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**ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS AND REPORTS OF THE OFFICE OF THE HIGH
COMMISSIONER AND THE SECRETARY-GENERAL**

The rights of indigenous peoples

Report of the United Nations High Commissioner for Human Rights*

* Late submission.

Introduction

1. The Human Rights Council, in its decision 2/102, requested the Secretary-General and the United Nations High Commissioner for Human Rights to “continue with the fulfilment of their activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies”. The present interim report provides information about some of the activities undertaken under the aegis of the Office within the last 18 months to promote and protect the rights of indigenous peoples. The report by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people is contained in document A/HRC/9/9.

I. DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

2. Since the adoption by the General Assembly of the Declaration on the Rights of Indigenous Peoples, the Office has undertaken activities aimed at promoting the wide dissemination, understanding and implementation of the Declaration. In cooperation with the International Labour Office, it convened a meeting of the Inter-Agency Support Group on Indigenous Peoples Issues on 26 and 27 February 2008 to discuss integration of the Declaration into United Nations programmes and policies. A communications strategy has been developed within the Office, products of which include a pocket-sized version of the Declaration in all United Nations languages, a poster for promotion of the Declaration, a short film clip for use by the Office for public information, and a booklet for the general reader on the main provisions of the new instrument. These publications will be available in the course of the year. Briefings on the Declaration have been given at the Annual Meeting of Special Procedure mandate holders in June 2008 and to several of the treaty bodies. The Office has also developed a comparative review of the Declaration and the Indigenous and Tribal Peoples Convention No. 169 of the International Labour Organization. The OHCHR field presences have been active in promoting the Declaration; the Nepal office, for example, has produced a version in the Nepali language. The Office also plans to prepare a manual on the Declaration for policymakers giving explanations of each of its provisions that would be available early in 2009.

II. EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES

3. The first session of the Expert Mechanism on the Rights of Indigenous Peoples will meet from 1 to 3 October 2008. The five members of the Expert Mechanism appointed by the President of the Council are: John Henriksen (Norway), Jannie Lasimbang (Malaysia), José Mencia Molintas (Philippines), José Carlos Morales Morales (Costa Rica) and Catherine Odimba Kombe (Democratic Republic of the Congo). The mandate of the new body is to assist the Human Rights Council in the implementation of its mandate by providing thematic expertise on the rights of indigenous peoples in the manner and form requested by the Council. The thematic expertise will focus mainly on studies and research-based advice. The Expert Mechanism may also suggest proposals to the Council for its consideration and approval. The provisional agenda of the session is available on the website of the Office.

III. PERMANENT FORUM ON INDIGENOUS ISSUES

4. OHCHR gives high priority to the work of the Permanent Forum on Indigenous Issues and participated at its seventh session held in New York from 21 April to 2 May 2008. The theme of the session was “Climate change, bio-diversity and livelihoods: the stewardship role of indigenous peoples and new challenges”; the Office contributed to an inter-agency paper on climate change, indigenous peoples and the United Nations system. The Office also drew attention to the ongoing study requested by the Human Rights Council on the human rights impact of climate change and solicited the active involvement of the Permanent Forum members and indigenous representatives. As requested by the Forum, the Office assisted the participation of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Special Rapporteur on the right to education as part of its efforts to strengthen cooperation between the Forum and international human rights mechanisms. The Voluntary Fund for Indigenous Populations provided assistance to 78 representatives of indigenous organizations to enable them to participate in the Forum.

IV. INTER-AGENCY COOPERATION

5. The annual meeting of the Inter-Agency Support Group on Indigenous Issues (IASG) was hosted in Montréal by the Secretariat of the Convention on Biological Diversity (17-19 September 2007). The IASG is constituted of the focal points on indigenous issues from some 30 intergovernmental organizations with the purpose of enhancing cooperation among United Nations agencies on indigenous issues including through participation in the Permanent Forum. At the request of the United Nations Development Group (UNDG), the IASG was asked to prepare guidelines for the integration of indigenous issues into United Nations country programmes. OHCHR and ILO elaborated the normative framework for the guidelines based on the Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169 on Indigenous and Tribal Peoples. The UNDG approved the Guidelines on Indigenous Peoples' Issues in February 2008 and since then they have been sent to all Resident Coordinators as well as to all OHCHR field presences. Copies of the Guidelines in English and Spanish are available on the OHCHR website. In August 2008, a workplan to implement the Guidelines was agreed upon and OHCHR forms part of the management committee.

V. VOLUNTARILY ISOLATED INDIGENOUS PEOPLES

6. In the Programme of Action for the Second International Decade of the World's Indigenous People (A/60/270), the General Assembly recommended that a global mechanism be established to monitor the situation of indigenous peoples in voluntary isolation. OHCHR has taken leadership in the United Nations system for responding to the recommendation and organized an expert seminar on voluntarily isolated indigenous peoples in the Amazon and Gran Chaco regions in Santa Cruz, Bolivia in cooperation with the Government of Bolivia, the Confederation of Indigenous Peoples of Bolivia (CIDOB) and the International Work Group for Indigenous Affairs (IWGIA) in November 2006. The seminar heard case studies drawn from the region and elaborated a common platform and recommended inter alia that OHCHR elaborate, in cooperation with States in the region and other interested parties, guidelines to assist public policy on the issue. Since that seminar a further workshop supported by OHCHR was organized in Quito (19-20 October 2007). Comments have also been received on the draft guidelines elaborated by the Office; a further workshop is planned in November 2008 to finalize them.

VI. INDIGENOUS PEOPLES IN URBAN ENVIRONMENTS

7. OHCHR has been cooperating with UN-HABITAT on the right to adequate housing and indigenous peoples, publishing a joint study in 2006. In March 2007, OHCHR and UN-HABITAT organized an expert seminar on urban indigenous peoples and migration in Santiago de Chile. Arising from the seminar, the two organizations were invited to prepare a study and policy guide on indigenous peoples in urban environments. Preparations of the policy guide are ongoing and a final document is expected at the end of the year.

VII. INDIGENOUS FELLOWSHIP PROGRAMME

8. The establishment of the Indigenous Fellowship Programme was recommended by the General Assembly as part of the Plan of Action for the First International Decade of the World's Indigenous People and is now in its eleventh year. In 2008, indigenous fellows nominated by their organizations followed the 4-5 month programme; countries and communities represented were: Bolivia (Quechua), Colombia (Pasto), Guatemala (Maya - Tz'utuj'il), India (Boro), Kenya (Yaaku), Nepal (Gurung), Nicaragua (Telpaneca), Peru (from the Chynchaycocha community and the Awajun Wambisa community) Thailand (Lisu), and the United States of America (Oneida). In November and December 2008, eight indigenous persons from the Russian Federation will participate in a two-month programme, implemented partly in Moscow in cooperation with the Peoples Friendship University of Russia and partly at OHCHR in Geneva. In 2007 and 2008, OHCHR also provided grants to four former indigenous fellows to be able to spend four months in OHCHR field presences in Chile, Ecuador, Mexico and Panama as national fellows.

VIII. VOLUNTARY FUND FOR INDIGENOUS POPULATIONS

9. The United Nations Voluntary Fund for Indigenous Populations was established pursuant to General Assembly resolution 40/131 of 13 December 1985 for the purpose of assisting representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights, now replaced by the Expert Mechanism on the Rights of Indigenous Peoples, by providing them with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations and other private or public entities. The General Assembly extended the mandate of the Fund in its resolution 56/140 of 19 December 2001 by deciding that the Fund should be used to assist representatives of indigenous communities and organizations in attending, as observers, the sessions of the Permanent Forum on Indigenous Issues. The Fund is administered in accordance with the Financial Regulations of the United Nations by the Secretary-General, with the advice of a Board of Trustees, and can receive voluntary contributions from Governments, non-governmental organizations and other private or public entities. In 2008, the Board considered 154 admissible applications and recommended 78 travel grants for indigenous representatives to attend the first session of the Expert Mechanism on the Rights of Indigenous Peoples for a total amount of approximately US\$ 209,066. In addition, the Board of Trustees considered 303 admissible applications and recommended 78 grants for indigenous representatives to attend the seventh session of the Permanent Forum on Indigenous Issues for a total amount of approximately US\$ 357,199.

IX. ACTIVITIES IN AFRICA

10. The General Assembly in adopting the Plan of Action for the Second Decade of the World's Indigenous People (A/60/270) recommended that cooperation be developed with the Working Group on the Rights of Indigenous Populations/Communities of the African Commission on Human and Peoples Rights with a view to increasing participation of indigenous peoples from Africa in the implementation of the Decade and to enhancing the understanding of indigenous issues in the region. OHCHR has developed its relations with the Working Group and the African Commission and organized activities with the African Commission in May and November 2007 to raise awareness of indigenous issues in the region. The Office will organize further briefings in cooperation with the African Commission, in particular on the Declaration on the Rights of Indigenous Peoples, at the next session of the African Commission in November 2008.

11. The Office has responded to requests from the Government of the Republic of the Congo to give technical advice in relation to the drafting of a law on indigenous peoples. Comments on the draft law were sent by the Office to the Ministry of Justice and Human Rights of the Republic of the Congo, in particular to help the drafters align the document with existing human rights standards, in particular with the Declaration on the Rights of Indigenous Peoples. OHCHR organized together with ILO, the Ministry and NGOs, two workshops on the draft law in May and July 2006. A further workshop is being organized by the Ministry of Justice and Human Rights from 18 to 19 August 2008 in Brazzaville for Parliamentarians to facilitate the passage of the law through Parliament. OHCHR is supporting the workshop both financially and substantively.

X. STUDY ON GOOD PRACTICES

12. In the course of 2007 and 2008, a study was commissioned on good practices, obstacles and challenges in the implementation of recommendations of the Special Rapporteur on indigenous peoples, the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women in Bolivia, Ecuador and Peru. The project is part of the Andean Programme on the rights of indigenous peoples and Afro-descendants and was co-organized and co-financed by OHCHR, UNICEF and UNIFEM. The purpose of the study is to understand better the causes for the so-called implementation gap between laws and governmental commitments and their practical application on the ground. The study was completed in July 2008 and will be published in the course of the year by the sponsors of the project.

Conclusion

13. **The present interim report provides information about some of the activities related to indigenous peoples undertaken by the Office within the last 18 months. It is proposed that a final report providing information about OHCHR activities related to indigenous**

peoples being undertaken by field presences in 2008 as well as a review of relevant developments arising out of the work of the treaty bodies, special procedures and universal periodic review process be submitted to the Human Rights Council at its tenth session. It is also recommended that the Council consider grouping all reports on indigenous peoples including that of the Special Rapporteur, the Expert Mechanism and the High Commissioner at one time of the year to facilitate governmental delegations and permit greater participation by indigenous peoples' organizations in the work of the Council on this issue.
