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**HUMAN RIGHTS BODIES AND MECHANISMS**

**REPORT OF THE EXPERT MECHANISM ON THE RIGHTS  
OF INDIGENOUS PEOPLES ON ITS SECOND SESSION\***

**Geneva, 10-14 August 2009**

**Chairperson-Rapporteur: Jannie LASIMBANG**

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\* Late submission.

## Summary

The Expert Mechanism on the Rights of Indigenous Peoples held its second session from 10 to 14 August 2009. All five members of the Expert Mechanism were present. Participants in the session included: representatives of States, United Nations bodies and specialized agencies, non-governmental organizations, academics and a large number of indigenous peoples. The participation of some of the indigenous peoples was funded through the United Nations Voluntary Fund for Indigenous Populations.

The Expert Mechanism held a discussion on the draft study on lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education, in order to finalize the study. It also held a discussion on the United Nations Declaration on the Rights of Indigenous Peoples, addressing (a) the implementation of the Declaration at the regional and national levels, and (b) specific provisions in the Declaration identifying remedies for infringements of rights (rights to adjudication, remedies, repatriation, redress and compensation).

The Expert Mechanism adopted the study on the right of indigenous peoples to education and adopted six proposals. Five of the proposals are addressed to the Human Rights Council and relate to the following topics: a suggested thematic study on indigenous peoples' right to participate in decision-making; human rights institutions and mechanisms; consideration of indigenous peoples' rights during the Human Rights Council sessions; the Voluntary Fund for Indigenous Populations; and follow-up to the Durban Review Conference. The sixth proposal related to the United Nations Declaration on the Rights of Indigenous Peoples, and was addressed to United Nations specialized agencies.

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## I. INTRODUCTION

1. In its resolution 6/36 of 14 December 2007, the Human Rights Council decided to establish 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 in the manner and form requested by the Council. The thematic expertise was to focus mainly on studies and research-based advice, and the mechanism could make proposals to the Council for its consideration and approval, within the scope of its work as set out by the Council.

## II. ADOPTION OF THE STUDY ON THE RIGHT TO EDUCATION AND OF PROPOSALS

2. At its second session the Expert Mechanism adopted the study and the proposals set out below.

### A. Adoption of the study on the right to education

*The Expert Mechanism on the Rights of Indigenous Peoples:*

1. *Refers* to paragraph 5 of Human Rights Council resolution 9/7 in which the Council requested the Expert Mechanism to prepare a study on lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education and to conclude it in 2009;

2. *Adopts* the study on lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education, as contained in document A/HRC/EMRIP/2009/2;

3. *Authorizes* the Chairperson-Rapporteur, in consultation with the other members of the Expert Mechanism, to make the necessary revisions in the study in the light of discussions carried out at its second session, and to submit the final study to the Human Rights Council;

4. *Adopts* the “Expert Mechanism Advice No. 1 on the Right of Indigenous Peoples to Education”, as contained in the annex to document A/HRC/EMRIP/2009/2, as its thematic advice on the right of indigenous peoples to education.

### B. Proposals to the Human Rights Council

#### **Proposal 1. Thematic study on indigenous peoples’ right to participate in decision-making**

*The Expert Mechanism on the Rights of Indigenous Peoples:*

1. *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, for its consideration in 2009;

2. *Proposes* that the Human Rights Council authorize the Expert Mechanism to prepare a study on indigenous peoples’ right to participate in decision-making and to conclude it by 2012;

3. *Proposes further* that the Human Rights Council authorize the Expert Mechanism to prepare a preliminary working paper on this theme prior to its third session in 2010.

## **Proposal 2. Human rights institutions and mechanisms**

### *The Expert Mechanism on the Rights of Indigenous Peoples:*

1. *Notes* the important role of national human rights institutions and regional human rights mechanisms in protecting and promoting the rights of indigenous peoples and in implementing the United Nations Declaration on the Rights of Indigenous Peoples;
2. *Encourages* the establishment of regional human rights mechanisms with a mandate that includes the promotion and protection of the rights of indigenous peoples, and the strengthening of existing ones;
3. *Proposes* that the Human Rights Council encourage States to ensure that they have strong national human rights institutions and that these institutions have specific roles and activities to promote and protect the rights of indigenous peoples;
4. *Proposes* that the Human Rights Council encourage States to consider, in consultation and cooperation with indigenous peoples, the establishment of national institutions on the rights of indigenous peoples, mandated to promote and protect their rights in complete accordance with the Declaration.

## **Proposal 3. Consideration of indigenous peoples' rights during the Human Rights Council sessions**

### *The Expert Mechanism on the Rights of Indigenous Peoples:*

1. *Proposes* that the Human Rights Council consider organizing regular panel events devoted to the rights of indigenous peoples during its future sessions, with the participation of the Expert Mechanism, regional human rights mechanisms, national human rights institutions and other relevant experts. Such panel events could be devoted to specific themes, and they could include sessions on the follow-up of thematic studies prepared by the Expert Mechanism;
2. *Encourages* the Human Rights Council to continuously pay particular attention to the rights of indigenous peoples and to the United Nations Declaration on the Rights of Indigenous Peoples in its work, including in connection with the universal periodic review, and proposes that the Office of the High Commissioner for Human Rights prepare a compilation of the recommendations issued so far in the context of the universal periodic review process with respect to indigenous peoples;
3. *Proposes* that the Human Rights Council ensure that the introduction of the reports related to indigenous peoples by the Expert Mechanism, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the United Nations High Commissioner for Human Rights take place annually at the same session of the Human Rights Council and that these reports be grouped together in the agenda of the sessions, in order to enhance synergies and to facilitate participation of representatives of indigenous peoples.

#### **Proposal 4. United Nations Voluntary Fund for Indigenous Populations**

*The Expert Mechanism on the Rights of Indigenous Peoples:*

*Proposes* that the Human Rights Council follow up further on the recommendation made by the Expert Mechanism at its first session to expand the mandate of the United Nations Voluntary Fund for Indigenous Populations to cover also the sessions of the Human Rights Council and those of human rights treaty bodies.

#### **Proposal 5. Follow-up to the Durban Review Conference**

*The Expert Mechanism on the Rights of Indigenous Peoples:*

1. *Notes* the Outcome Document of the Durban Review Conference, in particular its paragraph 73, which welcomes the adoption of the United Nations Declaration on the Rights of Indigenous Peoples and which urges States to take all necessary measures to implement the rights of indigenous peoples in accordance with international human rights instruments without discrimination;

2. *Proposes* to the Human Rights Council that it invite the Expert Mechanism to make proposals for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples in line with the recommendation contained in paragraph 73 of the Durban Outcome Document.

### **C. Other proposals**

#### **Proposal 6. United Nations specialized agencies**

*The Expert Mechanism on the Rights of Indigenous Peoples:*

1. *Notes* the work undertaken by the United Nations at the national and regional levels to promote respect for indigenous peoples' rights;

2. *Encourages* the specialized agencies of the United Nations to consider ways and means of strengthening their activities and programmes in order to promote respect for and full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, in line with article 42 of the Declaration.

### **III. ORGANIZATION OF THE SESSION**

#### **A. Attendance**

3. The Expert Mechanism on the Rights of Indigenous Peoples held its second session in Geneva from 10 to 14 August 2009. The members who participated in the session were Catherine Odimba Kombe (Congo), Jannie Lasimbang (Malaysia), John B. Henriksen (Norway), José Carlos Morales Morales (Costa Rica) and José Mencio Molintas (Philippines).

4. The participants in the session of the Expert Mechanism included representatives of 54 Member States, the Holy See, six United Nations organizations and programmes, two national human rights institutions and a large number of indigenous delegates and non-governmental organizations. Approximately 400 participants were accredited (see annex I). The Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people, James Anaya, and a member of the Permanent Forum on Indigenous Issues, Carlos Mamani, participated in the session. The Human Rights Council's Advisory Committee was represented by Miguel Alfonso Martínez. The Chairperson of the Working Group on Indigenous Populations of the African Commission on Human and Peoples' Rights, Musa Ngari Bitaye, and José Francisco Cali-Tzay, member of the Committee on the Elimination of Racial Discrimination, also participated in the session. In addition, the United Nations Voluntary Fund for Indigenous Populations was represented by Tegegn Melakou.

### **B. Documentation**

5. The Expert Mechanism had before it the provisional agenda (A/HRC/EMRIP/2009/1) and the annotated agenda (A/HRC/EMRIP/2009/1/Add.1) as prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR), the draft study on lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education (A/HRC/EMRIP/2009/2), prepared by the Expert Mechanism, and the OHCHR contribution to the study on lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education (A/HRC/EMRIP/2009/4).

6. In addition, two OHCHR reports were made available to the participants. One report, on the International Workshop on the Natural Resource Companies, Indigenous Peoples and Human Rights, sets a framework for consultation, benefit-sharing and dispute resolution (A/HRC/EMRIP/2009/5). The second report contains the Draft Guidelines on the Protection of Indigenous Peoples in Voluntary Isolation and in Initial Contact of the Amazon Basin and el Chaco (A/HRC/EMRIP/2009/6).

### **C. OPENING OF THE SESSION**

7. The outgoing Chairperson-Rapporteur, John B. Henriksen, opened the second session of the Expert Mechanism. He gave the floor to the United Nations High Commissioner for Human Rights, Navanethem Pillay, who delivered an opening speech.

8. In her statement, the High Commissioner recalled that the United Nations Declaration on the Rights of Indigenous Peoples offers a framework to advance the rights of indigenous peoples through dialogue between States, indigenous peoples, the United Nations system and other stakeholders. She was pleased to note that support for the Declaration keeps expanding, with Australia and Colombia having recently endorsed it. She assured the participants that her Office was committed to be a frontline advocate of universal acceptance and implementation of the Declaration and will continue to support human rights mechanisms dealing with the rights of indigenous peoples. "These rights are, and will remain, a priority area for OHCHR" she said.

9. The High Commissioner stated that the Expert Mechanism can make a significant contribution to the advancement of the rights of indigenous peoples by providing the Human Rights Council with well-grounded thematic advice, thus enabling the Council to address promptly situations and issues of concern by factoring in the Expert Mechanism's advice. She referred to the first thematic study on lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education, and said that the publication of the thematic studies should not be seen as the end of a process. Rather, they should be a launching pad for concrete follow-up activities that her Office stands ready to support. She concluded by saying that the participation of indigenous peoples, regional human rights mechanisms, national human rights institutions and non-governmental organizations is essential and so is constructive dialogue with Governments, whose engagement is a *sine qua non* for achieving true positive impact at the national level and in intergovernmental processes.

10. The Vice-President of the Human Rights Council was invited to take the floor. He recalled that the United Nations Declaration on the Rights of Indigenous Peoples was the first human rights texts adopted by the Human Rights Council and should contribute, along with the International Labour Organization (ILO) Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries, to the realization of the human rights of indigenous peoples. He welcomed steps that have been taken by the Expert Mechanism on the Rights of Indigenous Peoples to coordinate its work with the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people and the Permanent Forum on Indigenous Issues, both of which were represented at the session.

11. The Vice-President recalled that the Council was also holding thematic discussions which are relevant to the rights of indigenous peoples; hence, the Expert Mechanism could be called upon to contribute to these discussions. He informed the participants that the Council would consider the study on the right to education and the report of the second session, including proposals the Expert Mechanism may wish to submit to the Council's consideration, at its twelfth session in September 2009.

#### **D. Election of officers**

12. The outgoing Chairperson-Rapporteur invited the experts to nominate a Chairperson for its second session. Jose Molintas announced that they had decided, by consensus, to nominate Jannie Lasimbang and Catherine Odimba Kombe as Chairperson-Rapporteur and Vice-Chairperson respectively. Thereafter, the outgoing Chairperson-Rapporteur declared the two experts as elected by acclamation.

13. In her statement, the newly elected Chairperson-Rapporteur, Ms. Lasimbang, thanked the outgoing Chairperson for his leadership and called for his continued guidance. She expressed the view that the Expert Mechanism provides a unique space for focused multilateral discussions that can contribute towards a better understanding of the scope and contents of the rights affirmed to indigenous peoples, and how the implementation of these rights can be advanced. She recalled the preamble to Human Rights Council resolution 6/36, which refers to the United Nations Declaration on the Rights of Indigenous Peoples, and highlighted the role of this instrument as an important framework to guide the work of the Expert Mechanism. In addition,

article 42 of the Declaration, which calls on the United Nations, its bodies, specialized agencies and States to promote the respect for and effective implementation of the provisions contained in the Declaration, also applies to the mandate of the Expert Mechanism.

14. The Chairperson-Rapporteur informed the participants that, during discussions under agenda item 3, the draft of the study on the right of indigenous peoples to education, which is to be concluded in 2009, will be presented. She acknowledged the challenges faced to complete a draft study which covers the diverse situation of indigenous peoples globally, and called for further comments on how to improve the study as well as concrete ways and means to achieve the right of indigenous peoples to education.

15. The Chairperson-Rapporteur further underlined the value of the existing collaboration with other United Nations mandates relevant to indigenous peoples. She noted that, building on the positive experience gained during the first session, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people will be available for separate consultations on cases of human rights violations during the present session. The Chairperson-Rapporteur concluded by commending the Government of Norway for its additional financial contribution to the work of the Expert Mechanism and called for increased funding for its activities in order to discharge its mandate effectively.

16. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya, was given the floor. He expressed the view that the establishment of the Expert Mechanism marked an important milestone in the progress of the international movement to protect indigenous rights and the beginning of another new chapter. Concerning the coordination of the three mechanisms, he expressed satisfaction that collaboration between the respective mandates has continued and developed throughout the past year. For him, an important aspect of this collaboration was to provide input to the thematic studies of the Expert Mechanism.

17. He further stated that he had started to develop methods for receiving communications during the sessions of the Expert Mechanism in order to maximize the impact of the participation of indigenous groups.

18. The Special Rapporteur offered some views on two of the agenda items of the session of the Expert Mechanism. Regarding agenda item 3 concerning the right to education, he reported that indigenous peoples conveyed to him their concerns, including the lack of institutional capacity to provide good quality education; the unavailability or inadequacy of bilingual and multicultural educational opportunities; and the inadequate incorporation of indigenous languages and cultural perspectives into educational curriculum and texts. A common problem also raised was the lack of participation of, or consultation with, indigenous peoples in the development and implementation of educational initiatives that affect them.

19. Indigenous peoples had expressed concern about the widespread use of educational materials reflecting solely the cultures of the dominant groups. He considered that the study of the Expert Mechanism was instrumental in providing States, indigenous peoples and other actors with a framework for identifying key issues and developing coordinated action to address them. The centrality of education to the effective enjoyment of other rights, including the overarching right of self-determination, he said, cannot be understated.

20. On agenda item 4, the Special Rapporteur recalled the preamble of the Human Rights Council resolution establishing the Expert Mechanism, which expressly referred to the Declaration. This reference provides the Expert Mechanism with a clear normative framework for the fulfilment of its mandate to provide the Council with thematic expertise on the rights of indigenous peoples.

21. He stated that the Declaration does not attempt to bestow on indigenous peoples a set of special or new human rights, but rather provides a contextualized elaboration of general human rights principles and rights as they relate to the specific historical, cultural and social circumstances of indigenous peoples. From this perspective, he said, the standards of the Declaration connect to existing State obligations under general human rights instruments.

22. He further stated that implementing the Declaration depends on the establishment of strong partnership between States and indigenous peoples, in which both must assume responsibilities. Most of the provisions of the Declaration, including the articles that elaborate upon the elements of indigenous self-determination in the areas of self-government and autonomy, cultural integrity and social areas, require the active, good faith engagement of indigenous peoples with States and the broader political and societal structures.

23. Tegegn Melakou, Member of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations, was given the floor. He recalled that the mandate of the Voluntary Fund is to assist representatives of indigenous peoples, organizations and communities to participate in the deliberations of the Permanent Forum on Indigenous Issues and the Expert Mechanism. In the light of its limited available resources, the Board was only able to recommend the allocation of 112 travel grants to indigenous peoples from the different regions of the world to attend the sessions of both bodies. The travel grants amounted to an approximate total US\$ 412,000. This means that the Voluntary Fund was only able to support 15 per cent of the total number of requests.

24. Mr. Tegegn pointed out the fundamental importance of providing direct assistance to indigenous peoples in order for them to participate in United Nations meetings and expressed strong support for the recommendation made by the Expert Mechanism at its first session regarding the broadening of the mandate of the Fund to cover the participation of indigenous representatives in meetings of the Human Rights Council and the human rights treaty bodies.

#### **E. Adoption of the agenda**

25. The agenda, as contained in document A/HRC/EMRIP/2009/1, was adopted by the Experts, and the programme of work for the five-day session was introduced.

26. Following the adoption of the agenda, the Chairperson-Rapporteur suspended the meeting and invited all to participate in the celebration of the International Day of the World's Indigenous Peoples, organized jointly by OHCHR and ILO. Welcoming remarks were made by Navanethem Pillay, United Nations High Commissioner for Human Rights, Sergei Ordzhonikidze, Director-General of the United Nations Office at Geneva, Birgitte Feiring, Chief Technical Advisor of PRO169 (ILO), Jannie Lasimbang, Chairperson

of the Expert Mechanism on the Rights of Indigenous Peoples, and Les Malezer and Natalia Sarapura, representatives of the Indigenous Peoples Caucus. The celebration also included cultural performances by indigenous representatives.

#### **IV. STUDY ON LESSONS LEARNED AND CHALLENGES TO ACHIEVE THE IMPLEMENTATION OF THE RIGHT OF INDIGENOUS PEOPLES TO EDUCATION**

27. The Chairperson-Rapporteur invited John B. Henriksen, Member of the Expert Mechanism, to introduce the study on lessons learned and challenges to achieve the implementation of the rights of indigenous peoples to education (A/HRC/EMRIP/2009/2).

28. At the outset, Mr. Henriksen expressed his gratitude for the valuable documentation received from indigenous peoples' organizations, Governments and other sources, including by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Permanent Forum on Indigenous Issues.

29. Mr. Henriksen stressed that, although education was an indispensable means of realizing other human rights, the full enjoyment of the right to education was unfortunately far from reality for too many indigenous peoples. He noted that the deprivation of access to quality education was a major factor in the social marginalization, poverty and dispossession of indigenous peoples. In some instances the content and objectives of education brought about involuntary assimilation of indigenous peoples into mainstream society, culture, language and way of life.

30. He drew attention to communications submitted to various United Nations bodies and mandates by indigenous peoples identifying concerns related to the right to education, such as discrimination; lack of control over education initiatives directed at indigenous children; lack of consultation on the development and implementation of educational services provided to indigenous peoples; limited consideration given to autonomy and participation of indigenous peoples in the delivery of educational services, including multicultural and mother-tongue-based bilingual education; inadequate development of culturally-appropriate curricula; and failure to develop educational opportunities for indigenous peoples that demonstrate respect for their history and cultures. He recalled that it was in the light of these concerns that the Human Rights Council requested the Expert Members to prepare the present study.

31. He presented the main elements of the study, stemming from the discussions held at the Expert Mechanism's first session: a human rights-based analysis of the scope and content of the right to education; an elaboration on indigenous education systems; lessons learned with regard to creating national laws and policies enabling the realization of the right to education of indigenous peoples; identification of challenges and possible measures to achieve the implementation of the right of indigenous peoples to education; and thematic advice on indigenous peoples' right to education.

32. The Expert explained that, in cooperation with the Expert Mechanism, OHCHR had organized and funded a two-day workshop on 6 and 7 May 2009 to discuss the draft study. It brought together indigenous and government representatives, United Nations agencies and members of the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination, and Expert Members of the Mechanism. The workshop

enabled the Expert Members to make further progress on drafting the study; the workshop thus proved to be an important contribution to the work of the Expert Mechanism. OHCHR submitted a technical report from the workshop to the second session of the Expert Mechanism (A/HRC/EMRIP/2009/3).

33. Mr. Henriksen introduced the draft study's four substantive chapters, namely the international human rights framework; indigenous education systems and institutions; lessons learned; and challenges and measures. He also stressed the importance of an annex entitled "Expert Advice No. 1 (2009) on the right of indigenous peoples to education", which contained a comprehensive set of thematic advice. On the chapter related to the human rights framework, he presented the following key elements: an overview of relevant international and regional human rights instruments and provisions which affirmed, contextualized and elaborated upon the right to education; what international human rights provisions stipulated as far as the aim and objectives of education are concerned; provisions concerning the access to and the content of education; and relevant provisions of the United Nations Declaration on the Rights of Indigenous Peoples.

34. Moreover, Mr. Henriksen emphasized that the elimination of discrimination against indigenous peoples was a fundamental precondition for ensuring that indigenous individuals not be excluded from education. This required that States take measures to identify existing and potential barriers of discrimination of indigenous peoples in the education system, including legal, political, administrative and fiscal barriers. Hence, States should establish a method for the collection of disaggregated data, and develop indicators conforming to international human rights standards, for the purpose of identifying areas of discrimination and other barriers.

35. The Expert pointed out that indigenous individuals' right to education was not only a matter of access and availability to education, but also of the content of education - including curricula and teaching methods - which have to be culturally appropriate and acceptable to indigenous peoples.

36. He further highlighted the importance of the Declaration on the Rights of Indigenous Peoples as a normative framework for the interpretation of indigenous peoples' right to education and the need to interpret other instruments in light of the provisions of the Declaration. He said that the Declaration was coherent with and expands upon legally binding human rights instruments and international jurisprudence of international supervisory bodies and mechanisms. The Declaration, interpreted in conjunction with other international instruments, provided an authoritative normative framework for the full and effective protection and implementation of the rights of indigenous peoples. In the context of education, the Declaration affirmed and applied the right to education to the specific historical, cultural, economic and social circumstances of indigenous peoples. The study identified a large number of provisions of the Declaration, including its articles 1 to 4, 8, 12 to 14, 17, 31 and 44, that either reaffirmed and applied the essence of already existing human rights treaty obligations on the right to education, or are inseparably linked to the provisions on the right to education in the Declaration, and that these were applicable to both traditional and formal education.

37. Finally, he briefly introduced the annex of the study, containing a comprehensive set of thematic advice related to the right of indigenous peoples to education.

38. The Chairperson-Rapporteur, Jannie Lasimbang, the other co-author of the study, introduced its chapter III related to “Indigenous educational systems and institutions”; chapter IV on “Lessons learned” and chapter V which covered “Challenges and measures”. Regarding the indigenous systems and institutions, she explained that the study distinguished traditional education from integration of indigenous perspectives and language in mainstream education systems. States are expected to equip indigenous communities by integrating their perspectives and languages into mainstream education systems and institutions, and also by respecting, facilitating and protecting indigenous peoples’ right to transfer knowledge to future generations through traditional ways of teaching and learning.

39. Ms. Lasimbang said that traditional education could be described as a lifelong pedagogical process and an intergenerational transfer of knowledge aimed at maintaining a flourishing and harmonious society or community. It was achieved through the principles of participatory learning, holistic growth, nurturance and mutual trust. She highlighted indigenous ways of learning and transmission of traditional skills and knowledge, including through apprenticeship, repetitive practise and instruction, and direct observation.

40. She noted that mainstream education systems and institutions usually involved a standard set of curricula provided by education ministries based on the Government’s policy. However, the inclusion of indigenous ways of learning, instructing, teaching and training were important in ensuring that students/learners and teachers/instructors in mainstream institutions were able to benefit from education in a culturally sensitive manner that drew upon, utilized, promoted and enhanced awareness of indigenous perspectives and languages.

41. She highlighted key lessons learned mentioned in the draft study: creating national laws and policies; provision of financial and infrastructure support; international development assistance: establishing and controlling traditional education and institutions; interface between traditional and mainstream education systems and institutions; teaching of indigenous languages; training programmes and certification of teachers and institutions; and networking and participation.

42. She summarized the challenges and measures identified in the draft study as being the non-recognition of traditional education and institutions; discrimination and poor access; issues affecting women; aid effectiveness; public spending; institutionalization of educational services; governance and creating appropriate curriculum; gaps in educational quality and measurements of achievements.

43. She referred to the situation in Asia and Africa where indigenous peoples’ rights were not always recognized or protected under the law; recognizing traditional education and institutions, and respecting indigenous values and knowledge systems and prohibiting discrimination on the grounds of ethnic origin, religion or gender provided for in national constitutions are critical. Small rural or nomadic communities also faced numerous difficulties in gaining access to State educational institutions due to their geographical isolation. She said that special temporary measures should also be taken to ensure access to education for internally displaced persons, migrant workers and refugees from indigenous communities.

44. The Chairperson-Rapporteur said that in some communities, indigenous girls were prevented from attending schools due to societies’ norms. Issues faced include girls remaining at

home to perform domestic chores and to care for children and siblings, being married off at a young age, and ongoing exclusion and discrimination. She said that instruments of dialogue to help mediate conflicting issues and norms within indigenous societies could include measures to ensure equal access to education for indigenous girls and women. She further stated that donors and international agencies should prioritize indigenous peoples' right to education within their programmes and strengthen developing countries' capacities to meet the educational needs of indigenous peoples. Financial support for development of materials, testing curricula and adequate support and incentives for teachers to teach in rural schools is limited, or unavailable. She noted the lack of well-trained, culturally competent teachers as a serious problem which could be resolved through recruitment and deployment of teachers from the community.

45. The Chairperson-Rapporteur stated that discrimination and prejudice against indigenous peoples' participation in the planning, programming and implementation of curriculum development posed another major challenge. Education was usually centrally controlled by Governments, and, in many countries, educational activities not employing government curriculum were scrutinized. She concluded by saying that such barriers must be reviewed, with an objective of reforming education laws and policies to be more inclusive and sensitive to indigenous values and perspectives. Reforms should also emphasize indigenous peoples' decision-making authority.

46. The Chairperson-Rapporteur invited delegations to make general statements on the draft study and provide concrete suggestions to improve the draft under agenda item 3. Several States, including Algeria, Argentina, Australia, Brazil, Canada, Denmark, Guatemala, Mexico, Nepal, New Zealand, Norway, Philippines, Turkey, United States of America and Venezuela (Bolivarian Republic of) took the floor to commend the Expert Mechanism for its work on the draft study which they found very informative, constructive and useful. Many States expressed the view that the Expert Mechanism contribution was helpful to their own reflections on how best to improve the educational opportunities available to their indigenous populations, and provided a useful tool for States to examine their own efforts to improve education in indigenous communities. They provided information on the state of implementation of the right to education for indigenous peoples in their respective countries while underlining the challenges in ensuring quality education that is culturally appropriate.

47. Some good examples were provided regarding programmes for the protection, conservation and development of languages or dialects of indigenous communities, including preparation of curricula and textbooks in languages spoken by indigenous peoples, and comprehensive and targeted scholarship schemes implemented to assist students from indigenous communities to attend tertiary-level education.

48. The Expert Mechanism was encouraged to provide examples as to how States with many ethnic communities could best cope with the need for enhanced resources to finance such endeavours, and how to strike a balance between the right to impart education in the mother tongues of indigenous communities and the need to impart quality education, or even learn mainstream international languages to empower them and to help them compete with their national and international counterparts.

49. Efforts to ensure quality education and bilingual education were highlighted. In some States, priority was being given to strengthening bilingual education through consultations with

indigenous groups and respecting their vision and teaching materials, and also hiring bilingual teachers. Those initiatives revitalized the multicultural and bilingual programmes and schools, with teaching materials in native languages. Bilingual education was seen as a tool to promote cultural diversity and maintain the identity of the different communities.

50. A number of States expressed the view that the report and its theme were not only relevant to the Expert Mechanism and to indigenous peoples but also to the wider work of the Human Rights Council. They could provide the Council with the perspective and needs of indigenous peoples for the effective realization of the right to education. This would help mainstream the rights of indigenous peoples in the Council's work and highlight the relevance of the Mechanism to the Council's work. The suggestion was made that the study be considered within the context of the Council's resolution and mandate on the right to education to ensure an indigenous perspective.

51. Through many statements, States underlined the requirement that mainstream education improve its approach in addressing the needs of indigenous peoples and that a sustained focus on indigenous education would provide more opportunities for countries with indigenous populations to learn from each other.

52. Carlos Mamani, member of the Permanent Forum on Indigenous Issues, stressed that the right of indigenous peoples to self-determination was enshrined in the Declaration on the Rights of Indigenous Peoples. He further pointed out that, concerning the right to education for indigenous peoples, Governments should incorporate indigenous religions, customs and history in the curricula as these are essential to indigenous communities. This approach should be adopted from the primary level onwards. The importance of maintaining the languages of indigenous peoples was particularly significant. Indigenous peoples should have the ability to keep their identity through their own educational system rather than through mainstream education.

53. Speaking on behalf of all indigenous observers, the Indigenous Global Caucus also commended the Expert Mechanism for its draft study and acknowledged the limited resources made available to the Mechanism to carry out the study. The Caucus recommended generating a broader and more detailed report that would include broad consultation with indigenous peoples as well as a body for monitoring the recommendations. It pointed out the need for a structure that would include all the parties involved in the matter of education; that would guarantee the participation of indigenous peoples; and that would pay particular attention to access to education for indigenous girls. The Caucus also underlined the importance and impact that the integration of indigenous peoples has in educational programmes, and the inclusion of their history as a continuity that links the present with the civilizations that existed prior to colonization. It pointed out the importance of emphasizing the need to maintain and perpetuate traditional education and the indigenous "cosmivision", so as to recognize, encourage and use indigenous peoples' methodologies for teaching and learning.

54. Concerning the concept of quality education, the Caucus recommended a broader definition of the concept to include two fundamental elements: first, the inclusion in the curriculum of one's own culture and the historical connection with civilization prior to colonization; and second, the development of those skills necessary to access universal knowledge as human rights. It considered that incorporating policies that would permit access to

all levels of education will allow indigenous peoples to participate in all fields on an equal footing and to exercise their right to self-determination when making decisions on matters that affect them. The Caucus further recommended the need to establish funds that promote education at all levels and that this should benefit from the effective participation of indigenous peoples. States and United Nations agencies were also called upon to dedicate substantial funds for cultural exchanges that promote best practices.

55. Lastly, the Caucus highlighted the need to specify that indigenous peoples are entitled to rights that are specific to them by virtue of being indigenous peoples. It concluded by requesting that a mechanism, including indigenous organizations, for monitoring the follow-up to the recommendations of the study should be established.

56. Several indigenous representatives indicated their full support for the draft study and suggested that the Expert Mechanism continue to engage with indigenous peoples to promote indigenous ways of learning and culturally appropriate education for the realization of the right to education. Indigenous representatives from Africa invited the authors of the study to underline the particular needs and challenges faced by nomadic and transhumant peoples. Others stressed the need to include concrete policies and measures that should be implemented by Governments.

57. The representative of the African Commission on Human and Peoples' Rights, Musa Bitaye, introduced the work of the Working Group on the Rights of Indigenous Populations in Africa as it relates to the right to education. He welcomed the draft study of the Expert Mechanism which he found very inspirational and said that the extensive in-country or field work of the Working Group has enabled it to learn lessons and identify key challenges to the education of indigenous peoples in Africa which, he noted, were addressed in the draft study.

58. Mr. Bitaye further underlined the linkage between conflicts that affected indigenous communities and their access to education. In certain regions of Africa, failure to address conflicts and insecurity in indigenous areas had a diluting effect on efforts to respond to educational needs. Moreover, the displacement of indigenous communities from their ancestral lands affected negatively the education of their children. He concluded by highlighting that indigenous knowledge could contribute substantively to education in Africa.

59. In the concluding discussion, Mr. Henriksen thanked observers for their contributions and stated that the Expert Mechanism would take into account the comments and suggestions made in finalizing the study and submitting it to the Human Rights Council. However, he pointed out that certain elements suggested for inclusion in the study were already reflected in the draft. He encouraged observers to submit to the Secretariat, in writing, specific and concrete substantive suggestions. He said that the Expert Mechanism would review submissions received and consider whether it would be necessary to develop an addendum to the Expert Mechanism's Advice No. 1.

60. In her concluding remarks, the Chairperson-Rapporteur noted that the issues related to the right of indigenous peoples to education were closely linked to other issues such as poverty and access to resources. She added that there might be differing views on priorities to take in addressing the implementation of indigenous peoples' rights, but that the best recourse was to ensure indigenous peoples themselves participated in identifying their needs, priorities and contributions.

## V. DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

61. The Chairperson-Rapporteur opened the discussion under the agenda item on the Implementation of the United Nations Declaration on the Rights of Indigenous Peoples and its sub-item (a) on “Implementation of the Declaration at the national and regional levels” and sub-item (b) on “Adjudication, remedies, repatriation, redress and compensation”. She asserted that the sole reference to the Declaration in the preamble of Council resolution 6/36 meant that this instrument could constitute a key normative framework in formulating thematic advice from the Expert Mechanism. She stressed that the consideration of agenda item 4 (a) was not meant to establish the Expert Mechanism as a monitoring body on the implementation of the Declaration. Ms. Lasimbang also provided the basis for the discussion on agenda item 4 (b) which can be found in articles 8, 10 to 12, 20, 27, 28, 32 and 40 of the Declaration.

62. Expert Member John Henriksen recalled that, at the first session of the Expert Mechanism, the Indigenous Caucus had proposed several thematic issues for discussion, including the right to self-determination and adjudication, remedies, repatriation, redress and compensation. The Expert Mechanism had opted to include the latter as a sub-item. He also expressed the wish that the future thematic focus of the Expert Mechanism would naturally emerge from the discussions and informal consultations the Expert Mechanism would be pursuing with governmental delegations and representatives of indigenous peoples.

63. He said that this agenda item reflects the Expert Mechanism’s wish to initiate and encourage discussions about possible ways and means for making the provisions of the Declaration a reality on the ground. He concurred with the Chairperson-Rapporteur that the Expert Mechanism had no intention of trying to position itself as a monitoring body for the implementation of the Declaration, simply because it is not mandated to do so. He declared that the Expert Mechanism nevertheless had a duty to promote respect for and full application of the provisions of the Declaration. He further declared that this followed from article 42 of the Declaration, which establishes a duty for the United Nations, its bodies and agencies to promote the respect for and full application of the Declaration and follow up the effectiveness of the instrument.

64. Mr. Henriksen affirmed that the main challenge for the international community and for Member States was to ensure that the Declaration is implemented at national and regional levels, in consultation and cooperation with indigenous peoples. He underlined that the Declaration represents a commitment on the part of the United Nations and its Member States, to its provisions, within the framework of the obligations established by the Charter of the United Nations to promote and protect human rights in a non-discriminatory basis. He said that the Expert Mechanism stands ready to contribute towards the realization of the Declaration within the scope of its mandate as established by the Council.

65. The Secretariat conveyed some information on the activities that OHCHR has undertaken to contribute to the implementation of the Declaration, including promotional, awareness-raising and training activities. OHCHR also referred to two documents issued by the Office: one is the draft guidelines on the protection of indigenous peoples in voluntary isolation in the Amazon basin and the other is a report on the technical workshop on natural resource companies, indigenous peoples and human rights. These initiatives were welcomed by observers, who

stressed the importance of continuing to consult with a variety of stakeholders as future steps are undertaken in the development of these activities. In addition, some Governments provided information on policies and practices focused on the protection of the rights of indigenous peoples including those living in isolation.

66. Mr. Bitaye, Chairperson of the Working Group on Indigenous Populations/Communities of the African Commission on Human and Peoples' Rights stated that the African Commission, through its Working Group, had issued an Advisory Opinion demonstrating that the provisions of the then-draft United Nations Declaration were not only consistent with African regional human rights standards on peoples' rights but were also vital to advance the economic, social and cultural development of many African communities. He further stressed that since the adoption of the Declaration by the General Assembly, in September 2007, the African Commission had taken several measures to encourage its implementation by Member States.

67. Francisco Cali, Member of the Committee on the Elimination of Racial Discrimination (CERD), said that the mission of the Expert Mechanism is extremely important. He went on to speak on the work of CERD as regards indigenous peoples. In particular, he referred to the Committee's general comment No. 23, which concerns indigenous peoples. In this general comment CERD highlights, *inter alia*, the importance of recognizing the cultures and religions of indigenous peoples. He concluded by stating that the Declaration is a tool against racial discrimination.

68. The delegations of the following Governments made remarks under agenda item 4: Australia, Algeria, Azerbaijan, Denmark, Ecuador, Guatemala, Indonesia, Japan, Malaysia, Mexico, Norway, Paraguay, the Russian Federation, Turkey and Venezuela (Bolivarian Republic of). Representatives of several Governments provided information on their effort to implement the Declaration at the national level, including through institutions devoted to combat discrimination and through improved participation of indigenous peoples in decision-making. In this connection, they highlighted the achievements of effective consultation mechanisms and new representative bodies and other initiatives. Related training and awareness-raising activities were also brought to the attention of the participants by various Governments, including efforts deployed to disseminate the Declaration widely and in indigenous languages.

69. Furthermore, several Governments provided information on legislative developments aimed at contributing to the protection of the rights of indigenous peoples and the implementation of the Declaration. The importance of concepts such as sustainable development for indigenous peoples was also underlined by Government delegations. Information was provided on positive practices regarding repatriation, including in terms of returning archaeological artefacts to the indigenous peoples concerned, and measures taken to recognize and adjudicate indigenous peoples rights to lands and resources.

70. Some Governments reported on their recent decisions to endorse the Declaration, and steps undertaken to recognize a specific group as indigenous people were also highlighted. A number of Government delegations opined that, while the Declaration is not binding, it is nevertheless an important policy tool. Similarly, while the Expert Mechanism is not mandated to address individual human rights complaints, it can usefully focus on lessons learned and challenges to be tackled with a view to contributing to the implementation of the Declaration.

71. Many representatives of indigenous delegations welcomed the discussion on the Declaration and its endorsement by their respective Governments, while pointing to the challenges that its implementation entails at the national level. Indigenous representatives emphasized that the Declaration was the most comprehensive universal international human rights instrument explicitly addressing the rights of indigenous peoples. The significance of the Declaration as an instrument of reference and a basis for constructive dialogue and reconciliation between indigenous peoples was reiterated several times by States and international organizations.

72. Some indigenous representatives recalled that provisions enshrined in the Declaration reflect binding human rights instruments and should be used as a reference by international human rights mechanisms, including treaty monitoring bodies and special procedures. They also stressed that regional human rights mechanisms, including the African Commission on Human and Peoples' Rights and the Inter-American Court of Human Rights, can also use the Declaration in their deliberations, interpretations and decisions.

73. The incorporation of the principles of the Declaration in domestic law was viewed by a number of speakers as an effective way to ensure the realization of indigenous peoples' rights. In this respect, various examples were underlined including references to the Declaration in constitutional provisions and in domestic jurisprudence. Many observers also stressed that in order to ensure that violations of the rights of indigenous peoples are properly addressed, effective remedies must be made available for victims of violations.

74. Several speakers stressed the importance of expanding the activities that national human rights institutions and similar bodies undertake to promote and protect the rights of indigenous peoples. The importance of working with the International Coordinating Committee of National Human Rights Institutions (NHRIs) and regional organizations of NHRIs, such as the Asia-Pacific Forum, in developing educational tools and conducting technical assistance programmes on the rights of indigenous peoples was underscored in this context.

75. Indigenous representatives pointed to efforts to translate and disseminate the Declaration and the ongoing need to raise awareness about it within civil society, Governments and indigenous peoples at the regional and national levels. It was stressed that it is only through dialogue that non-governmental organizations and governmental bodies could effectively pursue and implement international commitments under the Declaration. The hope was expressed that the work of the Expert Mechanism would contribute to this dialogue and to the promotion of the Declaration.

76. The need to recognize indigenous peoples as rights holders, as opposed to just stakeholders, was underlined and the importance of the principle of free, prior and informed consent was highlighted by a number of indigenous representatives, including in relation to extractive activities. Some indigenous representatives further stated that the right to self-determination and the right to free, prior and informed consent constituted prerequisites for the enjoyment of other rights enshrined in the Declaration and called on the Expert Mechanism to take this into account in its work.

77. José Carlos Morales thanked the participants for their important contributions to the debate. He provided information on some of the achievements and challenges faced in the implementation of the Declaration in Latin America. He noted that the region has undergone a constant process of evolution during recent decades, involving constitutional reforms and specific legislation. He stated that there is increasing recognition and support for the rights of indigenous peoples and the implementation of the Declaration. Mr. Morales expressed the hope that more Governments and indigenous peoples' organizations in the region will in the future submit timely information and share their experiences in the context of the Expert Mechanism's discussions.

78. John Henriksen stated that the discussion under item 4 had revealed once again the comprehensiveness and complexity of the contents of the Declaration, and that individual provisions cannot be interpreted nor implemented in isolation as the articles of the Declaration are interconnected, and connected to other international human rights instruments. He said that the discussion demonstrated the need for States and indigenous peoples to work together to achieve the goals of the Declaration and that other actors such as NHRIs have a crucial role to play. He stressed the importance of building training capacity and wide translation and distribution of the Declaration.

79. Mr. Henriksen said that there appears to be broad agreement between States and indigenous peoples that issues related to implementation of the Declaration need to be addressed within the framework of the Expert Mechanism. He said that the debate demonstrated that there have been some positive developments in various countries, either as a consequence of the Declaration, or as a result of national processes undertaken in the spirit of the Declaration.

80. He emphasized that the debate unfortunately also proves that indigenous peoples are still facing serious problems as a consequence of the continued denial of their rights and freedoms, including serious human rights violations, and that in some instances practically nothing has happened despite the fact that the Declaration now is a reality.

81. He noted that the debate also revealed the need for States and indigenous peoples to work together in order to achieve the goals of the Declaration. In many instances it seems extremely important to focus on reconciliation, as an important precondition for making the Declaration a reality on the ground. He concluded by stating that the Expert Mechanism would continue addressing the implementation of the Declaration, but that its work might need to be focused further.

82. He referred to the various suggestions made by observers as to which thematic issues the Expert Mechanism should focus on, including the right to self-determination, the resource dimension of the right to self-determination, the principle of free, prior and informed consent, consultations, indigenous peoples' rights pertaining to lands, territories and natural resources, indigenous peoples' right to health, linguistic rights, and remedies for infringements of indigenous peoples' rights. In principle, no issue or right that is addressed in the Declaration should be regarded as being off-limits for the Mechanism's work and that it nevertheless needs to identify its thematic focus and priorities in compliance with the mandate issued by the Human Rights Council.

83. Mr. Henriksen concluded by saying that the debate also indicated that one of the main concerns or problems seems to be related to the fact that indigenous peoples often have limited opportunities to determine priorities for their own development and to effectively participate in decision-making processes affecting their rights and lives.

## **VI. ADOPTION OF THE REPORT AND PROPOSALS**

84. At its last meeting, the Expert Mechanism adopted the operative parts of the report on its second session, which include the following: a study on the right of indigenous peoples to education; five proposals to be submitted to the Human Rights Council; and one proposal addressed to the United Nations specialized agencies. The agreement and proposals are contained in section II above of the present report. All proposals were adopted by consensus by the members of the Expert Mechanism.

85. Proposal 1 relates to a possible thematic study on indigenous peoples' right to participate in decision-making. In presenting the proposal, the Chairperson-Rapporteur said that although the Expert Mechanism notes that the Human Rights Council would be considering the thematic focus for the next session of the Expert Mechanism in 2010, the Mechanism considers that the acceptance of such a theme would coincide with the priorities and interest of indigenous peoples. Participation in decision-making is a key issue that was raised by many delegates in the course of the session. The elaboration by the Expert Mechanism of the scope and challenges of the right to participation, while using the Declaration as a framework, would be an important contribution to the work of the Council.

86. Proposal 2 relates to human rights institutions and mechanisms. In presenting the proposal, the Chairperson-Rapporteur said that human rights institutions at the national and regional levels have a crucial role to play in promoting and protecting indigenous peoples' rights. Due to the complexity of such rights, it may be important for States to consider the establishment of specific national institutions on indigenous peoples' rights.

87. Proposal 3 relates to the Human Rights Council's consideration of indigenous peoples' rights during its sessions. In presenting the proposal, the Chairperson-Rapporteur specified that it offers suggestions for better focus on the rights of indigenous peoples during Human Rights Council sessions.

88. Proposal 4 concerns the United Nations Voluntary Fund for Indigenous Populations. In presenting the proposal, the Chairperson-Rapporteur underscored that it is a follow-up proposal from the first session (see A/HRC/10/56), which reiterates the Expert Mechanism's view that indigenous peoples' participation in the Human Rights Council and in the work of United Nations treaty bodies is crucial.

89. Proposal 5 relates to the outcome document of the Durban Review Conference. In presenting the proposal, the Chairperson-Rapporteur submitted that as a follow-up to the request to the Expert Mechanism to undertake a review of the Durban Declaration and Programme of Action, and to submit recommendations as contributions to the outcome of the Durban Review Conference, contained in Human Rights Council resolution 9/7. She recalled that at its first session, the Expert Mechanism adopted its proposal 2 on the rights of indigenous peoples which was submitted to the Preparatory Committee of the Durban Review Conference.

90. Finally, the Expert Mechanism adopted a proposal addressing the responsibilities of United Nations specialized agencies in promoting respect for and full application of the United Nations Declaration on the Rights of Indigenous Peoples. In presenting the proposal, the Chairperson-Rapporteur said that the proposal is self-explanatory, and hence does not require any further introduction.

91. The Chairperson-Rapporteur informed the participants that the narrative part of the report on the second session was still in draft form and would not be circulated to the participants. She added that the report would be finalized and adopted after the session, before being submitting to the Human Rights Council at its twelfth session.

92. In her closing statement, the Chairperson-Rapporteur expressed her deep appreciation to all participants for their excellent cooperation throughout the session and appealed for continued support and contribution to the work of the Expert Mechanism. She also expressed appreciation to the Secretariat for the organization of the session.

93. She welcomed the enhanced cooperation with other United Nations mandates relevant to indigenous peoples, in particular with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, the Permanent Forum on Indigenous Issues, regional and national human rights institutions and the treaty bodies during the Expert Mechanism's intersessional activities. The Chairperson-Rapporteur said that the Special Rapporteur's availability throughout the session to receive information and communication from indigenous peoples on alleged violations of their human rights is a good example of effective coordination and cooperation of human rights bodies. She also expressed special appreciation for the participation of representatives of the Working Group on Indigenous Populations of the African Commission on Human and Peoples' Rights and for that of national human rights institutions.

94. The Chairperson-Rapporteur thanked the representative of the Voluntary Fund for Indigenous Populations and appealed for increased contribution to the Fund.

## ANNEXES

### Annex I

#### LIST OF PARTICIPANTS

State members of the United Nations represented by observers: Algeria, Argentina, Australia, Austria, Azerbaijan, Botswana, Brazil, Burundi, Canada, Chad, Chile, China, Congo, Costa Rica, Democratic Republic of the Congo, Denmark, Ecuador, Ethiopia, Finland, Germany, Guatemala, Haiti, Honduras, Hungary, Indonesia, Japan, Jordan, Lebanon, Malaysia, Mexico, Morocco, Nepal, New Zealand, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Serbia, Singapore, Slovakia, Slovenia, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of) and Viet Nam.

Non-Member State represented by an observer: Holy See.

Donors represented by observers: German Technical Cooperation.

United Nations mandates, mechanisms, bodies and specialized agencies, funds and programmes represented by observers: Office of the High Commissioner for Refugees, International Labour Organization, International Organization for Migration, International Union for the Conservation of Nature, United Nations Educational, Scientific and Cultural Organization, United Nations Development Programme, Committee on the Elimination of Racial Discrimination, Human Rights Council Advisory Committee, Permanent Forum on Indigenous Issues, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, and the United Nations Voluntary Fund for Indigenous Populations.

Intergovernmental organizations, regional organizations and mechanisms in the field of human rights represented by observers: Working Group on Indigenous Population of the African Commission on Human and Peoples Rights, the African Union and the Indigenous Fund for the Development of Indigenous Peoples in Latin America and the Caribbean.

National human rights institutions represented by observers: Australian Human Rights Commission and National Human Rights Commission of Mexico.

Academics and experts on indigenous issues represented by observers of the following institutions: Bielefeld University, Friedensau Adventist University, Graduate Institute of International and Development Studies, Technical University of Berlin, Structural Analysis of Cultural System, Universidad Nacional de Educación a Distancia, University of Arizona, University of Lausanne, University of Lyon 3, University of Salamanca, Wollotuka School of Aboriginal Studies at the University of Newcastle.

Non-governmental organizations represented by observers: Aktionsgruppe Indianer and Menschenrechte, Amnesty International, CARE Perú, Centre Europe Tiers-Monde, Comité de solidarité avec les Indiens des Amériques, European Bureau for Lesser-Used Languages, Flemish Support Group for Indigenous Peoples, Fondation des Oeuvres pour la Solidarité,

Friends World Committee on Consultation, Hawaii Institute for Human Rights, Incomindios, Indigenous Peoples Center for Documentation, Research and Information - DOCIP, International Work Group for Indigenous Affairs, Nueva Tilcara, Rights and Democracy, and World Citizens.

Indigenous nations, peoples and organizations represented: Aboriginal Legal Rights Movement, Action Communautaire pour la promotion des défavorisés Batwa, Akuaipa Waimakat - Asociación para la Divulgación, Promoción y Defensa de los Derechos Humanos e Indígenas, Alianza Mundial de Pueblos Indígenas de Bosques Tropicales, Arameans of Aram Naharaim Organization, Asia Indigenous Peoples Pact, Asian Indigenous Tribal People Network, Asociación de Autoridades Tradicionales y Cabildos U'was, Asociación Interétnica de Desarrollo de la Selva Peruana, Asociación Sotz'il, Assemblée des Arméniens d'Arménie Occidentale, Association culturelle et scientifique de Khenchela, Association Culturelle Taralift, Association of Indigenous Peoples of the North Kamchatsky, Association of Indigenous Peoples of Ryukyus, Association of Indigenous Peoples of the North, Siberia and Far East of the Russian Federation, Autoridades Indígenas de Colombia, Bangladesh Minority Council, Bangsa Adat Alifuru Maluku, Bodo Sahilya Sabha, Centre for Organisation Research and Education, Chittagong Hill Tracts Students Council, Comisión de Juristas Indígenas en la Republica Argentina, Comisión jurídica para el autodesarrollo de los pueblos originarios andinos, Consejo Indio de Sudamerica, Confederación Mapuche De Neuquen, Communauté des Poitiers du Rwanda, Confederación de Nacionalidades Amazónicas del Perú, Congrès Mondial Amazigh, Congrès Populaire Coutumier Kanak, Consejo de Organizaciones Aborígenes de Jujuy, Consejo de Pueblos Nahuas del Alto Balsas, Coordinadora Nacional de Desplazados y Comunidades Indigenas en Reconstrucción del Perú, Dewan Adat Papua, Didipio Earthsavers Multipurpose Association inc., Enlace Continental de Mujeres Indígenas, Eukom Sog Pito Kodolongan, Federación de organizaciones de la nacionalidad kichwa de Sucumbios, Federation of Matigsalug Manobo Tribal Councils, Inc., Foundation for Aboriginal and Islander Research Action, Forest Peoples Programme, Friends of the Coquihalla, Fundación Intercultural Wayunka Pueblo Chibuleo, Gáldu Resource Centre for the Rights of Indigenous Peoples, Global Indigenous, Grand Council of the Crees, Herri Topa, Indigenous ICT Task Force, Indigenous Network on Economics and Trade, Indigenous Peoples and Nations Coalition, Indigenous Peoples Links, Indigenous Peoples Network of Malaysia, Indigenous Peoples of Africa Coordinating Committee, Indigenous Peoples Rights Monitor, Indigenous World Association, Indigenous World Forum on Water and Peace, Inter Mountain Peoples Education and Culture Association, International Indian Treaty Council, International Organization of Indigenous Resource Development, Inuit Circumpolar Council, Iraqi Turkmen Human Rights Research Foundation, Jaringan Orang Asal Se-Malaysia, Khmers Kampuchea-Krom Federation, Khwa Ttu San Culture and Education Centre, Kirat Yakthung Chumlung, Kirat Youth Society (KYS), Legal Rights and Natural Resources Center Friends of the Earth, Magar Studies Center, Massai Women Development organization, Massai Women Rights and Environment Development Group, Mbororo Social and Cultural Development Association, Meghalaya Peoples' Human Rights Council, Mohwak Nation at Kahnawake, Movimiento de la Juventud Kuna, Movimiento Indio "Tupaj Amaru", Naadutaro (Pastoralists' Survival Organization), National Indian Justice Centre, National Native Title Council, National Indian Youth Council, Native Women's Association of Canada, Network for Developing Indigenous Peoples, New South Wales Aboriginal Land Council, Ntaunaq Nam Qom, Ocaproce, Office of Navajo Nation Human Rights Commission, Olaji lo larusa Intergrated Programme for Agro-Pastoralist Development, Organización de Ayllus Originarios Pueblo Quechua Peru,

Organización de Naciones y Pueblos Indígenas en Argentina, Organización Nacional Indígena de Colombia, Partners of Community Organization - PACOS Trust, Picundungun, Polar Council, Pueblos Indígenas Cumanagoto, Red Nacional de Jovenes Indígenas “Ihui Rhaban”, Rehoboth Community, Réseau Amazigh Pour la Citoyenneté “Azetta”, Retorno a la Tierra, Revista Ecuamundo, Saami Council, Servicios del Pueblo Mixe, Shimin Gaikou Centre, Sunuwar Welfare Society, Ti Tlanizke, Tin Hinan, Union Nationale du Peuples Kanak, United Zo Indigenous Peoples, Western Shoshone Defence Project, Working Group of indigenous minorities in Southern Africa, World Alliance of Mobile Indigenous Peoples, World Indigenous Peoples Network AINU, Yaaku People’s Association, Yachawasi Films and Zo Indigenous Forum.

**Annex II**

**PROVISIONAL AGENDA FOR THE THIRD SESSION**

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

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