

OCTOBER 2016  
N° 111

## INFORMING ABOUT THE RIGHTS OF INDIGENOUS PEOPLES

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### 20 DOCIP'S ACTIVITIES

Docip is delighted to bring you the latest issue of the Update, which is now an annual publication. Docip is currently using a Publications service for the Update that also edits the Summary Notes – summaries of the main UN conferences on Indigenous Peoples' rights. The goal for the Update is for it to be disseminated and read as widely as possible to raise awareness on the situation of the rights of Indigenous Peoples at the global level, and it is also intended to be used as a tool by Indigenous Peoples' organizations in the field. This is why the content has changed: the Summary Notes contain the statements produced by the various stakeholders during the conferences, while the Update intends to provide the content of the various discussions being held at the international level on Indigenous Peoples' rights, with references to the main UN documents and other sources of information. To that end, this Update III is introducing a new section called Regional News, which includes updates about the news on Indigenous Peoples' rights at the regional level, with a focus on 2 particular regions per issue. It also includes a brief presentation of each of Docip's activities, in order to keep you up to date on the services we offer.

# Update

ESPAÑOL    РУССКИЙ – FRANÇAIS – ENGLISH

The Focus section of this Update turns a spotlight on the SDGs process and, in particular, Indigenous Peoples' participation in the process. The Ongoing Processes section underlines three outstanding issues to date regarding Indigenous Peoples' rights: the climate change negotiations related to the upcoming COP22, the increasing need for the voices of Indigenous persons with disabilities to be heard, and the increasing number of discussions concerning Business and Human Rights issues. The Latest News section also reviews three major topics, the first one being the revision of the EMRIP mandate and the discussions that took place this year. The second one flags the WIPO IGC process as ongoing issue, since it is of crucial importance for the preservation and recognition of Indigenous Peoples' rights. The last one involves the Regional News, which takes a look at (1) the Africa region, and more specifically,

the role there of the Working Group on Indigenous Populations/Communities, and (2) the region of Central and South America and the Caribbean, particularly with regard to the adoption of the OAS Declaration on the Rights of Indigenous Peoples.

I sincerely hope you will enjoy this latest issue of the Update, and I remain at your disposal for any questions or comments you may have about it.

*Yours truly,*

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Indigenous peoples' centre for  
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# THE SUSTAINABLE DEVELOPMENT GOALS: NEW CHALLENGE FOR INDIGENOUS PEOPLES' RIGHTS

## THE PATH TO THE SDGs

The Sustainable Development Goals (SDGs) are the outcome of a series of conferences and international agreements realized over time to promote sustainable development, which began with the 1992 Rio de Janeiro Conference, also called the Earth Summit. During this Summit, the States concluded various important international agreements. Among them were two Conventions – the Convention on Biological Diversity (CBD) and the United Nations Framework Convention on Climate Change (UNFCCC) – and the Agenda 21, a global action plan to promote sustainable development worldwide. The Agenda 21 for sustainable development created a new way of perceiving development for the States, and numerous international conferences followed to promote them. Agenda 21 negotiations resulted in formulation of the Millennium Development Goals (MDGs), which were established through the adoption by the United Nations General Assembly (UNGA) of the UN Millennium Declaration<sup>1</sup> in 2000.

The MDGs were constructed around 8 main themes:

- 1 eradicate extreme hunger and poverty;
- 2 achieve universal primary education;
- 3 promote gender equality and empower women;
- 4 reduce child mortality;
- 5 improve maternal health;
- 6 combat HIV/AIDS, malaria and other diseases;
- 7 ensure environmental sustainability;
- 8 develop a global partnership for development.

By 2010, even though some advancements had been made with respect to the MDGs, the review process in that year showed that there were still gaps in their implementation at the national level. Thus, in 2012, the Rio+20 Conference – held 20 years after the first Earth Summit – was the opportunity for States to achieve international consensus on how to prepare the Post-2015 Agenda for Development. Since international concerns turned more and more around sustainable development and the preservation of biodiversity, the need for the Agenda to focus on these areas was clear. Thus, an international process was launched to develop a set of SDGs that would help to drive the implementation of sustainable development. From March 2013 to July 2014, an Open Working Group (OWG) was tasked with drafting a proposal on the SDGs that would include principles of Human Rights Law and consider the positions of all relevant stakeholders. The OWG was composed of 30 members, including States from the 5 regions defined by the UN system, as well as Major Groups to represent other stakeholders in the process: Women, Children and Youth; Indigenous Peoples; Non-Governmental Organizations (NGOs); Local Authorities; Workers and Trade Unions; Business and Industry; the Scientific and Technological Community; and Farmers. Considering the input of all of these groups, the OWG presented a general report to the UNGA in September 2014, while high-level negotiations continued to take place in 2015. The main outcomes of those international negotiations on the

path to the SDGs were the Small Island Developing States Accelerated Modalities of Action (S.A.M.O.A) Pathway of September 2014, the Sendai Framework for Action on Disaster Risk Reduction 2015-2030 of March 2015, the Addis Ababa Action Agenda of the Third International Conference on Financing for Development in July 2015, the 2030 Agenda for Sustainable Development in September 2015, and, lastly, the Paris

***“People who are the most vulnerable must be empowered. Those whose needs are reflected in the Agenda include [...] Indigenous Peoples”.***

*Transforming our world:  
the 2030 Agenda for  
Sustainable Development.  
18 September 2015.*

Agreement in December 2015. The UN Sustainable Development Summit, held in New York in September 2015, ultimately adopted a range of 17 SDGs, with 169 targets, in order to promote and develop sustainable development from 2015-2030. Within these 169 targets, there are two mentions of “Indigenous Peoples”:

**Goal 2 on hunger and food security: Target 2.3:** *By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, Indigenous Peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment.*

<sup>1</sup> A/RES/55/2

**Goal 4 on inclusive and equitable education: Target 4.5:** By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, Indigenous Peoples, and children in vulnerable situations.

## INDIGENOUS PEOPLES' PARTICIPATION IN THE PROCESS

Indigenous Peoples have been involved in the drafting process of the SDGs since the beginning, through the Indigenous Peoples Major Group (IPMG). The outcome document of the Rio+20 Summit, *The Future We Want*<sup>2</sup>, states in paragraph 49:

*“We stress the importance of the participation of Indigenous Peoples in the achievement of sustainable development. We also recognize the importance of the United Nations Declaration on the Rights of Indigenous Peoples in the context of global, regional, national and subnational implementation of sustainable development strategies.”*

It reminds the importance of involving Indigenous Peoples during the drafting of the SDGs, and also the recognition of their rights through a possible implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The Major Groups have the duty to share their priorities for the drafting of the SDGs, but also for follow-up once the goals have been adopted. Each Major Group participates actively in the relevant meetings concerning the SDGs, including OWG meetings and the High-level Political Forum on Sustainable Development. With respect to the modalities of work, the Major Groups have to nominate the Organizing Partners in order to facilitate data collection and coordination of the process for all stakeholders. The Organizing Partners of the IPMG are currently the International Indian Treaty Council (IITC) and the Tebtebba Foundation. The IPMG also includes regional organizing partner focal points, and it maintains global lists for recommendations and information sharing. The IPMG holds Indigenous Peoples Regional Caucuses, which have facilitated the selection of the regional focal points from April to June 2014, and regional workshops and consultations on regional priorities and concerns within the Indigenous Peoples sector. As defined by the IPMG, the priorities in drafting the SDGs for Indigenous Peoples are:

- 1 a rights-based approach, incorporating international human rights standards, including the UN Declaration on the Rights of Indigenous Peoples;
- 2 ensuring recognition and respect for Indigenous Peoples' rights to land, water, seeds and other resources, self-determination, rights and free, prior and informed consent;
- 3 respect and protection for traditional and local livelihoods, food sovereignty and subsistence practices;
- 4 recognition for culture as an essential component of sustainable development;
- 5 full participation of Indigenous Peoples in decision-making in sustainable development programs and policies at all stages and on all levels.

The position paper defined by the IPMG regarding Indigenous Peoples' concerns for the SDGs calls for more recognition of land rights, cultural rights and proper identity. The US\$2-per-day measure of poverty does not apply to Indigenous Peoples' cultural sustainability around the world and thus should not be the only view considered in the drafting of the SDGs. Indigenous Peoples represent 15% of the world's poor people due to the lack of international recognition of their rights, as defined by them. It becomes extremely important that the drafting of the SDGs be based on human rights law principles in order to ensure effectively that “no one is left behind”. According to the UNDRIP and ILO Convention 169 – and all other relevant international documents – rights over land, territories and natural resources, as well as the right to self-determination, have been acknowledged in international law, and the concrete implementation of the SDGs would constitute a way forward in this context. Consequently, a number of the IPMG recommendations call for recognizing the right to land, territories and natural resources as a means of ending poverty within Indigenous Peoples' communities. With regard to enhancing education and respect of cultural rights, the right to FPIC is the most appropriate tool for achieving those targets. Considering all the forms of violence that Indigenous Peoples suffer in their traditional lands, it is necessary to ensure their effective participation at all decision-making levels. Indigenous Peoples' participation in the drafting of the SDGs is called for in the outcome document of the World Conference on Indigenous Peoples (WCIP)<sup>3</sup> that took place in New York from 22-23 September 2014, paragraph 37:

*“We note that Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to development.*

*In this regard, we commit ourselves to giving due consideration to all the rights of Indigenous Peoples in the elaboration of the post-2015 development agenda.”*

Since the Millennium Development Goals evolved into the Sustainable Development Goals, with the aim of promoting sustainable development with more consideration and respect for natural resources, Indigenous Peoples ask for control of the natural resources present on their ancestral lands. The World Bank noted in a 2008 report that the ancestral lands of Indigenous Peoples “coincide with areas that hold 80 percent of the planet's biodiversity”<sup>4</sup>. Indigenous Peoples' control over natural resources is thus crucial not only for their cultural survival, but for biodiversity preservation. The lack of partnerships made with Indigenous Peoples for Sustainable Development plans is of great concern to them. Most of the time, their right to FPIC is not respected when projects are planned that involve access to natural resources located on their land. Indigenous Peoples also call for greater protection of their cultural heritage and traditional knowledge, as a fundamental aspect of sustainable development. Considering all these points, it is crucial that Indigenous Peoples be engaged in the process of the SDGs from the beginning to the end, which also includes the Monitoring and Evaluation processes after the final adoption of the document. The past experience of Indigenous Peoples being left behind during the MDGs process was particularly notable during the implementation of the national plans. This tendency, unfortunately, was still observable during the process of the SDGs negotiations.

The active participation of Indigenous Peoples in the SDGs process has not been limited to the IPMG statements during the OWG sessions since it has also involved the UN Permanent Forum on Indigenous Issues (UNPFII), the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) and the WCIP, to the release of the Zero Draft of the SDGs by the OWG to UNGA in September 2014. With regard to the UNPFII, the SDGs found time during the 13<sup>th</sup> session in May 2014, under agenda item 7: Ongoing priorities and themes and follow-up: (d) Post-2015

2] A/RES/66/288

3] A/RES/69/2

4] Executive Summary, page xii, *The Role of Indigenous Peoples in Biodiversity Conservation*, the World Bank, 2008.

The Sustainable Development Goals	Proposals from the first draft of the SDGs	Proposals from the IPMG to the OWG
<p><b>Goal 1</b> — End poverty in all its forms everywhere</p> <p><b>Goal 2</b> — End hunger, achieve food security and improved nutrition and promote sustainable agriculture</p> <p><b>Target 2.3</b> — By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, <b>Indigenous Peoples</b>, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment</p> <p><b>Goal 3</b> — Ensure healthy lives and promote well-being for all at all ages</p> <p><b>Goal 4</b> — Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all</p> <p><b>Target 4.5</b> — By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, <b>Indigenous Peoples</b> and children in vulnerable situations</p> <p><b>Goal 5</b> — Achieve gender equality and empower all women and girls</p> <p><b>Goal 6</b> — Ensure availability and sustainable management of water and sanitation for all</p> <p><b>Goal 7</b> — Ensure access to affordable, reliable, sustainable and modern energy for all</p> <p><b>Goal 8</b> — Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all</p> <p><b>Goal 9</b> — Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation</p> <p><b>Goal 10</b> — Reduce inequality within and among countries</p> <p><b>Goal 11</b> — Make cities and human settlements inclusive, safe, resilient and sustainable</p>	<p><b>Goal 2</b> — End hunger, achieve food security and adequate nutrition for all, and promote sustainable agriculture</p> <p><b>Target 2.9</b> — Achieve by 2030 protection and sustainable use of agricultural biodiversity, including through enhanced use and application of <b>Indigenous practices and local and traditional knowledge</b>, and through agricultural research and development related to agro-biodiversity and diversity of food</p> <p><b>Goal 4</b> — Provide equitable and inclusive quality education and lifelong learning opportunities for all</p> <p><b>Target 4.6</b> — By 2030 ensure that people in vulnerable situations and marginalized people, including persons with disabilities and <b>Indigenous Peoples</b>, have access to inclusive education, skills development and vocational training aligned with labour market needs</p> <p><b>Goal 9</b> — Promote sustainable industrialization</p> <p><b>Target 9.10</b> — promote <b>Indigenous technology</b> development and the growth of domestic innovation in developing countries</p> <p><b>Goal 10</b> — Reduce inequality within and among countries</p> <p><b>Target 10.5</b> — Empower and promote the social and economic inclusion of the poor, the marginalized and people in vulnerable situations, including <b>Indigenous Peoples</b>, women, minorities, migrants, persons with disabilities, older persons, children and youth</p> <p><b>Goal 15</b> — Protect and restore terrestrial ecosystems and halt all biodiversity loss</p> <p><b>Target 15.10</b> — Ensure FPIC of <b>Indigenous Peoples</b> and local communities in decision-making and natural resources management, and promote the use of their traditional knowledge</p>	<p><b>Goal 1</b> — Eradicate poverty for Indigenous Peoples</p> <p><b>Goal 2</b> — Ensure human rights and end all forms of discrimination and exclusion of Indigenous Peoples</p> <p><b>Goal 3</b> — Ensure participatory governance and full participation of Indigenous Peoples in decision-making</p> <p><b>Goal 4</b> — Promote peace and prevent conflicts on Indigenous Peoples' territories or that have an impact on Indigenous Peoples' communities</p> <p><b>Goal 5</b> — Achieve sustainable development that ensures protection of the environment and biodiversity of Indigenous communities' lands and territories</p> <p><b>Goal 6</b> — Address the impacts of climate change and halt unsustainable energy development on Indigenous communities, lands and territories</p> <p><b>Goal 7</b> — Recognize the crucial role of Indigenous Peoples in global partnerships for Sustainable Development</p> <p><b>Goal 8</b> — Protect and respect Indigenous Peoples' Cultural heritage, traditional knowledge systems and practices</p>

### The Sustainable Development Goals

**Goal 12** — *Ensure sustainable consumption and production patterns*

**Goal 13** — *Take urgent action to combat climate change and its impacts*

**Goal 14** — *Conserve and sustainably use the oceans, seas and marine resources for sustainable development*

**Goal 15** — *Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss*

**Goal 16** — *Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*

**Goal 17** — *Strengthen the means of implementation and revitalize the global partnership for sustainable development*

development agenda. Numerous Indigenous Peoples' interventions underlined the need for the States to respect their commitment to the UNDRIP. Most Indigenous Peoples were left behind in the development projects realized by national policies and ignored the needs and the rights of Indigenous Peoples. Great concern was also raised on the situation of Indigenous Peoples with disabilities<sup>5</sup> and their possible empowerment through the new opportunity that the SDGs process represents. However, while the States that took the floor – namely Australia, Brazil, Chile, Mexico and El Salvador – recognized the greater need to take into consideration Indigenous Peoples' claims, they still defended their national policies in this area. The SDGs were also discussed during the 7<sup>th</sup> EMRIP session in July 2014, during the Panel Discussion on the Post-2015 Development Agenda, where Albert Deterville, Chair of the session, focused on the importance of the SDGs for Indigenous Peoples. He insisted on the point that the SDGs' principles, goals and targets have to be rooted in the UNDRIP for their rights to be more widely recognized and taken into consideration. The participation of Indigenous Peoples in the implementation of the agenda once adopted is of crucial importance and would allow

for more partnerships and for respect for Indigenous Peoples' rights and culture. The IITC expressed its deep concern regarding the drafting process of the SDGs and the progressive exclusion of any reference to Indigenous Peoples as such. While five mentions of Indigenous Peoples and their rights appeared in the draft of the SDGs released for the 12<sup>th</sup> session of the OWG, only one mention remained in the Zero Draft discussed in the 13<sup>th</sup> session, the last one before the adoption of the report to be presented to the General Assembly<sup>6</sup>:

*“Proposed goal 16: Achieve peaceful and inclusive societies, access to justice for all, and effective and capable institutions.*

*Target 16.4: By 2030 increase inclusive, participatory and representative decision-making at all levels and ensure prior informed consent of Indigenous and local communities in decision-making and natural resources management, and promote the use of their traditional knowledge and culture.”*

This issue was at the core of the discussion of the Panel on Indigenous priorities for the post-2015 sustainable development agenda, during the WCIP. Indigenous Peoples were concerned about the need for a deeper rights-based approach from the Zero Draft released by the OWG, as well as the significant deception regarding Indigenous Peoples' participation. As Jannie Lasimbang, from the Asian Indigenous Peoples Pact (AIPP), stated in her opening remarks of the panel:

*“The post-2015 development agenda and the SDG process thus far, however, shows that implementation of Indigenous Peoples' rights is an issue among many States.”*

Despite the recognition by the States of the WCIP's outcome document, including paragraph 37, making reference to Indigenous Peoples' rights to development and the importance of their participation, it seems that more incentives need to be created for their inclusion into the SDGs. Later, in a joint statement, AIPP and the Asian Indigenous Peoples Caucus asserted:

*“The first Outcome Document of the Open Working Group on the Sustainable Development Goals comes as a very deep disappointment for Indigenous Peoples, in its failure to incorporate our core needs and concerns.”*

The 13<sup>th</sup> session of the OWG and the Zero Draft for the SDGs only reaffirm this situation. Even though modifications have been made to correct the issue of the minimal use

of the term “Indigenous” (occurring only once and without the word “Peoples” or any reference to FPIC), only 2 references are currently present in the SDGs, appearing under Goals 2 and 4<sup>7</sup> in combination with other vulnerable groups and minorities. Thus, while Indigenous Peoples have participated in the drafting process of the SDGs to a certain extent and in a meaningful way, their participation is lessened with respect to States for which the implementation of the UNDRIP remains an issue. In that sense, the SDGs process has to be watched over carefully by Indigenous Peoples' organizations, in order to make sure that their voices are heard and their rights respected fully.

## FINANCING PARADIGM FOR INDIGENOUS PEOPLES AND THE SDGs

One of the most important remaining issues concerning the SDGs involves the financial resources that would be put in place in order to implement them. As Indigenous Peoples underlined widely during their interventions at UNPFII and EMRIP in 2014, the greatest hope for Indigenous Peoples concerning the SDGs was to avoid the past experience of the MDGs. During the process of the MDGs, Indigenous Peoples were excluded from their implementation in the national and regional action plans, putting at risk their territories and livelihoods. With this past experience in mind, Indigenous Peoples hoped to be included in the final version of the SDGs in a much more substantive way, rather than being lumped in with “marginalized or vulnerable groups” and without mention to their land rights. The latter issue could be explained through the fact that the States, even recognizing Indigenous Peoples' rights as they did with the adoption of the UNDRIP and the adoption of the WCIP outcome document, are still reluctant to recognize their land rights since this involves natural resources that constitute a source of national wealth. This controversy is quite obvious in the Addis Ababa

5| This topic is further defined on the article *Indigenous persons with disabilities: towards more partnerships*, under the Ongoing Processes of this same issue.

6| Zero Draft rev.1, *Introduction and proposed goals and targets on sustainable development for the post-2015 development agenda*, OWG on the SDGs, 30 June 2014.

7| Cf. previous section: The path to the SDGs.

Action Agenda<sup>8</sup>, adopted on 27 July 2015, after the Third Conference on Financing for Development. This conference aimed to garner the broadest agreement on the modalities of the financing of the SDGs. In the outcome document, paragraph 26 states as follows:

*“Countries relying significantly on natural resources exports face particular challenges. We encourage investment in value addition and processing of natural resources and productive diversification, and commit to addressing excessive tax incentives related to these investments, particularly in extractive industries. We reaffirm that every State has and shall freely exercise full permanent sovereignty over all its wealth, natural resources and economic activity.”*

This paragraph underlines the economic importance that States give to natural resources present on their legal territory and thus should be included in the national development plans. However, for Indigenous Peoples this paragraph constitutes evidence of the non-recognition of their fundamental rights, more precisely, the right to land, territory and natural resources and the right to self-determination. The UNPFII 2015 dedicated an agenda item on health and food sovereignty under the post-2015 development agenda. The main concerns expressed in the statements presented by Indigenous delegates involved the loss of food sovereignty due to lack of land rights recognition within the Zero Draft of the SDGs. Ms. Nicole Maria Yanes, in her statement presented on behalf of the Participants of the Training of the Access Project – which included the IITC, Tribal Link, the United Confederation of Taino People,

***“The agenda must accommodate the voices of women and the views of youth and minorities, seek the free, prior and informed consent of Indigenous Peoples, remove obstacles to full participation by persons with disabilities, older persons, adolescents and youth and empower the poor”.***

*SG report for the post-development agenda 2015. The road to dignity by 2030: ending poverty, transforming all lives and protecting the planet. 4 December 2014.*

the Caribbean Amerindian Development Organization, the Pacific Disability Forum, Akali Tanga Association, Saniri Alifaru, the Bangladesh Indigenous Women’s Network, Dewan Adat Papua, Tamu Bauddha Sewa Samiti Nepal, and the Movement for the Survival of the Ogoni People – expressed Indigenous Peoples’ views on this issue:

*“We, Indigenous Peoples, exhort to maintain the purity of our natural resources, since they are resources from our Mother Earth and they are a source of food free of transgenic and agrochemistry.”*

The Global Indigenous Youth Caucus in the same session expressed concerns about the health of Indigenous Peoples in the context of extractive industries and the lack of respect for their land rights. However, again concerning the Addis Ababa Action Agenda, one of the last paragraphs states as follows:

*“117. We will encourage knowledge-sharing and the promotion of cooperation and partnerships between stakeholders, including between Governments, firms, academia and civil society, in sectors contributing to the achievement of the sustainable development goals. [...] At the same time, we recognize that traditional knowledge, innovations and practices of Indigenous Peoples and local communities can support social well-being and sustainable livelihoods and we reaffirm that Indigenous Peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions.”*

It appears clear that there is no commonly accepted definition of what should be development for all that leaves no one behind, but that there are several possibilities while a unique one is taking into account. As underlined by Mr. Alfonso Alem, Chair of the Regional Inter-Agency Group on Indigenous Peoples (RIGIP) of Latin America and the Caribbean during UNPFII 2014:

*“The RIGIP shares the concern expressed by Indigenous Peoples on the necessity that the debate on ‘development’ not remain within the current hegemonic model, but that it includes other paradigms, such as the one that has sustained and continues to sustain the life and material, spiritual and cultural reproduction of Indigenous Peoples.”*

The Addis Ababa Action Agenda does not consider this perspective, by rather underlining an idea of implementation of the SDGs that would not be fruitful for Indigenous communities’ development. Furthermore, the acknowledgement of paragraph 117 disappears considering paragraphs 35 and 48:

*“35. Private business activity, investment and innovation are major drivers of productivity, inclusive economic growth and job creation. (...)”*

*48. We recognize that both public and private investment have key roles to play in infrastructure financing, including through development banks, development finance institutions and tools and mechanisms such as public-private partnerships.”*

In this regard, the implementation of the SDGs and their means of financing remain a challenge, one which could still be overcome through the adoption of indicators and monitoring policies in their implementation. Furthermore, for the last two years, the High Commissioner for Human Rights underlined in its reports<sup>9</sup> the efforts realized by the Office for the High Commissioner on Human Rights (OHCHR) to strengthen the partnerships between national governments and Indigenous Peoples in order to ensure an effective implementation of the UNDRIP.

## DISCUSSIONS AROUND THE MONITORING OF THE SDGs

The effective monitoring of the SDGs and how they could be measured on the ground is of great concern. Now, in 2016, the time has come to put in place the set of indicators initially designed to measure the implementation of the SDGs. In 2012, UN Secretary-General Ban Ki-moon launched the UN Sustainable Development Solutions Network (UNSDSN) to mobilize global scientific and technological expertise to promote practical problem-solving for sustainable development, including the design and implementation of the SDGs. Following their adoption, the UNSDSN is now committed to supporting the implementation of the SDGs at the local, national, and global levels. In its report launched on 12 June 2015, Indicators and a Monitoring Framework for the SDGs, the UNSDSN proposed a set of indicators that aim to monitor the effective implementation of the SDGs and to take care of their implementation at the three levels. Indigenous Peoples are mentioned in one common indicator, which involves 4 different goals. The following table summarizes it:

8] The Addis Ababa Action Agenda, 27 July 2016.

9] HRC resolutions A/HRC/27/30 and A/HRC/30/25.

Common Indicator	Goals	Targets
<p>Percentage of women, men, <b>Indigenous Peoples</b>, and local communities with secure rights to land, property, and natural resources, measured by (i) percentage with documented or recognized evidence of tenure, and (ii) percentage who perceive their rights are recognized and protected.</p>	<p><b>Goal 1</b> — End poverty in all its forms everywhere</p> <p><b>Goal 2</b> — End hunger, achieve food security and improved nutrition and promote sustainable agriculture</p> <p><b>Goal 5</b> — Achieve gender equality and empower all women and girls</p> <p><b>Goal 10</b> — Reduce inequality within and among countries</p>	<p>By 2030, eradicate extreme poverty for all people everywhere, currently measured as people living on less than \$1.25 a day</p> <p><b>1.4</b> — By 2030 ensure that all men and women, particularly the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership, and control over land and other forms of property, inheritance, natural resources, appropriate new technology, and financial services including microfinance</p> <p><b>2.3</b> — By 2030 double the agricultural productivity and the incomes of small-scale food producers, particularly women, <b>Indigenous Peoples</b>, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment</p> <p><b>5.1</b> — End all forms of discrimination against women and girls everywhere</p> <p><b>5.2</b> — Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance, and natural resources in accordance with national laws</p> <p><b>10.2</b> — By 2030 empower and promote the social, economic and political inclusion of all irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status</p>

On the ground, the monitoring of this indicator is in the hands of the specialized UN agencies according to the goal to which it corresponds: either FAO, UNDP or UN Habitat. Contrary to the discussions on the adoption of the SDGs' goals and targets, the decision to use this indicator concerning Indigenous Peoples' rights has been made on the basis of the UNDRIP. The rationale of the decision to consider this particular indicator for Indigenous Peoples is explained as follow:

*“Whether women, men, Indigenous Peoples, and local communities can have secure tenure over the land, property, and other natural resources has important implications for economic development and poverty reduction. Yet, for many poor women, men, Indigenous Peoples, and communities, access to land, property, and other natural resources is increasingly undermined. In rural areas in particular, controversies involving large-scale land acquisitions by foreign and domestic investors for agribusiness, forestry, extractive, or other large-scale projects have placed land rights and the issue of responsible investment firmly on the global development agenda, and highlighted the importance of ensuring secure tenure rights for those who rely on land and natural resources for their well-being and livelihoods. Securing tenure rights is especially important for Indigenous Peoples, for whom lands, territories, and other resources may also hold significant spiritual or cultural import and have implications for their right to development.”*

It is further explained that the root of this rationale is taken from the dispositions of the UNDRIP and the specificities on Indigenous Peoples' land rights. During the 8<sup>th</sup> EMRIP session, held in July 2015, this was discussed under agenda item 5

of the Post-2015 Development agenda and Indigenous Peoples' rights. Representatives from the Leuphana University, based in Germany, stated the necessity to recognize Indigenous Peoples' rights as cultural rights and thus as an important factor for the monitoring of the SDGs. The Indigenous Peoples Alliance of the Archipelago (AMAN) expressed the feeling of frustration through the SDGs process and brought up the importance of mentioning land rights within the SDGs framework in order to ensure and recognize Indigenous Peoples' specificities. A representative from CieloMex recalled the importance of including Indigenous Peoples' participation in the process of monitoring the SDGs, which means a recognition of existing traditional knowledge and the already existing incentives for sustainable and local economies put in place within the communities. Finally, a representative from Mexico referred to the report on the SDGs' indicator by highlighting the importance of the recognition of Indigenous Peoples' land rights in the indicator, and by underlining the clear use of the UNDRIP as a guideline. Even though the SDGs process has involved significant deception for Indigenous Peoples, this indicator can remain a beacon of hope for the global recognition of Indigenous Peoples' land rights. During the UNPFII's 15<sup>th</sup> session in May 2016, the indicators and the post-2015 development agenda were discussed under agenda item 10, with discussions on the High-level Political Forum on Sustainable Development and the Role of the Permanent Forum in the follow-up to and review of the 2030 Agenda for Sustainable Development. A representative from the Yamasi people insisted on the consequences of the adoption of such an agenda and the lack of recognition of Indigenous

Peoples and their cultural particularities, a situation that he referred to as an existential threat for Indigenous Peoples. The joint statement of AIPP and PACOS Trust on behalf of the Asia Indigenous Peoples Caucus discussed the importance of Indigenous Peoples' participation during the monitoring process of the SDGs, as follows:

*“Therefore, percentage on land controlled and owned by Indigenous Peoples is critical to be included in the SDGs indicators.”*

This refers to the indicator of the SDGs that is of concern for Indigenous Peoples, even though during this UNPFII session

many Indigenous Peoples' organizations and other stakeholders continued to underline the crucial need for Indigenous Peoples' participation in the monitoring of the SDGs at all levels – participation that would specifically involve Indigenous Peoples' organizations such as AIPP, ILO, Tebtebba and the Asia Indigenous Women's Network, the Tribal Link Foundation Access Project Capacity-Building, the Centre for Research, Advocacy of Manipur, and the Centre for autonomy and development of Indigenous Peoples. The States that presented their initiatives for Indigenous Peoples in the implementation of the SDGs were Guatemala, Guyana, Chile and Australia. The concern about Indigenous Peoples being left behind in the process of the implementation and monitoring of the SDGs, already this same year, let perceive worries about on States' policies. Even though there is the adoption of an indicator that effectively recognizes land tenure of Indigenous Peoples and provides a space for their land rights, there is no space for

***“There is a need to recognize Indigenous Peoples' economies, no matter how small. They have for years sustained their livelihoods in these economies, and should not be side-lined or threatened by national development strategies which are closely tied to private sector investments and natural resources and extractive industries”.***

*Eighth session of the  
Open Working Group  
on Sustainable Development Goals:  
Presentation by a representative  
from the Indigenous Information  
Network, IPMG statement.  
5 February 2014.*

their right to self-determination. The overall situation faced by Indigenous Peoples in the context of the SDGs is well summarized by a statement made by the Kapaeeng Foundation during the 8<sup>th</sup> EMRIP session in 2015:

*“We are not inherently vulnerable as we have nurtured harsh environments as our homelands. We have governed and developed our territories by ourselves for centuries by using our resources prudently and not taking more than what is necessary to be able to survive. The non-recognition of our existence, our identity and our rights by nation-States is what is making us vulnerable, poor, and at the bottom of the development ladder. Under many national laws, our territories are controlled by the State without recognition of our prior rights, denial of our right to full and effective participation in decision-making in all matters that affect us, including our right to free, prior and informed consent. The denial of our*

*existence by governments and their failure to provide ethnically disaggregated data which should make our existence visible provides no basis for programs and measures for the fulfillment of our individual and collective rights as distinct peoples.”*

## NEW CHALLENGE FOR INDIGENOUS PEOPLES' RIGHTS

In light of the above summary, it appears clear that the SDGs process remains an ongoing challenge for recognition of Indigenous Peoples' rights to this day. However, good practices have been implemented in order to strengthen their participation, including, for example, the incorporation of the IPMG and the discussions that have taken place during the various

Indigenous Peoples' rights mechanisms within the UN system. Much remains to be done, as indicated by many of the recent statements made during the 9<sup>th</sup> EMRIP session<sup>10</sup>, under the agenda item, The SDGs and Indigenous Peoples' rights. Most of the issues over the SDGs involve lack of recognition of land rights, lack of recognition of cultural values and lack of access to public services, which causes food insecurity and health issues. Most

of the national action plans should at least include better access to public services, in the realm of the SDGs. Nevertheless, if the development model defined by the Addis Ababa Action Agenda remains one of economic growth, Indigenous Peoples' access to public services may not be a priority for the States that would prefer to focus on private sector and public partnerships in order to enforce their macroeconomic perspectives. One of the main tools developed recently that helps Indigenous Peoples to monitor the implementation of the SDGs on their territories, and in which Indigenous Peoples participate directly since they provide the data, is the Indigenous Navigator. The Indigenous Navigator is a joint initiative realized by AIPP, Tebtebba, the Forest Peoples Program, the International Labor Organization (ILO), the International Working Group on Indigenous Affairs (IWGIA) and the European Union (EU).

It aims at providing and facilitating data information for Indigenous Peoples regarding three domains: (1) the monitoring of the implementation of the UNDRIP on the ground according to Indigenous Peoples' views; (2) the monitoring of the outcomes of the WCIP; and (3) the monitoring of essential aspects of the SDGs. The tools and resources to help Indigenous communities to realize the data collection are all available online. The data collected is then released online, in order to help to compare worldwide how the implementation of the UNDRIP and the SDGs is progressing. Such good practice enforces and helps strengthen Indigenous Peoples' participation in the process of the SDGs, which would also help the States to revise their policies and to put in place more initiatives for the wellness of Indigenous communities. While the SDGs represent a new challenge for Indigenous Peoples, there is also still hope that the process could be successful if their voices are included at all levels of partnerships, and mainly the ones between the private sector and the States.

10 | Docip Publication, *Summary Notes n°1*, EMRIP 9<sup>th</sup> session from the 11-15 July 2016

## FOR MORE INFORMATION

*Update n°107*, January 2014,

Permanent Forum on Indigenous Issues 2014, Agenda item 8: Panel discussion on the Post-2015 Development Agenda, pp. 29-34.

*Update n°109*, June 2015, Ongoing Processes: Sustainable Development Goals and the post-2015 development agenda: Indigenous peoples' fight not to be left behind, pp. 29-35.

Stakeholders' statements realized during the IPs' rights sessions within the UN system as defined above (EMRIP, UNPFII, HRC).

[www.sustainabledevelopmentknowledgeplatform.un.org](http://www.sustainabledevelopmentknowledgeplatform.un.org)

[www.indigenousnavigator.org](http://www.indigenousnavigator.org)

## Ongoing processes

# INDIGENOUS PEOPLES AS KEY PLAYERS FOR INTERNATIONAL DISCUSSIONS

## ROLE OF INDIGENOUS PEOPLES IN THE CLIMATE CHANGE NEGOTIATIONS

Since 1992, when the Earth Summit was held in Rio, climate change has become an issue of increasing international concern. As previously noted, the Earth Summit in Rio was a significant starting point where three main Conventions got adopted: the CBD, the UNFCCC, and the Convention to Combat Desertification. The UNFCCC entered into force in 1994, is still one of the core concerns due to the adoption of international agreements during the Conference of the Parties (COP), which takes place each year.

***In October 2004, Ministers of Foreign Affairs of the eight Arctic nations are to receive an assessment of the impacts of global climate change in the circumpolar Arctic. This will be the world's most comprehensive and detailed regional assessment of climate change. Of the first importance to Inuit, we intend that this assessment will inform future Conferences of the Parties pursuant to the 1992 United Nations Framework Convention on Climate Change.***

UNPFII 2003,  
statement under agenda  
item 4b Environment  
by a representative from the Inuit  
Circumpolar Conference.  
14 May 2003.

The UNFCCC is linked to the Kyoto Protocol, which was adopted in 1997 and then took effect in 2005 in order to reduce greenhouse emissions, which was part of the operationalization process of the UNFCCC. Last year, in 2015, the Parties to the Convention also

adopted the Paris Agreement as a further commitment to efforts to reduce climate change and implement mitigation measures, which is currently open to signatures of the Parties<sup>11</sup>. Indigenous Peoples' participation in the process has evolved over time, mainly thanks to the recommendations realized by Indigenous Peoples' organizations during the 2nd Session of UNPFII, which took place in 2003. The recommendation made by UNPFII<sup>12</sup> at that time was as follows:

*“Recommendation 2:  
United Nations Framework Convention on Climate Change 47. The Forum recommends that the United Nations Framework Convention on Climate Change consider the possible establishment of an ad hoc open-ended intersessional working group on Indigenous Peoples and local communities and climate change, whose objectives would be to study and propose timely, effective and adequate solutions to respond to the urgent situations caused by climate change that Indigenous Peoples and local communities face. The Forum furthermore recommends that the Convention consider providing necessary funding support to Forum members and Indigenous Peoples to guarantee their participation and to strengthen their participation.”*

Considering the importance that was given to the UNPFII as a new mechanism and the place that it should occupy among the international fora, the following year the Subsidiary Body for the Implementation (SBI) of the UNFCCC adopted a report<sup>13</sup> discussing the effort that should be made to enhance Indigenous Peoples' participation in the climate change negotiations. During COP6 in The Hague in 2000, Indigenous Peoples' organizations had raised the concern of the difficulties encountered for them to participate, a situation that was corrected for negotiations of COP7 in 2001 in Marrakesh. Since that time, Indigenous Peoples' organizations have had the same access as other organizations, that is, having the status of observer to enter into the negotiations. One of the turning points for Indigenous Peoples in this process has been the negotiations on the Reducing Emissions from Deforestation and Forest Degradation (REDD) initiative, which aims at increased protection of forests through financial aid to projects that would preserve natural areas. This mechanism is controversial looking at Indigenous Peoples' rights in its implementation. The REDD initiative was born during COP13 in Bali in 2007, and it was further defined, but with Indigenous Peoples' protests, at COP14 in 2008 in Poznań. Finally,

<sup>11</sup> | As of 7 September 2016, 26 Parties ratified the Paris Agreement, namely: Bahamas, Barbados, Belize, Cameroon, China, Cook Islands, Democratic People's Republic of Korea, Fiji, Grenada, Guyana, Maldives, Marshall Islands, Mauritius, Nauru, Norway, Palau, Peru, Samoa, Seychelles, Somalia, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, State of Palestine, Tuvalu and USA.

<sup>12</sup> | UNPFII report, E/2003/43 E/C.19/2003/22

<sup>13</sup> | FCCC/SBI/2004/5

an agreement among the Parties to the Convention could be found in Copenhagen in 2009, which came up with REDD+. It broadened the sense of what REDD should encompass beyond preservation of forests

**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.**

UNDRIP, article 41

**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.**

UNDRIP, article 42.

**The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the Indigenous Peoples of the world.**

UNDRIP, article 43

and natural resources, but this initiative remains questioned by Indigenous Peoples organizations. On this point a study from the European Parliament<sup>14</sup> notes the following:

*“Indigenous organizations are currently requesting to be taken into account in the processes related to REDD, as this approach will have major implications for Indigenous Peoples, no matter how it is designed, due to the large association of Indigenous Peoples with*

*forested areas. (...) Many Indigenous Peoples have previously had rather negative experiences with arrangements and mechanisms related to forest governance. (...) They have often been struggling with conflicting claims over ownership, governance, use, access and control of forests, and even armed conflicts (Tebtebba 2008). Therefore, Indigenous Peoples and their organizations have become particularly concerned about the social implications of REDD, including fear of further human rights violations.”*

At the same time, in 2007, UNDRIP was adopted by the UNGA, and the negotiations around climate change issues became more complicated for Indigenous Peoples due to the reluctance of the Parties to the Convention to include any reference to the UNDRIP principles. In this context, Indigenous Peoples decided to put in place through their Global Indigenous Caucus a Platform for the COP in order to coordinate better Indigenous Peoples' actions related to UNFCCC. This Platform is the International Indigenous Peoples Forum on Climate Change (IIPFCC), which advocates for more

inclusion of Indigenous Peoples' views into the negotiations of the text. One of the most important outcomes of the IIPFCC concerns participation at the last COP21, in Paris. The Indigenous Pavilion, set up as a civil society zone for Indigenous Peoples side events, workshops and meetings, along with the presence of numerous Indigenous delegates, put some pressure on the governments to ensure a little more respect for their rights in the climate change negotiations. The final

text adopted by the Parties, known as the Paris Agreement, states as follows regarding Indigenous Peoples:

*“The Conference of the Parties, Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of Indigenous Peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity,*

*Article 5 Parties acknowledge that adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems, and should be based on and guided by the best available science and, as appropriate, traditional knowledge, knowledge of Indigenous Peoples and local knowledge systems, with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions, where appropriate.”*

Since then, there is hope that Indigenous Peoples' participation in the upcoming COP22 in Marrakesh would have more weight in the negotiations. Great efforts are required on the part of Indigenous Peoples delegates to advocate and lobby for their interests, which are justified by the outcome of an implementation of UNDRIP principles of Indigenous Peoples' participation processes that are reflected in the articles 41, 42 and 43. Above all, the participation of Indigenous Peoples is essential because climate change deeply affects them, often forcing them to be removed from their homelands and provoking high rates of food and water insecurity, as well as health problems, among many other consequences.

<sup>14</sup> | Directorate-General for External Policies, Policy Department, study on Indigenous Peoples and Climate Change, 2009, p. 22

## INDIGENOUS PERSONS WITH DISABILITIES: TOWARDS MORE PARTNERSHIPS AND SELF-REPRESENTATION

The issue of Indigenous persons with disabilities has only recently begun to be recognized within the international arena. The

lack of recognition of the rights of Indigenous persons with disabilities is a crucial gap in the international protection of human rights,

and it will require further scrutiny as stakeholders implement the SDGs and Indigenous Peoples' rights. Discussions that took place at the 4<sup>th</sup> session of the UNPFII<sup>15</sup> resulted in a call to include and pay more attention to Indigenous persons with disabilities in the context of data collection:

<sup>15</sup> | E/2005/43 E/C.19/2005/9.

*“Take into account the full diversity and demographic profile of Indigenous communities, including gender, children, youth and aged persons, people with disabilities, nomadic, semi-nomadic and migrating peoples, peoples in transition, displaced persons, Indigenous Peoples in urban areas, and particularly vulnerable groups of Indigenous Peoples.”*

This starting point for the inclusion of Indigenous persons with disabilities in the international discussions provided a window for further discussions. However, the debate stayed dormant for a long time since at that point it was not considered a priority for international Indigenous claims. In 2012, a side event at the UNPFII was organ-

**16. Indigenous persons with disabilities have been largely invisible in the work of the various United Nations entities that address the rights and situation of Indigenous Peoples and persons with disabilities. ... The Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the rights of Indigenous Peoples have to date not addressed the specific situation of Indigenous persons with disabilities.**

**49. Available evidence shows that girls and women with disabilities are at higher risk of violence than girls and women without disabilities (see A/HRC/20/5) and that Indigenous women are disproportionately victims of sexual violence.**

*E/C.19/2013/6,  
UNPFII Study on the situation  
of Indigenous persons with  
disabilities, with a particular focus  
on challenges faced with regard  
to the full enjoyment of human rights  
and inclusion in development,  
5 February 2013.*

**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.**

*UNDRIP, article 21*

ized by the Disability Rights Advocacy Fund (DRAF), bringing attention to the issue. This resulted in a call for a UNPFII study on the situation of Indigenous persons with disabilities, which was taken on by then-members Mirna Cunningham and Paul Kanyinke Sena. The international organization of persons with disabilities, International

Disability Alliance, together with its close partner, DRAF, organized an expert meeting on the topic in Madrid in order to contribute to the study. Indigenous persons with disabilities, with Forum member Paul Kanyinke Sena, co-presented the study to the Forum at its 12th session, in 2013.<sup>16</sup> Among the conclusions of the study are the following:

*“The available information on Indigenous persons with disabilities shows a serious gap in the implementation and enjoyment of a wide range of rights, ranging from self-determination and individual autonomy to access to justice, education, language, culture and integrity of the person. (...) Urgent action is required by Member States, the United Nations, Indigenous Peoples, Indigenous Peoples’ organizations and organizations of persons with disabilities, among others. They must take immediate steps to improve the situation of Indigenous persons with disabilities, to consult them, to enable them to be heard and to ensure that they are empowered to claim their rights as set forth in the two main legal standards, the Convention on the Rights of Persons with Disabilities and the United Nations Declaration on the Rights of Indigenous Peoples, for which there exist major implementation gaps for this group.”*

Moreover, the study covers issues facing by Indigenous persons with disabilities that range from lack of recognition of legal capacity, violence, lack of access to education and lack of enjoyment of cultural rights. The rights of Indigenous persons with disabilities are recognized, among other places, in the UNDRIP and in the UN Convention on the Rights of Persons with Disabilities (UNCRPD). However, as Indigenous persons with disabilities were not present in significant numbers during either set of negotiations, both legal frameworks make only scant specific mention of them. The legal existing frameworks for Indigenous persons with disabilities entail only (1) articles 21 and 22 of UNDRIP, and (2) one reference to “Indigenous origin” in the text of the Convention on the Rights of Persons with Disabilities. In examining

the coalescence of the two legal frameworks, experts at the 2012 Madrid meeting and since have considered how the collective rights of Indigenous Peoples operate vis-à-vis the individual rights as currently defended by the existing networks of persons with disabilities. Neither one exists in opposition to the other since considerable common ground may be found between the two constituencies and many bridges can be built in order to implement this complementarity. At the UNPFII’s 13<sup>th</sup> session, funding from DRAF helped to initiate a network, the Indigenous Persons with Disabilities Global Network, in an effort to create an organization for the promotion of the rights of Indigenous persons with disabilities and to organize work around the new movement. Following these developments, an Expert Meeting on Indigenous Persons with Disabilities took place in Geneva on 7-8 July 2016, gathering multiple stakeholders<sup>17</sup> – including the Special Rapporteur on the Rights of Persons with Disabilities, the Special Rapporteur on the Rights of

<sup>16</sup> Study on the situation of Indigenous persons with disabilities, with a particular focus on challenges faced with regard to the full enjoyment of human rights and inclusion in development, E/C.19/2013/6.

<sup>17</sup> The list of participants to the meeting is as follows: Ms. Catalina DEVANDAS AGUILAR, Special Rapporteur on the rights of persons with disabilities (Costa Rica); Ms. Victoria TAULI CARPUZ, SRRIP (Philippines); Mr. Scott AVERY, Policy and Research Director, First Peoples Disability (Australia); Mr. Danlami BASHARU, UN Expert, Committee on the rights of persons with disabilities (Nigeria); Mr. Albert BARUME, UN Expert, EMRIP member (Kenya); Mr. Ulises CARDENAS, Representative, Indigenous community Atacameña de Chunchuri (Chile); Ms. Mirna CUNNINGHAM, President, Association for Women’s Rights in Development and Indigenous Peoples’ rights activist (Nicaragua); Ms. Anna DAHLBERG, Project Manager of Sami people with disabilities, Nordic Centre for Welfare and Social Issues (Sweden); Mr. Binota Moy DHAMAI, Representative, Asia Indigenous Peoples Pact (Bangladesh); Ms. Doreen DEMAS, Chair, Indigenous Persons with Disabilities Global Network (Canada); Mr. John GILROY, Lecturer, Faculty of Health Science, University of Sydney (Koori from the Yuin Nation, Australia); Ms. Pratima GURUNG, Nepal Indigenous Disabled Association and member of the Indigenous Persons with Disabilities Global Network (Nepal); Mr. Wilton LITTLECHILD, Independent Expert, EMRIP Member (Canada); Ms. Hannah McGLADE, Senior Indigenous Fellow (OHCHR) (Australia); Mr. Setareki MACANAWAI, Chief Executive Officer, Pacific Disability Forum and member of the Indigenous Persons with Disabilities Global Network (Fiji); Ms. Olga MONTUFAR CONTRERAS, Representative, Paso a Paso Foundation for Indigenous persons with disabilities (Mexico); Mr. Martin OELZ, Senior Specialist on Equality and Non-Discrimination, ILO; Ms. Karen SOLDATIC, Faculty Member, Institute for Culture and Society, Western Sydney University; Mr. Piera Jovanna SOMBY, Sami person with disability (Sweden); Mr. Stefan TROMEL, Senior Disability Specialist, ILO; Mr. Alexey TSYKAREV, EMRIP Chair (Russian Federation).

Indigenous Peoples (SRRIP), members of the EMRIP, ILO and Indigenous delegates – and thus making the discussion one of the core priorities for Indigenous Peoples’

**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.**

*UNDRIP, article 22*

rights. The meeting highlighted the current gaps in the recognition of this group as a beneficiary of special rights, in the collective sense such as that defined by the UNDRIP,

and in the individual one such as that defined by the UNCRPD. Additionally, special focus is reserved for the rights of Indigenous women and girls with disabilities, who suffer multiple forms of discrimination and violence, and who are exposed to high risks to their health and wellness. The discussions have been further carried forward during the Panel Discussion on the Rights of Persons with Disabilities during the 9<sup>th</sup> EMRIP session, which took place in Geneva from 11–15 July. The panel discussion raised awareness on the situation of Indigenous persons with disabilities to the network of Indigenous Peoples’ organizations, and for the first time it was raised as a priority human rights issue. As outlined,

this panel discussion put the emphasis on the complexity of the partnerships that remain to be established among the various stakeholders to ensure full respect of the rights of this group. Furthermore, on the one hand, it has been recommended that Indigenous Peoples’ organizations should do more to recognize the rights of Indigenous persons with disabilities; on the other, organizations of persons with disabilities must include more Indigenous persons into the loop of discussions. Many opportunities to accomplish these goals exist, particularly regarding the current frameworks of the implementation of the SDGs and climate change negotiations, as well as generally with respect to a greater involvement and empowerment of Indigenous Peoples worldwide. Partnerships should be created to foster an atmosphere of respect for a greater recognition of Indigenous persons with disabilities rights and needs.

## BUSINESS AND HUMAN RIGHTS AT CORE DISCUSSIONS

The UN system became involved with Business and Human Rights issues during the 1990s, and came up with the initiative of the UN Global Compact in the Davos Forum in 1999, that got formalized by UNGA in 2000<sup>18</sup>. This initiative seeks to promote corporate sustainability through a set of principles, among which the respect of Human Rights in the context of business activities. The UN Global Compact is broadly composed by companies and numerous others stakeholders, and Docip is member of the UN Global Compact Switzerland. The aim is to edict policies with particular emphasis in the realm of the SDGs, and to get as many

stakeholders as possible in the loop. In parallel, the UN reflected on this relationship in a systematic way through the efforts of the Special Representative of the Secretary General on the issue of human rights and transnational corporations and other business enterprises, Mr. John Ruggie, who held the office from 2005 until 2011. The Special Representative compiled data on severe Human Rights violations due to business activities and presented a first report in 2008, with the “Protect, Respect and Remedy” Framework, which introduced three pillars of action intended to prevent Human Rights violations: 1. State duty to

protect against Human Rights abuses by third parties, which includes parties in the business sector; 2. Responsibility for the business sector to respect Human Rights; and 3. Access to remedy for the victims of the abuses. In its final report in 2011<sup>19</sup>, the Special Representative introduced the final Guiding Principles on Business and Human Rights, ultimately adopted in June 2011<sup>20</sup> by the Human Rights Council, which also took the opportunity to establish a Working Group on the matter.

<sup>18</sup> | A/RES/68/234

<sup>19</sup> | A/HRC/17/31

<sup>20</sup> | A/HRC/RES/17/4

### THE GUIDING PRINCIPLES

**1** States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises. This requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication.

**2** States should set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations.

**3** In meeting their duty to protect, States should:

**a)** Enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights, and periodically to assess the adequacy of such laws and address any gaps;

**b)** Ensure that other laws and policies governing the creation and ongoing operation of business enterprises, such as corporate law, do not constrain but enable business respect for human rights;

**c)** Provide effective guidance to business enterprises on how to respect human rights throughout their operations;

**d)** Encourage, and where appropriate require, business enterprises to communicate how they address their human rights impacts.

- 4 States should take additional steps to protect against human rights abuses by business enterprises that are owned or controlled by the State, or that receive substantial support and services from State agencies such as export credit agencies and official investment insurance or guarantee agencies, including, where appropriate, by requiring human rights due diligence.
- 5 States should exercise adequate oversight in order to meet their international human rights obligations when they contract with, or legislate for, business enterprises to provide services that may impact upon the enjoyment of human rights.
- 6 States should promote respect for human rights by business enterprises with which they conduct commercial transactions.
- 7 Because the risk of gross human rights abuses is heightened in conflict-affected areas, States should help ensure that business enterprises operating in those contexts are not involved with such abuses, including by:
- a) Engaging at the earliest stage possible with business enterprises to help them identify, prevent and mitigate the human rights-related risks of their activities and business relationships;
  - b) Providing adequate assistance to business enterprises to assess and address the heightened risks of abuses, paying special attention to both gender-based and sexual violence;
  - c) Denying access to public support and services for a business enterprise that is involved with gross human rights abuses and refuses to cooperate in addressing the situation;
  - d) Ensuring that their current policies, legislation, regulations and enforcement measures are effective in addressing the risk of business involvement in gross human rights abuses.
- 8 States should ensure that governmental departments, agencies and other State-based institutions that shape business practices are aware of and observe the State's human rights obligations when fulfilling their respective mandates, including by providing them with relevant information, training and support.
- 9 States should maintain adequate domestic policy space to meet their human rights obligations when pursuing business-related policy objectives with other States or business enterprises, for instance through investment treaties or contracts.
- 10 States, when acting as members of multilateral institutions that deal with business-related issues, should:
- a) Seek to ensure that those institutions neither restrain the ability of their member States to meet their duty to protect nor hinder business enterprises from respecting human rights;
  - b) Encourage those institutions, within their respective mandates and capacities, to promote business respect for human rights and, where requested, to help States meet their duty to protect against human rights abuse by business enterprises, including through technical assistance, capacity-building and awareness-raising;
  - c) Draw on these Guiding Principles to promote shared understanding and advance international cooperation in the management of business and human rights challenges.
- 11 Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.
- 12 The responsibility of business enterprises to respect human rights refers to internationally recognized human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization's Declaration on Fundamental Principles and Rights at Work.
- 13 The responsibility to respect human rights requires that business enterprises:
- a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur;
  - b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.
- 14 The responsibility of business enterprises to respect human rights applies to all enterprises regardless of their size, sector, operational context, ownership and structure. Nevertheless, the scale and complexity of the means through which enterprises meet that responsibility may vary according to these factors and with the severity of the enterprise's adverse human rights impacts.
- 15 In order to meet their responsibility to respect human rights, business enterprises should have in place policies and processes appropriate to their size and circumstances, including:
- a) A policy commitment to meet their responsibility to respect human rights;
  - b) A human rights due-diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights;
  - c) Processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute.
- 16 As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy that:
- a) Is approved at the most senior level of the business enterprise;
  - b) Is informed by relevant internal and/or external expertise;
  - c) Stipulates the enterprise's human rights expectations of personnel, business partners and other parties directly linked to its operations, products or services;
  - d) Is publicly available and communicated internally and externally to all personnel, business partners and other relevant parties;
  - e) Is reflected in operational policies and procedures necessary to embed it throughout the business enterprise.
- 17 In order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should carry out human rights due diligence. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed. Human rights due diligence:

- a) Should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships;
- b) Will vary in complexity with the size of the business enterprise, the risk of severe human rights impacts, and the nature and context of its operations;
- c) Should be ongoing, recognizing that the human rights risks may change over time as the business enterprise's operations and operating context evolve.
- 18 In order to gauge human rights risks, business enterprises should identify and assess any actual or potential adverse human rights impacts with which they may be involved either through their own activities or as a result of their business relationships. This process should:
- a) Draw on internal and/or independent external human rights expertise;
- b) Involve meaningful consultation with potentially affected groups and other relevant stakeholders, as appropriate to the size of the business enterprise and the nature and context of the operation.
- 19 In order to prevent and mitigate adverse human rights impacts, business enterprises should integrate the findings from their impact assessments across relevant internal functions and processes, and take appropriate action.
- a) Effective integration requires that:
- (i) Responsibility for addressing such impacts is assigned to the appropriate level and function within the business enterprise;
- (ii) Internal decision-making, budget allocations and oversight processes enable effective responses to such impacts.
- b) Appropriate action will vary according to:
- (i) Whether the business enterprise causes or contributes to an adverse impact, or whether it is involved solely because the impact is directly linked to its operations, products or services by a business relationship;
- (ii) The extent of its leverage in addressing the adverse impact.
- 20 In order to verify whether adverse human rights impacts are being addressed, business enterprises should track the effectiveness of their response. Tracking should:
- a) Be based on appropriate qualitative and quantitative indicators;
- b) Draw on feedback from both internal and external sources, including affected stakeholders.
- 21 In order to account for how they address their human rights impacts, business enterprises should be prepared to communicate this externally, particularly when concerns are raised by or on behalf of affected stakeholders. Business enterprises whose operations or operating contexts pose risks of severe human rights impacts should report formally on how they address them. In all instances, communications should:
- a) Be of a form and frequency that reflect an enterprise's human rights impacts and that are accessible to its intended audiences;
- b) Provide information that is sufficient to evaluate the adequacy of an enterprise's response to the particular human rights impact involved;
- c) In turn not pose risks to affected stakeholders, personnel or to legitimate requirements of commercial confidentiality.
- 22 Where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes.
- 23 In all contexts, business enterprises should:
- a) Comply with all applicable laws and respect internationally recognized human rights, wherever they operate;
- b) Seek ways to honor the principles of internationally recognized human rights when faced with conflicting requirements;
- c) Treat the risk of causing or contributing to gross human rights abuses as a legal compliance issue wherever they operate.
- 24 Where it is necessary to prioritize actions to address actual and potential adverse human rights impacts, business enterprises should first seek to prevent and mitigate those that are most severe or where delayed response would make them irremediable.
- 25 As part of their duty to protect against business-related human rights abuse, States must take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when such abuses occur within their territory and/or jurisdiction those affected have access to effective remedy.
- 26 States should take appropriate steps to ensure the effectiveness of domestic judicial mechanisms when addressing business-related human rights abuses, including considering ways to reduce legal, practical and other relevant barriers that could lead to a denial of access to remedy.
- 27 States should provide effective and appropriate non-judicial grievance mechanisms, alongside judicial mechanisms, as part of a comprehensive State-based system for the remedy of business-related human rights abuse.
- 28 States should consider ways to facilitate access to effective non-State-based grievance mechanisms dealing with business-related human rights harms.
- 29 To make it possible for grievances to be addressed early and remediated directly, business enterprises should establish or participate in effective operational-level grievance mechanisms for individuals and communities who may be adversely impacted.
- 30 Industry, multi-stakeholder and other collaborative initiatives that are based on respect for human rights-related standards should ensure that effective grievance mechanisms are available.
- 31 In order to ensure their effectiveness, non-judicial grievance mechanisms, both State-based and non-State-based, should be:
- a) Legitimate: enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes;
- b) Accessible: being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access;

c) Predictable: providing a clear and known procedure with an indicative timeframe for each stage, and clarity on the types of process and outcome available and means of monitoring implementation;

d) Equitable: seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms;

e) Transparent: keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake;

f) Rights-compatible: ensuring that outcomes and remedies accord with internationally recognized human rights;

g) A source of continuous learning:

drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms;

Operational-level mechanisms should also be:

h) Based on engagement and dialogue: consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances.

These Guiding Principles (GP) include three references to Indigenous Peoples; they are located in the commentary sections following GP 3, GP 12 and GP 26, as indicated below:

*“GP 3: Guidance to business enterprises on respecting human rights should indicate expected outcomes and help share best prac-*

***Emphasize the need to governments and the private sector to resource economic development within the Indigenous estate – developing financial products, to underwrite economic development through engaging the financial services sector to enable and build on their underlying communal title to create opportunities for economic development.***

*EMRIP 9<sup>th</sup> session,  
statement made by a representative  
from the Northern Land Council,  
13 July 2016.*

***These issues have been enduring, with very little change that can be felt on the ground. We then take this opportunity to reiterate our call on the member-states, UN agencies and mechanisms, and all related duty-bearers to ensure that the UN Guiding Principles on Business and Human Rights, with appropriate reference to the UNDRIP and ILO Convention 169, are reflected in states' National Action Plans.***

*EMRIP 9<sup>th</sup> session,  
statement made by a representative  
from the Asia Caucus,  
13 July 2016.*

*tices. It should advise on appropriate methods, including human rights due diligence, and how to consider effectively issues of gender, vulnerability and/or marginalization, recognizing the specific challenges that may be faced by Indigenous Peoples, women, national or ethnic minorities, religious and linguistic*

*minorities, children, persons with disabilities, and migrant workers and their families.*

*GP 12: Depending on circumstances, business enterprises may need to consider additional standards. For instance, enterprises should respect the human rights of individuals belonging to specific groups or populations that require particular attention, where they may have adverse human rights impacts on them. In this connection, United Nations instruments have elaborated further on the rights of Indigenous Peoples; women; national or ethnic, religious and linguistic minorities; children; persons with disabilities; and migrant workers and their families.*

*GP 26: Legal barriers that can prevent legitimate cases involving business-related human rights abuse from being addressed can arise where, for example:...certain groups, such as Indigenous Peoples and migrants, are excluded from the same level of legal protection of their human rights that applies to the wider population.”*

This constitutes a good starting point for recognition of the UN standards on Indigenous Peoples' rights; however, with a view to furthering the discussion,

during its 5<sup>th</sup> session the EMRIP drafted a Comment on the matter that relates the GP with UNDRIP<sup>21</sup>. This document explores the various opportunities that the GP and their implementation in the field could represent for Indigenous Peoples. One of the recurrent matters is the claim concerning

recognition and implementation of FPIC. This last point is crucial for Indigenous Peoples, and it was repeated multiple times by Indigenous Peoples' organizations during the 9<sup>th</sup> EMRIP session in July 2016<sup>22</sup>, the first Indigenous Peoples' rights mechanism that included the item of Business and Human Rights in its agenda. The impacts of transnational corporations and other business enterprises deeply affect Indigenous Peoples with respect to their fundamental rights, mainly involving the rights to land and natural resources, but also including the rights to food, shelter, water, health and culture, to name only a few – and with the dramatic consequences that infringements of these rights have on the communities. Large-scale development projects, the extractive industry, and the agriculture business are usually the main sectors concerned, although other sectors are also implicated in projects that can have severe impacts on the daily life of Indigenous communities. With this in mind, in 2005 the World Bank initiated a Policy related to Indigenous Peoples, referred to as OP 4.10 and later updated in 2013, which defines a framework for the respect of Indigenous Peoples' particularities in the cases of projects financed by the World Bank. Another interesting initiative to take note of is the Performance Standard 7 on Indigenous Peoples of the International Finance Corporation, which came out in 2012 and further defines guidance for their clients in order to realize an environmental and social assessment of the projects financed by the organization. The Organization for Economic Cooperation and Development (OECD), in the realm of its Responsible Business Conduct policy, is currently working on the edition of guidelines by sector in

21| A/HRC/EMRIP/2012/CRP.1

22| *Ibid* note 10

order to help the businesses to assess the risks and impacts of their activities. The concerned sectors are the extractive sector stakeholder engagement, the mineral supply chains, the agricultural supply chains, the garment supply chains and the financial sector. Both the *Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector*<sup>23</sup>, and the *OECD-FAO Guidance for Responsible Agricultural Supply Chains*<sup>24</sup> mention a chapter 'Engaging with Indigenous Peoples'; while they are only referenced as 'vulnerable groups' and further defined by a footnote in the *Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*<sup>25</sup>. For instance, there are no Guidance for the Financial sector and the Garment sector. These promising initiatives, guidelines and projects that have been put in place since the work begun by the Special Representative on the matter shows once more the importance of the issue, especially in relation to Indigenous Peoples' rights. The adoption process of the UNDRIP pushed for more recognition of and emphasis on this issue, with increasing demands to denounce land grabbing, evictions, health-related problems, and water

and soil contamination due to the activities of the private sector. In this realm, the Human Rights Council (HRC) adopted a resolution in 2014<sup>26</sup> for the elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights. The first session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights took place last year with the participation of the SRRIP, and the second session will take place from 24-28 October 2016, in Geneva. With the participation of the SRRIP in the previous session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights and the EMRIP mechanism which intends to work more closely with the Working Group on the issue of human rights and transnational corporations and other business enterprises, efforts are made to include Indigenous Peoples' rights mechanisms into the loop of the discussions. However, it would be prudent to take note of James Anaya's words, expressed in his statement on the occasion of the 1<sup>st</sup> Business and

Human Rights session that took place in Geneva in 2012, during the Panel:

*"My examination of the issue confirms that there is need for change in the current state of affairs if Indigenous rights standards are to have a meaningful effect on State and corporate policies and action as they relate to Indigenous Peoples. An initial step towards such change would be greater common understanding among Indigenous Peoples, governmental actors, businesses enterprises, and others about the content of Indigenous Peoples' rights and the means of their implementation. Without such understanding, the application of Indigenous rights standards will continue to be contested or ignored, and Indigenous Peoples will continue to be vulnerable to serious abuses of their individual and collective human rights."*

23| See OECD, *Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector*, pp 75-83

24| See OECD, *OECD-FAO Guidance for Responsible Agricultural Supply Chains*, pp 74-82

25| See OECD, *Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*, p 64

26| A/HRC/RES/26/9

## FOR MORE INFORMATION

### ROLE OF INDIGENOUS PEOPLES IN THE CLIMATE CHANGE NEGOTIATIONS

Docip documentation centre, statements made by indigenous peoples during UNPFII 2003

[www.iipfcc.org](http://www.iipfcc.org) / [unfccc.int](http://unfccc.int) / [www.cop22.ma](http://www.cop22.ma)

### INDIGENOUS PERSONS WITH DISABILITIES

Docip Publication, Summary Notes nffri on the 9<sup>th</sup> EMRIP session

Docip documentation centre, statements made by indigenous peoples during the 9<sup>th</sup> EMRIP session for the panel discussion on the rights of indigenous persons with disabilities

<http://www.ohchr.org/EN/Issues/Disability/SRDisabilities/Pages/IPDisabilities.aspx>

### BUSINESS AND HUMAN RIGHTS

Docip documentation centre, statement made by James Anaya during the 1<sup>st</sup> Business and Human Rights session

[www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness](http://www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness)

[www.unglobalcompact.org](http://www.unglobalcompact.org)

[www.mneguidelines.oecd.org/sectors](http://www.mneguidelines.oecd.org/sectors)

Latest News

# REVISION OF THE EMRIP MANDATE, WIPO IGC AS ONGOING PROCESS, REGIONAL NEWS: AFRICA AND CENTRAL AND SOUTH AMERICAN AND THE CARIBBEAN

## REVISION OF THE EMRIP MANDATE

The EMRIP mechanism was established by the HRC in 2007, under Resolution 6/36. Currently, it is composed of 5 independent members who represent the 5 regions of the UN system, taking into consideration Indigenous origins and gender balance; the Experts are elected by the HRC. The mandate of the Experts includes a 3-year term that could be extended for another 3 years, with the aim of conducting thematic studies on the rights of Indigenous Peoples. The results of these studies are submitted to all stakeholders

– Indigenous Peoples' organizations, States, academia and NGOs – during sessions of EMRIP, which is held each year in July. As an outcome of the EMRIP session, a report is issued and presented to the HRC during the annual half-day discussion on the rights of Indigenous Peoples in September in order to ensure better promotion of Indigenous Peoples' rights in the international arena. On the Resolution adopted by UNGA of the WCIP Outcome Document of 22 September 2014, the review of the mandate of EMRIP is referenced in paragraph 28. This paragraph states as follow:

*“28. We invite the Human Rights Council, taking into account the views of Indigenous Peoples, to review the mandates of its existing*

*mechanisms, in particular the Expert Mechanism on the Rights of Indigenous Peoples, during the sixty-ninth session of the General Assembly, with a view to modifying and improving the Expert Mechanism so that it can more effectively promote respect for the Declaration, including by better assisting Member States to monitor, evaluate and improve the achievement of the ends of the Declaration.”*

In consideration of this background document, the HRC adopted Resolution 30/11, which required the OHCHR to set up a 2-day workshop to review EMRIP's mandate; this workshop took place on 4–5 April 2016 in Geneva. The proposals submitted by the various stakeholders at this session were as follows:

	Currently	Proposed revisions made by Indigenous Peoples
Mandate	<p><i>Thematic expertise, including studies and research-based advice on the rights of Indigenous Peoples</i></p> <p><i>May suggest proposals to the HRC for its consideration and approval within the scope and work of the HRC</i></p> <p><i>EMRIP shall determine its own methods of work but not adopt resolutions or decisions</i></p> <p><i>To enhance cooperation and avoid duplications, the SRRIP and a representative of the Permanent Forum on Indigenous Issues (UNPFII) are invited to attend and contribute to the annual meeting</i></p>	<p><i>The studies should include reports on the outcomes of the implementation of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)</i></p> <p><i>It is proposed that the scope of work of EMRIP should be broadened to claims that concern urgent and massive human rights violations concerning Indigenous Peoples</i></p> <p><i>EMRIP should be able to make recommendations to States on the implementation of the UNDRIP</i></p>

	Currently	Proposed revisions made by Indigenous Peoples
<b>Mandate</b>		<i>The possibility of realizing country visits, by invitation of States, has been proposed for EMRIP to enhance its efficacy and offer monitoring to States on the implementation of the UNDRIP – the SRRIP should be able to participate in those in order to enhance cooperation between the 2 mechanisms</i>
<b>Membership</b>	<p><i>5 independent experts – 1 representative from each of the UN regional groups</i></p> <p><i>Selected on the basis of procedures established by paragraphs 39-53 of the Resolution of 18 June 2007</i></p> <p><i>Members serve for a 3-year period with the possibility of reelection for one additional period</i></p>	<p><i>The possibility of electing 7 members, according to the 7 regions defined by the UNPFII: Africa / Asia / Central and South America and the Caribbean / the Arctic / Eastern Europe, Russian Federation, Central Asia and Transcaucasia / North America / the Pacific</i></p> <p><i>The selection of the Experts should be conducted independently from States' processes and in accordance with Indigenous representatives' requirements</i></p> <p><i>No changes</i></p>
<b>Reporting</b>	<i>Annual report on its session to the HRC, thematic studies (usually one per year), survey on best practices and implementation strategies to attain the goals of UNDRIP</i>	<i>Should be able to include recommendations and to elaborate follow-up of the existing structures (such as the Universal Periodic Review -UPR) of the UN Human Rights system concerning Indigenous Peoples' rights</i>
<b>Secretariat</b>	<i>1 member – part of the OHCHR</i>	<i>To be reinforced by providing more human resources</i>
<b>Annual session</b>	<i>5 working days, open to all stakeholders</i>	<i>No changes</i>

The 9<sup>th</sup> EMRIP session, held in Geneva from 11–15 July 2016, confirmed most of the proposed revisions for the mandate, with the first agenda item being the Follow-up on the World Conference on Indigenous Peoples, including the review of the mandate of the Expert Mechanism. The discussions from the various stakeholders stressed that EMRIP should gain more independence from the HRC and that its mandate should be based upon UNDRIP principles. One of the EMRIP recommendations at the end of this session was the possibility for the mechanism to draft an annual report on the implementation of UNDRIP. The recommendations on the review of the mandate issued by the Experts themselves are the following:

- 1 EMRIP should have more independence and autonomy from the HRC to conduct its studies;
- 2 EMRIP should have UNDRIP as its main working basis;
- 3 an enhanced cooperation with the SRRIP / UNPFII and EMRIP should take place;
- 4 country visits should be performed upon request;
- 5 the number of Experts should be revised to 7 in order to represent the 7 regions as defined by UNPFII;
- 6 EMRIP should issue an annual global report on the implementation of UNDRIP;
- 7 more cooperation and interaction with the HRC should be implemented;
- 8 EMRIP should contribute to the work

- of the Working Group on Business and Human Rights;
- 9 cooperation and interaction should be enhanced with the international Human Rights system in general;
- 10 cooperation with national human rights institutions should be strengthened;
- 11 more resources should be allocated to support EMRIP and its Secretariat for its activities.

A resolution has been submitted to the HRC 33<sup>rd</sup> session for the revision of the EMRIP mandate, contemplating as main issues a preparation of an annual report on the achievement of the ends of the UNDRIP including good practices, more partnerships

with other UN agencies, to provide input regarding the UPR mechanism and the treaty bodies, and to extend the number of the experts to 7 members according to the 7 regions as defined by the UNPFII.

## THE WIPO INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE, AS AN ONGOING PROCESS

The World Intellectual Property Organization (WIPO) Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) process started in 2000 as a way of moving forward with the international discussions surrounding Indigenous Peoples' claims in the international arena. The starting point remains the Convention on Biological Diversity of 1992 and the need to preserve natural resources, taking into account Indigenous knowledge in the process. The aim of the IGC is to come up with one or more international instruments that would protect effectively genetic resources, traditional knowledge and traditional and cultural expressions. Typically, there are 2 to 4 sessions held per year on the mandate issued by the General Assembly. They take place at WIPO headquarters in Geneva, and Indigenous Peoples' participation is enhanced through a facilitation process for accreditation that establishes for each session a group of Indigenous Peoples' experts to express their views on the preservation of traditional knowledge and intellectual property. Also, WIPO's Indigenous Voluntary Fund provides finances to Indigenous delegates to facilitate participation in the sessions. During recent sessions, Indigenous Peoples have noted the lack of contributions received by the Voluntary Fund to finance Indigenous Peoples' participation in the process, especially by those States that repeatedly indicate their lack of resources to contribute to it in a more regular manner. For the 30<sup>th</sup> session, the States that contributed to the Fund were South Africa, Sweden, Switzerland, France, Finland, Norway, Australia and New Zealand. Many Indigenous Peoples' organizations that may wish to participate in the IGC must find their own resources to travel to Geneva for a

period of a week each time. In fact, due to the lack of crucial funding for this process, there were no more than 3 Indigenous Peoples delegates financed through WIPO's Indigenous Voluntary Fund at the most recent (30<sup>th</sup>) session. As a result, and particularly in response to statements presented by the EU, the USA and Brazil, this latest session produced a greater number of articles retracting most of the Indigenous Peoples' rights that had been protected previously. It is extremely important to remind Indigenous Peoples' organizations that the WIPO IGC is an ongoing process and that it needs to be promoted more within Indigenous communities in order to preserve to the fullest extent possible their fundamental cultural rights.

## REGIONAL NEWS

### AFRICA REGION: ROLE OF THE WORKING GROUP ON INDIGENOUS POPULATIONS/COMMUNITIES AND EXAMPLES OF ACTIONS TAKEN BY INDIGENOUS ORGANISATIONS FOR RECOGNITION OF THEIR RIGHTS

The Africa region is at the hub of activities concerning Indigenous Peoples' rights this year due to the organization of the upcoming COP22 in Marrakesh, Morocco, from 7–18 November 2016. The COP events are becoming more and more crucial with respect to the defence and recognition of Indigenous Peoples' rights worldwide<sup>27</sup>, and COP22 allows for greater focus on what is occurring in this area in the Africa region specifically. The African Human Rights Commission established a Working Group (WG) on Indigenous Populations/Communities in Africa at its 28<sup>th</sup> Ordinary Session in November 2000 held in Cotonou, Benin. The mandate of the WG has 3 main pillars: (1) examine the concept of Indigenous Populations/Communities in Africa; (2) study the implications of the African Charter on Human and Peoples' Rights on the well-being of Indigenous communities; and (3) consider appropriate recommendations for the monitoring and protection of the rights of Indigenous Populations/Communities. Besides realizing country visits on the situation of Indigenous Populations/Communities in Africa and concretizing seminars to raise awareness on Indigenous populations, the WG also produces reports that are presented to the African Human Rights Commission. The processes surrounding the WG are suffering from the lack of States' cooperation for enhancing their work, even though many incentives are provided in order to strengthen the partnerships with the national Human

Rights Commissions. Thanks to the establishment of the WG, there has been a certain evolution of the recognition process of Indigenous Peoples in Africa over the past 10 years for the African States. However, the recognition of the Indigenous Populations/Communities depends on a common definition that could be agreed among the States. On this matter, the Advisory Opinion of the African Commission on Human and Peoples' Rights on the 2007 UNDRIP, in its page 3, expresses concerns surrounding the lack of a commonly accepted definition to apply to Indigenous Peoples worldwide. On this matter and for the Africa region more specifically, the Opinion states as follows:

*"The ACHPR is of the view that a definition is not necessary or useful as there is no universally agreed definition of the term and no single definition can capture the characteristics of Indigenous populations. Rather, it is much more relevant and constructive to try to bring out the main characteristics allowing the identification of the Indigenous populations and communities in Africa."*

In accordance with this Opinion, and in consideration of the major advancements made in the international fora for Indigenous Peoples, the Africa region continued supporting promotion of Indigenous Peoples' rights in the various countries. One of the latest regional legal instruments is the Yaoundé Declaration on the Implementation in Africa of the Outcome Document of the WCIP, which was adopted in December 2015. This Declaration promotes the following points:

- 1 Popularize and widely disseminate the Outcome Document and ensure its effective implementation at national and local levels;
- 2 Advocate for the ratification of the ILO Convention 169 and domestication of the UNDRIP;
- 3 Call for the development of integrated National Action Plans to implement the Outcome Document which will ensure that all national legislations, policies and administrative measures and development programs recognize, promote, fulfil and protect the rights and freedoms of Indigenous Peoples;
- 4 Develop tools for inclusive dialogue and conflict management, and tools for the participatory monitoring of the progress achieved in the implementation of the WCIP Outcome Document and the UNDRIP;
- 5 Jointly work with governments to develop indicators which can measure the well-being, respect and protection of the rights

27| See previous section on the role of Indigenous Peoples in the climate change negotiations.

of Indigenous Peoples when the 2030 Development Agenda is being implemented, their participation in implementing, monitoring this Agenda and reporting on it will be ensured;

- 6 Pay particular attention to the specific situation and needs of vulnerable groups within Indigenous communities in particular women, children, youth and persons with disabilities;
- 7 Ensure that all measures and actions are undertaken with the FPIC of Indigenous Peoples;
- 8 Ensure that when climate change policies and actions are being developed and implemented at the national and local levels, Indigenous Peoples are effectively involved, their rights are respected, protected and fulfilled, and their traditional knowledge related to climate change mitigation, adaptation and disaster risk reduction, and management are recognized, supported and used.

Regarding the last point of the Yaoundé Declaration, and considering the upcoming COP22, Indigenous Peoples' African organizations would like to be at the forefront of the challenges represented by this event organized in Africa. As a result, several Indigenous Peoples' organizations in Africa are working together with the IIPFCC in order to prepare to the fullest extent possible for the conference. Their aim is to provide more and more visibility to Indigenous Peoples in Africa, as well as more recognition of their specificities and fundamental rights since they represent one of the poorest groups of the global population. There are some examples of organizations that have already taken initiatives to make the African Indigenous communities more vocal in the regional and international arenas. For instance, the African Indigenous Peoples are now participating on a regular basis in the UNESCO World Heritage Committee meetings. The Indigenous Peoples of Africa Co-ordinating Committee (IPACC) has worked in cooperation with the Least Developed Countries Expert Group in order to submit a guide to Indigenous and traditional knowledge and adaptation to the UNFCCC. Also, the Programme d'Intégration et de Développement des Pygmées (PIDP) in Kivu, of the Democratic Republic of the Congo, is working with the national government on reporting to the UPR.

CENTRAL AND SOUTH AMERICA AND THE CARIBBEAN REGION: THE ORGANIZATION OF AMERICAN STATES' DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

In 1989 the General Assembly of the Organization of American States (OAS) asked

its Inter-American Commission on Human Rights (IACHR) to create a legal instrument on the rights of Indigenous Peoples. This process came to an end on 15 June 2016, during the most recent General Assembly of the OAS, when the American Declaration on the Rights of Indigenous Peoples<sup>28</sup> was adopted by acclamation. The path to the Declaration's adoption has been long and arduous, specifically with respect to Indigenous Peoples' participation in the process. This last point has been quite sensitive for Indigenous Peoples' organizations. Voices have been raised concerning an inadequate participation and consideration of the fundamental rights of Indigenous Peoples, notably raising the question of the recognition of rights over land and natural resources. Article XXV, paragraph 5, of the OAS Declaration states as follows concerning those rights:

*"5. Indigenous Peoples have the right to legal recognition of the various and particular modalities and forms of property, possession and ownership of their lands, territories, and resources in accordance with the legal system of each State and the relevant international instruments. The states shall establish the special regimes appropriate for such recognition, and for their effective demarcation or titling."*

The wording of this article highlights the States' sovereignty over territories and natural resources, contrary to the provisions of UNDRIP Articles 26 and 27, which recognize Indigenous Peoples' effective right over the land and territories that they have traditionally occupied. Furthermore, it is also important to bear in mind the footnotes that follow the text of the OAS Declaration, which consider various States' positions in the process. The U.S. in particular indicates its lack of support for the wording of the Declaration, arguing that such instrument would not create new, binding law. Following this opposition declared by the U.S., Colombia also expresses strong resistance to the Declaration, arguing that its national law is already effective enough concerning the protection of Indigenous Peoples' rights within its territory. Nonetheless, these objections do not curtail the major advancement that the adoption of this regional Declaration represents for Indigenous Peoples. There is good reason to be hopeful; however, as with every inter-governmental process, there are obvious challenges that remain in the implementation that follows the adoption of such an instrument.

28 | OEA/Ser.P/AG/doc.5557/16, pp. 167-185.

## FOR MORE INFORMATION

### REVISION OF THE EMRIP MANDATE :

OHCHR, the Expert Mechanism on the Rights of Indigenous Peoples :  
<http://www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/EMRIPIndex.aspx>

Docip Publication, Summary Note n°1 on the 9<sup>th</sup> session of EMRIP

### THE WIPO IGC

Sessions of the IGC and related documents :  
[http://www.wipo.int/meetings/en/topic.jsp?group\\_id=110](http://www.wipo.int/meetings/en/topic.jsp?group_id=110)

Traditional Knowledge, Cultural Expressions and Genetic Resources :  
<http://www.wipo.int/tk/en/>

## NEWS ON THE AFRICA REGION

The African Human Rights Commission and the Working Group on Indigenous Populations/Communities :  
<http://www.achpr.org/mechanisms/indigenous-populations/about/>

The COP22 in Marrakesh :  
<http://www.cop22.ma/>

## NEWS ON THE OAS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

The adoption of the OAS Declaration :  
[http://www.oas.org/en/media\\_center/press\\_release.asp?sCodigo=E-075/16](http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-075/16)

IITC, the OAS Declaration on the Rights of Indigenous Peoples :  
<http://www.iitc.org/program-areas/treaties-standard-setting-the-oas-american-declaration-on-the-rights-of-indigenous-peoples/>

## *Docip's activities*

# DOCIP'S ACTIVITIES

## TECHNICAL SECRETARIAT

The technical secretariat of Docip aims to support Indigenous Peoples' delegates during various UN conferences throughout the year, including the UNPFII, the EMRIP, the HRC, the Forum on Business and Human Rights, and the WIPO IGC. Free interpretation and translation services in all 4 languages (EN/ES/FR/RU), as well as a back office with access to computers, printers and photocopiers, are integral parts of the offered services. Moreover, the technical secretariat provides practical and logistical guides for the EMRIP and the UNPFII. Generally, it serves as a first contact point, where Indigenous Peoples' delegates can seek assistance for any inquiries. It is our goal to adapt to evolving needs and emerging topics. For this reason, the technical secretariat is working on building a closer network with various permanent missions, international organisations and other relevant stakeholders, to facilitate contact with Indigenous Peoples' delegates. Finally, once a year, Docip organises a mobile secretariat at the request of Indigenous Peoples during a conference outside the framework its annual agenda.

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## DOCUMENTATION CENTRE

The Documentation Centre makes its documents available in an online database containing statements from meetings at the UN and other international fora, donated items, journal articles, monographs, etc. – almost 10,000 documents in total. The Documentation Centre also stores multimedia materials such as DVDs and CDs, most of them created by Indigenous Peoples themselves. During UN conferences, Docip collects statements presented by all of the various stakeholders and posts them online. Going forward, Docip will continue adding useful items to its documentation collections, including audio and multimedia materials, and these will be made available via the Docip website, as well as in the Documentation Centre. Docip seeks to partner with the City of Geneva's museums on storing and presenting archival collections featured in Docip's current application for inclusion in UNESCO's Memory of the World programme. Docip will review formatting of its online documentation to ensure access for the visually impaired, as the rights of disabled Indigenous Peoples are now a key focus for Docip.

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## DOCIP OFFICE IN BRUSSELS

Docip would like to pay tribute to the European Union's long-time support and commitment to Indigenous Peoples, as well as to its continuing and increasing interest in Indigenous Peoples' issues. In order to strengthen the collaboration between Indigenous Peoples' delegates and the relevant European institutions, the EU has launched a pilot project that has established a Docip office in Brussels. The Docip office in Brussels aims mainly to facilitate the transfer of information between Indigenous Peoples and the relevant European institutions. It is at the disposal of Indigenous Peoples' delegates who wish to inform the EU about the local issues faced by their communities, and it serves to facilitate contacts with the relevant institutions in Brussels, as well as with the EU delegations in their countries. The Docip office in Brussels is also dedicated to informing Indigenous Peoples' delegates about current EU processes so that they may contribute to the legislative process, participate in civil society consultations and respond to calls for proposals. Docip would also like to thank the EU for its strong support in the organisation of a 4-day visit to Brussels in June 2016, during which Indigenous Peoples' delegates from the 7 Indigenous regions shared experiences with both the European Parliament and the European Commission on some of the main cross-cutting issues impacting Indigenous Peoples. The interventions and working documents will be accessible to all on Docip's website in the section entitled, "Indigenous Peoples at the EU".

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## STRATEGIC SUPPORT

Our new strategic support activity aims to support Indigenous Peoples' delegates at the international level, including with respect to UN international mechanisms on Indigenous issues such as the UNPFII and EMRIP. The support includes, for example, documentation and legal research, finding financial support, use of our databases in order to find statements or to plan international strategy, writing communications to the special procedures, and networking with Indigenous Peoples' delegates or organisations, as well as with experts or international organisations.

This is a free and personalized service. Furthermore, in 2014, in paragraph 29 of the WCIP outcome document, the UN General Assembly invited the human rights treaty bodies to consider the UNDRIP in accordance with their respective mandates. This means that there will be more delegates of Indigenous Peoples using the UPR and treaty bodies. Regular and high-quality participation of Indigenous Peoples' delegates can help to mainstream Indigenous issues in human rights bodies. Therefore, Docip has been providing information to an increasingly number of Indigenous Peoples on treaty bodies and UPR review sessions, and in the next 3 years we aim to support more than 18 organisations on country review sessions, focusing on those based in countries that have committed to apply the human rights treaties listed under the preferential trade arrangements with the EU, namely the GSP+.

If a GSP+ beneficiary country is on the list, Docip will send information to the EU's monitoring procedure on the GSP+, which would include considerations concerning Indigenous Peoples' rights, the treaty bodies and UPR.

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## DOCIP'S INFORMATION SERVICE

Docip's timely information service aims to inform Indigenous Peoples around the world about important events and to support their active participation in those events. To achieve this goal, we maintain an extensive network of sources from Indigenous Peoples' organisations, NGOs, UN agencies, and the academic community.

We constantly monitor our own email and social media accounts, as well as our network's mailing lists for important news, and we disseminate relevant information in 4 languages via our information channels: website, mailing lists, agenda, and social media. Besides the relaunch of our website (<https://www.docip.org>) and our social media accounts on Facebook (Docip page) and Twitter (@Docip\_en), we are introducing 2 new products to our partners and networks: Docip's weekly agenda and Docip's daily program for certain meetings (currently UNPFII and EMRIP). The weekly agenda is distributed in 4 languages to those on our mailing lists, and it is also published on our website. Every week we compile a list of upcoming meetings and events, important deadlines, and interesting new publications. The daily program during UNPFII and EMRIP is likewise sent in 4 languages to those on our mailing lists, in addition to being published on our website.

It contains the official program of work, side events, other events, and important documents for the meeting. Currently, we are working to improve and consolidate our services and to extend our networks. It's our priority to maintain a truly interactive communication with our Indigenous and non-Indigenous partners.

To inform you, we need your information!

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## DOCIP TRAINING

Docip's 2014 consultation confirmed the continued importance of Docip's training to Indigenous Peoples. With a new, dedicated staff position for training, we are continuing our traditional training activities and working with partners to redesign others. In 2016, we provided our traditional "Workshops for Newcomers" at the UNPFII and at EMRIP. At the UNPFII's 15<sup>th</sup> session, in cooperation with the UN Voluntary Fund for Indigenous Peoples, we provided training to newcomers on effective participation in the Permanent Forum, as well as on topics such as the Agenda 2030, Indigenous women, Indigenous youth and Indigenous persons with disabilities. Among the speakers was a UNPFII Secretariat representative, who discussed changes to the UNPFII 2016 speaking arrangements. This year, Docip introduced a pre-registration form in order to assist with providing reasonable accommodation to Indigenous persons with disabilities, and we provided a Braille versions of documents. Similarly, working again with the Voluntary Fund, we provided trainings at EMRIP's 9<sup>th</sup> session, with the addition of a hands-on advocacy planning workshop, using the Docip agenda. We redesigned our capacity transfer program and obtained funding for it from the Canton of Geneva and the City of Geneva. Previously, we were training 3 African interns in Geneva for 6 months per year. Now, we are providing a 3-week, training-of-trainers course for 7 participants total, annually, coming from all of the various regions considering 2 regions per year. Our first course will take place this November. To make our work and functionality more inclusive, we are developing our internal strategies on gender, disability and child protection, and we are working to increase our website accessibility per WCAG standards. We look forward to continuing to build on our training strengths, working together with Indigenous Peoples.

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## ORAL HISTORY AND MEMORY PROJECT

In 2013 and 2015, two 4-day Symposiums organized by Docip brought together some of the first Indigenous Peoples' delegates coming before the UN in 1977/1981, as well as Indigenous youth from the Americas, Asia, Africa, the Arctic and the Pacific regions. Laying the groundwork for a review of 35 years of the promotion of Indigenous Peoples' rights through intergenerational and interactive dialogue with a formal, symbolic and public component, the Symposiums gave rise to rich discussions and results.

During the Symposiums, the elders hoped to pass on a message to Indigenous youth, representing the next generation of Indigenous rights defenders, for them to continue the tradition of oral transmission to relate not only the experience of those who first came to the UN, but also the struggles of their local communities. A more extensive research project was launched on the transmission of oral memory among Indigenous Peoples to continue this very important work by developing additional training workshops at the local/community level. The first workshop was held over 4 days in the North America region in South Dakota (USA) in July 2015, and it gathered together 12 Indigenous youths and 6 elders from various communities of the USA and Canada.

In May 2016, the EU agreed to fund 5 more regional workshops based on this model, to be held in Central and South America, the Pacific region, Asia, Africa and the Arctic region over the next 3 years. The next one will be held in Buenos Aires in September 2016.

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## LIST OF ABBREVIATIONS

**AIPP** *Asia Indigenous Peoples Pact*

**AMAN** *Indigenous Peoples Alliance of the Archipelago*

**CBD** *Convention on Biological Diversity*

**COP** *Conference of the Parties*

**DRAF** *Disability Rights Advocacy Fund*

**EMRIP** *Expert Mechanism on the Rights of Indigenous Peoples*

**EU** *European Union*

**FPIC** *Free, Prior and Informed Consent*

**GP** *Guiding Principles*

**HRC** *Human Rights Council*

**IACHR** *Inter-American Commission on Human Rights*

**IGC** *Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore*

**IITC** *International Indian Treaty Council*

**IIPFCC** *International Indigenous Peoples Forum on Climate Change*

**ILO** *International Labour Organization*

**IPACC** *Indigenous Peoples of Africa Co-ordinating Committee*

**IPMG** *Indigenous Peoples Major Group*

**IWGIA** *International Working Group on Indigenous Affairs*

**MDGs** *Millennium Development Goals*

**NGOs** *Non-Governmental Organizations*

**OAS** *Organization of American States*

**OECD** *Organization for Economic Cooperation and Development*

**OHCHR** *Office for the High Commissioner on Human Rights*

**OWG** *Open Working Group*

**PIDP** *Programme d'Intégration de Développement des Pygmées*

**REDD** *Reducing Emissions from Deforestation and Forest Degradation*

**RIGIP** *Regional Inter-Agency Group on Indigenous Peoples*

**S.A.M.O.A** *Small Island Developing States Accelerated Modalities of Action*

**SDGs** *Sustainable Development Goals*

**SBI** *Subsidiary Body for the Implementation*

**SRRIP** *Special Rapporteur on the Rights of Indigenous Peoples*

**UN** *United Nations*

**UNCRPD** *United Nations Convention on the Rights of Persons with Disabilities*

**UNDRIP** *United Nations Declaration on the Rights of Indigenous Peoples*

**UNFCCC** *United Nations Framework Convention on Climate Change*

**UNGA** *United Nations General Assembly*

**UNPFII** *United Nations Permanent Forum on Indigenous Issues*

**UNSDSN** *United Nations Sustainable Development Solutions Network*

**UPR** *Universal Periodic Review*

**WCIP** *World Conference on Indigenous Peoples*

**WG** *Working Group*

**WIPO** *World Intellectual Property Organization*

# A FEW WORDS FROM OUR DIRECTOR

## A NEW TEAM FOR NEW PERSPECTIVES

Over the last few months, you may have noticed that some of the names on our Docip team have changed. Due to financial constraints in 2015, Docip had to release a significant portion of the team that was working at that time. However, thanks to the financial support provided by the European Union for the period 2016–2018, as well as that provided by other partners, we were able to continue and even to expand our activities beginning in early 2016.

Those changes provided room for new perspectives and ways of working. As a result, most of Docip's activities have been evolving over the last few months, and especially in accordance with the feedback received during the consultation process that has been carried out with Indigenous Peoples' delegates since 2014 in New York and Geneva. We remain committed to the principles of neutrality, impartiality, non-interference and consultation, which provide the foundation for our services to adequately respond to the reality and the evolving needs of Indigenous Peoples. With this reality in mind, we have developed our presence on Twitter and Facebook, and we have rethought our mailing procedures, launched a new website, created technical secretariats upon request, reworked our publications, put in place strategic support for the conferences, the UPR and treaty bodies, overhauled the trainings, organized a workshop of oral history and memory, opened an office in Brussels and established a monitoring and evaluation strategy for our activities. Many challenges are still to come, including the renewal of our system of managing and publishing documents online, more utilisation of multimedia such as video and audio materials for our activities, and the recognition by UNESCO of our collection of the statements presented by Indigenous Peoples at the UN as documentary heritage.

It is thus a very important moment for Docip, one which allows us to respond better to Indigenous Peoples' requirements at the international level, including more presence within regional organisations, as well as during the implementation of international conferences such as the WCIP, the COP22 and the SDGs.

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### Disclaimer:

Please be advised that the opinions and positions expressed herein do not necessarily reflect the views of Docip, which is an organization committed to the principle of neutrality and impartiality.

This issue of the Update was compiled in AUGUST 2016. Therefore, some of the news and information reported in the issue may have changed or been updated during the time it was being edited and translated before its publication in OCTOBER 2016. The reproduction and dissemination of information contained in the Update is welcome, provided sources are cited.

This issue, originally prepared and edited in English, is also available in Spanish, French and Russian. Online versions in all languages may be found on Docip's website. Additionally, Docip sends printed copies to Indigenous Peoples' organizations and to academic institutions, and copies are made available at the Docip documentation center in Geneva and at the UN conferences that Docip attends.

This document has been produced with the financial assistance of the European Union. The contents are the sole responsibility of Docip and should under no circumstances be regarded as reflecting the positions of the European Union.

WITH THE SUPPORT OF:

- The Sámediggi (The Sámi Parliament) in Norway
- The Swiss Agency for Development and Cooperation
- City of Geneva



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