

WORLD CONFERENCE ON INDIGENOUS PEOPLES ALTA PREPARATORY CONFERENCE

Report by Dwight Witherspoon, Navajo Nation Council Delegate, and Navajo Nation Human Rights Commission

INTRODUCTION

Navajo Nation participated in international meetings to negotiate the draft United Nations Declaration on the Rights of Indigenous Peoples (“Declaration”). Over fifteen years the United Nations negotiated with indigenous peoples the content of Declaration where Navajo Nation provided specific recommendations. In September 2007, UN General Assembly adopted the Declaration; however, United States, Canada, New Zealand and Australia voted against the Declaration.

Since the adoption of the Declaration, several initiatives were instituted either as ongoing or new efforts by the UN system, including but not limited to establishing the Expert Mechanism on Indigenous Peoples’ Rights, appointment of Professor James Anaya as Special Rapporteur, and assessment of United States’ human rights record by the UN Human Rights Council. As part of the UN effort to implement the Declaration, the UN General Assembly in 2010 set aside September 2014 to hold the World Conference on Indigenous Peoples (“WCIP”). The purpose of WCIP is “to share perspectives and best practices on the realization of the rights of indigenous peoples, including to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples.”¹ Since 2010, the UN devised a systematic way to receive input from indigenous peoples, and UN accepted the Norwegian government’s offer to host an indigenous peoples preparatory meeting at Alta, Norway in June 2013.²

BACKGROUND

Navajo Nation Human Rights Commission (“Commission”) initiated study in spring of 2009. With the assistance of a Navajo college student, research was conducted to examine the UN system and the need for Navajo Nation’s continued involvement in UN activities. The conclusion reached by the Commission was to advance the position that Navajo Nation becomes a permanent observer in the UN system. The Commission by resolution recommended the permanent observer status and Navajo Nation Council,

¹ United Nations General Assembly Resolution A/RES/65/198, paragraph 8.

² The WCIP preparatory conference at Alta, Norway was organized by regions and caucuses. UN system recognized seven regions and two caucuses: 1) Africa; 2) Asia; 3) Central, South America and Caribbean; 4) Arctic; 5) Eastern Europe, Russia Federation, Central Asia and Transcaucasia; 6) North America; 7) Pacific; 8) Women’s Caucus; and 9) Youth Caucus. Global Coordinating Group were formulated to disseminate information to their respective regions and agencies and also organize the “bureau” that will oversee the Alta Conference. The “bureau” selects the co-chairpersons that preside over the conference.

Intergovernmental Relations Committee, by Resolution IGRCAU-121-09 supported the Commission and authorized the Commission to advocate for the special recognition in the UN system.

In addition, also by authorization by the Intergovernmental Relations Committee resolution, the Commission registered a complaint with UN Special Rapporteur on Indigenous Issues, Professor S. James Anaya, stating that U.S. Forest Service is violating Navajo and other indigenous peoples' human rights by issuing use permit to Arizona Snowbowl to operate a ski resort. In August 2011, Special Rapporteur Anaya issued his report on the desecration of San Francisco Peaks with recommendations to the United States. Náabik'íyát'i' Committee of the Navajo Nation Council by resolution NABIS-58-11 acknowledged Professor Anaya's report and authorized the Navajo Nation President and Vice President, Speaker of the Navajo Nation Council, their designees, and the Navajo Nation Human Rights Commission "to do all things necessary to protect and advocate for the human rights of the Navajo people as they pertain to the San Francisco Peaks, sacred site for the Navajo people."³

PREPARATORY EFFORTS

Navajo Nation worked with National Congress of American Indians ("NCAI"), Indian Law Resources Center ("ILRC") and other indigenous organizations and nations to arrive at an understanding and unify on positions to be advanced through the United Nations Permanent Forum on Indigenous Issues ("UNPFII"). UNPFII conducts an annual meeting in New York, NY; the 2013 session was held on May 20-31.

In preparation for the Alta, Norway Conference, Navajo Nation signed onto an intervention delivered by Mr. Darwin Hill, *Haudenosaunee Chief*, on behalf of 72 indigenous nations seeking three issues to be addressed during the WCIP at New York. The three issues are:

1. United Nations establish a new body responsible for promoting state implementation of the Declaration on the Rights of Indigenous Peoples and monitoring states' actions with regard to indigenous peoples' rights.
2. Three-pronged course of action to address the problem of violence against indigenous women:
 - a. A decision to convene a high-level conference to examine challenges to the safety and well-being of indigenous women and children and to share perspectives and best practices.
 - b. A decision to require that the UN body for monitoring and implementing the Declaration (recommended above) give particular attention, on at least an annual basis, "to the rights and special needs of indigenous . . . women, youth, children and elders . . . in the implementation of the Declaration"; and
 - c. A decision to appoint a Special Rapporteur to focus exclusively on

³ Resolution of the Náabik'íyát'i' Committee of the Navajo Nation Council, NABIS-58-11. Section 3. Authorization, paragraph C.

human rights issues of indigenous women and children, including but not limited to violence against them and on changing state laws that discriminate against them.

3. Action be taken to give indigenous peoples, especially indigenous constitutional and customary governments, a dignified and appropriate status for participating regularly in UN activities.

The three recommendations were analyzed against the draft Alta outcome document circulated at the Alta, Norway conference.⁴ Proposed amendments were developed for presentation during the Native American Indigenous Peoples' Caucus ("NAIPC") meetings at Alta, Norway. The comparison and contrast matrix is attached here to as Exhibit "A".

PARTICIPATION IN ALTA CONFERENCE

The Alta Conference took place at Alta, Norway, hosted by the Sámi Parliament. In advance of the conference, registration was opened on June 8th and regional and caucus meetings took place on June 9th. From June 10 to June 12, 2013, the regions and caucuses met in plenary sessions to provide recommendations on the drafting of the Alta outcome document. In between the plenary sessions, the regions and caucuses met to continue assessing and formulating recommendations towards the adoption of the final outcome document.

North America Indigenous Peoples' Caucus Meetings

Navajo Nation participated in the NAIPC meetings to advance three issues: 1) United Nations establish a new monitoring mechanism the reports and promotes the implementation of the Declaration; 2) address violence against indigenous women; and 3) establish special recognition of indigenous peoples/nations in UN system. On Sunday, June 9th Navajo Nation presented proposed amendments to the draft Alta outcome document as provided in Exhibit "A".

Navajo Nation demonstrated that there is a need for an entirely new entity which would be dedicated monitoring, reporting and promoting the full implementation of the Declaration. There were concerns raised from among NAIPC members that UN has already designated the Special Rapporteur on Indigenous Issues, Expert Mechanism on Rights of Indigenous Peoples and Permanent Forum on Indigenous Issues to concentrate on indigenous issues. However, there is a clear need for a monitoring agency to assess nation-states regarding their implementation of the Declaration. At the conclusion of the debate over the amendment offered by the Navajo Nation, NAIPC achieved consensus to add language to the draft Alta outcome document to include "new" UN monitoring agency.

While Navajo Nation supported the need to have a UN high level meeting on indigenous women, designate special rapporteur on indigenous women and institute a monitoring

⁴ A team of drafter that met at Madrid, Spain earlier in the year developed the draft Alta Outcome Document. The drafters had representation from the seven regions and two caucuses.

body, it became clear during the NAIPC meetings that recommendations on indigenous women issues should be addressed by the women's caucus. Moreover, participants in the NAIPC meetings expressed concerns that recommendations to specifically address indigenous women issues may in fact be a counter effort to achieving the recognition of rights for all indigenous peoples. In other words, the point was raised that indigenous women are a part of the concerned indigenous peoples; these concerns were raised by indigenous women in the NAIPC meetings.

In addition, there were concerns raised by NAIPC members that there already exists a UN Special Rapporteur on Violence against Women; that recommending the establishment of a new special rapporteur on indigenous women may in fact be duplicate the work performed by the current Special Rapporteur. Therefore, Navajo Nation did not offer the recommendation to establish a new special rapporteur on indigenous women, instead recommended language to require full and effective participation by indigenous women when states institute efforts to strength protection of indigenous women.

The Navajo recommendation that gained significant debate was UN to create special recognition and status for indigenous peoples and nations in UN system, but not as non-government organization status. Questions were raised pertaining to the word "constitutional and customary" indigenous governments. Some NAIPC members were concerned that constitutional indigenous governments mean Indian Reorganization Act government, PL208 governments. These forms of indigenous governments are in fact puppets of US government. As a response to points raised that current "tribal governments" are not representative of indigenous beliefs, Navajo noted that no one at the NAIPC meeting should criticize choices made by indigenous leaders when they lead their peoples to accept the U.S. federal policies under the prevailing circumstances. However, there are traditional indigenous governments that pre-existed the contact by colonizers that govern in the 21st century; these traditional governments exist either through adopted written constitutions or unwritten constitutions. After several hours of debate, NAIPC formulated a paragraph that attempts to revisit human rights issues that were vetted and discussed during the adoption of the Declaration. As an example, NAIPC members assert that indigenous right to self-determination as recognized under Article 3 must be recognized under the binding international treaties often referred to as Covenants Article 1.⁵

Plenary Alta Conference

The plenary Alta conference took place inside the Alta activity center. Conference organizers report that two hundred delegates and six hundred observers attended the three-day conference. On Tuesday, NAIPC presented recommendations from the caucus

⁵ Covenant on Civil and Political Rights, Article 1, Paragraph 1: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." Covenant on Economic, Social and Cultural Rights, Article 1, Paragraph 1: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

regarding the Alta draft outcome document. Navajo Nation followed with an intervention from the floor of the conference by supporting the UN permanent observer status recommended by the caucus; attached as Exhibit “B” is Navajo intervention. The permanent observer status survived the first round of review with a number of changes made by the Artic and Asian regions. Sámi Parliament representative, Jon Henricksen, expressed support for permanent observer status as presented by Navajo Nation. The original proposal was changed several times but NAIPC supported the language stating “at a minimum” indigenous nations and peoples need to be recognized by the UN system as permanent observers.

A Skype teleconference was conducted on Tuesday with NCAI, Navajo Nation and ILRC. There was strong concern shared by those on the teleconference regarding the proposal to have at a minimum permanent observer status for indigenous peoples and nation in the UN system. Navajo Nation continued to negotiate with Sámi representatives to ensure that *at the minimum* indigenous peoples and nations are recognized as permanent observers in UN system. During the remainder of the Alta conference, Sámi Parliament representative, Jon Henricksen, continued to express support to Navajo Nation regarding the language as permanent observer status provided in the Alta outcome document that reached consensus on Wednesday, June 12, 2013. The final Alta Outcome Document is attached as Exhibit “C”.

MEETING WITH SÁMI PARLIAMENT

On June 13th, the Navajo delegation visited the Sámi Parliament at Karasjok, Norway; three hours drive southeast of Alta. The Navajo Nation partnered with the Sámi Parliament to advocate for the UN system to recognize indigenous nations by allowing them to formally participate in the UN activities. The following are some information shared with the Navajo delegation:

1. Sámi Parliament a part of Norwegian government: while the Sámi people are indigenous to the northern parts of Norway, Sweden, and Finland, and western portion of Russia, recently the Norwegian government started to appropriate funds to the Sámi Parliament;
2. Sámi Parliament administers programs: Sámi parliament presently has not achieved the ability to make laws for Sámi people, except the Norwegian government appropriates funds for the parliament to implement programs for the Sámi people that otherwise would be administered by the Norwegian government;
3. Sámi lands and territories: while Sámi people live in Norway, Sweden, Finland and Russia, their lands have not been demarcated and ownership of resources difficult to address. Sámi Parliament intends to seek ways and means to ensure its people’s territories, resources and lands are recognized by the Norwegian government; and
4. Sámi language: Sámi people have made significant strides to ensure their indigenous language is preserved, including the assurance that computer software programs are written in the Sámi language. However, with the recent upgrades in the computer operating systems, Microsoft has not upgraded its software to ensure Sámi language is used to run the software.

Sámi Parliament requested to engage the Navajo Nation on human rights issues, especially the need to ensure that computer operating systems are upgraded by assuring that major corporations properly accommodate indigenous languages.

RECOMMENDATIONS

There are several UN activities that concentrate on indigenous rights, including human rights violations raised by the Navajo Nation Human Rights Commission. These activities are in addition to the WCIP to take place in September 2014.

Unified Effort by Indigenous Nations

Indigenous nations have been absent from UN discussions pertaining to indigenous peoples' human rights. Post Alta conference, Navajo Nation should take the lead to unify other indigenous nations to ensure significant participation towards the final planning and WCIP conference in September 2014. The world community will use the Alta Outcome Document as a consensus document from world wide indigenous peoples although a few North American indigenous nations participated in the Alta conference. Presently, Non-Government Organizations ("NGO's") have been at the forefront advocating for indigenous human rights and portraying they represent indigenous peoples, while they are not accountable to any indigenous electorate. Indigenous nations must fully participate in NAIPC.

Navajo Participation in WCIP

One of the proposals presented to NAIPC was support and recommendation to have a specific representative from Haudenosaunee speak on the floor of WCIP. Navajo Nation interjected this request by stating that Navajo Nation must speak on the floor of WCIP. Thus, Navajo Nation must take measurable and strategic effort to ensure its representatives not only participate in the WCIP but also speak to members of UN during the plenary WCIP session.

Navajo Nation host Post Alta meeting with Indigenous Leaders

Alta Outcome Document is setting the stage for nation-states to comment and react between June 2013 and September 2014, preparatory period leading to WCIP. WCIP is a historic moment for indigenous human rights where all UN member states have the opportunity to discuss these rights. In order to solidify efforts to recognize indigenous human rights in the United States, Navajo Nation should host a post Alta conference meeting at the new Twin Arrows casino. The post Alta gathering would be an opportunity for indigenous leaders to become familiar with Alta Outcome Document and refine human rights issues that would be advanced to WCIP. United States Department of State is planning an indigenous leaders listening session to take place at Washington, DC either on August 7, 13, 14 or 15, 2013.

Inter Tribal Council of Arizona Sacred Site/Places Summit

Inter Tribal Council of Arizona (“ITCA”) is planning a sacred site/places summit to take place in fall of 2013. The summit is intended to concentrate on how United States domestic laws do not fully protect indigenous sacred sites and places. Navajo Nation should impress on ITCA to also dedicate a portion of their summit where indigenous leaders can develop additional and specific recommendations on implementing Alta Outcome Document, Theme 1, paragraph 2.

UN Activities

There are several United Nations activities that may shape the WCIP, especially the recommendations contained in the Alta Outcome Document. Navajo Nation’s participation in these meetings is necessary and needed.

- **EXPERT MECHANISM ON RIGHTS OF INDIGENOUS PEOPLES:**⁶ after adoption of the Declaration by the UN General Assembly in September 2007, UN established the Expert Mechanism on Rights of Indigenous Peoples (“EMRIP”) to study and provide thematic recommendations on indigenous rights to the Human Rights Council. EMRIP is scheduled to meet in Geneva, Switzerland, on July 8 – 12, 2013. EMRIP will address WCIP.
- **HUMAN RIGHTS COMMITTEE:**⁷ the United States will be under review by the UN Human Rights Committee as they pertain to the implementation and compliance with the International Covenant on Civil and Political Rights. US is a party to the international treaty and submitted a report to HRC detailing its domestic efforts to draw on CCPR. Navajo Nation is invited to participate in the HRC meeting to take place at Geneva, Switzerland, on October 14 – November 1, 2013. US has not been scheduled as to when HRC will review its report during the October-November session.
- **MEXICO POST ALTA CONFERENCE GATHERING:** during the Alta conference, a diplomat from Mexico announced that Mexico is planning on hosting a post Alta conference where indigenous leaders will be invited to attend the meeting. It is not clear when this conference will take place but more likely in January or February 2014 in Mexico. The purpose of the meeting is to further the work on the Alta Outcome Document.

⁶ EMRIP was established in 2007 by the Human Rights Council as its subsidiary body to “provide the Council with thematic expertise on the rights of indigenous peoples in the manner and form requested by the Council: (a) The thematic expertise will focus mainly on studies and research-based advice; (and) (b) The mechanism may suggest proposals to the Council for its consideration and approval, within the scope of its work as set out by the Council.” Resolution 6/36.

⁷ International Covenant on Civil and Political Rights was adopted in 1966 by the UN General Assembly. It is considered one of the international bills of human rights. In the international treaty, Part IV, Article 28 established the Human Rights Committee. HRC is made up of independent experts the reviews complaints filed with it. US ratified the treaty in 1972.

- COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION:⁸ Navajo Nation and International Indian Treaty Council filed a complaint with the Committee on the Elimination of Racial Discrimination (“CERD”) in August 2011. The complaint pertained to human rights violations by the US by issuing permits to Arizona Snowbowl to use treated waste-water to make artificial snow. United States more likely will be reviewed by CERD during the first CERD session in 2014. Navajo Nation must not only lobby but also provide side events to provide additional information to CERD member prior to the 2014 first session.

⁸ Similar to the Human Rights Committee, Committee on the Elimination of Racial Discrimination was established under the International Covenant on the Elimination of all Forms of Racial Discrimination, Part II, Article 8. ICERD was adopted in 1965. US ratified the treaty in 1994.

EXHIBIT "A"

North American Indigenous Peoples Caucus

Alta, Norway

June 9, 2013

Issues	Drafting Team Recommendations	72 Indigenous Nations' Recommendations	RECOMMENDED CHANGES to Alta Outcome Document
<p>Establish new UN monitoring mechanism to implement UNDRIP</p>	<p>Theme Two</p> <p>1. <i>Recommend</i> the creation of a United Nations body with a mandate to promote, monitor and review the implementation of the rights of Indigenous Peoples, including but not limited to those affirmed in the United Nations Declaration on the Rights of Indigenous Peoples, and that such a body be established with the full, equal and effective participation of Indigenous Peoples;</p>	<p>United Nations establish a new body responsible for promoting state implementation of the Declaration on the Rights of Indigenous Peoples and monitoring states' actions with regard to indigenous peoples' rights</p>	<p>Theme Two</p> <p>1. <i>Recommend</i> the creation of a <u>new</u> United Nations body with a mandate to promote, monitor and review the implementation of the rights of Indigenous Peoples, including but not limited to those affirmed in the United Nations Declaration on the Rights of Indigenous Peoples, and that such a body be established with the full, equal and effective participation of Indigenous Peoples <u>and Nations</u>;</p>
<p>Address violence against indigenous women and</p>	<p>Theme Three</p> <p>4. <i>Recommend</i> that States</p>	<ul style="list-style-type: none"> • Hold high-level conference 	<p>Theme Three</p> <p>4. <i>Recommend</i> that States</p>

EXHIBIT "A"

<p>children</p>	<p>uphold and implement the rights of indigenous women as well as strengthen the protection of indigenous women through the formulation and implementation of effective laws, policies and strategies; and that States with the full, equal and effective participation of Indigenous women take immediate action to review and monitor the situation of indigenous women and provide comprehensive reports on violence against indigenous women and girls, particularly sexual violence and violence in the context of armed conflict;</p>	<ul style="list-style-type: none"> • UN monitoring body give special attention to this issue • Appoint special rapporteur on indigenous women 	<p>uphold and implement, <u>with the full and effective participation by indigenous women concerned</u>, the rights of indigenous women as well as strengthen the protection of indigenous women through the formulation and implementation of effective laws, policies and strategies; and that States with the full, equal and effective participation of Indigenous women take immediate action to review and monitor <u>by the U.N. Special Rapporteur on Violence Against Women, Its Causes and Consequences</u> the situation of indigenous women and provide comprehensive reports on violence against indigenous women and girls, particularly sexual violence and violence in the context of armed</p>
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EXHIBIT "A"

			conflict;
Indigenous peoples and nations formally participate in UN system		Action be taken to give indigenous peoples, especially indigenous constitutional and customary governments, a dignified and appropriate status for participating regularly in UN activities	Theme Two 7. <u>Recommends that the United Nations take action to give indigenous peoples, especially indigenous constitutional and customary governments, a dignified and appropriate status for participating regularly in UN activities.</u>



THE NAVAJO NATION

Intervention by
Hon. Dwight Witherspoon, Council Delegate
Navajo Nation Council
June 11, 2013
At the
World Conference on Indigenous Peoples
Preparatory Meeting at Alta, Norway

I. Introduction

- a. Clans
- b. Member of the Navajo Nation Council
 - i. Governing Body of the Navajo Nation
 - ii. 24 members

II. Declaration

The Navajo Nation participated in the negotiation of the U.N. Declaration on the Rights of Indigenous Peoples. When attending the U.N. meetings, Navajo Nation had to seek credentials under an NGO because the UN system did not recognize indigenous nations.

Articles 3, 4, 18, 19, *inter alia*, of the Declaration affirm that indigenous peoples, in the exercise of their right of self-determination, have governments equivalent to nation-states.

III. Indigenous Nations

The United States government recognizes 566 indigenous nations and more have not been recognized. These indigenous nations exercise their right of self-determination, have lands, territories, resources and governments. We, indigenous nations are not non-government organizations. We are equivalent to the 192 UN member states. However, the UN system does not recognize participation by indigenous nations.

IV. Recommendation

Therefore, working with the North American Indigenous Peoples Caucus, the Navajo Nation, based on its policy decision in 2009 and support by 72 indigenous nations in the U.S., seeks your support to add new paragraph 7 under Theme 2 to provide for indigenous nations and peoples to formally participate and have a seat at the table in the UN system.



UNITED NATIONS
**WORLD CONFERENCE ON
INDIGENOUS PEOPLES**
A HIGH-LEVEL PLENARY MEETING OF THE GENERAL ASSEMBLY

Global Indigenous Preparatory Conference for the United Nations High Level Plenary Meeting
of the General Assembly to be known as the World Conference on Indigenous Peoples
10 – 12 June 2013, Alta

ALTA OUTCOME DOCUMENT

Introduction

We Indigenous Peoples and Nations (hereinafter referred to as Indigenous Peoples) representing the 7 global geo-political regions including representatives of the women's caucus and the youth caucus have gathered in the traditional territories and lands of the Sami people at Alta, Norway. Our purpose was to exchange views and proposals and develop collective recommendations on the UN High Level Plenary Meeting of the General Assembly to be known as the World Conference on Indigenous Peoples (hereinafter referred to as HLPN/WCIP), which will convene in New York, 22 – 23 September 2014. This document sets forth our recommendations along with the historical and current context of Indigenous Peoples.

Preamble

As the original and distinct Peoples and Nations of our territories we abide by natural laws and have our own laws, spirituality and world views. We have our own governance structures, knowledge systems, values and the love, respect and lifeways, which form the basis of our identity as Indigenous Peoples and our relationship with the natural world.

Indigenous Peoples have been instrumental in the advocacy for and recognition of human rights including the collective and individual human rights of Indigenous Peoples and have participated in international forums and processes. This has, among other things, resulted in the adoption of the ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples (herein after referred to as the Declaration), the establishment of the UN Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples and the UN Special Rapporteur on the Rights of Indigenous Peoples.

For centuries, we Indigenous Peoples have faced and continue to face colonization of our lands, territories, resources, air, ice, oceans and waters, mountains and forests. This has resulted in patterns of domination, exploitation and subjugation of our Peoples. Such patterns can be traced to claims of discovery and conquest, papal bulls, royal charters, "manifest destiny" and other erroneous and legally invalid doctrines.

These claims have manifested in colonial strategies, policies, and actions designed to destroy Indigenous Peoples thereby resulting in the ongoing usurpation of Indigenous Peoples' lands, territories, resources, air, ice, oceans and waters and, mountains and forests; extensive destruction of Indigenous Peoples' political and legal institutions; discriminatory practices of colonizing forces aimed at destroying Indigenous Peoples' cultures; failure to honour Treaties, agreements and other constructive arrangements with Indigenous Peoples and Nations; genocide, ecocide, loss of food sovereignty, crimes against humanity, war crimes and the militarization of Indigenous Peoples and our lands; corporatization and commodification of Indigenous Peoples and our natural resources; and the imposition of "development" models that are destroying the life-giving capacities and integrity of Mother Earth and producing a range of detrimental impacts of which climate change could prove to be the most destructive.

The provisions of the Declaration that affirm the inherent rights of Indigenous Peoples to participate fully in decision-making that affects us, will continue to guide and frame our work for the HLPM/WCIP.

We further affirm that nothing in this process or its outcomes may be interpreted as diminishing or eliminating any of the rights of Indigenous Peoples contained in the Declaration, or any of the other international standards which protect, defend and uphold the inherent economic, social, cultural, civil, political, educational and spiritual rights of Indigenous Peoples.

We reaffirm the peremptory norms of international law, including on equality and non-discrimination, and assert that the realization of the rights of Indigenous Peoples, including those affirmed in the Declaration, must be upheld by States, individually and collectively, free from all forms of discrimination including discrimination based on race, ethnicity, religion, gender, sexual orientation, age and disability. We also reaffirm that the Declaration must be regarded as the normative framework and basis for the Outcome Document and its full realization.

We affirm that the inherent and inalienable right of self determination is preeminent and is a prerequisite for the realization of all rights. We Indigenous Peoples, have the right of self determination and permanent sovereignty over our lands, territories, resources, air, ice, oceans and waters, mountains and forests.

We condemn violence against Indigenous women, youth and children as one of the worst human rights violations affecting Indigenous Peoples and families. Violence against Indigenous women, youth and children is dehumanizing and also affects their spiritual development and violates their fundamental rights.

We have identified four overarching themes that encapsulate those issues that are of greatest importance to us as Indigenous Peoples. We recommend that each overarching theme be the respective theme for each of the three round tables and the one interactive dialogue that make up the HLPM/WCIP. Each of the four themes are accompanied by specific and concrete recommendations for inclusion in the final Outcome Document of the HLPM/WCIP.

Theme 1: Indigenous Peoples' lands, territories, resources, oceans and waters

1. *In order* to fulfil their obligations to guarantee Indigenous Peoples' right of self determination and permanent sovereignty over our lands, territories, resources, air, ice, oceans and waters, mountains and forests, we recommend that States, as a matter of urgency, establish effective mechanisms through agreements reached with the Indigenous Peoples concerned, to effectively implement the aforementioned rights consistent with State's obligations under international law, the UN Charter, the Declaration and Treaties and agreements concluded with Indigenous Peoples and Nations;
2. **Recommend that States affirm and recognize the right to the protection, preservation and restitution of our sacred places, sites and cultural landscapes and establish mechanisms that can effectively promote the implementation of these rights including through the allocation of sufficient financial resources;**
3. *Recommend* that States, in keeping with Indigenous Peoples law, traditions, customs, and land tenure systems, and with the full, equal and effective participation of Indigenous Peoples, establish tribunals, commissions or other bodies with full judicial authority, to identify lands, territories and resources including lands taken without the free, prior and informed consent to which Indigenous Peoples have inherent rights through traditional ownership and/or use, including through delineation and demarcation, and to resolve disputes, including through the recovery of such lands, territories and resources. In all of the aforesaid situations, the laws, customs and usages of Indigenous Peoples shall be recognized;
4. *Recommend* that States comply with judicial pronouncements, decisions of national and international courts and recommendations of Treaty bodies and establish and provide adequate resources for effective redress for historical injustices in relation to Indigenous Peoples' lands, territories and natural resources;
5. *Recommend* that States with the full and effective participation of Indigenous Peoples establish mechanisms, to ensure the implementation of the right of free, prior and informed consent before entering the lands and territories of Indigenous Peoples, including in relation to extractive industries and other development activities. We further recommend that States cease the removal of Indigenous Peoples from their ancestral lands and territories. In cases where they are being or have been removed, displaced and/or dispossessed, States shall provide restitution or when this is not possible, just, fair and equitable compensation including the return of land and humanitarian assistance as required by the Indigenous Peoples affected;
6. *Recommend* that States uphold and respect the right of self determination and the free, prior and informed consent of Indigenous Peoples who do not want mining and other forms of resource extraction, "development" and technologies deemed as degrading to their human, cultural reproductive and ecosystem health. Where mining and other forms of resource extraction are already occurring, States shall develop mechanisms with the full and effective participation of Indigenous Peoples to develop a comprehensive strategy for ecologically sustainable and equitable development to end and prevent uncontrolled and unsustainable industrial contamination and degradation with plans for clean-up, remediation and restoration. Such a strategy shall incorporate strengthening the capacity of Indigenous youth in relation to sustainable development practices based on Indigenous knowledge and the

relationship with the land as well as the protection and promotion of the important role of traditional knowledge holders including Indigenous Elders and women;

7. *Recommend* that States implement a comprehensive human rights and ecosystem based approach into all climate change measures and initiatives recognizing and valuing Indigenous world views including knowledge systems, technologies, innovations and practices, customary institutions and Indigenous governance, lands and resources, with enforceable safeguards in all climate agreements. We further recommend the urgent transition away from fossil fuel dependence towards decentralized, locally controlled, clean, renewable energy systems and infrastructure; and
8. *Recommend* that States develop and enforce in conjunction with Indigenous Peoples legislation or policies to acknowledge and protect Indigenous Peoples' traditional and subsistence livelihoods and other customary or culturally based land and resource uses and Indigenous economies and that such legislation or policies be adopted with the free, prior, and informed consent of Indigenous Peoples.

Theme 2: UN system action for the implementation of the rights of Indigenous Peoples

1. *Recommend the creation of a new UN body with a mandate to promote, protect, monitor, review and report on the implementation of the rights of Indigenous Peoples, including but not limited to those affirmed in the Declaration, and that such a body be established with the full, equal and effective participation of Indigenous Peoples;*
2. *Recommend* that the General Assembly call for the establishment of an international mechanism to provide oversight, redress, restitution and the implementation of Treaties, agreements and other constructive arrangements between Indigenous Peoples or Nations and States, predecessor and successor States;
3. *Recommend* that States provide legal recognition to Indigenous Peoples as Indigenous Peoples where so demanded by the Peoples concerned, consistent with the provisions of the Declaration that affirm the inherent rights of Indigenous Peoples;
4. *Recommend* that the General Assembly appoint an Under-Secretary General for Indigenous Peoples, in order to strengthen the capacity and efforts of the UN towards ensuring the full realization of the rights of Indigenous Peoples as well as the inclusion and reflection of these rights including the right to full and effective participation in decision making in all activities of the UN;
5. *Recommend* that all UN agencies, programs and funds engaging in activities impacting on Indigenous Peoples appoint an officer, or establish a team of officers on a permanent and full-time basis, with particular responsibility to ensure that all such activities are responsive to and adapted for the particular situation of Indigenous Peoples and to provide training and capacity building for all new and existing UN staff regarding Indigenous Peoples' rights;
6. *Recommend* that all UN agencies, funds and programmes engaging in activities impacting on Indigenous Peoples form advisory councils or forums composed of representatives of Indigenous Peoples including women, youth and persons with disabilities to engage in dialogue and provide advice on policy making and country and regional level operations;
7. *Recommend* that a review be undertaken of the nomination processes for UN mandated positions relating to Indigenous Peoples' rights to ensure that the processes are consistent

- with the Declaration. Further we recommend that more Indigenous candidates with expertise on Indigenous Peoples' rights be appointed to Treaty monitoring bodies;
8. *Recommend* that following the HLPM/WCIP, work be undertaken to organize an official UN World Conference on Indigenous Peoples with the full, equal and effective participation of Indigenous Peoples at all stages;
 9. *Call* on the World Heritage Committee, UNESCO and States to revise the World Heritage conventions operational guidelines to ensure the rights and territories of Indigenous Peoples are respected in the nomination, designation, management and monitoring of world heritage sites incorporating or affecting their lands, territories, resources, ice, oceans and waters, and mountains and forests and to ensure that Indigenous Peoples' right to free, prior and informed consent is obtained in world heritage decision making processes;
 10. *Pursuant to the universal application of the right of self determination for all Peoples, recommends that the UN recognize Indigenous Peoples and Nations based on our original free existence, inherent sovereignty and the right of self determination in international law. We call for, at a minimum, permanent observer status within the UN system enabling our direct participation through our own governments and parliaments. Our own governments include inter alia our traditional councils and authorities;*
 11. *Recommend* States, UN agencies and donor groups ensure the rights of Indigenous Peoples are respected in development aid cooperation; and
 12. *Recommend* that the Declaration be a minimum human rights standard used in the Human Rights Council Universal Periodic Review so that States are formally assessed in relation to their progress in implementing the rights of Indigenous Peoples.

Theme 3: Implementation of the Rights of Indigenous Peoples

1. *Based on the right of self determination Indigenous Peoples have the right and authority to develop and implement on an equal basis with States the standards and mechanisms that will govern relationships between them and, with the full, equal and effective participation of Indigenous Peoples we recommend that:*
 - a) States develop processes to ensure that regional, constitutional, federal/national, provincial, and local laws, policies and procedures comply with the Declaration and other international human rights standards that uphold the rights of Indigenous Peoples;
 - b) Indigenous Peoples institutions, conflict resolution processes and juridical systems are respected and protected; and
 - c) that National Human Rights Institutions develop specific programmes that focus upon the implementation of the Declaration;
2. *Recommend* that States enter into new Treaties, agreements and other constructive arrangements with Indigenous Peoples and Nations as a way to effectively implement their rights and resolve violent conflicts and disputes and that the implementation of all Treaties, agreements and other constructive arrangements be ongoing and effective;
3. *Recommend* that States using the principles of Indigenous consent, ownership, control and access, collect, analyze and disaggregate data on Indigenous Peoples, including Elders, women, youth, children and persons with disabilities, to help draft and implement public

- policy and legislation that better addresses the situation of Indigenous Elders, women, youth, children and persons with disabilities;
4. *Recommend* that States recognize that the implementation of the rights of Indigenous Peoples includes the review, formulation, amendment and implementation of laws, policies, and strategies and that these processes must be undertaken with the free, prior and informed consent of Indigenous Peoples, and be informed by evidence based on ethical collection, analysis, and the use of disaggregated data;
 5. *Recommend* that States uphold and implement the rights of Indigenous women as sacred life givers and nurturers as well as strengthen – with the full and effective participation of Indigenous women – the protection of Indigenous women and girls through the formulation and implementation of national, regional and international plans of action developed in conjunction with Indigenous Peoples effective laws, policies and strategies;
 6. *Recommend* States with the full, equal and effective participation of Indigenous women, youth and girls take immediate action to review, monitor and provide comprehensive reports on violence against Indigenous women, youth and girls, in particular sexual violence, domestic violence, trafficking and violence related to extractive industries as well as provide redress for victims;
 7. *Recommend* States cease current, and refrain from any further, militarization and initiate processes to demilitarize the lands, territories, waters and oceans of Indigenous Peoples. This can be achieved *inter alia* through the repeal and/or discontinuance of “anti terrorist”, national security, immigration, border control and other special laws, regulations, operations and executive orders that violate the rights of Indigenous Peoples. Special measures should be taken to ensure the protection of Indigenous Elders, women, youth, children and persons with disabilities, particularly in the context of armed conflicts;
 8. *Recommend* that States in conjunction with Indigenous Peoples establish and develop commissions of inquiry or other independent, impartial and investigative mechanisms to document matters of impunity and other human rights concerns of Indigenous Peoples and to ensure that recommendations to governments to end impunity for violations of Indigenous Peoples’ rights are effectively implemented. We further recommend that perpetrators be brought to justice and the victims compensated and rehabilitated;
 9. *Recommend* that States work proactively, nationally and internationally with the full equal and effective participation of Indigenous Peoples to develop effective mechanisms to identify and repatriate sacred and culturally significant items and ancestral remains, in accordance with Indigenous Peoples’ customs, traditions and beliefs;
 10. *Recommend* that States fully honour and in conjunction with Indigenous Peoples create conditions for the right of self determination of Indigenous Peoples including through formal decolonization processes to those Indigenous Peoples who seek it, and that all administering powers of non-self governing territories take all steps necessary to eradicate colonialism in all its forms and manifestations;
 11. *Recommend* that States, in conjunction with Indigenous Peoples support the effective implementation of Indigenous Peoples’ right of self determination through providing financial support and revenue sharing to Indigenous Peoples;
 12. *Recommend* also that States, relevant UN system organizations and international financial institutions and donor organizations support the implementation of Indigenous Peoples’ right of self determination including through capacity building to achieve this end in all regions;

13. *Further* recommend that, in keeping with our right of self determination and free prior and informed consent, Indigenous Peoples participate effectively and fully in the negotiations of all relevant international agreements that may affect them including multi lateral and bilateral trade and investment agreements and organizations including in the review of existing agreements; and
14. *Recommend* States establish regional mechanisms to monitor the implementation of the Declaration.

Theme 4: Indigenous Peoples' priorities for Development with free, prior and informed consent

1. *Indigenous Peoples'* priorities for development are predicated on the full, equal and effective recognition of our rights to lands, territories, resources, air, ice, oceans and waters, and, mountains and forests and the connection between customs, belief systems, values, languages, cultures and traditional knowledge. We therefore recommend that rights, culture and spiritual values be integrated into strategies that relate to development including sustainable development goals and the post 2015 UN Development Agenda;
2. *Recommend* States adopt public policies which guarantee the right to food, food sovereignty, food security and safety and the right to water and clean air for Indigenous Peoples. Further, that States cease subsidizing the expansion of industrial, commercial agriculture plantations which promote toxic chemical fertilizers and pesticides as well as genetically modified organisms (GMO's) in Indigenous lands and territories;
3. *Recommend* States support programmes of Indigenous Peoples to strengthen the capacity of Indigenous youth, including on the transmission of traditional knowledge, innovations and practices as well as languages and on the important role of Indigenous Peoples including Elders and women as traditional knowledge holders. Further, that States and UN agencies, programs and funds respect and promote Indigenous Peoples' right to free, prior and informed consent in relation to their traditional knowledge and traditional cultural expressions;
4. *Recommend* States take a rights based and culturally appropriate approach to public safety and access to justice guided by Indigenous Peoples' legal orders and traditional justice systems and by standardised and disaggregated data collection focused on prevention and restorative justice as well as protection and rehabilitation;
5. *Recommend* States cease State sponsored population transfers and demographic engineering of Indigenous Peoples that *inter alia* result in the minoritization of Indigenous Peoples;
6. *Recommend* States with the full, equal and effective participation of Indigenous Peoples provide adequate resources that enable the empowerment of Indigenous Peoples to deliver and have access to high quality and culturally based education, health including mental health and housing to improve the wellbeing of Indigenous Peoples; and that Indigenous individuals are provided with appropriate health care on an equal basis;
7. *Recommend* States take urgent action to adopt strategies that enable Indigenous Peoples to exercise their right to education particularly youth and children and their sovereign rights to establish their own educational system affirming the scholarship of their knowledge systems, sciences, technologies, intellectual property and cultural manifestations;
8. *Recommend* States ensure meaningful and effective participation and the free, prior and informed consent of Indigenous Peoples in accordance with their protocols in order to reform

the dominant education system to reflect the histories, identities, values, beliefs, cultures, languages and knowledge of the Indigenous Peoples to whom it is being delivered; and

9. *Call* on States to reaffirm the rights of Indigenous Peoples to their economic, social and cultural development with due regard to their freedom and identity and the recognition that the right to sustainable development is both procedural and substantive. We further call upon States to ensure the full, equal and effective participation of Indigenous Peoples in the development of mechanisms to ensure that ecosystem based sustainable development is equitable, non-discriminatory, participatory, accountable, and transparent, with equality, consent and decolonization as important overarching themes that protect, recognize and respect the rights of Indigenous Peoples and that are in harmony with the sacredness of Mother Earth.