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Report of the Expert Mechanism on the Rights of Indigenous Peoples on its fourth session (Geneva, 11-15 July 2011)

Chairperson-Rapporteur: Vital Bambanze

Summary

The Expert Mechanism on the Rights of Indigenous Peoples held its fourth session from 11 to 15 July 2011. In addition to the five members of the Expert Mechanism, the participants in the session included representatives of States, United Nations bodies and specialized agencies, non-governmental organizations, national human rights institutions, academics and indigenous peoples.

The Expert Mechanism held a discussion on follow-up to thematic studies and advice and on the final report on the study on indigenous peoples and the right to participate in decision-making. It also held discussions on the United Nations Declaration on the Rights of Indigenous Peoples and on proposals to be submitted to the Human Rights Council at its eighteenth session.

The Expert Mechanism adopted its final report on the study on indigenous peoples and the right to participate in decision-making, as well as a number of proposals.

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I. Introduction

1. In its resolution 6/36, the Human Rights Council established the Expert Mechanism on the Rights of Indigenous Peoples as a subsidiary expert mechanism to assist the Council in the implementation of its mandate by providing it with thematic expertise on the rights of indigenous peoples, as requested by the Council. In the resolution, the Council established that the thematic expertise would focus mainly on studies and research-based advice, and that the Mechanism may suggest proposals to the Council for its consideration and approval.

II. Adoption of the final report on the study on indigenous peoples and the right to participate in decision-making and of proposals

2. The Expert Mechanism adopted the final report on the study on indigenous peoples and the right to participate in decision-making and the proposals set out below.

A. Adoption of the final report on the study on indigenous peoples and the right to participate in decision-making

The Expert Mechanism on the Rights of Indigenous Peoples:

(a) Refers to paragraph 6 of Human Rights Council resolution 12/13, in which the Council requested the Expert Mechanism, in accordance with its mandate, to carry out a study on indigenous peoples and the right to participate in decision-making, and to present a progress report to the Council at its fifteenth session, and a final report at its eighteenth session;

(b) Adopts the final report on the study on indigenous peoples and the right to participate in decision-making;¹

(c) Authorizes the Chairperson-Rapporteur, in consultation with the other members of the Expert Mechanism, to make the necessary revisions to the final report in the light of discussions carried out at its fourth session and to submit the report to the Human Rights Council at its eighteenth session.

B. Proposals

Proposal 1: Indigenous peoples and the right to participate in decision-making in relation to extractive industries

The Expert Mechanism on the Rights of Indigenous Peoples:

(a) Refers to paragraph 3 of Human Rights Council resolution 9/7, in which the Council requested the Expert Mechanism to identify proposals and to suggest them by consensus to the Council;

(b) Proposes that the Human Rights Council request the Expert Mechanism to continue its work on indigenous peoples and the right to participate in decision-making, with a focus on extractive industries, in cooperation with the thematic work of the Special Rapporteur on the rights of indigenous peoples, and to communicate and to share knowledge and good

¹ A/HRC/EMRIP/2011/2.

practices with the Working Group on the issue of human rights and transnational corporations and other business enterprises.

Proposal 2: Consideration of the rights of indigenous peoples in the Human Rights Council

The Expert Mechanism on the Rights of Indigenous Peoples:

(a) Welcomes the decision by the Human Rights Council to hold an interactive dialogue after the presentation of the annual report of the Expert Mechanism to the Human Rights Council and a half-day panel on the role of language and culture in promoting and protecting the well-being and identity of indigenous peoples,² and proposes that the first study of the Expert Mechanism on lessons learned and challenges to achieve the right of indigenous peoples to education be considered in the context of the half-day panel discussion in 2011;

(b) Proposes that the Human Rights Council resolve to hold similar panel discussions on a permanent basis annually, with the participation of the Expert Mechanism and based on the reports of the Expert Mechanism on its thematic studies;

(c) Also proposes that the Human Rights Council request States, United Nations treaty bodies, special procedures and other relevant bodies and institutions to utilize the recommendations and advice of the Expert Mechanism within its activities;

(d) In the context of the fifth anniversary of the adoption of the Declaration on the Rights of Indigenous Peoples by the General Assembly, proposes that the Human Rights Council commemorate the event by reaffirming its commitment to the implementation of the Declaration and call on those States that abstained from the vote on the Declaration to change their position to one of support;

(e) Refers to proposal 3 from its second session³ and proposal 7 from its third session⁴ on the universal periodic review, and proposes that the Human Rights Council pay close attention to the implementation of the recommendations concerning indigenous peoples in its universal periodic review.

Proposal 3: Strengthening indigenous peoples' participatory rights at the United Nations

The Expert Mechanism on the Rights of Indigenous Peoples:

(a) Refers to article 18 of the Declaration on the Rights of Indigenous Peoples, which affirms that indigenous peoples have the right to participate in decision-making in matters affecting their rights, through representatives chosen by them in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions;

(b) Also refers to article 41 of the Declaration on the Rights of Indigenous Peoples, which establishes a duty for the United Nations to contribute to the full realization of the provisions of the Declaration, including through ways and means of ensuring participation of indigenous peoples on issues affecting them;

² Human Rights Council resolution 15/7, paras. 7 and 8.

³ A/HRC/12/32.

⁴ A/HRC/15/36.

(c) Recognizes that the United Nations consultative arrangements for non-State entities can prevent indigenous peoples' governance bodies and institutions, including traditional indigenous Governments, indigenous parliaments, assemblies and councils, from participating in decision-making processes at the United Nations, as they are not always organized as non-governmental organizations;

(d) Proposes that the Human Rights Council encourage the General Assembly to adopt, as a matter of urgency, appropriate permanent measures to ensure that indigenous peoples' governance bodies and institutions, including traditional indigenous Governments, indigenous parliaments, assemblies and councils, are able to participate at the United Nations as observers with, at a minimum, the same participatory rights as non-governmental organizations in consultative status with the Economic and Social Council.

Proposal 4: Measures to achieve the ends of the Declaration on the Rights of Indigenous Peoples

The Expert Mechanism on the Rights of Indigenous Peoples:

(a) Refers to Human Rights Council resolution 15/7, in which the Council encouraged States that had endorsed the Declaration on the Rights of Indigenous Peoples to adopt measures to achieve the objectives of the Declaration, pursuant to article 38 thereof;

(b) Proposes that the Human Rights Council request the Expert Mechanism to undertake, with the assistance of the Office of the United Nations High Commissioner for Human Rights, a questionnaire survey in relation to measures to apply the Declaration to supplement the information received at its annual session, and to provide further detail on possible appropriate measures and implementation strategies to ensure respect for and full application of the Declaration.

Proposal 5: World Conference on Indigenous Peoples

The Expert Mechanism on the Rights of Indigenous Peoples:

(a) Refers to the need for an inclusive and principled approach to ensure the full participation of indigenous peoples in the World Conference on Indigenous Peoples at all stages, – from planning and preparations through to the conference itself and any follow-up. Furthermore, the principle of full, formal, equal and effective participation by indigenous peoples should be applied to all future world conferences on the basis of the rights affirmed in the Declaration on the Rights of Indigenous Peoples;

(b) Proposes that the Human Rights Council welcome the decision by the Saami Parliament, in Norway, to host an indigenous preparatory conference for the World Conference in 2013, and requests the General Assembly and States to ensure that the outcome of the indigenous peoples' preparatory process is integrated into the outcome of the World Conference;

(c) Decides that the World Conference on Indigenous Peoples should be an agenda item of the fifth session of the Expert Mechanism;

(d) Proposes that the Human Rights Council support the full participation of indigenous peoples, including youth and women, at all stages of the World Conference on Indigenous Peoples.

Proposal 6: Follow-up on the report of the Expert Mechanism on the study on lessons learned and challenges to achieve the right of indigenous peoples to education

The Expert Mechanism on the Rights of Indigenous Peoples:

(a) Encourages United Nations specialized agencies and organizations to provide both financial and technical support for indigenous peoples in their effort to establish their own education institutions in accordance with article 14 of the Declaration;

(b) Proposes that the Human Rights Council encourage States to put in place legislative and policy measures that would enable the development and implementation of traditional education systems to strengthen indigenous language and culture in promoting and protecting the well-being and identity of indigenous peoples, and to ensure that quality education becomes a national priority within States.

Proposal 7: International expert seminar on truth and reconciliation processes

The Expert Mechanism on the Rights of Indigenous Peoples:

(a) Noting that there is global recognition of the need to resolve the legacy of residential, day and boarding school systems and orphanages established globally to realize fully the human rights of multiple generations of indigenous peoples;

(b) Noting also that an international expert seminar on truth and reconciliation processes will promote reconciliation among indigenous peoples, States, churches and other citizens;

(c) Refers to proposal 8 from its third session,⁵ in which it recognized the significance of national truth and reconciliation processes in providing an important model and mechanism for improved relations between States and indigenous peoples, and encouraging the Office of the United Nations High Commissioner for Human Rights to consider the possibility of preparing an international expert seminar on truth and reconciliation processes;

(d) Refers to the report of the Permanent Forum on Indigenous Issues on its tenth session,⁶ in which the Forum supported an international expert seminar on truth and reconciliation processes;

(e) Proposes that an international expert seminar on truth and reconciliation processes be held in 2013.

Proposal 8: National human rights institutions

The Expert Mechanism on the Rights of Indigenous Peoples:

(a) Refers to proposal 2 from its second session⁷ and proposal 1 from its third session,⁸ in which it reiterated its request to national human rights institutions to effectively promote and protect the rights of indigenous peoples;

(b) Welcomes the initiative by the Office of the United Nations High Commissioner for Human Rights and national human rights institutions to develop an operational guide for national human rights institutions with the objective of achieving the implementation of the Declaration on the Rights of Indigenous Peoples, and encourages the participation of all parties, including indigenous peoples, in the preparation of the operational guide, and the broad dissemination of the guide upon its completion, in particular to all national human rights institutions, to be taken as practical guidance in its work with indigenous peoples;

(c) Also welcomes the decision of the International Coordinating Committee of National Human Rights Institutions to hold a panel discussion on indigenous peoples at its next session, in March 2012, and encourages the participation of the Expert Mechanism.

⁵ A/HRC/15/36.

⁶ *Official Records of the Economic and Social Council, 2006, Supplement No. 23 (E/2011/43-E/C.19/2011/14)*, para. 95.

⁷ A/HRC/12/32.

⁸ A/HRC/15/36.

III. Organization of the session

A. Attendance

3. The Expert Mechanism on the Rights of Indigenous Peoples held its fourth session in Geneva, from 11 to 15 July 2011. The members Vital Bambanze (Burundi), Anastasia Chukhman (Russian Federation), Jannie Lasimbang (Malaysia), Dr. Wilton Littlechild (Canada) and José Carlos Morales Morales (Costa Rica) participated in the session.

4. The participants in the session of the Expert Mechanism included representatives of Member States, the Holy See, United Nations organizations and programmes, national human rights institutions, indigenous delegates and non-governmental organizations (see annex I).

5. The Special Rapporteur on the rights of indigenous peoples, James Anaya, a member of the Permanent Forum on Indigenous Issues, Grand Chief Edward John, and a representative of the United Nations Voluntary Fund for Indigenous Populations, Tarcila Rivera Zea, also participated in the session.

B. Documentation

6. The Expert Mechanism had before it the provisional agenda (A/HRC/EMRIP/2011/1) and the annotated agenda (A/HRC/EMRIP/2011/1/Add.1) as prepared by the Office of the United Nations High Commissioner for Human Rights, and the advance edited version of the final report (A/HRC/EMRIP/2011/2), prepared by the Expert Mechanism.

C. Opening of the session

7. The outgoing Chairperson-Rapporteur, Mr. Morales Morales, opened the fourth session of the Expert Mechanism and introduced the United Nations High Commissioner for Human Rights for opening remarks.

8. In her statement, the High Commissioner highlighted the fact that the United Nations Declaration on the Rights of Indigenous Peoples is a milestone in indigenous peoples' advocacy. She recalled that indigenous peoples continued to be some of the most marginalized in the world and were frequently excluded from political and economic power. She added that, according to a recent study, more than 80 per cent of indigenous peoples live in poverty, often disadvantaged in relation to education or health. The Expert Mechanism could play a key role in addressing human rights issues facing indigenous peoples through its studies, including the final report on the study on indigenous peoples and the right to participate in decision-making. She concluded that participation in decision-making was not only a human right in itself but also crucial to the enjoyment of other rights of indigenous peoples.

9. In her opening statement, the President of the Human Rights Council, Ambassador Laura Dupuy, stressed that the Expert Mechanism had an advisory mandate for the Council on indigenous peoples' issues. She recalled that the Council, in its resolution 15/7, resolved to engage in an interactive dialogue with the Expert Mechanism at its eighteenth session.

10. In his statement, the Special Rapporteur on the rights of indigenous peoples highlighted the work of the Expert Mechanism in developing expert thinking and practical guidance on the Declaration on the Rights of Indigenous Peoples. He also stressed that the thematic studies and advice of the Expert Mechanism complemented the work of the Special Rapporteur and the Permanent Forum on Indigenous Issues.

11. Grand Chief Edward John, member of the Permanent Forum on Indigenous Issues, noted the importance of the Expert Mechanism in advocating and protecting the rights of indigenous peoples. He also highlighted the need for coordination between the three mechanisms with mandates focused on indigenous peoples. Finally, he recalled key issues developed during the past tenth session of the Permanent Forum that could be of interest to the work of the Expert Mechanism.

12. In her statement, the Chairperson of the International Coordinating Committee on National Human Rights Institutions, Rosslyn Noonan, welcomed the work and the consultative approach of the Expert Mechanism. She also stated that national human rights institutions were key actors in the promotion of the studies undertaken by the Expert Mechanism, and remained committed to contributing to its mandate.

13. In her remarks on behalf of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations, Ms. Rivera Zea welcomed General Assembly resolution 65/198, which enables the fund to provide resources to representatives of indigenous peoples to participate in sessions of the Human Rights Council and human rights treaty bodies. She also thanked the contributors to the Voluntary Fund and called for more contributors, as there had been a decrease in donations.

D. Election of officers

14. The outgoing Chairperson-Rapporteur invited the experts to nominate a Chairperson-Rapporteur for its fourth session. Dr. Littlechild announced the experts' consensus to nominate Mr. Bambanze and Ms. Chukhman as Chairperson-Rapporteur and Vice-Chairperson-Rapporteur, respectively. Thereafter, the outgoing Chairperson-Rapporteur declared the two members elected by acclamation.

15. In his statement, the new Chairperson-Rapporteur thanked his predecessor as well as the other members of the Expert Mechanism for his election. He also thanked the High Commissioner for her presence and the support provided by her Office. He then recalled that the Expert Mechanism was a unique forum for discussing specific issues, and that it was guided by Human Rights Council resolution 6/36.

16. The Chairperson highlighted the inter-sessional activities of the Expert Mechanism, in particular in relation to the work of the Special Rapporteur, the Permanent Forum and the human rights treaty bodies. He welcomed the parallel meetings held by the Special Rapporteur and his team during the sessions of the Expert Mechanism to respond to allegations of human rights violations.

17. Lastly, he welcomed the assistance of the United Nations Voluntary Fund for its travel grants, as well as the contributions of different States. He concluded by inviting all participants to contribute to the fourth session of the Expert Mechanism effectively and to suggest substantive proposals to the Human Rights Council to contribute to the promotion of the rights of indigenous peoples.

E. Adoption of the agenda

18. Before the agenda was adopted, Dr. Littlechild informed participants about the decision of the General Assembly to hold a World Conference on Indigenous Peoples in 2014. He emphasized the importance of ensuring the full participation of indigenous peoples at all stages of the World Conference. He highlighted the importance of the Expert Mechanism considering that issue at its next session.

19. The Expert Mechanism adopted the agenda and the programme of work of the fourth session.⁹

IV. Follow-up to thematic studies and advice

20. Ms. Lasimbang described the study of the Expert Mechanism on lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education, and highlighted the fact that the focus of agenda item 3 was to solicit information from participants on how the study had been useful. She also referred to the half-day panel discussion on

⁹ A/HRC/EMRIP/2011/1.

indigenous peoples' language and culture, to be held during the eighteenth session of the Human Rights Council.

21. Dr. Littlechild highlighted the fact that education must be a national priority, and made reference to human rights issues associated with residential schools for indigenous peoples.

22. Several organizations made interventions. Issues raised included the need to recognize traditional educational systems and the lack of funding. Concerns raised by indigenous representatives included the neglect of indigenous cultures within education systems, inadequate access to education by indigenous peoples and the importance of education provided in indigenous languages.

23. Some States described the different measures, plans and programmes they had adopted in relation to the right of indigenous peoples to education and how they had followed up on the recommendations contained in the study of the Expert Mechanism.

24. Mr. Morales Morales welcomed the interventions made by States and indigenous peoples and highlighted the need to work together. He added that the study clearly highlighted that education is one of the most effective ways to maintain indigenous cultures.

25. Ms. Lasimbang noted that many indigenous peoples sought to establish their own systems of education. She commented that the challenges associated with implementing the right to education in the indigenous context needed to be tackled by both States and indigenous peoples. She concluded by noting that she would welcome a continuation of discussion of this issue in future sessions.

26. Dr. Littlechild welcomed the initiatives undertaken by the different States in using the report, and encouraged other States to follow these good practices. He cited the importance of indigenous language and quality education for indigenous peoples.

V. Study on indigenous peoples and the right to participate in decision-making

27. Ms. Lasimbang highlighted the fact that the final report on the study on indigenous peoples and the right to participate in decision-making complemented the progress report on the study, and includes Expert Mechanism advice No. 2. When summarizing the report, Ms. Lasimbang pointed out that it included examples of good practices in relation to indigenous peoples' participation in decision-making, as requested by the Human Rights Council in its resolution 15/7, and drew on the research conducted by the Expert Mechanism, submissions received and an expert workshop held on the topic. She recalled that the Expert Mechanism welcomed comments from participants at the fourth session before it presented the report to the Human Rights Council at its eighteenth session.

28. John Henriksen, a former member of the Expert Mechanism and one of the two principal co-authors of the report, was introduced by the Chairperson-Rapporteur. He pointed out that the study had been written by previous members of the Expert Mechanism, and invited the current members to finalize it. He recalled that effective participation of indigenous peoples in decision-making is fundamental to their enjoyment of human rights. He highlighted three crucial concepts: (a) self-determination of indigenous peoples; (b) the duty of the State to consult indigenous peoples; and (c) the duty of the State to seek to obtain free, prior and informed consent of indigenous peoples. He then briefly described the contents of the study.

29. Dr. Littlechild commented that the action of some States created barriers to the participation of indigenous peoples. He highlighted the difficulties facing indigenous peoples to obtain visas or to have their passports recognized, especially when they had to maintain relations across borders.

30. Observers raised several issues, such as the challenges associated with the implementation of the right to participate in decision-making at the national level, the importance of the right to participate in decision-making processes associated with public policies, the participation of indigenous women in decision-making, the right to self-determination, the right to free, prior and informed consent in relation to indigenous peoples'

lands, natural resources and territories, and deficiencies in funding and the lack of infrastructure to support indigenous peoples' participation and the right to use traditional systems of decision-making. Other observers highlighted the fact that, in the matter of participation in decision-making, national human rights institutions can represent a bridge between the State and indigenous peoples. Several States highlighted good practices and the improvements made in the area.

31. Dr. Littlechild thanked, *inter alia*, States, indigenous peoples, national human rights commissioners and academics for their contributions and critical analysis of the final report of the Expert Mechanism on its study on indigenous peoples and the right to participate in decision-making. During discussion of this important agenda item, the Expert Mechanism heard of situations throughout the world of exclusion (for example, of youth and traditional Governments) and lack of recognition of indigenous peoples, which constitute ongoing violations of the right to participate in decision-making. Some of the key issues highlighted included the electoral violence, the need for intercultural communications, cross-border issues and the recently approved Guidelines on Business and Human Rights. The Expert Mechanism heard that there was a need to continue building on the findings of its final report on indigenous peoples and the right to participate in decision-making and to continue to focus on the right to self-determination, free, prior and informed consent, rights relating to lands, territories and resources while leaving behind "consultation", a process right that had been overemphasized, with the result of obscuring the material rights that underpin indigenous peoples' lives and livelihoods. Observers also spoke of the need for the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other United Nations agencies to enable and ensure effective representation and participation of indigenous peoples in decision-making (including management and protection of rights), especially with respect to the UNESCO conventions and policies [relevant to indigenous peoples](#).

32. Dr. Littlechild identified the difficulties associated with the non-recognition and exclusion of groups as indigenous peoples, which create an impediment to the participation of indigenous peoples in decision-making. More generally, he emphasized the interrelationship between indigenous peoples' rights to self-determination, free, prior and informed consent and lands, territories and resources.

33. Dr. Littlechild also noted the requests for clarification of the final report of the Expert Mechanism and stated that they would be considered in the finalization of that study. He highlighted the important interventions made in relation to the activities of extractive industries, which was a topic of a current study of the Special Rapporteur on the rights of indigenous peoples.

34. Ms. Chukhman emphasized the fundamental importance of the right of indigenous peoples to participate in decision-making, highlighting in particular the need for guarantees for indigenous youth to participate in decision-making that affects them. She mentioned the need for resources to facilitate indigenous peoples' participation in decision-making and, in that context, the need to close the gap between the right and the challenges facing indigenous peoples in participating on the ground at all levels of decision-making.

35. Ms. Chukhman reminded participants of indigenous peoples' history of making decisions autonomously and the need for many indigenous peoples to revive their own decision-making processes. She also highlighted the need for indigenous peoples to have access to mass media to facilitate their participation in decision-making.

36. Mr. Morales Morales congratulated States for the attention they placed on the report of the Expert Mechanism on indigenous peoples and participation in decision-making. He noted the need to include indigenous peoples in decisions associated with development and suggested that the Human Rights Council, supported by the Expert Mechanism, could work with States to identify peaceful solutions to these issues. Mr. Morales Morales also identified free, prior and informed consent and processes to facilitate proper consultation with indigenous peoples as an area of continued work, calling on indigenous peoples to identify means through which the

obligation of free, prior and informed consent could be implemented by States and indigenous peoples in cooperation with one another.

VI. Declaration on the Rights of Indigenous Peoples

37. Dr. Littlechild noted the inclusion of the Declaration on the Rights of Indigenous Peoples in Human Rights Council resolution 6/36, in which the Council established the Expert Mechanism. He commended Canada and the United States of America for changing their positions of opposition to the Declaration to support and endorsement, and called on the States that had abstained from voting on the Declaration to also endorse it.

38. Dr. Littlechild explained that the Declaration had been long-awaited and constituted a framework for reconciliation and a remedial instrument to overcome indigenous peoples' historic marginalization and to restore respectful relationships. The Declaration must inform all of the studies and work of the Expert Mechanism. The Expert Mechanism would work collaboratively with the Special Rapporteur, the Permanent Forum on Indigenous Issues and all United Nations agencies and programmes to ensure that the rights in the Declaration were realized.

39. The Special Rapporteur on the rights of indigenous peoples addressed the Expert Mechanism, first congratulating the Expert Mechanism on its study on indigenous peoples and the right to participate in decision-making as providing well-grounded guidance to the international system. He urged States to examine the study to guide them with regard to laws and policies associated with this fundamental right. He noted especially the call for a permanent mechanism for consultations with indigenous governance bodies.

40. The Special Rapporteur then reported on his activities over the past year with regard to the Declaration on the Rights of Indigenous Peoples as the principal normative framework for his work and reflecting a global consensus on the rights of indigenous peoples. He explained his activities with regard to encouraging good practices in the implementation of the Declaration, country reports, responses to allegations of infringement of the rights of indigenous peoples and his thematic studies. With regard to the latter, the Special Rapporteur noted that his 2011 report would address concerns about extractive industries. His consultations to date illustrated that there were conflicting views about the potential adverse effects and benefits of extractive industries in indigenous territories. He considered that it would be helpful to develop specific guidelines or principles to assist States, including in relation to indigenous peoples' participation in and control over the design and implementation of project activities.

41. The Chairperson-Rapporteur recalled that the Declaration was the normative framework guiding the work of the Expert Mechanism and that the challenge of achieving the effective implementation of the Declaration at all levels remained. He welcomed constructive suggestions for the proposals of the Expert Mechanism to be submitted to the Human Rights Council.

42. Several States and organizations made comments with regard to the implementation of the Declaration on the Rights of Indigenous Peoples. Participants commented that United Nations agencies should provide advice and technical assistance to support local, regional and national implementation of the Declaration. Good practices of implementation were highlighted, such as the constitutional endorsement of specific rights in the Declaration by some States. Indigenous peoples raised the importance of the recognition of the right of indigenous peoples to self-determination as central to the implementation of the Declaration, as well as free, prior and informed consent in relevant circumstances, and suggested creating a database on specific measures taken to implement the Declaration, including best practices, and the establishment of national plans of action and activities to promote broader public awareness of and education related to the Declaration. Some called for the translation of the Declaration into indigenous languages, and the distribution of the Declaration to regional

authorities. Indigenous peoples' organizations also mentioned the necessity of promoting a study on the relationship between self-determination and sovereignty over natural resources. Some organizations noted that it could be helpful to identify the causes preventing the implementation of the Declaration, for example the absence of a definition of indigenous peoples. Some suggested that a convention on the rights of indigenous peoples could facilitate the enforcement of the rights contained in the Declaration, while others commented that the rights in the Declaration mirrored binding rights found in human rights treaties applied to the indigenous context. Regarding stakeholders, it was mentioned that indigenous youth must be engaged in the implementation of the Declaration. Some also called on States that had abstained in the vote on the Declaration in the General Assembly to change their position to one of support.

43. The United Nations Development Programme (UNDP) added that some of its activities were consistent with the Declaration, including the United Nations Indigenous Peoples Partnership.

VII. Proposals to be submitted to the Human Rights Council

44. The Chairperson-Rapporteur of the Expert Mechanism opened the discussion on proposals to be submitted to the Human Rights Council, recalling Human Rights Council resolution 6/36.

45. Observers made recommendations for inclusion in the proposals to be submitted by the Expert Mechanism. These included recommendations for thematic issues to be taken up in the future and for follow-up to the first and second studies undertaken by the Expert Mechanism. Dr. Littlechild summarized some of the proposals raised by participants, including, inter alia, a thematic study on extractive industries, on cross-border issues or on traditional governance structures, the holding of an international expert seminar on truth and reconciliation processes, developing guidelines for the United Nations Declaration on the Rights of Indigenous Peoples, requesting that the Human Rights Council hold a half-day thematic panel discussion on the rights of indigenous peoples on an annual basis and having the World Conference on Indigenous Peoples as an agenda item at the Expert Mechanism session to be held in 2012.

46. The Board of the Voluntary Fund recommended that the members of the Expert Mechanism consider the possibility of making an appeal for contributions to all States, the United Nations system, foundations and other donors in support of the United Nations Voluntary Fund for Indigenous Populations in their next session report.

VIII. Adoption of the report and proposals

47. At its last meeting, the Expert Mechanism adopted the final report on the study on indigenous peoples and the right to participate in decision-making and several proposals (see section II above). All proposals were adopted by consensus by the members of the Expert Mechanism.

48. Moreover, the members of the Expert Mechanism adopted a provisional agenda for the fifth session of the Expert Mechanism (see annex II).

Annex I

List of participants

States Members of the United Nations represented by observers

Algeria, Argentina, Australia, Austria, Bangladesh, Bolivia (Plurinational State of), Brazil, Cambodia, Canada, Chile, China, Costa Rica, Denmark, Finland, France, Germany, Guatemala, India, Indonesia, Japan, Kenya, Mexico, Morocco, Namibia, Nepal, New Zealand, Norway, Panama, Peru, Poland, Romania, Russian Federation, Saudi Arabia, South Africa, Sweden, Thailand, Togo, United States of America, Uruguay, Venezuela (Bolivian Republic of).

Non-member State represented by an observer

Holy See

United Nations mandates, mechanisms, bodies and specialized agencies, funds and programmes represented by observers

Special Rapporteur on the rights of indigenous peoples
United Nations Permanent Forum on Indigenous Issues
United Nations Development Programme

Intergovernmental organizations, regional organizations and mechanisms in the field of human rights represented by observers

Commission africaine des promoteurs de la santé et des droits de l'homme
European Union
World Bank

National human rights institutions represented by observers

Australian Human Rights Commission
Canadian Human Rights Commission
Commission on Human Rights of the Philippines
New Zealand Human Rights Commission

Academics and experts on indigenous issues represented by observers of the following institutions

Hawaii Institute for Human Rights, Latin American Institute, Leupana University of Luneburg, Structural Analysis of Cultural Systems Technical University of Berlin, Sum Centre for Development-University of Oslo, University of Manitoba-Faculty of Law, Victoria University of Wellington

Non-governmental organizations as well as indigenous nations, peoples and organizations represented by observers

Consejo Indio Exterior, Consejo Indio de Sud America, Oloibori Community Based Organization, Samburu Women for Education and Environment Development Organization, Ilchamus Development and Human Rights Organization, Cultural Survival, Indian Movement Tupaj Amaru, RAIPON, Zo re-unification Organization, CNDPA, Jharkhand Indigenous Youth for Action, CAPAJ, Kampuchea Khmer Krom Federation, Asian Indigenous and Tribal Peoples Network, Kakisiwew Treaty Council, Massai Experience et Linapyco, Naga Peoples Movement for Human Rights, Indigenous Peoples' Foundation for Education and Environment, International Work Group for Indigenous Affairs, Te Kura Kaupapa Maori o Ngati Kahungunu o Te Wairoa Aotearoa, Aotearoa Indigenous Rights Trust, Rehoboth Community of Namibia, Congr s populaire Coutumier Kanak, Comit  de solidarit  avec les Indiens des Am riques (CSIA-NITASSINAN), Assembl e des Armeniens d'Arm nie Occidentale, Indigenous World Association, National Native Title Council of Australia, National Congress of Australia's First Peoples, Association culturelle Amazighe, International Public Organization Foundation for Research and Support of Indigenous Peoples of Crimea, Kanaki Nouvelle Cal donie, Universal Esperanto Association, Consultative Delegation for Cham Human Rights, Cham National Federation of Cambodia, INCOMINDIOS, Convergencia Indigena Kabawil, Ti Tlanizke, Dewan Adat Papua, Aboriginal Legal Rights Movement of Western Australia,

Indigenous Peoples Alliance of the Archipelago, Federation of Nepalese Indigenous Nationalities, Aktionsgruppe Indianer & Menschenrechte, Akin Working Circle Indians of North America, Global 2000 – Friends of the Earth Austria, American Indian Law Alliance, Red Nacional de Jovenes Indigenas, Rapa Nui Parliament, International Council for Human Rights, Commission nationale consultative pour la protection et la promotion des droits de l’homme, Organisation des nations autochtones de Guyane Francaise, Return to Earth, Conference of NGOs-Congo, Réseau Amazigh pour la citoyenneté “Azetta”, Bangsa Adat Alifuru, Dewan Adat Papua, Saami Council, Movimiento Indigena Tawantinsuyo MIT-Peru, Hpi-Hcu-Icgr-Ecor-Ibecor, Association of Indigenous Peoples in the Ryuyus, Al-Hakim Foundation, Indigenous Peoples of Africa Coordinating Committee, Native Women’s Association of Canada, Comisión de Juristas Indígenas en la República Argentina, La pirogue, Youth Association of Finno-Ugrie Peoples, Muori Karjala, CNDPA Lifou Nouvelle-Calédonie, Culture de Solidarité afro-indigène, Ermineskin Cree Nation, International Indigenous Women’s Forum, Structural Analysis of Cultural Systems, Supreme National Council of Kampuchea Krom, Association pour l’intégration et le développement durable au Burundi, National Centre for Indigenous Studies, Tomwo Integrated Pastoralist Development Initiatives, Association Kanak Lapirogue, International Indian Treaty Council, Indigenous World Associatrion, Indinoma and African Indigenous Women’s Organisation, Grand Council of the Crees (Eeyou Istchee), Friends World Committee for Consultation (Quakers)

Annex II

Provisional agenda of the fifth session

1. Election of officers
 2. Adoption of the agenda and organization of work
 3. World Conference on Indigenous Peoples
 4. Follow-up on thematic studies and advice
 5. Thematic study and advice in accordance with the forthcoming resolution of the Human Rights Council
 6. United Nations Declaration on the Rights of Indigenous Peoples
 7. Proposals to be submitted to the Human Rights Council for its consideration and approval
 8. Adoption of the report
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