress of member nations regarding justice for Indigenous Peoples.
9. That States support Indigenous Peoples to develop programs for specific groups including Indigenous men, women, young people and Indigenous communities to collectively improve access to justice.
10. That States develop in conjunction with Indigenous Peoples just and fair procedures for the resolution of conflicts and disputes between Indigenous Peoples and the State.
11. That States take a strategic approach to crime and justice with Indigenous Peoples that is informed by standardised data collection and focused on prevention and diversion as well as protection and rehabilitation; and that States consider the adoption of Justice Reinvestment as a way of reducing incarceration of Indigenous Peoples.
12. That States provide financial and technical support for Indigenous organisations to:
 - i. provide legal services, including community legal education and policy and law reform advice;
 - ii. ensure that non-Indigenous bodies and service providers respond appropriately to Indigenous justice needs; and
 - iii. inform and assist Indigenous people regarding national and international legislation on human rights and fundamental freedoms, to carry out activities for protecting those rights and freedoms and to promote the capacity-building and

participation of Indigenous Peoples.

13. States should review national laws to eliminate discriminatory provisions with the full and effective participation of Indigenous experts to ensure equality and non-discrimination.
14. Where it is not already the case, national constitutions should be amended to appropriately recognise the unique status of Indigenous Peoples as First Peoples.
15. That an evaluation of national mechanisms on human rights and Indigenous Peoples' rights, such as ministries of tribal affairs, commissions on Indigenous Peoples and human rights commissions, should be undertaken to identify strengths and weaknesses in promoting and protecting Indigenous Peoples' rights that shall form the basis for reforming such bodies.
16. States are encouraged to further develop national laws for the protection and promotion of human rights, including means of monitoring and guaranteeing those rights. Consideration should be given by States that have not yet done so for the ratification of International Labour Organization Convention 169 (ILO 169) and strengthening mechanisms to monitor the implementation of the Convention.
17. The UPR review of States should include special provision to examine the situation of the Indigenous Peoples in any State or Territory particularly regarding the collective human rights as set out in the Declaration, and that States be reviewed in the UPR process to ensure that recommendations have been adequately addressed in reasonable time since the recommendations were first proposed.

g) Violence Against Women

The following recommendations on violence against women were endorsed by the meeting:

1. States acknowledge publicly, in discourse, across policy, programs and through education that, as a result of the violence inflicted upon Indigenous Peoples through the process of colonisation and acculturation that this violence itself has been internalised in Indigenous family systems and has become a disease to which we have been forcibly afflicted. It must now be viewed as a familial and community disease to be treated holistically in partnership with Indigenous Peoples themselves, and in accordance with the principles of the Declaration, in particular Article 3 self determination.
2. That UN agencies expand the discourse of violence against women and include one of violence against Indigenous Peoples.
3. Member States increase funding for community-led violence prevention initiatives in urban, rural and remote areas including the recruitment and training of Indigenous service providers and frontline workers; shelters; and culturally appropriate crisis and counselling services in indigenous languages.
4. States work with Indigenous communities to design education and public awareness campaigns specific to those communities and to allocate sufficient funds for this work in accordance with article 22 (2) of the Declaration.
5. All actors work to improve the coordination of services and resources and in-

crease cooperation and jointly coordinate services and programmes for victims of violence and abuse.

6. In order to empower victims of trafficking, States and the UN system need to factor into their assistance programmes the language and cultural backgrounds of Indigenous women and girls, make concerted efforts to prevent discrimination based on ethnicity and pay particular attention to restoring and building the victim's self-esteem.
7. The UN system, programmes and funds that focus on combating the trafficking of human beings pay particular attention to support the identities of the victim, including their identities as Indigenous Peoples.
8. That States consider the adoption of national targets (such as in the Close the Gap framework in Australia) aimed at reducing the hospitalisation of Indigenous Peoples as a result of assault.
9. That States increase the funding for Indigenous specific legal aid for both Indigenous men and women, especially in regards to criminal injuries compensation and access to victim support – and for that to cover urban, regional and remote areas.
10. That States develop and fund programs to prevent and eliminate violence against Indigenous Elders and develop programs to provide adequate protection, respect and support for Indigenous Elders.
11. That States ensure that educational programs be made available to all people, including Indigenous Peoples and that it is noted that Indigenous children

and youth who are not in school are more susceptible to violence. Particularly focusing on healing, awareness raising and prevention for Indigenous men.

12. That States provide programs for Indigenous men on healing, awareness raising and prevention.

h) Self-Determination, Decision Making and Free, Prior and Informed Consent

The following recommendations on Self-Determination were endorsed by the meeting:

1. That States must be accountable for implementation of the Declaration. The UNGA should recommend States to commit to engaging in formal dialogue with Indigenous Peoples, and their National Human Rights Institutions, to design and develop a National Strategy to give full effect to the Declaration.
2. That States must fully respect the self-determination of Indigenous Peoples of the Pacific, including through formal decolonization processes for those Pacific Indigenous Peoples that seek it.
3. That the UN remind States that when State decision-making powers or authority is delegated to sub-national political levels, including governmental bodies, such bodies must also comply with State obligations concerning the protection and promotion of Indigenous Peoples Rights.
4. That the UN support the development and implementation of a South Pacific Independent Peoples Economic Union (SPIPEU) to develop a strategy for economic survival of Indigenous Peoples, and request that Samoa host the first meeting of the SPIPEU in 2015.

i) Lands, territories and resources

The following recommendations on lands, territories and resources were endorsed by the meeting:

1. That States promote and enable self-determination for Indigenous Peoples through the development of constructive agreements with Indigenous Peoples to advance self-determination and land rights, including development of their own lands, territories and resources.
2. That States and Industry stakeholders work with Indigenous Peoples nationally to develop a set of agreed and achievable principles for implementing the Declaration that ensure that the human rights of Indigenous Peoples are understood, promoted and observed where extractive industries operate.
3. That States work with Indigenous Peoples and Industry stakeholders to develop policies and procedures for working with Indigenous Peoples that comply with the standards set out in the Declaration; and establish at the highest levels a statement on the rights of Indigenous Peoples that respects and promotes their rights.
4. That States work with Indigenous Peoples to develop redress mechanisms that enforce good faith negotiations, are informed by best practice standards and practices, and include legitimate processes to remediate damage to country, and restitution or compensation for lands taken and or damaged without free, prior and informed consent.
5. That States acknowledge and address (according to mutually agreed timeframes with Indigenous peoples) the Rio+20 Indigenous Peoples Declaration on Sustainable Development to access and share in the benefits from their lands, territories and resources.
6. That States ensure meaningful, sufficiently resourced engagement between appropriately mandated Indigenous claims and grievances concerning their traditional knowledge, flora and fauna.
7. That States protect Indigenous Peoples' natural resource related responsibilities and rights, including Indigenous Peoples' right to obtain free, prior and informed consent concerning the development and implementation of state policy that affects such natural resources (including the allocation and management of associated property rights).
8. That States recognise the unacceptably harmful effects of fossil fuel extraction and its use on the natural environment and address the following in relation to Indigenous Peoples lands, territories and resources:
 - i. Design and implement a practical, comprehensive and meaningful strategy to urgently transition away from fossil fuel dependence to clean, renewable and/or free energy based systems and infrastructure.
 - ii. Recognise the increasing and disturbing trend of technology replacing humans in the labour market, and in consultation with Indigenous Peoples develop and implement an effective, strategic response.

j) Education

The following recommendations on Education were endorsed by the meeting:

1. In line with the United Nations Declaration on Human Rights and Article 14 of the Declaration we strongly urge the UNGA to adopt the right to education as one of the priority themes for discussion at the WCIP 14.
2. In recognition that access to Education for Indigenous Peoples is a global concern we request the WCIP 14 to call on the UN Human Rights Council to establish a Special Rapporteur for Indigenous Education.
3. The UN urge States to commit to the principles of Indigenous sovereignty and social justice by ensuring Indigenous Peoples are able to exercise their right to education without conditions, encumbrances or suspension of other rights guaranteed by the Universal Declaration of Human Rights and the Declaration of the Rights of Indigenous Peoples.
4. That States explicitly enshrine the rights to education in domestic law, regulation and policy.
5. That the UN develop a set of international standards that protect Indigenous identity, language, knowledge systems, intellectual and cultural property rights; and that the UNGA urge nation states to adopt policies and legislation that protect, preserve and promote Indigenous knowledges' and intellectual and cultural property rights at the WCIP 14;
6. That the UN develops a process that formalizes the recognition of scholarship

that underpins Indigenous knowledge's and knowledge systems, research methodologies and theoretical frameworks that benefit Indigenous Peoples.

k) Climate Change

The following recommendations on climate change were endorsed by the meeting:

1. That States be urged to ensure the full participation of Indigenous Peoples in initiatives to combat climate change.
2. That Indigenous Peoples be supported to participate in international fora under the UN Framework Convention on Climate Change.
3. That States formally develop an implementation strategy on the Declaration as a priority to ensure strategies to address climate change uphold Indigenous Peoples rights to participation and free, prior and informed consent.
4. That States consider a mechanism through which they can monitor and report on the impacts of climate change on Indigenous Peoples, mindful of our socio-economic limitations, and spiritual attachment to lands and waters.
5. That the UNGA recognise Indigenous Peoples vision and practice of Sustainable Development to be a focus of discussion at the WCIP 14 and that the United Nations Conference on Sustainable Development (Rio+20) Indigenous Peoples Declaration on Sustainable Development should guide this discussion.
6. That the UNGA recommends the United Nations Framework Convention on Climate Change (UNFCCC) upholds the

right to participation in decision making and free, prior and informed consent on any decisions adopted at the Conference of the Parties, including the following:

- i. to develop mechanisms to promote input and participation of Indigenous Peoples in the design, development and implementation of the strategies and activities to be financed by the Green Climate Fund
 - ii. action on adaptation of the Convention should be undertaken in a participatory and fully transparent approach, guided as appropriate by traditional and Indigenous knowledge
 - iii. to include Indigenous and traditional knowledge for future technical workshops.
7. That the UN should consider climate change policy, such as carbon markets, guarantees and protects Indigenous Peoples' engagement and participation. This should include Indigenous involvement in all aspects of climate change law and policy such as development, implementation, monitoring, assessment and review.
 8. That the UN urges States to recognise that meaningful and effective protection and promotion of Indigenous Peoples' rights regarding their traditional territories and natural resources in a critical component of any such strategy to protect fisheries.
 9. That States view climate change from a broad human rights perspective. In particular, Pacific islands (Kiribati and Tuvalu) are vulnerable to the effects of climate change. Pacific Islanders have a right to remain in their motherland and maintain culture and traditions.
 10. That the UN and States establish global

mechanisms for the relocation of Indigenous Peoples due to climate change.

11. That the UN adopt a new protocol to succeed the Kyoto Protocol.
12. That the UN declares that Indigenous Peoples have the right to clean air and atmosphere free of excessive GHG pollutants.

l) Militarisation

The following recommendations on militarisation were endorsed by the meeting:

1. The UN and its relevant institutions and agencies should investigate gross violations of human rights perpetrated in the Pacific region in recent decades by military forces with a view of providing redress for the victims of those violations and bringing the perpetrators to justice.
2. That the UN emphasise the need for demilitarization of the lands and territories of Indigenous Peoples.
3. That military activities cannot take place on Indigenous lands without the free prior and informed consent of their traditional owners and after agreement on fair and just compensation and, where possible, with the option to return to their traditional lands.
4. That relevant lands and territories of Indigenous Peoples be demilitarized.

m) Decolonisation

The following recommendations on decolonisation were endorsed by the meeting:

1. That States recognise the forceful removal

of Indigenous Peoples from their Islands in the Pacific to work the sugar cane and other industries such as pastoral and maritime industries.

2. That the UN urge the Australian Government to apologise and make repatriations and compensation to the descendants of those affected and to support them to locate their families, places of origin and restore their identity.
3. That the Human Rights Council require that the Universal Period Review process be extended to oblige all States to report annually on their implementation of the Declaration with particular attention on Articles 28 and 37.
4. That States act in good faith at all times in relation to Indigenous Peoples, particularly in the context of international diplomacy, and recognise the Indigenous traditional land owners, in accordance with articles 24, 25, 26, 27, 28, 29 and 30 of the Declaration.
5. This meeting supports the ongoing call by Indigenous People of the Pacific for States to be placed back on the list for decolonisation.

n) Equality and Non-Discrimination

The following recommendations on equality and non-discrimination were endorsed by the meeting:

1. That all States in the Pacific fully comply with their responsibilities under the Convention on the Elimination of Racial Discrimination.
2. That the WCIP and UN address the increasing marginalisation of Indigenous peoples with disabilities.

o) Oceans

The following recommendations on Oceans were endorsed by the meeting:

1. The definition of sustainable development should be amended to “development which respects the ability of the ecologico-spatial interrelationships between various components of the environment/fonua to meet the needs of present and future generations of human beings without compromising the ecological sustainability and permanence of the environment/fonua”.
2. That the UN reiterate its recognition of the inherent and spiritual and cultural relationships of Indigenous Peoples with their oceans and the flora, fauna and natural resources therein.
3. That the UN acknowledge that, in terms of lands, territories and natural resources, Indigenous people’s consider “dry” and “wet” lands as being of equal significance.
4. That States recognize the dual and devastating threat of climate change and unsustainable harvesting practices on the oceans’ fisheries, and the subsequent urgent imperative to take active measures to protect that natural resource.
5. That Indigenous Peoples free, prior and informed consent is obtained in the Pacific before any commercial exploitative activities, particularly any harvesting of threatened or at risk flora and fauna (such as whales), are carried out in the Pacific.
6. That the UN urges compliance by States and corporate entities with environmentally responsible harvesting methods and standards.

7. That all States empower indigenous youth to take the lead role in protecting and managing their environment.
 8. That all States empower Indigenous youth to enable their equal participation in the design and implementation of international, national and domestic policies/mechanisms related to protection and management of their environment.
 9. That the UN strictly monitors corporations who are engaged in exploration and extraction of natural resources from the sea bed.
 10. That the UN develops guidelines for States and corporations related to sea bed mining activities.
 11. That extractive industries and commercial industries including tourism and recreational industries must obtain free, prior and informed consent when extracting natural resources.
 12. That the UN urges States and companies to fully respect the principles and the spirit of international agreements in relation to Indigenous Peoples rights, resources and territories and that all activities that exploit resources from the Pacific Ocean requires environmental, social and cultural impact assessments to ensure that there is free, prior and informed consent of the Indigenous Peoples owners of the lands, territories and resources.
 13. States and businesses are urged to ensure that all entities engaging in activities using the Pacific Ocean, such as trade, sea bed mining and exploitation of tuna and other fish resources, take responsibility for any pollution that is generated from it that will ultimately destroy the marine resources that the people of the Pacific depend on.
 14. Urge the UN to ensure that “distant fishing nations” using the Pacific Ocean do not discard their old ships onto the reefs of the Pacific Ocean.
 15. Urge the UN to ensure States respect the rights of small island states in the Pacific in respect of the utilization of resources in international waters and areas beyond national jurisdiction. That the UN review the UN Convention on the Laws of the Sea to ensure that it takes in the concerns and rights of Indigenous Peoples enshrined in the Declaration.
- p) The Declaration and an optional protocol**
- The following recommendations on the Declaration were endorsed by the meeting:
1. That States commit to engaging in formal dialogue with Indigenous peoples, and their National Human Rights Institutions, to design and develop a National Strategy to give full effect to the Declaration which includes monitoring and evaluation and annual reporting as to the progress of such implementation.
 2. That all States provide financial assistance to Indigenous peoples and organisations to assist them to fully realise their human rights in accordance with article 39 of the Declaration. In particular to:
 - i. Support Indigenous peoples’ effective engagement in the development of a National Strategy;
 - ii. Build capacity at the community level

to raise awareness and understanding about the rights contained with the Declaration;

- iii. Empower Indigenous peoples and their organizations to work with States to implement the National Strategy within their communities.
3. That the UN table an optional protocol or treaty on the Declaration at the WCIP 14.
4. That the UNGA ensures that all states fully comply with their obligations under international Indigenous peoples' rights law, including honouring the commitments made in Declaration on the Rights of Indigenous Peoples.

q) Respecting and Protecting Cultural Heritage

The following recommendations on cultural heritage were endorsed by the meeting:

1. That States who have adopted the Declaration should enact legislation to bring it into domestic force by 2016.
2. That the UN set up a body to monitor the compliance of the Declaration performance by member States.
3. That UNGA recommend that culture is integrated into the millennium development goals as a pillar of any sustainable development strategy.
4. That the UN reinforce the recommendations from the EMRIP study on the role of languages and culture in the promotion and protection of the rights and identity of Indigenous Peoples.
5. That States are reminded that they have a duty to ensure the maintenance and, where

necessary, revival of Indigenous languages.

r) Treaties, agreement and other constructive arrangements

The following recommendations on treaties were endorsed by the meeting:

1. States that have not affected a treaty with their Indigenous Peoples do so as a matter of highest priority.
2. That the UN develop a regional Tribunal of Justice, including in the Pacific region to hear the territorial disputes between each respective government and the Indigenous peoples that inhabit their land. Such matters could either be settled through adjudication or other methods of dispute resolution through impartial parties.

A Parenthesis for the UN General Assembly *Indigenous World Conference 2014* *in Violation of the Right of Self-Determination*

By: Huilcaman Aucan Paillama, Council of All the Lands, Mapuche Nation

With much frivolity and apparent absence of critical consciousness there has circulated the resolution 66/296 of the UN General Assembly on the implementation of the “high-level plenary meeting” to be called World Conference on Indigenous Peoples 2014, and whose superficialities and rashness extends and is reflected in all the activities of the indigenous organizations and individuals whose orbit is United Nations.

There is no doubt whatsoever that all UN activity relative to Indigenous Peoples is a significant step. However, this Conference on Indigenous Peoples presents a complete and absolute difference with all other events that have World Conference status within the UN intergovernmental system. This event, which is to be ***called*** a Conference is characterized not only by having been brought to effect in complete contradiction of the principle and right of self-determination of Indigenous Peoples, but also is completely and utterly removed from all procedural norms of all proper other UN Conferences, as well as the void of processes of development of the thematic issues, and the articulation of the purposes of a true and authentic United Nations Conference. The realization of this high-level plenary of the General Assembly by its very nature and the eventual consequences could set a ***precedent*** in the future and consequently affect other activities in the international system in divergence away from the true purpose of the UN Charter, international law and the general principles of internationally accepted human

rights, given that the event ***does not conform*** to the true terms of a World Conference, factors which inherently affect our right of self-determination and similarly degrades the principle of free and informed consent. Yet, consent is being granted by the some ?Indigenous? despite all these specific violations.

As an example I will cite some facts constituting a true UN World Conference.

1. A UN World Conference requires as a pre-condition the formation of a preparatory committee establishing the thematic issues of general interest to the entire international community. However the high-level plenary in question almost exclusive grants the mandate for the event to the president of the General Assembly. By way of a simple example, the World Conference against Racism, Xenophobia and Related Intolerance (2001) - met each and every one of the UN Conference procedures concluding with a ***Declaration*** and ***Plan of Action***, both instruments which enjoyed the full knowledge and recognized legitimacy of stakeholders. The same applies to with the World Conference on Human Rights (June 1993), where all participants were informed previously with the text and elements that were configured into a final product, both in the Declaration and the Plan of Action.

2. In the process of every World Conference, intergovernmental panels are of vital importance, because these provide the institutional space where becomes known the various

positions of the government-states and of the organic regional interests that emerge in the process of taking action and common positions (Grulac, for example).

3. World Conferences, according to the protocols and procedures of the United Nations intergovernmental system, are intended to generate processes of consultation and full and active participation of all stakeholders, in particular for civil society. In this case, a *World Conference on Indigenous Peoples* would require the full and active participation of organizations of Indigenous Peoples from all regions of the world. These particular protocols of participation and consultation process are now commonly based on the new standards of international law and mechanisms for the protection of human rights that have only recently been achieved, among others.

4. A true World Conference is universal in nature and due to the complexities of the issues, it is common to produce working groups of experts to elaborate reports and develop arguments that can be derived from various sources and specific situations. In this event, the *to be named* World Conference of Indigenous Peoples, in the light of the facts and the very nature of the General Assembly resolution which established the Conference these processes are completely and utterly absent by the very resolution of the General Assembly which prescribes these limitations.

5. Regional meetings are a vital characteristic in the overall processes of realizing a World Conference. At these regional encounters, it is common for States to engage with certain specific issues and thus allow for Indigenous Peoples to establish some alliances in the global processes in order to focus their collective efforts towards achievement of results reflecting common interests.

6. This high-level plenary will be held in open contravention of the principle and right to self-determination of Indigenous Peoples. In this case, the mere fact of having violated the norms of procedure and nature, including the regulated and established protocols to all other World Conferences makes evident that the event itself is in open violation of the Right to Self-Determination of Indigenous Peoples. The issue relative to the infringement of the right of self-determination has two related parts.

a. Many Indigenous Peoples still cling to the consideration that the right of self-determination is still a matter of intergovernmental forums while neglecting our status as Right Holders and exercisers of this right. While on one side with this behavior demonstrates the absence of capable international indigenous legations in various forms, there is also a lack of a clear conviction to practice and implement the Right to Self-determination in these arenas. Therefore, until the conduct of Indigenous Peoples differentiates these criteria the government states will continue to operate under their own logic systems, thereby establishing anew, international relationships of colonial domestication.

b. The principle of Free, Prior and Informed consent in this high-level plenary is completely nullified. This time not by the Government States but by those Indigenous the people themselves, who accept knowingly the naming of UN Conference to an event that is not encompassed nor holds any of the characteristics of what a true World Conference of the UN intergovernmental system must reflect. This event could be more appropriately termed as “*A Parenthesis in the General Assembly of the United Nations*.” Consent in the Right and all Acts of Contract are only valid when

the other party (Indigenous) accepts the given conditions. Ultimately, if this consent is manufactured, those responsible for not enforcing the principle of Free, Prior, and Informed Consent would be the Indigenous themselves.

*The contraventions of the right of Free, Prior and Informed Consent and violation of the Right of Self-Determination have precedents.

* Although the full force of the right to self-determination of Indigenous Peoples is stipulated in Article 3 of the United Nations Declaration on the Rights of Indigenous Peoples and other international instruments, the adoption of the ***Nagoya Conference of the Parties*** (2010) established the first precedent of agencies and Indigenous Peoples to forfeit the Right to Self-Determination and likewise cancel the right of Free, Prior and Informed Consent. With this behavior is affected not only these rights in particular, but, also the general principles of law itself that states that any new norms should be aligned with the highest standard, however, with the Nagoya exactly the opposite occurred, in consequence to the manufactured consent granted by the Indigenous themselves.

Despite the complex and serious violations of the Right to Indigenous Self Determination, for many it seems that nothing has happened, when in practice the effects are unpredictable in the immediate future of indigenous peoples, especially for those who truly deployed in efforts oriented towards the realization of the right to self-determination and the best way to implementation of the right of Free, Prior, and Informed Consent ***vis-?-vis*** the internal and multilateral relations with states.

*The meeting April 9 to 11, 2013 in Guate-

mala and other regions of the world.

* The announced meeting in Guatemala is a clear reflection of the absence of input, lack of documentation, lack of an indigenous agenda, the emphasis is placed with preference on administrative matters, however, although these concerns have been duly transmitted to the organizers and conveners and have been no corresponding changes made whatsoever. The agenda for the meeting of Guatemala entails the United Nations Declaration on the Rights of Indigenous Peoples, Lands and Territories; Agenda Post 15 the MDGs; and a Strategic Plan for the General Assembly High Level Plenary/World Conference 2014.

In this regard, the Declaration contains 46 articles, which is results in a completely and utterly ambiguous and imprecise instrument for treatment. It also leaves open the possibility that Government States may take what they consider of their own particular interest regarding this instrument. In this context, it is urgent to define the on the part of indigenous peoples which articles will be addressed. The same applies to the second point about land and territory and the pertinent question arises: What other subjects will be dictated that have not been reported in other international forums and events? The Indigenous organizations from other regions of the world that have already met and in adopted documents, highlight a set of desires and good intentions, sustaining that “we welcome”, “welcome”, “encourage” (...) * without* bringing emphasis on elaborating an eventual agenda or thematic issues, not even mentioning the inclusion of indigenous input into the proposed work plan leading to the 2014 High Level Plenary/World Conference that would conclude with a resounding ***Declaration*** and ***Plan of Action***.

Rectify the situation and ensure acceptable results.

It is urgent to establish an indigenous agenda, including the production of critical analysis, integrating documentation that support indigenous positions, with legal and historical arguments constructed on the foundations of Indigenous law, including the development of new guidelines aimed at an acceptable statement upon conclusion and an Plan of Action to eradicate the root cause of injustice internationally, with an orientation aimed at establishing institutions and relationships that ensure a firm and lasting peace. These elements can come from various sources, including:

1. The UN Permanent Forum on Indigenous Issues has produced substantial recommendations should be identified, a listing that is interesting and potentially useful.

2. Expert Mechanism on the Rights of Indigenous Peoples, in their work has enough information, some of which could contribute towards developing a basic agenda.

3. Article 28 of the UN Declaration on the Rights of Indigenous Peoples, by its large and compelling content requires clarification, specification and legal standardizations for implementation.

4. The *Doctrines of Discovery* <http://unpfi.blogspot.com/p/framework-of-dominance-preliminary_03.html>, its consequences and the appropriate and acceptable collective corrective measures, including fair and equitable compensation to Indigenous Peoples.

5. The dispossession, denial and violation of rights, occupation, taking and confiscation of cultural heritage materials, by their illegal nature have affected the lives of

Indigenous Peoples, and are acts constituting a crime against humanity, which requires proper classification.

Among other matters.

DISMANTLING the Doctrine of Discovery Conference in Arizona. The conference in Arizona to be held from 19-20 April 2013, is another opportunity to contribute substantive elements to identify and develop further content for argumentation and development of an *Plan of Action* and an acceptable ***Final Declaration*** for the *UN High Level Plenary/Conference 2014*.

Foro Indígena de Abya Yala: Declaration of the Indigenous Forum of Abya Yala

Iximulew, Guatemala,
April 11-13, 2013

In the framework of the Preparatory Meeting of Latin America and the Caribbean for the World Conference on Indigenous Peoples 2014, which took place in Iximulew, Guatemala on April 11-13, 2013, women, youth and representatives of Indigenous Peoples' organizations in 17 countries of Latin America and the Caribbean, have met to discuss the themes and content of the World Conference. Concerns, recommendations and proposals were made demanding the respect, recognition and the fulfillment of the individual and collective rights of Indigenous Peoples, of States, financial institutions, inter-governmental agencies, among others.

For indigenous Peoples, our lands, territories and resources, are key elements that allow historical continuity and fullness of life, spirituality, social, cultural, economic, political and human development, linked to our worldview that consists of a deep relationship with Mother Earth. The institutionalization of indigenous Peoples, as expressed through institutions, ancestral authorities, their own political participation and legal systems, allow peaceful coexistence, territorial management and governance.

The current economic development model promotes megaprojects, infrastructure, communication monopolies, extractive industries, forestry, clean development mechanisms, hydroelectric industries, biofuels, "clean" energy (wind, geothermal), metal mining, and dubious solutions based on market mechanisms, REDD +, carbon credits and all its variants, biotechnology and marine fertilization, which do not respect the individual and collective

human rights of indigenous peoples, primarily the right to self-determination and free, prior and informed Consent.

Mindful that dominant society in Latin America and the Caribbean persists through patterns and mechanisms of exclusion, discrimination and racism that do not allow to eradicate inequality gaps, indigenous peoples, especially those in voluntary isolation, indigenous children, youth and women, are more vulnerable to the negative impacts of the policies being developed.

We demand the real and effective decolonization of power, that does not depend on a party or government in power, but on the true construction of plurinational states respecting the demands of indigenous peoples and their life plans. This recognition is an effective mechanism to improve the relationship between States and indigenous peoples, which would allow to build and harmonize mutual coexistence for peace and an inclusive and participatory democracy, eliminating the criminalization actions that have been committed against the indigenous leaders and peoples defending their territorial rights and cultural and spiritual integrity.

Given this situation, the indigenous peoples of Abya Yala:

- We urge the effective application and implementation of the UN Declaration on the Rights of Indigenous Peoples, in particular Articles 3 and 4 on the full exercise of the right to self-determination and to autonomy or self-government;

- We demand that the development actions and policies proposed and promoted by States and others, meet international standards of human rights of indigenous peoples;
- We demand that States ensure the full and effective participation of children, youth and indigenous women in the formulation, implementation and evaluation of public policies, especially for the revival and strengthening of cultural and linguistic identity, access to good quality indigenous intercultural education at different levels;
- We urge States the adequacy of their internal legal systems in line with international standards of human rights, based on the UN Declaration on the Rights of Indigenous Peoples, which allow democratization and the rule of law;
- We call upon the organisms and specialized agencies of the United Nations system, financial institutions and other intergovernmental organizations, to effectively implement the provisions of the UN Declaration in the execution of initiatives in the countries, in coordination with governments and indigenous peoples, including women and youth;
- We urge States to ensure the full and effective participation of indigenous peoples in the evaluation of the post-2015 agenda, based on self-determination, autonomy and territoriality, free, prior and informed consent, spirituality, interculturality, women and youth, reciprocity and solidarity. Eliminating practices that threaten Mother Earth and society for the common good and full life;
- We urge States that the construction of Sustainable Development Objectives is done with the full and effective participation of indigenous peoples;
- We urge States to ensure indigenous peoples' right to communication and information through legislation and specific funds, as enshrined in Article 16 of the UN Declaration;
- We call upon States to support the political, technical and financial preparation process, ensuring participation of indigenous peoples at the World Conference and in the preparation of the outcome documents of the Conference;
- We urge States to establish mechanisms or laws that ensure the right to water;
- We call upon States, as part of an interactive dialogue with indigenous peoples, to develop processes to assess the implementation and effective enforcement of the rights of indigenous peoples, as enshrined in ILO Convention No. 169, the UN Declaration on the Rights of Indigenous Peoples, and others.

Latin America and the Caribbean Indigenous Peoples Prepare for World Conference

Saturday, 13 April 2013

From: http://www.uctp.org/index.php?option=com_content&task=view&id=819&Itemid=2&mosmsg=Item+successfully+saved

Guatemala City, Guatemala (UCTP Taino News)–

Indigenous Peoples from throughout Latin America and the Caribbean are meeting in Guatemala to discuss and organize regional perspectives on the upcoming United Nations World Conference on Indigenous Peoples in 2014. Supported by the Government of Guatemala, This preparatory meeting began on April 11 with a Mayan blessing ceremony lead by Felix Sarazua, a Maya Spiritual Guide. The meeting will end on Saturday, April 13, 2013.

The Latin American and Caribbean Regional Preparatory Meeting for the World Conference on Indigenous Peoples is a part of a global preparatory process toward the United Nations General Assembly high-level plenary entitled the “World Conference on Indigenous Peoples,” scheduled to take September 2014. Some of the themes being discussed in Guatemala include the implementation of the United Nations Declaration on the Rights of Indigenous Peoples; Indigenous perceptions of land and territories; the post-2015 UN Agenda; and the a strategic plan for the World Conference.

Among the invited delegates attending the meeting in Guatemala is Roberto Mukaro Borrero, President of the United Confederation of Taino People (UCTP). Borrero is representing the Confederation and the Caribbean Amerindian Development Organization (CADO).

“From the start of this process the UCTP and CADO have been concerned with the lack of effective participation of indigenous Carib-

bean Islanders during these important preparatory stages” stated Borrero. The UCTP and CADO jointly submitted their concerns to the Latin American and Caribbean Coordinating Committee as well as the Global Indigenous Women’s Caucus.

In its resolution (A/RES/66/296), the UN General Assembly decided that the High-level Plenary Meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples would be held on 22-23 September 2014 in New York at UN Headquarters. A goal of the World Conference is to share perspectives and best practices on the realization of the rights of Indigenous peoples, including to pursue the objectives of the UN Declaration on the Rights of Indigenous Peoples.

Global Preparatory Meeting for Indigenous Women

Organized by the Global Indigenous Women's Caucus
Hosted by the American Indian Community House
Haudenosaunee Traditional Territory New York City

March 27-29, 2013

Opening & Approval of Meeting Agenda

The Global Indigenous Women's Caucus (GIWC) hosted a Global Preparatory Meeting for Indigenous Women on March 27-29, 2013. Our meeting took place in traditional Haudenosaunee territory at the American Indian Community House.²

The Agenda was presented by the GIWC co-chairs and it was approved by the Caucus. Please see Appendix 1.

List of Participants

GIWC Global Coordinating Group
Representatives: Alyssa Macy - Confederated Tribes of Warm Springs, Oregon; International Indian Treaty Council

Youth Caucus: Erin Konsmo - Métis, Native Youth Sexual Health Network; Tania Pariona - Quechua, Comisión de Niñez y Juventud Indígena

African Region: Maria Uazukwani - Nama (Khoisan), !Garib Nama Heritage Foundation

Arctic Region: Hanne Grethe Pedersen – Inuit, Greenland; Vibeke Larsen - Sami, Sami Parliament of Norway

North American Region: Tia Oros - Zuni, Seventh Generation Fund

GIWC Advisers: Myriam Sánchez - CE-

DHIFA, Comunidad Integradora del Saber Andino (CISA), Consejo Nacional de Mujeres Indígenas del Ecuador (CONMIE), Comisión Internacional de Arte de los Pueblos Indígenas (CIAPI); Dea Thiele - Aboriginal Medical Service Western Sydney; June L Lorenzo - Pueblo of Laguna/Dine, American Indian Law Alliance, Laguna Acoma Coalition for a Safe Environment; Tonya Gonnella-Frichner - Haudenosaunee, American Indian Law Alliance

GIWC officers: Sandra Creamer - co-chair - Aboriginal; Lobna Rouhani - co-chair; Eve Reyes-Aguirre co-rapporteur - Izkaloteca, Tonatierra; Sylvia Escárcega - co-rapporteur - Abya Yala Nexus

Other participants: Murielle Borst Tarrant - Kuna/Rappahannock, American Indian Law Alliance; Yolanda Terán - Kichwa, Organización Indígena Andes Chinchasuyo, Red de Mujeres Indígenas sobre Biodiversidad para América Latina y El Caribe; Danika Littlechild - Ermineskin Cree Nation (Neyaskweyak), Treaty 6 (Canada), International Indian Treaty Council; Sandra Nelson Zongo - Cherokee Bright Star Band, Amhara Ethiopian, Longhouse Treaty Nations • Lobi Redhawk - Creek, Cherokee, Longhouse Treaty Nations

Other invited delegates unable to participate: Eleanore Dictaa-Bang-oa (Asia Region); Eryty Teave (Pacific Region); Victoria Kalenbach (Russia & Eastern Europe Region);

This report was prepared by Sylvia Escárcega and Eve Reyes-Aguirre, GIWC Rapporteurs, using their own notes collected at the meeting, and also those taken by Erin Konsmo and Danika Littlechild.

² Co-sponsors: Indigenous Global Coordinating Group for the UN World Conference on Indigenous Peoples 2014, Ford Foundation, Seventh Generation Fund, American Indian Law Alliance, Southern Diaspora Centre, Flying Eagle Woman Fund for Peace, Justice and Sovereignty, and the Rigoberta Menchú Tum Foundation, American Indian Community House, Madeline Newman Ríos, Dea Delaney Thiele.

Myrna Taylor (Latin America & Caribbean Region); Florina López (Latin America & Caribbean Region); Kamira Nait Sid (GIWC Representative to the GCG); Vicky Tauli-Corpuz (GIWC Representative to the GCG); Tarcila Rivera Zea (GIWC Representative to the GCG)

Decision regarding a Guiding Principle for the work of the GIWC

Approved via consensus by the GIWC on March 29, 2013.

The GIWC has decided to have a guiding principle in its work and to be part of the mandate of all of its representatives in the HLP/WCIP process, as follows:

The Global Indigenous Women's Caucus (GIWC) agrees to work together under the definition of self-determination contained in article 3 of the United Nations Declaration on the Rights of Indigenous Peoples in the proceedings of all matters regarding the UN general Assembly High Level Plenary to be called the World Conference on Indigenous Peoples (HLP/WCIP). This definition of self-determination maintains the right to be referred to as Indigenous Peoples, not communities or populations. As Indigenous Women we reaffirm that our inherent rights and customary laws are non-negotiable, as well as our right to language, culture and identity and to free, prior and informed consent. Our GIWC representatives expect to work in a safe environment. As such, we also understand that self-determination is indispensable for the autonomy of our bodies and 5 environmental and reproductive justice, which are important conditions for our physical, spiritual and cultural wellbeing.

Decisions regarding the HLP/WCIP

Outcome of the HLP/WCIP

- It was decided to analyze carefully what is a high-level plenary meeting and its implications for UNDRIP and for the outcome document. Danika Littlechild offered to work on a short paragraph explaining the specific meaning and scope attributed to a high-level plenary meeting vs. a world conference.
- It was decided to look at the outcomes of the Commission of the Status of Women and see how they may affect HLP/WCIP.

Indigenous participation at the HLP/WCIP

- It could be that the informal roundtables will not be a part of the official record of the United Nations. It was decided that the GIWC's goal is to be a part of the formal record. The GIWC would like to find out if the outcome documents coming out of preparatory meetings will be part of the official record.
- It was decided to find out other examples of HLP meetings and the participation of civil society in them. What procedures have been used in the past? What does the GA see as the role of the high-level meeting?
- Side/Parallel Events: There could be side events in the week leading up to GA and parallel activities during the HLP/WCIP. It was decided that it could be strategically significant for the GIWC to start thinking now of organizing a side event and to invite State delegations. Additionally,

the GIWC decided to evaluate how any of these events could affect the high level meetings and the conventions or documents that come out from them.

Decisions regarding the Indigenous Global Coordinating Group (GCG)

GCG roadmap

- Concerns were expressed that women and youth are not fully included on the GCG roadmap.
- It was decided that they need to be in the language, roadmap, and official documents. It was decided to develop strategies for collaboration between the GIYC and GIWC in their work at the GCG in order to advance the full and effective participation of Indigenous women and youth.
- A suggestion was made seek a proactive route to guarantee wide participation through the regional delegations, to seek equal participation in terms of gender and generations, as a way to struggle together to find common positions.

Lobbying

- It was decided to have a GIWC collective position statement that can be used when lobbying.

Decisions regarding the GIWC Representatives to the Global Coordinating Group

Terms of Reference

- It was reminded that the collective is the one that provides the framework for work and the mandate to all of its representatives.
- Taking into consideration all its needs and guiding principles, the Caucus discussed, decided, and approved the Terms of Reference for the GIWC Representatives (see Appendix 2).

Nomination and Selection Process³

- The Caucus decided by consensus to recognize with gratitude the service of our sisters who have served as GIWC GCG main and alternate representatives. The 4 GIWC representatives to the GCG from May 17, 2012 to March 27, 2013 were: Tarcila Rivera Zea (main representative); Alyssa Macy (main representative), who attended 2 GCG formal meetings (New York- August 2012, Chiang Mai- October 2012) and will attend the one in Alta (April 2013); Vicky Tauli-Corpuz (alternate representative), who attended the GCG informal meeting in New York (January 2013); and Kamira Nait Sid (alternate representative).
- In view of the need to move forward in our work, the Caucus renewed a call for GCG representatives to take up the work of engaging with the GCG according to the terms of reference of the GIWC and of the GCG. Nominations were made and discussed in terms of the TORs and the following persons were selected as main and alternate representatives: Alyssa Macy and Myriam Sánchez – main representatives; Sandra Creamer, Maria Uazukuani,

³ Tania Pariona has asked to put in the record that she was not present at the session when the decisions in relation to the GIWC representatives to the GCG and the TORs were made (March 27, 2013) and that she has a different and impartial opinion regarding the procedures for decision-making and on the criteria used.

and Tia Oros – alternate representatives.

Lobbying and Position Statements

- It was decided that the GIWC Representatives at the GCG can and must carry out lobbying efforts based on the Guiding Principle, the Outcome Document from the GIWC preparatory meeting, and GWIC position statements, which will be developed by the collective on a consensus basis. The Caucus members should share through the online listserv research documents and other relevant statements regarding the situation of Indigenous Women and Girls.

Decisions regarding the GIWC representatives to the GCG

Drafting Committee Draft Terms of Reference for GIWC Representatives to the GCG Drafting Committee⁴

- It was stated that the Caucus would finalize full responsibilities and the mandate of the GIWC Representatives to the Drafting Committee at the Global Preparatory Meeting for Indigenous Women. However, due to time issues, this was not possible.
- It was decided that until then, the Draft Terms of Reference are a good guiding framework for the work of the GIWC representatives to the GCG Drafting Committee and they should be used until fully approved TORs replace them. It was

decided that for the GIWC it is absolutely crucial that all of its main representatives and the alternates work as a team, and it is expected that they will be sharing the workload among themselves, that they will be reporting back to the whole Caucus, and that they will be making consultations with the Caucus and its officers in a timely manner.

- It was decided that the selected representatives and alternates would automatically be part of the GIWC drafting team to work on the outcome document. This GIWC drafting team will also include others who have stated their willingness to help in the process.
- It was decided that this team would be collecting information at the GIWC Global Preparatory Meeting for Indigenous Women (March 27-29, 2013), through online consultations afterwards, and at the UN Permanent Forum (May 20-31, 2013).

Designation of GIWC representatives to the Global Preparatory Indigenous Peoples' Conference in Alta

- The Caucus was informed that the GCG has not allocated seats/funding for the representatives of the GIWC and of the GIYC, despite the request made via a joint letter in December 2012. It was decided that the GIWC should communicate to all parties involved that it expects to have full and active participation, and that it should be treated without discrimination.

⁴ The nomination/selection process for the GIWC Representatives to the GCG Drafting Committee, including criteria and draft terms of reference, took place prior to the preparatory meeting on March 7-13, 2013, via the online listserv. The following persons were selected for the GCG Drafting Committee: Sandra Creamer & June Lorenzo, main representatives; Eve Reyes-Aguirre, Dea Thiele, Eleanore Dictaa-Bang-oa & Yolanda Terán, alternate representatives.

- It was decided that the GIWC Rapporteurs would write a letter to the Sami Parliament requesting funding for GIWC representatives. It was also decided that a follow up letter would also be sent to the GCG to be added to their agenda at their upcoming meeting in Alta. 5
- It was decided to give the mandate to our GIWC GCG Representatives to lobby on its behalf for funding purposes.

Criteria for the GIWC delegation to the Alta Conference

The following criteria were decided and approved:

1. Must be an Indigenous woman
2. Has participated actively in the GIWC meetings
3. Knows, honors, is accountable to and upholds the GIWC 9
4. Will work closely in a respectful manner with the GIWC leadership and the collective
5. Has experience as Rapporteur or drafting UN documents in relation to the rights of Indigenous Women
6. Is familiarized with the HLP/WCIP process
7. Has the ability to travel and to obtain a visa
8. Can take some responsibility for fundraising

In addition, the GIWC is committed to strive at having a regional and intergenerational bal-

ance in its delegation.

Nomination process⁶

- The Caucus nominated and decided to give priority to the GIWC Representatives as follows: GIWC Co-chairs and Rapporteurs (the ones that are chosen at the next GIWC preparatory meeting at the UNPFII - May 17, 2013), GIWC GCG Representatives, GIWC Representatives to the GCG Drafting Committee.
- It was decided that the rest of nomination and the selection process would be done via the online listserv and should be continued immediately after the GIWC preparatory meeting.
- It was decided that only those representatives who have the GIWC mandate could speak on behalf of the GIWC.

Designation of GIWC representatives to the GCG Negotiating Team

- The Caucus was informed that the GCG has suggested the need to have a negotiating team in New York during and after the interactive hearing (June – September 2014), made up of people from the different regions and global caucuses. The GCG has not yet created a TOR for the negotiating team.
- For the nomination/selection process, the GIWC considered a few initial criteria, such as having experience lobbying and having some influence on the UN floor.
- For her great experience at the UN, her

5 These letters were sent via email on March 31, 2013 and they were distributed through the listserv.

6 Tania Pariona has asked to put on the record that she has a different and impartial opinion regarding the procedures for decision-making and on the criteria used.

access to the UN, and her residency in NY, Tonya Gonnella-Frichner was nominated to be part of the GCG negotiating team in NYC on behalf of the GIWC. She accepted the nomination. A second nomination was made for Murielle Borst to work alongside Tonya as part of the negotiating team. It was recommended to include other women from different regions as well and for the GIWC to provide a clear mandate.

- However, the discussion was tabled for a later time since there was little information on the roles and responsibilities of the negotiating team. It was decided it might be too early to make any final decisions. Nominations were noted on record.

Decisions regarding Communications

- In order to facilitate the information flow between the Caucus and the GIWC Representatives (including co-chairs, rapporteurs, GCG representatives, and Drafting team members, and future representatives), and among Caucus members, a Communications Protocol was discussed, approved and adopted (see Appendix 3).
- Regarding the GIWC online listserv, it was discussed that while its membership is open to any Indigenous Woman, the discussions are private. Therefore, it was decided that the exchanges should not be forwarded to other lists, fora, or spaces without knowledge and approval of the Caucus members. Likewise, a link cannot be posted in other websites to the open archives.

- In addition, it was recognized that the approved communications protocol carried budgetary implications especially regarding the provision of translations. It was noted that it might be possible to seek assistance at Humboldt University for translations into most languages, except Arabic.
- The GIWC has its own website but it has not been developed. Decisions regarding this remain to be made.
- The GIWC also has a Facebook page where members can post information about what is going on around the world regarding issues of interest for Indigenous Women and Girls. Members can also post photos and videos.

Decisions regarding the GIWC Outcome Document

- The GIWC Drafting team has been entrusted with writing the GIWC Outcome Document from its Global Indigenous Women's Preparatory Meeting. 11
- In addition, a call will be made via the online listserv for Caucus members to send language on the approved themes and issues.
- Mindful that the HLP/WCIP is intended to share perspectives and best practices on the realization of the rights of Indigenous Peoples, including pursuing the objectives of the United Nations Declaration on the Rights of Indigenous Peoples; firmly believing that this process cannot be allowed to undermine the minimum standards that

are already set in the UNDRIP; and concerned that Indigenous Peoples will not be able to participate fully and effectively at the HLP/WCIP, the GIWC has decided that the following will not be suggested as possible themes for consideration: the right to Self-Determination, Articles 3 and 46 of the UNDRIP, the right to Free, Prior and Informed Consent, and the right to self-identification.

- Once the drafting committee has finalized a draft outcome document, it was decided that it must be sent out via the online listserv for its review and final approval. Final approval rests on the Caucus. Only after the Caucus has approved the draft, the GIWC Outcome Document can be delivered to the GCG and presented at the Madrid meeting of the GCG Drafting Committee (May 6-7, 2013).

Themes and issues to be proposed

It was decided to organize all the issues recommended in thematic areas from Indigenous Women's perspectives. A second recommendation was made to tie the themes and issues below to specific articles of UNDRIP (except Art 3 or Art 46) since one of Indigenous Women's concerns is the lack or weak implementation of the Declaration. A third recommendation was to send suggested language on the themes below to the GIWC Drafting Committee.

1. Right to Identity, Right to Culture

- a. Right to culture - SUGGESTED TO BE PRIORITIZED
- b. Right to language
- c. Traditional, ancestral and sacred knowledge. Traditional knowledge across borders.

- d. Preservation of sacred sites
- e. Schooling with identity
- f. Interculturalism

2. Rights of Mother Earth and Our Relationship to Mother Earth

- a. Environmental racism and environmental justice
- b. Violence against Mother Earth
 - i. Protection of and access to water. (Proposed language: The GIWC recommends that the Outcome Document take a position against Aquacide: the killing of the waters by dams, diversions, privatization, deprivations, extractive industrial and mega-agricultural developments, hydraulic fracturing, toxins, and pollution, and other ways that inhibit or preclude Water's ability to nurture and support Life. This includes working to immediately halt Aquacide by all forms of exploitation, commodification, and other assaults that impede or destroy the life giving quality of Water.)
 - ii. Extractive Industries' impact on our access to genetic resources and benefit sharing
- c. Food security and sovereignty
- d. Sumak Kawsay (Ecuador's Constitution) and Suma Qamaña (Bolivia's Constitution)--which could be translated from Quichua and Aymara as Buen Vivir, Living Well--as a right and as an ethical and political principle guiding us to life plenitude
- e. Implementation of the Convention on Biological Diversity. Nagoya Protocol should make reference to Indigenous

Peoples not simply Indigenous communities

*Report to Reference: International Indigenous Women's Environmental and Reproductive Health Symposium - Declaration for Health, Life and Defense of our Lands, Rights and Future Generations.

3. Millennium Development Goals

Proposed language: "Enabling Environments that are: Global in Nature, Sustainable in Value"

- a. Indigenous Women have the Right to Self-Development
- b. Linkage to Sustainable Development Goals (Rio +20) and how to define the paradigm shift as Indigenous Women
- c. Poverty eradication
- d. Sumak Kawsay and Suma Qamaña (Buen Vivir, Living Well) as a model for development with culture and identity

4. Autonomy and Integrity of Indigenous Women and their Bodies

- a. Violence against women and girls. Need to define violence from the perspective of Indigenous Women. We also need to bring back the attention of UN agencies to the violence against Indigenous Women.
- i. Issue of missing and murdered Indigenous Women and Girls
- ii. Women and children in conflict zones
- iii. Human trafficking
- iv. Police violence and brutality against Indigenous Women and Girls, including sexual assaults, beatings, etc.

- b. Apprehension of children in state custody
- c. Forced Displacement
- d. Culturally safe health care that takes that addresses our unique histories and cultures
- e. Reproductive justice
- f. Violence against Human Rights defenders

*Report to reference: Breaking the Silence on Violence against Indigenous Girls, Adolescents and Young Women: an overview of existing knowledge and a call to action. (<http://www.scribd.com/doc/129338019/Final-Executive-Summary-With-Logos>)

5. Indigenous Women's Leadership and Political Participation

- a. Indigenous Women have the Right to Self Representation
- b. Full and effective participation of women on local, regional, national and international levels
- c. Training women. Capacity building for Indigenous Peoples. Adequate methodology to incorporate this
- d. Capacity building and skills development. Programs to empower women and develop own school programs. Lack of recognition
- e. Interculturalism - infusing our doing politics with our own perspectives as Indigenous Women and demanding this is respected

6. Indigenous Economy

- a. Trading
- b. Commerce

- c. Training Indigenous Women to manage finances

Decisions regarding Fundraising

- The GIWC recognized the need to have a fundraising committee in order to be able to better participate in the HLP/WCIP process and in light of the lack of available funds. For example, it was suggested that as possible, it would be better if two delegates at present at all GCG meetings because they would be able to offer different but complementary views on issues.
- It was decided to begin drafting language regarding the establishment of a fundraising committee or group for the GIWC, and to share via our listserv for feedback.
- It was recognized that the GIWC as a whole should take responsibility for finding funding for its main and alternate delegates, translation, other activities and meetings, and its website. It was decided that no criteria are needed to be part of a fundraising committee, however criteria should be discussed and decided for fundraising.
- An issue was raised that since we are not a legal entity who can accept the funding, we need to decide from whom we will take funding. It was decided that the GIWC should not accept funding from States, extractive industries, or private sector that infringe on the rights of IPs, including but not limited to the World Bank.
- The commitment made in the Communications Protocol that the GIWC shall make all possible efforts to provide timely translations of documents and email exchanges has budgetary and fundraising

implications and this has to be discussed.

Other matters: Meeting with the World Bank

- Sandra Creamer and Lobna Rouhani, GIWC Co-Chairs, were invited to and attended a dinner with World Bank representatives on March 26th. They reported that the World Bank is thinking about making policies around Indigenous Peoples.
- Concerns were expressed about the lack of Free, Prior and Informed Consent of the World Bank in Indigenous communities. The GIWC should be very concerned about the actions, activities, and policies of the World Bank.
- Why is the World Bank seeking the spaces where Indigenous Peoples are meeting (e.g. the GIWC and the Latin America and the Caribbean preparatory meetings)? The approach made by the World Bank has caused division in some of the regions because of differences in perspectives regarding the World Bank.
- It was advised that the World Bank should make it clear why they are interested in participating at events by and for Indigenous Women. It was also decided that 15 any meeting with the World Bank should be open and transparent and should not occur during the meeting times dedicated for Indigenous Women.

Letter from Caribbean Indigenous Women to the GIWC

- Indigenous Women from the United Confederation of Taíno People (UCTP), the Bohio de Atabei Caribbean Indigenous Women's Circle, and the Caribbean

Amerindian Development Organization (CADO) sent a letter to the GIWC during its preparatory meeting (Appendix 4 as separate pdf).

- It calls our attention to the need of Caribbean Indigenous Women to be adequately represented not only at the GIWC, but also within their region (Latin America & the Caribbean) and throughout the HLP/WCIP process. It calls the GIWC to consider having Caribbean Indigenous Women in its delegations. Furthermore, it points to the fact that in the GCG process towards the HLP/WCIP, the Caribbean Peoples have been de facto erased or excluded by not including explicit references to them. For this reason, it was decided that any reference made to Latin America must include a reference to the Caribbean since their subregion is included officially in that larger region.

GIWC Roadmap - Plan of Action

Based on the discussions at the GIWC Global Preparatory Meeting for Indigenous Women, the following is a live road map towards the HLP/WCIP. This needs to be updated periodically.

GIWC Delegation for Alta Deadlines: April 15th to send names of delegates; May 1st to register
Actions: Letter to Sami Parliament (Rapporteurs) – Sent on March 29, 2013
Letter to the GCG (Rapporteurs) – Sent on March 29, 2013
Initiate Nomination/Selection process through the listserv
Strategy for participation in Alta, considering possible lack of funds

Drafting of the GIWC Outcome Document
Deadlines: the final GIWC Outcome Document has to be ready well in advance

the Madrid Meeting on May 6th. The GIWC Drafting Committee is in charge of writing the document.

TORs for GIWC Drafting Committee Deadline: As soon as possible
The final TORs have to be finalized, reviewed, and adopted by the Caucus.

Collection of Relevant Information – Position Statements
Deadline: ongoing
The listserv could be used to send relevant information to be considered by the GIWC. Suggested language can also be sent via that way.

Fundraising
Deadline: As soon as possible
It was agreed to draft criteria for fundraising.

GIWC Representatives at the GCG Negotiating Team
Deadline: Ongoing
Need to develop criteria and follow on the nomination/selection process

Side / Parallel Events to the HLP/WCIP
Deadline: Ongoing
Need to discuss whether this is something that the GIWC would like to do.

Appendix 1. Agenda

GLOBAL INDIGENOUS WOMEN'S PREPARATORY MEETING Regarding the UN High Level Plenary to be called the WORLD CONFERENCE ON INDIGENOUS PEOPLES

March 27-29, 2013

VENUE: American Indian Community House New York City, Haudenosaunee Traditional Territory

1. Opening Protocols and Welcome
 2. Opening Remarks, brief history of GIWC
 3. Overview of Meeting Agenda by GIWC Co-Chairs/Coordinators
 4. Overview and Background of the WCIP
 5. Status of the work of the Global Coordinating Group (GCG) and of the Co-Facilitators of the WCIP
 6. GIWC representatives to the Global Coordinating Group
 7. Overview, Discussions, Criteria, Terms of Reference regarding:
 - A. GIWC representatives to the GCG Drafting Committee (TOR)
 - B. The designation of GIWC representatives to the Alta Global Indigenous Peoples' Preparatory Conference; Seats allocated to the GIWC from other regions
 - C. Criteria for the selection of GIWC representatives to the GCG Negotiating Team
 - D. Criteria for the selection of GIWC representatives to WCIP
 8. Discussion of the themes and issues to be proposed by the GIWC for the WCIP
 9. Input from the regional and youth caucus representatives regarding issues related to Indigenous Women and the WCIP
 10. Fundraising update and future planning
 11. Update on GIWC meeting for UNPFII (May 2013)– announcement, provisional agenda
 12. Other matters to be determined
 13. Draft and Review of GIWC Preparatory Meeting Report/Statement regarding the WCIP
- 1Closing of Meeting

Appendix 2. Terms of Reference for the GIWC GCG Representatives

Approved via consensus by the GIWC on March 29, 2013 at its Global Preparatory Meeting for Indigenous Women

Guiding Principle: The Global Indigenous Women's Caucus (GIWC) agrees to work together under the definition of self-determination contained in article 3 of the United Nations Declaration on the Rights of Indigenous Peoples in the proceedings of all matters regarding the UN general Assembly High Level Plenary to be called the World Conference on Indigenous Peoples (HLP/WCIP). This definition of self-determination maintains the right to be referred to as Indigenous Peoples, not communities or populations. As Indigenous Women we reaffirm that our inherent rights and customary laws are non-negotiable, as well as our right to language, culture and identity and to free, prior and informed consent. Our GIWC representatives expect to work in a safe environment. As such, we also understand that self-determination is indispensable for the autonomy of our bodies and environmental and reproductive justice, which are important conditions for our physical, spiritual and cultural wellbeing.

The GIWC GCG representatives shall do the following:

1. The GIWC GCG representatives first mandate is to the Global Indigenous Women's Caucus, and they shall represent the GIWC at all times.
2. Be active participants in the Global Indigenous Women's Caucus in order to be informed

of the positions and directions given by the Caucus.

3. Have the ability to travel, obtain visas and fulfill the mandate as put forth by the GIWC.
4. The main representatives shall share the responsibilities of the work mandated by the GIWC at the GCG, as well as the available funding and resources in order to be able to participate in that work. The alternates shall be kept fully informed of the work of the GCG and its committees, and of all the communication between the main delegates, and shall fully engage in the discussions and decisions.
5. Establishing and maintaining working relationships with governments and permanent missions at the UN in order to promote Indigenous Women, Young Women and Girls' rights.
6. Lobby governments, intergovernmental agencies, UN agencies, and civil society groups, as long as they stay within the mandate of the GIWC, to achieve the goals and objectives of Indigenous Women for the HLP/WCIP 2014.
7. Communicating and collaborating with the Global Indigenous Youth Caucus GCG representatives before/after GCG meetings in order to identify common issues and possible common positions to bring forth. Possible joint actions will be decided collaboratively between the GIWC and the GIYC.
8. Sharing and coordinating information with

other regional representatives.

9. Distributing information about the HLP/WCIP 2014 to the GIWC in a timely manner according to the communications protocol.

10. Informing and reporting back to the GIWC the discussions and decisions made at the GCG meetings and its committees, and at any other meeting in which they participate as GIWC representatives, following the communications protocol.

11. Providing feedback to the co-facilitators of the HLP/WCIP 2014, on the basis of timely consultations with the GIWC according to the communications protocol.

12. Making recommendations for consideration to the GIWC in a timely manner following the communications protocol.

13. Communicating and coordinating with the Permanent Forum on Indigenous Issues (PFII), the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), the Special Rapporteur on the Rights of Indigenous Peoples, and the Office of the High Commissioner for Human Rights on issues related to Indigenous Women and Girls regarding the HLP/WCIP 2014.

14. Securing adequate funding from the GCG, and work in coordination with the GIWC fundraising committee, for the participation of representatives of the Global Indigenous Women's Caucus in the HLP/WCIP 2014 process at all levels, including meetings of the GCG, global preparatory meetings, the Indigenous Peoples Global Preparatory Conference in Alta, Norway 2013 and the HLP/WCIP 2014 itself. This includes lobbying efforts

within the GCG, other funding sources.

15. Communicating input from the GIWC to the GCG in order to ensure full, equal and meaningful Indigenous Women's participation through every aspect of the HLP/WCIP 2014 process.

16. Advancing the decision of the GIWC to have funded delegations of Indigenous Women and Indigenous Youth selected by the GIWC and the GIYC at the Indigenous Peoples' Global Preparatory Conference in Alta, Norway 2013. These delegations shall be over and beyond any Indigenous Women and Youth selected by the regions to participate at the conference in Alta.

17. Cooperating and planning with the organizers in order to secure the full and effective participation of our representatives without sexual harassment and discrimination.

Appendix 3. Communications Protocol

Approved via consensus by the GIWC on March 29, 2013 at its Global Preparatory Meeting for Indigenous Women

All GIWC representatives:

1. Shall have active communication with GIWC at all times in regards to any matters involved with the High-Level Plenary Meeting to be known as the World Conference on Indigenous Peoples.
2. After each meeting attended, (formal or informal), shall write a report no later than 2 weeks after the meeting, with the goal of submitting the report as soon as possible, detailing the discussions and decisions reached, and outlining course of action.
3. Any discussions, communications, negotiations had in regards to fundraising developments shall be communicated to the GIWC co-chairs immediately. It will be the co-chairs responsibility to send out information to GIWC or its advisers if it needs to go out and have input.
4. Shall provide updates on communications with the GCG representatives of the Global Indigenous Youth Caucus. Other matters: Any requests from media--including radio, television, newspaper, blogs and all other forms of media--must be approved by the GIWC. If this approval cannot be obtained, GIWC representatives can only speak to the mandate of the GIWC. The GIWC shall make all possible efforts to provide timely translations of documents and email exchanges.

Global Indigenous Youth Caucus Preparatory Meeting for the WCIP 2014

April 9-11, 2013, Inari, Finland

Primary GCG member: Tania Pariona

AGENDA

8.4.2013 Monday

- Meeting of the Coordinating Group of the Global Indigenous Youth Caucus (IYC-CG)
- Arrival of the participants
- Arriving fun activities and getting to know each other.

9.4.2013 Tuesday

- Morning session: Opening & UNWCIP
- Opening spiritual ceremony
- Opening remarks, GCG youth representatives
- Welcome, Youth caucus co-chairs & the Sámi parliament)
- Icebreakers- (15mins) – get to know each other.
- Selection of the rapporteur to UNWCIP issues, 2 persons
- Selection of the rapporteur to Global Indigenous Youth Caucus issues, 2 persons
- Selection of the rapporteur of the whole meeting, 2 persons
- Introduction to the UNWCIP and the latest news, John B. Henriksen Co-Facilitator of the UNWCIP
- Report-back on partnership with GIWC – preparatory meeting (Tania & Erin)
- Work of the UNPFII and EMRIP on the WCIP, GCG youth representatives

- Introduction of the Youth preparatory meeting and to the program of the week, GCG youth representatives Discussion/ Questions regarding the UNWCIP process, Participants
- Afternoon session: UNWCIP
- Review on the regional declarations and recommendations regarding the WCIP made by the GIYC in UNPFII and EMRIP, GCG youth representatives
- Proposed framework on IYC declaration, GCG youth representatives
- Group Workshops on the respect and implementation of IP Rights (Good Practices, Gaps and Challenges in Implementation) and recommendations for the WCIP Plan of Action (reports to be submitted before 8pm), Regions focal points (Participants can change groups half way through, or do a rotating portion of this agenda, since most people will have things to say for all of these issues.)

Thematic Areas:

1. Self-determination and Governance
2. Lands, Territories and Resources
3. Implementation of IP Rights under international law including UNDRIP and other international legal instruments
4. Militarization and conflicts
5. Other relevant issues and action plans (cross-cutting concerns, proposed policy actions and mechanisms)
6. Contemporary Indigenous Issues (lan-

guage, culture, health, justice, urban Indigenous youth, climate-change, etc).

10.4.2013 Wednesday

- Morning session: UNWCIP
- Presentation of Workshop Results and consolidation of common issues, gaps, challenges, and recommendations for Plan of Action, Regional focal points
- Presentation of draft IYC declaration on the WCIP (consolidated from the workshop result)
- Afternoon session: Global Indigenous Youth Caucus
- Introduction of the topic & idea
- Terms of reference
- UNPFII Youth caucus preparatory meeting Trainings, statement development and other activities – input on how they want the preparatory meeting shaped.
- Development of the youth caucus & Funding & Membership & Future work •
Group workshops on UNPFII statements
Presentation and discussion on the workshop result

11.4.2013 Thursday

- Whole day session: UNWCIP & GIYC
- Review on the work done
- Wrap up the remained work
- Adaptation of the declaration
- Selection of the members (2 persons) in the international editorial drafting committee of the Alta declaration
- Discussion of the Alta meeting and its participation of the GIYC
- Discussion of the lobbying process for the GA
- Discussion of the GA 2014 in NY and its participation of the GIYC Afternoon session: Surprise from the Finnish Sámi Youth organization if time for that

Alta Declaration

Global Indigenous Preparatory Conference for the High Level Plenary Meeting of the General Assembly to be known as the World Conference on Indigenous Peoples

June 10–12, 2013, Alta

Introduction

Indigenous Peoples and Nations representing the 7 global geo-political regions including representatives of the women's caucus and the youth caucus have gathered in the traditional territories and lands of the Sami peoples at Alta, Norway. Their purpose was to exchange views and proposals and develop collective recommendations on the High Level Plenary Meeting of the General Assembly to be known as the World Conference on Indigenous Peoples, which will convene in New York, 22 – 23 September 2014. This document sets forth their recommendations.

Preamble

For centuries, we Indigenous Peoples and Nations have faced and continue to face the effects of the colonization of our lands, territories, and resources. This has resulted in patterns of domination, exploitation and subjugation of our Peoples and Nations. Such patterns can be traced to claims of discovery and conquest, papal bulls, royal charters and other erroneous doctrines.

These claims have manifested in colonial strategies, policies, and actions designed to destroy Indigenous Peoples and Nations thereby resulting in the ongoing usurpation of Indigenous Peoples' lands, territories and resources; extensive destruction of Indigenous Peoples' political and legal institutions; discriminatory practices of colonizing forces aimed at de-

stroying Indigenous Peoples' cultures; failure to honour Treaties, agreements and other constructive arrangements with Indigenous Nations; genocide, crimes against humanity, war crimes and the militarization of Indigenous Peoples and their lands; corporatization and commodification of Indigenous Peoples; and the imposition of "development" models that are destroying the life-giving capacities of Mother Earth and producing a range of detrimental impacts of which climate change could prove to be the most destructive.

The United Nations Declaration on the Rights of Indigenous Peoples denounces all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences and further states that these doctrines, policies and practices are racist, scientifically false, legally invalid, morally condemnable and socially unjust.

We reaffirm that Indigenous Peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such. In the exercise of our rights Indigenous Peoples shall be free from discrimination of any kind, in particular discrimination that is based on our indigenous origin or identity; and for Indigenous women, the right to be free from discrimination that is based on gender.

The members of the United Nations must uphold their solemn obligations under the

United Nations Charter to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and to promote and encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and in particular in the specific cultural context of Indigenous Peoples and the standards recognized by the United Nations Declaration on the Rights of Indigenous Peoples.

Furthermore, nation-states individually and collectively, must uphold their obligations in relation to peremptory norms of international law, including equality, non discrimination, the absolute prohibition of racial discrimination and genocide as well as existing state obligations under customary international law principles concerning the right of self-determination of all peoples, including Indigenous Peoples, and our rights to lands, territories and resources; redress and reparations; free, prior, and informed consent; and our distinct economic, social, cultural and political rights.

We affirm that the inherent and inalienable right of self-determination is preeminent and is a prerequisite for the realization of all rights.

We have identified four overarching themes that encapsulate those issues that are of greatest importance to us as Indigenous Peoples and Nations. We recommend that each overarching theme be the respective theme for each of the three round tables and the one interactive dialogue that make up the High Level Plenary Meeting of the General Assembly to be known as the World Conference on Indig-

enous Peoples. Each of the four themes are accompanied by specific and concrete recommendations for inclusion in the final outcome document of the High Level Plenary Meeting of the General Assembly to be known as the World Conference on Indigenous Peoples.

Theme 1: Indigenous Peoples' lands, territories and resources

1. All peoples, including Indigenous Peoples and Nations, have the right of self determination over their lands, territories and resources, including water¹. We recommend that States implement this right, including through the allocation of sufficient financial resources, consistent with their obligations under international law, the United Nations Charter, and Nation-to-Nation Treaties concluded with Indigenous Peoples and Nations;
2. Recommend that States affirm and recognize the rights of Indigenous Peoples and Nations to their lands, territories and natural resources and take action to legally recognize and otherwise fully implement these rights, including the right to restitution as well as the protection and preservation of sacred places and cultural landscapes. Further that States establish mechanisms that can effectively promote the implementation of these rights including through the allocation of sufficient financial resources;
3. Recommend the establishment of mechanisms to ensure that States obtain the free, prior, and informed consent of Indigenous Peoples and Nations before entering their lands and territories or relocating them.

¹ A/RES/64/292.

Past relocations require just and fair compensation and, where possible, the option of return. In such instances where Indigenous Peoples have been forcibly evicted from their ancestral lands and territories, that States provide immediate redress including compensation and humanitarian assistance as required;

4. Recommend that States uphold and respect the self determination of Indigenous Peoples and Nations who do not want resource extraction in their lands and territories and that where resource extraction is already occurring that States with the full, equal and effective participation of Indigenous Peoples develop a comprehensive long term strategy, for sustainable and equitable resource extraction, to end and prevent uncontrolled and unsustainable industrial contamination and extraction and that such a strategy address the need to urgently transition away from fossil fuel dependence to clean, renewable and/or free energy based systems and infrastructure. Further, that such a strategy incorporates strengthening the capacity of Indigenous youth in relation to sustainable development practices based on traditional knowledge and the relationship with the land as well as the protection and promotion of the important role of Indigenous women as traditional knowledge holders.

Theme 2: United Nations system action for the implementation of the rights of Indigenous Peoples

1. Recommend the creation of a United Nations body with a mandate to promote, monitor and review the implementation of the rights of Indigenous Peoples, includ-

ing but not limited to those affirmed in the United Nations Declaration on the Rights of Indigenous Peoples, and that such a body be established with the full, equal and effective participation of Indigenous Peoples;

2. Recommend that the General Assembly call for the establishment of an international mechanism to provide oversight, redress, restitution and the implementation of Treaties, agreements and other constructive arrangements between Indigenous Nations and States and successor States;
3. Recommend that the General Assembly appoint an Under-Secretary General for Indigenous Peoples, in order to strengthen the United Nations capacity and efforts towards ensuring the full realization of the rights of Indigenous Peoples as well as the inclusion and reflection of these rights in all activities of the United Nations;
4. Recommend that all United Nations agencies, programs and funds engaging in activities impacting on Indigenous Peoples appoint an officer, or establish a team of officers, with particular responsibility to ensure that all such activities are responsive to and adapted for the particular situation of Indigenous Peoples. That efforts be made to ensure that recruitment of Indigenous personnel within these agencies and programs is increased;
5. Recommend that a review be undertaken of the nomination processes for United Nations mandated positions relating to Indigenous Peoples' rights to ensure that the processes are consistent with the United Nations Declaration on the Rights of Indigenous Peoples, and that Indigenous

Peoples with expertise on Indigenous Peoples' rights be appointed to treaty monitoring bodies to enable more effective monitoring of Indigenous Peoples' rights and states parties compliance with their treaty obligations.

6. Recommends the organization of an official UN World Conference on Indigenous Peoples.

Theme 3: Implementation of the Rights of Indigenous Peoples

1. Self-determination includes, inter alia, the right and power of Indigenous Peoples to negotiate on an equal basis with States the standards and mechanisms that will govern relationships between them. We therefore recommend that States recognize that the implementation of the existing right of self-determination in international law in this regard will make a significant contribution to avoiding and/or resolving conflicts and alleviating adverse social and economic conditions;
2. Recommend that States, with the full, equal and effective participation of Indigenous Peoples, including Indigenous women, youth, and persons with disabilities develop processes to ensure that local, provincial and national laws, policies and procedures comply with international standards including human rights treaties and the United Nations Declaration on the Rights of Indigenous Peoples and further recommend that national human rights institutions develop specific programmes and monitoring mechanisms that focus upon and address the effective implementation of the United Nations Declaration on the Rights of Indigenous Peoples;
3. Recommend that States enter into new treaties, agreements and other constructive arrangements with Indigenous Peoples as a way to effectively implement their rights and to resolve violent conflicts and disputes and that the implementation of all treaties, agreements and other constructive arrangements be ongoing and effective;
4. Recommend that States uphold and implement the rights of indigenous women as well as strengthen the protection of indigenous women through the formulation and implementation of effective laws, policies and strategies; and that States with the full, equal and effective participation of Indigenous women take immediate action to review and monitor the situation of indigenous women and provide comprehensive reports on violence against indigenous women and girls, particularly sexual violence and violence in the context of armed conflict;
5. Recommend that States refrain from further militarizing the lands and territories of Indigenous Peoples and Nations and that the security of all Indigenous Peoples be upheld with special measures being taken to ensure the protection of Indigenous women and children;
6. Recommend that States consult with Indigenous Peoples and Nations on the establishment and development of national commissions of inquiry or other independent, impartial and otherwise effective investigative mechanisms to document matters of impunity and other human rights concerns of Indigenous Peoples and to ensure that recommendations to governments to end impunity for violations of

Indigenous Peoples' rights are effectively implemented;

7. Recommend that States work collaboratively with and actively assist Indigenous Peoples to repatriate sacred and culturally significant items and ancestral remains.

Theme 4: Indigenous Peoples' priorities for development (Free, prior and informed consent)

1. Indigenous Peoples' priorities for development are predicated on the full and effective recognition of their rights to lands, territories and natural resources and the connection between customs, belief systems, values and traditional knowledge. We therefore recommend that culture be integrated as a pillar into strategies that relate to development including the Millennium Development Goals and the post 2015 UN Development Agenda;
2. Recommend that States uphold and respect Indigenous Peoples' and Nations right of free, prior and informed consent before any activities are carried out in the lands and territories of Indigenous Peoples;
3. Recommend that States take a strategic approach to crime and justice with Indigenous Peoples which is informed by standardised and disaggregated data collection and which is focused on prevention and diversion as well as protection and rehabilitation;
4. Recommend that States facilitate high quality and culturally appropriate education and health policies, programs and services by Indigenous Peoples for Indigenous Peoples, which incorporate Indigenous Peoples' needs,

histories, identities, values, beliefs, cultures, languages and knowledge. Such policies, programs and services must include the distinct perspectives of Indigenous women, youth and persons with disabilities and they must be allocated sufficient financial resources;

5. Recommend that States collect, analyze and disaggregate data on the status of Indigenous women and girls in order to draft and implement public policy and legislation that better addresses the situation of Indigenous women and girls;
6. Call on States to reaffirm the rights of Indigenous Peoples to their economic, social and cultural development with due regard to their freedom and identity and the recognition that the right to development is both procedural and substantive, obliging States to ensure that development is equitable, non-discriminatory, participatory, accountable, and transparent, with equality and choice as important overarching themes.

World Conference Organization

The UN General Assembly President formally authorized execution of the UN General Assembly Resolution that itself authorized the organization of the High-level Plenary meeting of the UN General Assembly that would be called the World Conference on Indigenous Peoples.



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September 13, 2012

Letter of the General Assembly President to All Permanent Representatives and Permanent Observers to the United Nations

April 5, 2012

Excellency,

On 21 December 2010, the General Assembly adopted resolution 65/198 entitled "Indigenous Issues". Through this resolution, the General Assembly decided to convene a high-level plenary meeting of the General Assembly in 2014, to be known as the World Conference on Indigenous Peoples.

In accordance with paragraph 8 of the resolution the main objective of the World Conference on Indigenous Peoples is to share perspectives and best practices on the realization of the rights of indigenous peoples and to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples.

As you are aware, the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, in 2007, is considered a milestone in the recognition of the rights of indigenous peoples. The Declaration is the result of an open and inclusive process of dialogue and negotiations among and between Member States and Indigenous Peoples. The World Conference provides an opportunity for the United Nations to continue this established practice.

The United Nations Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples have highlighted that the preparatory process for the World Conference should be conducted in partnership between Member States and indigenous peoples. I am aware

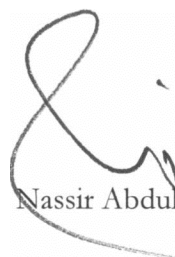
that the indigenous peoples, through regional and global processes, have established a global coordinating group for the World Conference comprising members from each of the seven indigenous regions, with the addition of an indigenous women and youth as members. Furthermore, they have designated Mr. John Henriksen to represent the coordinating group in New York.

The General Assembly requested me to conduct open-ended consultations with Member States and with representatives of indigenous peoples, in order to determine the modalities for the meeting, including the participation of indigenous peoples in the Conference.

I have the honor to inform you that I have decided to request H. E. Luis Alfonso de Alba, Permanent Representative of Mexico and Mr. John Henriksen to conduct inclusive informal consultations on my behalf.

I trust that you will extend your full cooperation and support to them.

Please accept, Excellency, the assurances of my highest consideration.



Nassir Abdulaziz A'Nasser

Organization of the High-level Plenary Meeting of the sixty-ninth session of the General Assembly, to be known as the World Conference on Indigenous Peoples

Draft resolution submitted by the President of the General Assembly
Sixty-sixth session, Agenda item 66, Rights of indigenous peoples
13 September 2012

The General Assembly,

Recalling the United Nations Declaration on the Rights of Indigenous Peoples,¹ which addresses the individual and collective rights of indigenous peoples,

Recalling also all relevant resolutions of the General Assembly, the Human Rights Council and the Economic and Social Council relating to the rights of indigenous peoples,

Reaffirming its resolution 65/198 of 21 December 2010, by which it decided to organize a high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, to be held in 2014, in order to share perspectives and best practices on the realization of the rights of indigenous peoples, including to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples,

Encouraging the participation of indigenous peoples in the World Conference,

Recalling its resolution 59/174 of 20 December 2004, by which it proclaimed the Second International Decade of the World's Indigenous People (2004-2014), and recognizing that challenges remain in meeting the goals and objectives of the Second Decade,

Inviting Governments and indigenous

peoples to organize international or regional conferences and other thematic events to contribute to the preparations for the World Conference,

Taking note of the activities relating to the World Conference undertaken by the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples, in addition to the engagement of the Special Rapporteur on the rights of indigenous peoples, in the preparatory process for the World Conference,

Encouraging the continued active engagement of indigenous peoples in the preparations for the World Conference, including at the regional and global levels,

1. *Decides* that the High-level Plenary Meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, will be held on 22 September 2014 and on the afternoon of 23 September 2014 in New York;
2. *Encourages* all Member States to consider being represented at the World Conference at the Head of State or Government level;
3. *Decides* that the organizational arrangements for the World Conference shall be as follows:

(a) The World Conference will be composed

¹ General Assembly resolution 61/295, annex.

- of two plenary meetings in the form of an opening and a closing session, three interactive round-table discussions and one interactive panel discussion, with the opening meeting beginning at 9 a.m. on 22 September, followed, in the afternoon, by two round-table discussions taking place simultaneously;
- (b) The speakers at the opening meeting will be the President of the General Assembly, the Secretary-General, the United Nations High Commissioner for Human Rights, Heads of State or Government or high-level representatives of Member States from each regional group, the Chair of the Permanent Forum on Indigenous Issues and three representatives of indigenous peoples who will be proposed by indigenous peoples and subsequently designated by the President of the Assembly after consultations with Member States;
 - (c) The round-table discussions and the interactive panel discussion will be co-chaired by one Member State and one representative of indigenous peoples who will be proposed by indigenous peoples and subsequently designated by the President of the General Assembly after consultations with Member States;
 - (d) The Chair of the Permanent Forum, the Chair-Rapporteur of the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the rights of indigenous peoples will be invited to participate in the interactive panel discussion;
 - (e) The proceedings of the round-table discussions and interactive panel discussion will be webcast;
 - (f) The co-chairs of the round-table discussions and the panel discussion will present summaries of the discussions at the closing plenary meeting;
 - (g) To promote interactive and substantive dialogue, participation in the round-table and interactive panel discussions will include Member States, observers and representatives of entities of the United Nations system, indigenous peoples, civil society organizations and national human rights institutions;
 - (h) Organizations and institutions of indigenous peoples interested in participating in the World Conference, and whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, should be invited to submit applications for accreditation to the Secretariat through an open and transparent procedure, in accordance with the established practice for the accreditation of representatives of organizations and institutions of indigenous peoples, which will provide for timely and comprehensive information on the participation of such organizations and institutions of indigenous peoples for consideration by Member States;
 - (i) The President of the General Assembly shall draw up a list of representatives of non-governmental organizations in consultative status with the Economic and Social Council who may participate in the World Conference;
 - (j) The President of the General Assembly shall draw up a list of representatives of other relevant non-governmental organizations, civil society organizations, academic institutions,

national human rights institutions and the private sector who may participate in the World Conference, for submission to Member States for their consideration on a non-objection basis, and bring the list to the attention of the General Assembly;

4. *Encourages* Member States to consider including representatives of indigenous peoples in their delegations to the World Conference;
5. *Encourages* the full and effective participation of indigenous women, young people, older persons and persons with disabilities in the World Conference;
6. *Encourages* United Nations agencies, funds and programmes, and regional commissions of the United Nations, in accordance with their mandates, actively to engage in the process leading to the World Conference;
7. *Requests* the President of the General Assembly to organize, no later than June 2014, an informal interactive hearing with representatives of indigenous peoples, representatives of entities of the United Nations system, academic institutions, national human rights institutions, parliamentarians, civil society and non-governmental organizations, in accordance with the relevant provisions of the present resolution, to provide valuable input into the preparatory process for the World Conference;
8. *Encourages* Member States actively to participate in the interactive hearing to facilitate the best possible interaction and dialogue between Member States and representatives of indigenous peoples, non-governmental organizations and civil society organizations;
9. *Decides* that the World Conference shall result in a concise, action-oriented outcome document, and requests the President of the General Assembly to prepare a draft text, on the basis of consultations with Member States and indigenous peoples and by taking into account the views emerging from the preparatory process and the informal interactive hearing referred to in paragraph 7 of the present resolution, and to convene inclusive and open informal consultations at an appropriate date to enable sufficient consideration by Member States and agreement by the General Assembly before its formal action at the high-level meeting;
10. *Also decides* that the action-oriented outcome document should contribute to the realization of the rights of indigenous peoples, pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples and promote the achievement of all internationally agreed development goals;
11. *Encourages* Member States and indigenous peoples to disseminate the results of international, regional or thematic conferences organized by them, as widely as possible, in order to contribute to the preparations for the World Conference;
12. *Requests* the President of the General Assembly, in consultation with Member States and representatives of indigenous peoples, to finalize the organizational arrangements for the World Conference, including the definition of the specific



themes for the round-table discussions and the interactive panel discussion, the possible inclusion of an opening ceremony involving indigenous peoples, taking into account the relevant provisions of the present resolution and the inclusive process for the discussion of the outcome document, and the identification of the chairs of the round-table discussions and panel discussion, taking into account the level of representation and adequate geographical representation;

13. *Decides* to expand the mandate of the United Nations Voluntary Fund for Indigenous Populations so that it can assist, in an equitable manner, representatives of indigenous peoples, organizations, institutions and communities to participate in the World Conference, including in the

preparatory process, in accordance with the relevant rules and regulations;

14. *Urges* Governments and intergovernmental and non-governmental organizations to continue to contribute to the Fund, and invites indigenous organizations and private institutions and individuals to do likewise;
15. *Encourages* Member States, organizations and institutions of indigenous peoples, entities of the United Nations system, the private sector, non-governmental organizations and others to actively support activities and events of indigenous peoples in preparation for the World Conference and to organize side events and other relevant thematic and cultural activities in New York that would add to the value and visibility of the World Conference.

Issues: UN Declaration on the Rights of Indigenous Peoples

On September 13, 2007, the UN General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples. This decision came after 25 years of United Nations meetings beginning with those convened by the UN Working Group on Indigenous Populations in 1982. The Declaration is the center piece of debate between states' governments and between states' governments and indigenous nations. More than 5000 nations are the subject of this Declaration and its implementation is reason for the World Conference on Indigenous Peoples. The World Conference will not actually implement the Declaration. It will effectively begin the debate in earnest. Just as it took scores of meetings, negotiations and dialogue to implement provisions of the Declaration on Human Rights, it will take months and years to implement provisions of the UN Declaration on the Rights of Indigenous Peoples. Considering that there are so many nations and more than 200 states, negotiations will be complicated, frustrating and sometimes successful as the years play out. Read the Declaration here and you will see why. Even though it does not contain much of the language preferred by the hundreds of indigenous peoples who traveled to Geneva every year from 1982 through 1992 to promote language for this declaration, it does contain language that has the potential for starting the dialogue and negotiations between indigenous nations and states' governments.

In the Indigenous Peoples' Forum, we offer a sample of the type of dialogue that has already begun.

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Taholah, Quinault Indian Nation, June 12, 2013

61/295. United Nations Declaration on the Rights of Indigenous Peoples

Resolution adopted by the General Assembly [without reference to a Main Committee (A/61/L.67 and Add.1)]

The General Assembly,

Taking note of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006,¹ by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling its resolution 61/178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

Adopts the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution. 107th plenary meeting 13 September 2007

Annex

United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly, Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

Affirming that indigenous peoples are equal to all other peoples, while recognizing

the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognizing also the urgent need to respect and promote the rights of indigenous

1. See Official Records of the General Assembly, Sixty-first Session, Supplement No. 53 (A/61/53), part one, chap. II, sect. A.

peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Considering that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility

and character,

Considering also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights² and the International Covenant on Civil and Political Rights,² as well as the Vienna Declaration and Programme of Action,³ affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in

2. See resolution 2200 A (XXI), annex.

3. A/CONF.157/24 (Part I), chap. III.

promoting and protecting the rights of indigenous peoples,

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Recognizing that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights⁴ and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

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 4

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

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

4. Resolution 217 A (III).

2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - (d) Any form of forced assimilation or integration;
 - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may

arise from the exercise of such a right.

Article 10

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

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and hu-

man remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.

2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, men-

tal, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.

3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

Article 18

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

Article 19

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

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21

1. Indigenous peoples have the right, with-

out discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23

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

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right

to access, without any discrimination, to all social and health services.

2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open

and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

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

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

3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

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

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

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.

Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

United Nations Declaration on the Rights of Indigenous Peoples

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders. 2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

Article 38

States, in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair

procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

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

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be con-

strued as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

Indigenous Peoples Forum at IFAD 2013: Latin America and the Caribbean Working Group Session

11 February 2013

Rapporteurs: Mirna Cunningham (UNPFII, Nicaragua) Francisco Pichon (IFAD Programme Manager);

With support from Valeria Galletti, IFAD

Summary of discussion and recommendations

1. Introduction and frame of reference:

Best practices and recommendations based on case studies and the Latin America and Caribbean consultation workshop.

- The meeting began with a summary presentation on the Preparatory Consultative Workshop held in Nicaragua for the first global meeting of the Indigenous Peoples Forum at IFAD (Managua, Nicaragua, 3-5 December 2012, at the Ministry of Family, Community, Cooperative and Associative Economy). Participants included indigenous leaders from 26 indigenous peoples in 14 countries of Latin America and the Caribbean. They met for the purpose of:
 - (i) learning about IFAD's Policy on Engagement with Indigenous Peoples, best practices and challenges;
 - (ii) strengthening partnerships between IFAD and the region's indigenous peoples;
 - (iii) preparing for LAC participation in the Indigenous Peoples Forum meeting. The list of recommendations that emerged from the discussion was shared with participants.
- In the context of the establishment within IFAD of an Indigenous Peoples Forum, case studies were conducted on IFAD-funded projects to identify best practices, lessons learned and challenges in policy implementation. In the case of Latin America and the Caribbean, it was decided that the case studies would be conducted in three countries in the region: Ecuador, Guatemala and Nicaragua.
- Best practices identified were summarized by the indigenous peoples' representatives:
 - (i) gender with identity approach;
 - (ii) agroindustrial decentralization;
 - (iii) balance between traditional knowledge and new knowledge to strengthen culture and build capacity for entrepreneurship;
 - (iv) respect for the organizational and governance systems of indigenous peoples and Afro-descendants and their integration into project administration; and
 - (v) use of information and communication technologies.
- In addition, the main challenges identified were summarized as follows:
 - o Free prior and informed consent (FPIC) cutting across all project phases
 - o Social control and financial administration of projects by local actors
 - o Ongoing support and communication

throughout the project implementation organization chart

- o Legal assurances with regard to lands and territories
- o Agricultural production for the market versus food security
- o Negotiation of market prices
- o True inclusion of the Policy on Engagement with Indigenous Peoples in country strategic opportunities programmes (COS-OPs)
- o Administrative responsibilities for indigenous peoples in projects

2. Discussion

The discussion focused on the following key issues:

- IFAD-funded projects and programmes
- Policy dialogue at the national level
- Communication and knowledge management

3. Recommendations/commitments of IFAD's Latin America and Caribbean Division

- (a) Broaden the range of consultation beyond municipalities to include indigenous leaders in consultations, in areas where IFAD is designing and supervising projects and programmes.
- (b) Ensure that COSOP exercises include more systematic participation by indigenous leaders. This will commence in countries where COSOP exercises are currently taking place: Guatemala, Mexico and Peru.
- (c) Ensure participation by indigenous leaders in round tables organized in the context of country evaluations conducted as part of

programmes, e.g. in Bolivia and Ecuador.

- (d) Consult with Forum members to ensure participation by indigenous representatives (identification of leaders).
- (e) Recognizing the need for ethnically disaggregated statistics, as well as cultural indicators, to include in IFAD's M&E systems, documentation and analytical work will be done to:
 - (a) determine what is available in the countries, starting with national statistics and census offices;
 - (b) identify "well-being" indicators to measure progress on poverty reduction based on the visions of different indigenous peoples; and
 - (c) promote the use of such disaggregated information, including indicators, in M&E systems.
 - (f) Carry out internal coordination within IFAD to standardize a global protocol for application of the Free Prior Informed Consent (FPIC) principle.
 - (g) Recognizing that all diversities are important, use the instruments available to IFAD in dialogue with governments, to promote the inclusion of indigenous peoples, Afro-descendant communities and other historically excluded sectors (COS-OPs, evaluation round tables, dialogue on general matters, others).
 - (h) Promote equally the inclusion of indigenous peoples in operations co-financed with the Global Environment Facility (GEF) and the Adaptation of Small-scale Agricultural Production (ASAP) in Bolivia, Honduras and Nicaragua.
 - (i) Make learning routes available to indigenous peoples (PROCASUR Regional Corporation).

- (j) Generate and cultivate dialogue between organizations participating in the Forum and the IFAD regional division in the framework of organizing the World Conference on Indigenous Peoples to be held in 2014. The IFAD regional division could play an instrumental role in the preparatory meeting to be held in Mexico.
- (k) Indigenous peoples need to strengthen their partnerships and relations with international NGOs and other development cooperation agencies to consolidate their capacity for dialogue and participation.
- (l) Propose participation by indigenous peoples in the process of the Post MDGs 2015 agenda to be carried out by IFAD and other United Nations agencies, particularly in view of the need to promote rural development indicators responsive to different visions.
- (m) Monitor and follow up on commitments through the sub-regions (Brazil for the Southern Cone, Guatemala for Mesoamerica and Peru for the Andean region), taking into account the ongoing decentralization process at IFAD.

Statement by Quinault President Fawn Sharp on the Alta Declaration resulting from two days of negotiations between the world's indigenous nations

Taholah, Quinault Indian Nation
12 June 2013

On behalf of the Quinault government I wish to congratulate the Sami Parliament of Norway and all of our fellow delegates participating in the Global Indigenous Peoples Preparatory Conference that adjourned today for a successful international meeting. The Alta Declaration that has come from this Conference constitutes a clear and well conceived statement that should aid the United Nations World Conference on Indigenous peoples in 2014 as it prepares its plans for implementing the UN Declaration on the Rights of Indigenous Peoples. This important and detailed statement by more than 400 representatives of Indigenous nations and peoples around the world will now serve as a road map for implementing the United Nations Declaration on the Rights of Indigenous Peoples. UN member states must now formulate their own road map at the World Conference on Indigenous Peoples in September 2014 when the United Nations will conduct a High Level Plenary session to consider action proposals.

Each indigenous nation now has a well thought out set of specific proposals on which to base their talks with member UN states and to negotiate specific measures to implement provisions of the UN Declaration that are important to them. My government and the governments of Indian Nations, Alaskan Natives and Hawaiian Natives in the United States must now step forward to place the Alta Declaration at the door of the United States government to commence constructive talks and negotiations.

Indigenous Nations and each UN member state now have clearly focused issues on which to base government-to-government negotiations. These negotiations can help eliminate violence against indigenous nations caused by rampant development polluting lands and waters as well as forcing indigenous peoples out of their territories. Indigenous nations and states' governments may now see a path to establishing constructive solutions to long festering conflicts. We must see these negotiations begin in earnest in 2014.

The Quinault Indian Nation promote the Alta Declaration and will seek to engage the United Nations, its member states and specifically the United States government focusing on four specific proposals:

1. My government will urge that the United Nations establish a permanent body with a mandate to promote, monitor and review the implementation of the rights of Indigenous Peoples, including but not limited to those affirmed in the United Nations Declaration on the Rights of Indigenous Peoples, and that such a body be established with the full, equal and effective participation of Indigenous Peoples: in the spirit of the UN Trusteeship Council only we urge that instead of forming a UNDRIP Monitoring Council with UN member states only, we urge that Indigenous governments (constitutional and customary) be seated as formal voting members (rotating membership embracing all UN regions).

2. We shall advocate that the topic of violence against indigenous women, and children become the central focus of a high-level conference that will consider the “safety and well-being of indigenous women and children and to share perspectives and best practices.
3. We will urge that the United Nations implement Article 4 of the UNDRIP by recommending to states governments the formalization of “government-to-government” negotiations (between states’ governments and constitutional or customary indigenous governments) as a principal method for conflict resolution, and the application of the principle of “free, prior and informed consent;” and that “consultations” serve only as a preparatory step leading to formal negotiations between indigenous constitutional or customary governments and the state government supervised by an independent third party.
4. Finally, we my government shall urge that the UN take action to “recognize indigenous constitutional and customary governments” by seating them in an appropriate UN forum with a dignified and appropriate status of regular participants in UN activities. We urge furthermore that the UN recognize the unique position that indigenous peoples have as individuals belonging to distinct nations, and therefore their nations may represent them or they may be represented in the UN system along with other civil society participants.

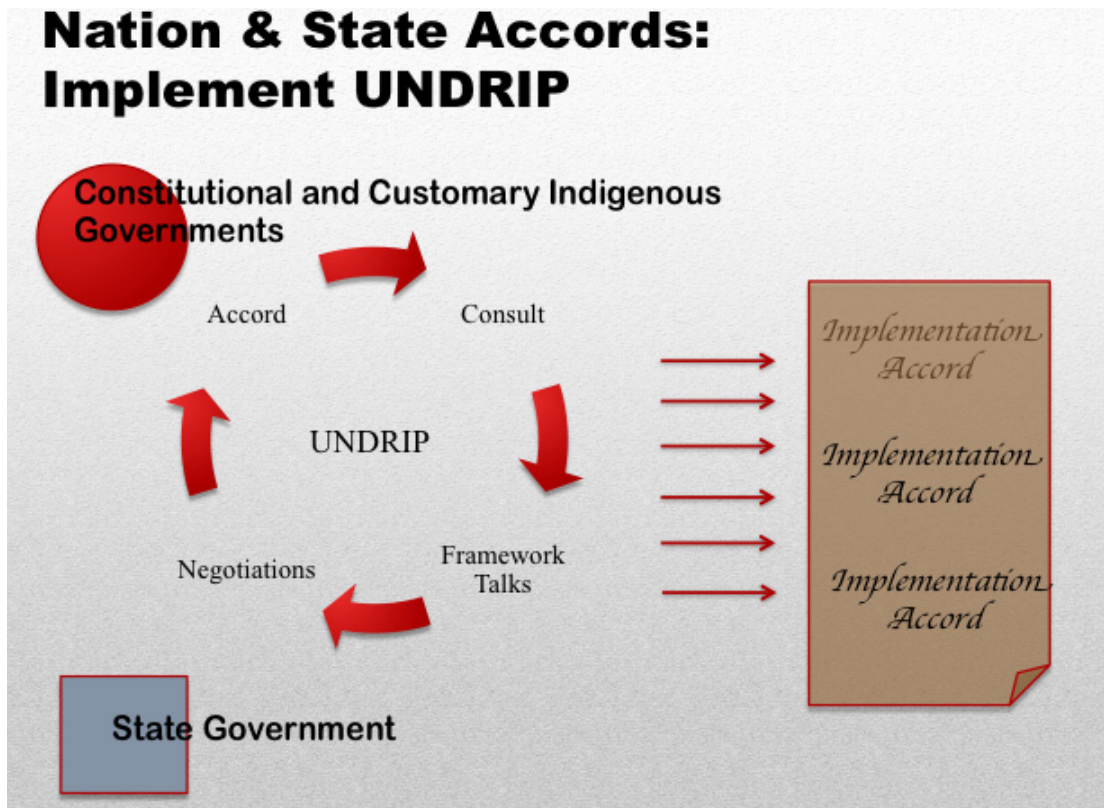
The Quinault Indian Nations has committed itself to engaging UN member states and indigenous governments throughout the world to advance these proposals and the Alta Declaration’s positions that are reasonable, realistic and achievable for indigenous nations.

Implementation

In the final analysis states' governments and indigenous nations will meet either at the negotiating table or on the battlefield. These are the options now presented by the dynamic change in international relations. Indigenous nations are a political fact of life in strategic localities such as the choke points throughout Indonesia, between the Philippine islands, and in Crimea entering the Black Sea. The UN Declaration on the Rights of Indigenous Peoples offers a constructive pathway for indigenous nations and states to democratically negotiate 21st century relations. Implementation of mandated provisions in the Declaration will require skill and maturity on all sides. Here we report some considerations for the present and future.

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Nation & State Accords: Implement UNDRIP

How will indigenous nations and states' governments implement the UN Declaration on the Rights of Indigenous Peoples? Dialogue, negotiations and accords may be the most democratic means for assuring lawful implementation, And, it is probable that constitutional and customary indigenous governments will negotiate accords with states' governments when they become familiar with each other and no longer fear each other.

From “Balance of Power” to Democratizing International Relations: Balancing Relations Between Nations and States in a New Era

Rudolph C. Ryser, Acting Chairman, Congress of Nations and States, Preparatory Committee
August 24, 1992

The international system of states was shaken in December 1991, when the Union of Soviet Socialist Republics collapsed into fifteen new states. Other states like Afghanistan, Lebanon, Burma, Ethiopia, Sudan, Cambodia, and Yugoslavia show similar signs of exhaustion. About 190 sovereign states (140 more than when the United Nations was formed) are now said to make up the state system. After twenty years of study, the United Nations says there are 3000 to 5000 nations inside states and divided by states. Many of these nations are unwillingly under the control of states and often do not share in political power within the state. The Russian Federation in cooperation with Germany, Japan and the United States of America has called on the world's nations and states to join in a Congress of Nations and States to discuss and act on new measures for stabilizing international relations. The Congress will formulate and present for ratification by the governments of nations and states four new international protocols. These protocols will prescribe rules of conduct between nations and between nations and states when two or more parties have political, economic, social or strategic disputes. Under new international law since the end of World War II, rules for settling disputes between states have been carefully drawn up under the United Nations Charter, the Geneva Conventions and subsequent protocols. No similar rules for settling modern disputes between nations and between nations and states have been formulated. Though many regional wars, political clashes and legal disputes between nations and between nations

and states have persisted for as many as fifty years, no internationally agreed rules exist to aid in the resolution of such disputes.

Political, social, economic and strategic clashes between nations contribute to local and regional instability. Similar conflicts between nations and states directly affect local, regional and sometimes global stability. The call to convene a Congress of Nations and States directly addresses the need for the governments of both nations and states to meet, to deliberate and act on new international conventions concerning resolution of disputes involving nations and states.

The problem of dispute resolution between nations and between nations and states is not a new one. International efforts to establish a system of dispute resolution was forcefully expressed in the development of the League of Nations during the post World War I peace discussions in Paris in 1919. U.S. President Woodrow Wilson's famous Fourteen Points provided the broad outlines within which controversies involving nations and states might be considered and resolved. In particular, Wilson's point five contained a key idea for conflict resolution between nations and states. It said that parties must pay : “...STRICT OBSERVANCE OF THE PRINCIPLE THAT IN DETERMINING ALL SUCH QUESTIONS OF SOVEREIGNTY THE INTERESTS OF THE POPULATION CONCERNED MUST HAVE EQUAL WEIGHT WITH THE EQUITABLE CLAIMS OF THE GOVERN-

MENT...” Existing states and non-self-governing nations were obliged to meet on a basis of mutual equality. For the first time in modern history, negotiated political change instead of dictated or forced political change was being offered as a condition for the peaceful political development of peoples. Wilson’s point five provided the framework within which nations could resolve disputes concerning their political development. Unfortunately, the thirty-two countries participating in the peace conference(1) ignored this important principle with most of Wilson’s Fourteen Points. In the long established tradition of victors in war, the terms of peace and the terms for establishing a “general association of nations” (the League of Nations) was “dictated, not negotiated.” The first opportunity to set a new international political order based in mutual respect and negotiated conflict resolution had been lost. As history now clearly reveals, this failure produced for President Wilson a hollow victory in the creation of the League of Nations. This failure also soon became the fuse for yet another global war and scores of protracted political conflicts and low intensity wars.

What Wilson’s Fourteen points first suggested (that many nations exist unwillingly under the weight of state or imperial rule) raised fears in many states about the possibility of separatist movements - the potential dismemberment of existing states. Opportunities for mutual discussions and negotiations between representatives of nations inside a state and state representatives were regarded as difficult if not impossible. Suspicions among nations’ representatives and states’ representatives proved too difficult to overcome. Discussion of peaceful methods for resolving disputes between nations and between nations and states was abruptly taken from the table. Just as the great powers of the day dictated boundaries in

the Balkans at the Berlin Congress in 1878,(2) they dictated Central Europe’s boundaries in 1918. The opportunity for a negotiated resolution of conflict instead of a dictated solution was lost in what would become protracted political and civil conflicts. Prolonged “low intensity wars” in countries remote from Europe - in Melanesia, Africa and Asia also began to erupt.

STATE STABILITY AND REEMERGING NATIONS

The modern emergence of nations long under the control of states and empires began anew in 1918. The reemergence became a settled fact when the League of Nations took up the question of self-determination of nations within existing states. But, as noted before, the subject was dropped for fear that the mere discussion of the subject would insight nations to seek separation from the early 20th century states. In the forty years following the collapse of League of Nations talks, many nations began active resistance to state control. Civil disobedience, political reform, and low intensity wars of resistance, political tension and open conflict have characterized relations between many nations and states. Similarly, relations between neighboring nations inside state boundaries have challenged integrity of states and raised the need for international measures for negotiated conflict resolution. Conflicts in the Lebanon, Sudan, Peru, India, and Mozambique show the need for such international measures. Where arbitrary state boundaries divide nations, conflicts have often appeared to be “inter-state,” but in reality these conflicts reflect “pre-state” geographic realities and unsettled conflicts. Many nation-and-state conflicts center on the availability of natural resources and territory. Many nation-and-

nation conflicts are also a result of natural resource and territorial competition or questions of access.

Due to long-standing nation-and-state, nation-and-nation conflicts, a multi-national political movement began to unfold in the 1970s. Non- governmental organizations in conjunction with representatives from nations began conducting international conferences on the rights of "native peoples." It was in this decade that multi-national organizations like the International Indian Treaty Council, World Council of Indigenous peoples, Central American Regional Council, South American Regional Council, South Pacific Regional Council and the Inuit Circumpolar Conference were founded.(3) The United Nations reacted to the political movement among nations with the Commission on Human Rights designation of Mr. Jose R. Martinez Cobo as a Special Rapporteur to conduct the "Study of the Problem of Discrimination Against Indigenous Populations" in 1975.(4) As the "Cobo Study" was nearing completion, the UN Economic and Social Council authorized the establishment of the UN Working Group on Indigenous Populations.(5)

In the midst of the political unfolding of nations on the geo- political stage came the swift collapse of the Union of Soviet Socialist Republics. Heralding the collapse of the U.S.S.R. was the toppling in the 1980s of authoritarian rule in Poland, followed by the similar collapse in Hungary, Czechoslovakia, and Eastern Germany. The nations of Lithuania, Latvia and Estonia began the process of pulling away from the U.S.S.R. in 1990 and subsequently proclaimed their sovereignty as states. By December 1991, the super-state structure of the Union of Soviet Socialist

Republics had fallen away, replaced tenuously by fifteen states - each proclaiming state sovereignty. One layer of the state system had been peeled away - revealing new members of the state system. These newly visible states are themselves claiming dominion over many nations. In the newly proclaimed Russian Federation, there are more than 65 nations. In newly independent Georgia, there are eight nations.

Before the end of 1991, the Yugoslavian federation began to crumble - revealing at least seven nations - the same nations denied an international identity at the Berlin Conference in 1878, the same nations denied political development in 1918. This time, Slovenia and Croatia quickly petitioned the international community for recognition as states. Recognition by the German government of these newly proclaimed states was soon followed by recognition from many states' governments, the European Community, and the United Nations. A furious and violent conflict over territory in Bosnia erupted months later involving the new state of Croatia and the Serbian dominated (and substantially reduced) Yugoslavia forcing massive population relocations of Serbian, Muslim and Croatian peoples.

In 1948, the people of Naga Land declared their sovereignty and independence from British India and the emerging state of India. Though Naga independence had been guaranteed by M. Gandhi, his death resulted in denial of independence to the Naga. Their war with the state of India began shortly after and continues to the present. In 1952, the people of South Mollucca declared their sovereignty and independence from the collapsing Dutch colonies and subsequently faced violent absorption by the Javanese proclaimed state of Indonesia. The Kanak of New Caledonia (Kanakia) pro-

claimed their right of self-determination and independence from the state of France under a United Nations mandate, but were shortly afterward removed from the U.N. Roster of peoples scheduled for a plebiscite to decide whether they would become a self-governing people. In 1969, the peoples of West Papua voted their independence and were immediately after that occupied by Javanese forces under the flag of Indonesia. They have been at war ever since.

In 1974, more than one hundred Indian nations in the United States of America issued their Declaration of Sovereignty. They proclaimed their inherent powers of self-government and fundamental right as peoples to self-determination. By 1990, ten of these nations began a devolution process toward the full exercise of self-government - negotiating Compacts of Self-Governance with the United States government.

By the end of 1990, the Miskito nation, Sumo nation and Rama nation ended a war with Nicaragua in a stalemate following nine years of violence. Devastated by war and recent hurricanes, the Miskito, Sumo and Rama began the process of rebuilding. Because of Nicaragua's post-war bankruptcy, these nations came out of the war as almost self-governing nations.

In November of 1991, the Chechen-Ingush Autonomous Republic proclaimed its sovereignty distinctive from the sovereignty of the Russian Federation. By March 1992, the Tatar Autonomous Republic voted to proclaim its sovereignty. Questions had been raised about the right of the Tatar (4 millions strong) to return to their homeland territory in the Crimea - now under the control of the Ukrainian

government. In May 1992, the Yakut-Sakha Republic declared its sovereignty. In newly independent Georgia, South Ossetians expressing strong irredentist intentions declared their right to separate from the state and become a part of North Ossetia located in the Russian Federation. Shortly afterward, the Abkhazians of western Georgia declared their independence and quickly entered into violent conflict with Georgian forces.

Eritrean military forces, long engaged in a war with the Ethiopian state government overwhelmed Ethiopian forces and won a decisive conclusion in 1991 favoring Eritrean independence. The states of Mozambique, Burma, India, Sri Lanka, Monaco, Angola, Peru, Colombia, Nicaragua, Bangladesh, Guatemala, Canada, Philippines, Indonesia, Peoples Republic of China, South Africa and many others, found themselves faced with circumstances not substantially different from the conditions of the U.S.S.R. Fearing state-dismemberment, each of these states has politically or violently engaged nations inside their borders to prevent their separation from the state. While sometimes the state's fears are justified, in many other circumstances such fears are not justified. Many nations simply seek to become partners within the state to share in political power. Other nations want negotiations with the state to ensure their greater control over resources - to share in the value of those resources, and greater control over their political life.

NEW INTERNATIONAL PROTOCOLS FOR A NEW ERA

The century of growing nation-and-nation conflicts contribute to a growing recognition of the need for nations to understand one another

more, and for a new international framework for binding conflict resolution. Similarly, it is clear that states and nations must come to understand each other with greater precision, and establish a new international framework for resolving nation and state conflicts. The stable and prosperous development of states and between states is increasingly dependent on cooperative relations between nations and between nations and states. Nations need the same opportunity for stable and prosperous development. The dearth of economic, social, political and strategic information about the thousands of nations in the world contributes to the tendency for conflict. New approaches to international conflict resolution must be found. Such new approaches are clearly possible from discussions between nations and nations and states in a new international forum that includes all the key players.

Recognizing that so-called “tribal and semi-tribal societies” required special international protection against mistreatment the International Labour Organization drew up without the participation of “tribal and semi-tribal societies” International Labour Organization Convention 107.(6) This convention stands as the only generalized international legislation specifically aimed at protecting the rights of nations.

Despite the shortage of clear information, since 1973, the United Nations, multi-lateral indigenous nation organizations like the World Council of Indigenous Peoples and the Inuit Circumpolar Conference have continued to develop an international climate conducive to nation/state discussions and negotiations. East/West political pressures caused the negotiation of the Helsinki Final Act concluded in 1975. (7) This new instrument may have profound

significance for evolving international relations between nations and states. The development of a Universal Declaration on the Rights of Indigenous Peoples by the United Nations is symbolic of further potential openings for negotiations between nations and states.(8)

The Congress of Nations and States must now solidly build on the positive, though tentative, international initiatives that open the way to direct nation and state discussions. The International Labour Organization’s Conventions, the Helsinki Final Act, the UN Universal Declaration on the Rights of Indigenous Peoples and new agreements between nations through multi-national organizations now form the basis for sound new international law concerned with conflict resolution. The development and enforcement of new international protocols for resolving disputes between nations and between nations and states is the next logical step toward a more stable and peaceful world. The Congress of Nations and States can contribute to not only wider understanding, but it can contribute to the process of forming a new international fabric of cooperation between nations and between nations and states.

NOTES

(1) United States, Great Britain, France, Italy, Japan, Belgium, Brazil, Serbia, Australia, Canada, China, Czechoslovakia, Greece, Hejaz, India, New Zealand, Poland, Portugal, Rumania, Siam, South Africa, Bolivia, Cuba, Ecuador, Guatemala, Haiti, Honduras, Liberia, Nicaragua, Panama, Peru and Uruguay

(2) Bismark called the Berlin congress to determine the fate of the Balkans following the Russo-Turkish War of 1877. Britain, France,

Austria, Russia, Italy, Turkey and Germany were the represented states.

(3) The Unrecognized Nations and Peoples Organization was founded in February 11, 1991 at The Hague - adding to the growing number of multi-lateral nation organizations.

(4) "Study of the Problem of Discrimination Against Indigenous Populations," Report by Special Rapporteur, Mr. Jose R. Martinez Cobo. United Nations Economic and Social Council. Commission on Human Rights E/CN.4/Sub.2/L. (12 Volumes) 1983.

(5) The United Nations Working Group on Indigenous Populations was authorized by the UN Economic and Social Council under the responsibility of the Commission on Human Rights and the Subcommittee on the Prevention of Discrimination and Protection of Minorities in 1982. Its responsibility was originally two-fold: Review evolving standards of the rights of indigenous peoples, and, review developments concerning indigenous peoples. By the middle 1980s the Working Group was mandated by the UN Economic and Social Council to draft a Universal Declaration on the Rights of Indigenous Peoples for consideration by the Commission on Human Rights and the General Assembly.

(6) ILO Convention 107: Convention on the Protection of Indigenous and other Tribal and Semi-Tribal Populations in Independent Countries (1957) revised in 1989. Some "indigenous experts" were invited to participate in

the revisions.

(7) The Helsinki Agreement established a framework for the 35 original member states to deal with the problems of security, economic relations, contacts among peoples, basic human rights, and standards of international conduct. Though not a treaty, nor a legally binding agreement, the Helsinki Final Act does, however, carry considerable moral weight because it was signed at the highest levels of each government. The Final Act contains four parts divided into three sections (Baskets). Basket I addresses security in two parts: 1. The first part includes a declaration of 10 principles to guide states in their relations with one another. The second part deals with security issues and commits participating states to implement confidence-building measures. Basket II addresses cooperation in fields of economics, science and technology, and the environment. Basket III deals with cooperation in humanitarian and other fields.

(8) Originating with the United Nations Working Group on Indigenous Populations, the Declaration was nearing completion by the end of 1992.

Trust Arrangements between States and Indigenous Nations in the International Environment

Remarks by Dr. Rudolph C. Ryser, Chair of the Board of Directors, Center for World Indigenous Studies before the Secretarial Commission on Indian Trust Administration and Reform, US Department of the Interior at Seattle, Washington 13 February 2013. }

Madam Chair and Members of the Commission on Indian Trust Administration and Reform, thank you for the invitation to present my analysis regarding forms of trusteeship arrangements between states and Indigenous nations that have in the past and currently existed in international relations.

The president of the United Nations Trusteeship Council declared the work of the Council to be done with the termination of the trusteeship of Palau in December 1994. The Council ceased annual meetings suspending its operations in 1994. It was created in 1945 to oversee the “decolonization” of those countries held under the control of recognized states—many of which had been placed under the control of various states under the League of Nations mandates. Eleven so-called dependent countries were formally placed under trusteeship. Of these seven were in Africa, and four were in the Pacific region. The United States government proposed in 1948 that the British Mandate over the territory of Palestine be placed under the Trusteeship Council’s supervision, but the declaration creating the State of Israel was thought to have made this unnecessary. The Council’s oversight responsibilities during its forty-seven year operation addressed only those territories within the trusteeship system. Other colonial territories not so identified remained outside the UN system. New Caledonia with Advancing the Application of Traditional Knowledge C’WIS.

ORG 2 of 14 a majority population of Kanaki people, Bhutan and Sik Kim (between India and China), Kuwait, Trans-Jordan, Maldiv Islands, French Guiana, Trinidad, and most of the African continent and islands throughout the Atlantic and the Pacific Ocean were among the many colonial territories not included under the Trusteeship Council’s oversight. The United Nations Charter spoke to the wide array of colonial holdings in 1945 expressing the principle that UN member states were obliged to administer such territories in ways consistent with the best interests of their inhabitants. While all of the territories under the Trusteeship Council eventually became independent or negotiated commonwealth or other agreements with the authorized state, most of the territories and peoples formerly held as colonies by such states and Britain, France, Italy, Japan, and Germany remained colonized territories or were absorbed by the colonizing state, such as New Caledonia, a territory more than ten thousand miles from the French Republic.

Is the job of the Trusteeship Council accomplished? Has the Council completed its job of supervising the administration of Trust Territories placed under the Trusteeship System? By the standards first defined for the Council, the answer is yes. Have the goals of the System been achieved to promote: “the advancement of the inhabitants of Trust Territories and their progressive development towards self-government or independence?” The five permanent members of the Security Council—China, France, Russian Federation, United Kingdom and the United States—will say that the world has been ordered and settled.

There may remain, however, as many as

1.3 billion indigenous people in the world living in 5000 to 6000 nations and communities who may consider themselves “internally colonized peoples” and still others colonized at a distance without the ability to petition the UN Trusteeship Council for designation as nonself-governing territories requiring international supervision. These populations are presumed to be under the protective care of an administering state or they are presumed to be “absorbed” into an existing state.

Dr. Miguel Alfonso Martinez, Special Rapporteur to the UN Commission on Human Rights and member of the United Nations Working Group on Indigenous Populations after its formation in 1982 directly challenged this presumption in his Final Report, Study on treaties, agreements and other constructive arrangements between States and indigenous populations.¹ He challenged states’ governments to prove that indigenous peoples claimed inside their territory “have expressly and of their own free will renounced their sovereign attributes” (Martinez, 1999). Martinez went on to observe, “It is not possible to understand this process of gradual erosion of the indigenous peoples’ original sovereignty, without considering and, indeed, highlighting the role played by ‘juridical tools’, always arm in arm with the military component of the colonial enterprise.”² Dr. Alfonso Martinez explains that the legal instrumentalities of states’ governments serve to perfect and sustain control over indigenous peoples, their territories and their natural wealth through domestic laws, judiciaries that apply the “rule of [nonindigenous] law,” as well as international law dictated by the states’ governments

“validated” through the judiciaries. “The concept of the ‘rule of law’ began to traverse a long path, today in a new phase, towards transformation into ‘the law of the rulers,’”³ Alfonso Martinez concludes.

The United Nations Special Rapporteur gave voice to long-standing complaints by indigenous peoples throughout the world who have come to understand that “protection by the State” is most often a moral and legal justification for confiscating land and resources from indigenous peoples. On one form of that “protection” appears in treaties and in the self-proclaimed trust authority.

Modern day Trusteeships between peoples commonly associated with the United Nations Trusteeship Council and the Mandate System of the League of Nations have deep roots in customary international behavior.

The concept of Trusteeship over indigenous peoples has in many legal, political and academic forums been pronounced as the responsibility of the “administering power” to native rights and property. Indeed, the origins of the concept arose when in 1532 Franciscus de Vitoria wrote in *De Indis De Jure Belli* that the recently discovered American continent should be exploited for the benefit of the native peoples and not merely for advantage of the Spanish Crown: “The property of the wards, is not part of the guardian’s property... the wards are its owners.” (Parker, 2003) Notably de Vitoria and those who followed him foresaw the need to give some benefit to the native populations, but they still regarded the indigenous peoples as inferior, weaker and backward requiring tutelage or protection of the civilized

1 (Martinez, 1999)

2 Martinez, 1999, Para 195

3 Martinez, 1999. Para 198

power. The concept of Trusteeship has borne this emphasis from that time to the present.

The noted Swiss philosopher, diplomat and legal expert Emer de Vattel wrote in his treatise *The Law of Nations*, published in 1758, “Nations, or sovereign states, are to be considered as so many free persons living together in the state of nature.” He wrote more to assert that free persons “inherit from nature a perfect liberty and independence, of which they cannot be deprived without their consent” (Vattel, 2005). De Vattel’s well-known volume has long served as the foundation for modern international law, custom and practice. At the root of de Vattel’s assertion is the well established understanding throughout the international community that “free persons” possess inherent sovereignty which can not be surrendered unless a people is absorbed by another sovereign or consent is given to dissolve all rights and powers of a sovereign people. Note that Trusteeship is well implied by these terms of reference.

Trusteeship Arrangements, States and Nations

Where nations remain internally colonized by States in the modern era, indigenous nations are faced with taking their own initiative to promote a change in political status or they are inevitably faced with absorption into the state and disappearing as distinct political and cultural identities. It is an historical fact that political powers have absorbed by force or coercion indigenous nations to the extent that their existence as a community ceases. However, whether referred to as a formal trusteeship or a condition of “juridical encirclement,” to paraphrase Dr. Alfonso Martinez, indigenous nations and communities recognize the same pattern: 1. Offers to protect the popu-

lation, 2. Establishment of laws to regulate access to land, and 3. Institution of external, non-indigenous laws to govern the lives and property of the population. Here are some examples of indigenous nations taking the initiative to change their relationship with a dominating state:

Denmark – Kalaallit Nunaat (Greenland)

More than 40,000 Inuit live on a heavily glaciated island of 2.2 million square kilometers. The country called Kalaallit Nunaat has been under colonial rule by European states since 1721. The Danish government ruled the country as a dependency or as a colony until 1953. It was placed under the direct rule of the Danish parliament, which unilaterally passed laws concerning Kalaallit Nunaat lands, resources and people on a regular basis. Distant from Denmark Kalaallit Nunaat was physically and political remote from Danish life. The promise of oil, uranium, fisheries and other natural resources drew Danish parliamentary interest to such an extent that Parliamentary Ministers began to consider “absorbing Greenland.” In 1953 the Parliament authorized formation of the Greenland Provincial Council with “limited powers to advise the Danish Parliament on matters of concern to the Greenland residents (Ryser, 2012). Development in the glacial country proved beneficial to the Danish government during the 1950s and 1960s but not to the Inuit of Kalaallit Nunaat.

These rapid changes affecting their culture and way of life caused younger Inuit to begin to politically organize harshly criticizing the Danish government and raising demands for control over their own social, political, economic and cultural life. Using the government Denmark gave them, the Inuit began

to pressure the Danish government for self-government...powers to control Inuit decisions.

In 1972 Inuits created the Greenlandic Home Rule Committee to present a series of proposals to the Danish government. Based on the proposals thus submitted, a Joint Danish-Greenlandic Commission on Home Rule in Greenland was formed in 1975 (Ryser, 2012). Despite significant opposition, the Inuit leaders pressed Denmark and began to insert themselves into international venues to discuss the Home Rule proposals. By externalizing the debate, Denmark began to feel the presence of political pressure far outweighing the size of the Inuit population.

The Joint Commission concluded that Kalaallit Nunaat would remain under the absolute sovereign dominion of the Danish government; however, Home Rule resulted in a transfer of authority from the Danish government to the Home Rule government of Kalaallit Nunaat. The Inuit secured the power to decide their economic, social and political life and now the Home Rule government is faced with the problems of concentrated urban populations (created by Danish planners in the 1950s and 1960s) and the Danish Government has retained control over access to the land—much to the displeasure of the Inuit people.

United States – Micronesia

The Chuukese, Pohnpeian, Kosraean, and Yaps are the peoples who make up 80% of the populations of hundreds of islands located in western Pacific Ocean whose ancestors are known to have lived in these islands for more

than 4000 years. First Portugal and then Spain moored ships off many of the islands in the sixteenth century and by the 19th century Spain claimed and incorporated the archipelago in what that government called the Spanish East Indies. After the Spanish-American War in 1889 forcing Spain to relinquish the Philippines and Cuba, Spain sold the islands to Germany in 1899. During World War I the Japanese Government took possession of the islands in 1914. As a result of World War II, the United States seized the islands and then under agreement with the newly formed United Nations Trusteeship Council became the administering power over the islands. From the date of seizing the Micronesian islands the US government administered the “Trust Territory of the Pacific Islands” in the Department of the Interior. The Department directly governed the islands through Commissioners who had total authority to decide social, economic, political matters affecting the lives and property of the island peoples.

The American Indian Policy Review Commission⁴ considered the experiences of the Micronesians under US government administration. One question raised by the Task Force was, “Why did the United States want to seize and control the Micronesian Islands?” Author of the special report to the Task Force Dennis Carroll wrote:

The essential reason for the United States' presence in Micronesia has been the military value of the islands. [As a member of the UN Security Council and a member of the Trusteeship Council] ... the United States was able to have the islands set aside in a special category as a “strategic” trust.

⁴ A Joint Congressional Commission established by the Congress in 1975 to consider past and recommend future policies relating to the administration, trusteeship, health, education, governance and legal status of American Indian and Alaskan Native peoples under the administration of the Department of the Interior.

[Permitting] ... the U.S. to fortify the islands, and this, as it turned out, was the only noticeable development which took place for quite some time. (Deloria, Goetting, Tonasket, Ryser, & Minnis, 1976)

The islands remained mainly a “strategic” outpost for the United States until Islanders pressed in the 1960s to establish a governing authority in which people from the Islands would play the dominant role. After much political pressure on Secretary Stewart Udall expressed by Islanders through the Trusteeship Council an agreement was made based on a May 7, 1962 Presidential Executive Order⁵ to create a government. The Interior Secretary issued an order on December 27, 1968 “to prescribe the manner in which the relationships of the Government of the Trust Territory shall be established and maintained with the Congress, the Department of the Interior and other Federal agencies, and with foreign governments and international bodies.”⁶

While the Secretarial Order was detailed and gave considerable leeway to the newly formed government, “The actual authority in all areas, however, resides with the High Commissioner, and American appointee of the Secretary of the Interior.” (Deloria, et al., 1976; Udall, December 27, 1968) The powers of the new Micronesian government were especially limited in the areas of revenue and the budget. The Micronesian government had the power of taxation, but these revenues were a very small part of the overall budget. The Island government had by 1974 established a budget of \$5 million resulting mainly from taxes on leases of public land, imports and exports and

from income. The US government provided virtually all of the remaining funds. All of the funds were administered through the Department of the Interior. By 1975 the Micronesian Congress petitioned the US government to make direct appropriations to the Micronesian government and terminating the intermediary functions of the Department of the Interior. As one representative remarked: “The uncertainty of the budgetary level from year to year for Micronesia and the fluctuation in the level of expenditures available to us, at any given period, have combined to impede and frustrate our efforts to carry forth effective programmes [sic] and realistically assess our progress and past accomplishments.”⁷

The United Nations Charter required that the administrator of the Trust Territory not only seek to elevate the government to a new level, but to advance and improve the Micronesian economy to improve the quality of life in the Islands. The United Nations report on the economic conditions in Micronesia during the 1970s concluded, “the system could easily collapse unless strong measures were taken to reverse migration to the urban centers and the bureaucracy in favor of a stay-at-home-and-tend-the-farm approach.” A great portion of the population was dependent on employment by the US government through the defense facilities and government grants. The United Nations specifically targeted inadequacies in the agricultural development program. The federal government had ignored mariculture as a foundation for the economy and the introduced education system ignored the indigenous culture and the combination of neglect and misdirection of resources allowed foreigners living in the islands (Japanese and Ameri-

⁵ Executive Order No. 11021

⁶ (Udall, December 27, 1968) (No. 11021 of May 7, 1962)

⁷ (Deloria, et al., 1976) at page 226.

cans in particular) to profit from fishing.

The dominant controversy between the Island government and the Department of the Interior was over the question of “who will control Micronesia’s most valuable asset, the land.” Micronesian leaders and community residents were increasingly upset over the misuse of land through allotments, which conflicted with collective ownership patterns. It was the land controversy that finally gave way to demands that the United States government negotiate a new “political status arrangement” that result in a fifteen year period of transition from trust management to independence.

After leaders of Micronesia got the attention of then Vice President Hubert Humphrey, demands for negotiations at the highest levels of government eventually began in earnest in the late 1970s. During those negotiations the United States persisted in demands to control access to the lands and particularly to gain assurance that its military installations would be unaffected. Negotiations over the lands and “strategic Trust” proved central to a conclusion that divided the Micronesian Islands into four separate groups (Federation of Micronesia, Marshall Islands, Palau, and Caroline Islands). Four separate negotiations for a new political status for each group resulted with the Federation of Micronesia and Palau pushing for independence, the Marshall Islands sought Commonwealth Status, as did the Marianas. Micronesia and Palau hold seats in the United Nations and receive the bulk of their revenues from the US government and the UN Development Program.

Spain: Catalonia

Catalonia is a “Country in Spain” as the Catalans will put it. Occupied over the last

three thousand years by Phoenicians, Greeks, Corinthians, Romans, Goths and surrounded by Celtic Castilians, the Catalan people have maintained a will to exercise their powers of self-government (Ryser, 2012). As the government of Catalunya states in its declaration of Catalonian nationality:

The Catalan people have maintained a constant will to self-government over the course of the centuries, embodied in such institutions as the Generalitat - created in 1359 by the Cervera Corts - and in its own specific legal system, assembled, together with other legal compilations, in the Constitucions i altres drets de Catalunya (Constitutions and other laws of Catalonia). After 1714, various attempts were made to restore the institutions of self-government. Milestones in this historic route include the Mancomunitat of 1914, the recovery of the Generalitat with the 1932 Statute, the re-establishment of the Generalitat in 1977 and the 1979 Statute, coinciding with the return of democracy, the Constitution of 1978 and the State of Autonomies. (“Catalunya Preamble,” 2006)

Catalan territories have since the formation of Spain been claimed by the Spanish Crown as a part of the Spanish Domain. Catalunya has resisted those claims and experienced severe and violent punishment by the central government for the resistance. Never officially designated as a trust territory Catalunya nevertheless fell under the administrative control of succeeding governments in Madrid resulting in the declared illegality of Catalan culture, language and institutions. Beginning with the passing in November 1975 of General Francisco Franco, the dictator who ruled Spain with an iron fist, Catalans began the process of

recovering their cultural and political identity.

Their governmental system first instituted in the 14th century was promptly reestablished. On October 25, 1979 the Generalitat issued an “autonomy statute” to the Catalan public for a vote resulting in 88% popular support (Ryser, 2012). The Catalan Parliament defined Catalonia “as a nation.” The Catalans had elected parliamentary representatives into the Spanish Cortez allowing the introduction of legislation that could benefit the interests of Catalonia. The Catalan delegation pressed for “devolution” of governmental powers to the Generalitat, but the parties in control of the Cortez worked to slow the process. Despite the political obstacles, the Catalan government to proactive initiatives to control schools, social services and most aspects of commerce. Among the very first initiatives was the restoration of territorial divisions (camarcas) within Catalan territory to “reflect the reality of land and people in an ongoing relationship (factors such as economy, landscape, history, urbanism” (Ryser, 2012). The deliberate and self-initiated actions by the Catalan governing authority and popular voting of the Catalan public stimulated economic growth and Catalan success was clearly evident.

Reversing the influence and controls of the Spanish government through proactive Catalan governance began to increase Catalan confidence. The unwillingness of the Spanish government to convey powers to the Generalitat was trumped by the decision of Catalan leaders to methodically declare their national identity as the Catalan Nation, and they built their economy by establishing direct trade relations with European states, the United States and other countries by establishing “economic missions” or a Catalan business in each of the countries. Trade arrangements advantaged

Catalonia, and here control over banking and other aspects of the Catalan economy resulted in Catalunya having an economy constituting 25% of the economic output of the Iberic Peninsula.

In 2012 the Catalan government declared its efforts over thirty years to “transform the Spanish state so that Catalonia could fit in well without having to renounce its legitimate national aspirations” and having been rebuffed the Spain consistently and negatively “a dead end.” (CiU & ERC, 2012) The referendum reads in part:

1. **To formulate a “Declaration of Sovereignty of the People of Catalonia”** in the First Session of the 10th legislature [the current one just constituted on 17 Dec], that will have as its goal to establish the commitment of the Parliament with respect to exercising the right of self determination of the People of Catalonia.
2. **To approve the Law of Referendums** starting from the work begun in the previous legislature, taking into account any changes and amendments that are agreed upon. To this end, a commitment is made to to [sic] promote the start of the parliamentary process by the end of January 2013, at the latest.
3. **To open negotiations and a dialog with the Spanish State** with respect to exercising our right to self determination that includes the option of holding a referendum, as foreseen in Law 4/2010 of the Parliament of Catalonia, on popular consultations, via referendum. To this end, a commitment is made to formalize a petition during the first semester of 2013.
4. To create the **Catalan Council on Nation-**

al Transition, as an organ of promotion, coordination, participation, and advisement to the Government of the Generalitat with respect to the events that form part of the referendum process and the national transition and with the objective of guaranteeing that they are well prepared and that they come to pass.

On 23 January 2013 the Catalan Declaration of Sovereignty was adopted by 63% of the parliamentary ministers in the Catalan government declaring the Catalan people “a sovereign political and legal subject” (FR, 2013). The indigenous Catalan’s have in thirty years moved the political needle from total external control to a dynamic and forward-looking future that will require careful political skill and effective planning.

CONCLUSION

As the Trust Commission may note from my testimony, the background and examples I have given you do not present a particularly lovely or commodious demonstration of good relations between indigenous nations and states in the last five hundred years. Indeed, perhaps the clearest conclusion one can come to is that a Trust relationship has proved over the centuries to mean precisely the same thing as absorbing a population without their consent. The United Nations expressly emphasized at three different points in the UN Declaration on the Rights of Indigenous Peoples that “free, prior, and informed consent” is essential to the promotion of peaceful relations between peoples. The Trust Relationship or the domination of one people over another without consent having been given, is demonstrably in the international context a denial of the mature capacity of people to decide for themselves what will be their preferred social, economic, political and cultural future. The only option is

to create a gateway out of the cul-de-sac that is the Trust relationship. If it is made perpetual, then there is no truth to a fair and constructive relationship since one party presumes itself to be civilized and imbued with authority and it looks to the other party as weak, backward and unable to exercise mature behavior. The only way to change the international environment where we see literally hundreds of millions of indigenous peoples under the control of governments they have not chosen is to redefine the UN Trusteeship Council to elevate the status of indigenous nations to positions of sovereign equality when they choose. Or in the US context, institute open and transparent negotiations between the United States and each indigenous nation on an intergovernmental basis to define a new relationship that is dynamic and mobilizes the continuing growth and development of each nation and tribe.

RECOMMENDATIONS

1. The Trust Commission would do well to consider recommending to the US government engaging Indian and Alaskan Native Governments in negotiations of Trust Compacts that specify the authorities and responsibilities of both the United States and each Indian Nation or Alaskan community. These Compacts should consider social, economic, political and cultural elements in a framework specific to each political community.
2. Negotiation of Trust Compacts must be preceded by individually negotiated “framework agreements” that define the rules, procedures and terms of reference of the Trust Compact negotiations.
3. The Trust Commission should recommend a specific definition of the Trust Responsibility as having the goal of elevat-

ing Indian Nations, Alaskan Native, and Hawaiian Natives to a position of sovereign equality consistent with principals contained in the UN Declaration on the Rights of Indigenous Peoples with special attention paid to the principle of the right to “free, prior and informed consent” to any decisions made before and after a Trust Compact is concluded.

4. Each Trust Compact negotiation must present parties the opportunity to select a “third party guarantor” to mediate and guarantee enforcement of the Compact.
5. Each Trust Compact must contain opt in and opt out provisions to permit adjustments over time.

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