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Expert Mechanism on the Rights of Indigenous Peoples

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Item 3 of the provisional agenda

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

Technical workshop and contributions relating to the study on indigenous peoples and the right to participate in decision-making*

Note by the Secretariat

* Late submission.

I. Introduction

1. In its resolution 12/13, the Human Rights Council requested the Expert Mechanism on the Rights of Indigenous Peoples to carry out a study on indigenous peoples and the right to participate in decision-making, and to present a progress report to the Council at its fifteenth session, and a final study to the Council at its eighteenth session. The Expert Mechanism will discuss an advanced draft of the progress report at its third annual session, to be held from 12 to 16 July 2010, before submitting a final progress report to the Council.

II. Technical workshop on the right of indigenous peoples to participate in decision-making

2. In order to seek input for the study, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent out a call for contributions to relevant stakeholders, including Member States, indigenous peoples' organizations, civil society organizations, including universities and non-governmental organizations, national human rights institutions and relevant international and regional organizations. On the basis of the resulting submissions and other materials, a draft of the progress report was prepared by the Expert Mechanism.

3. To optimize the contributions from stakeholders, OHCHR prepared an outline on the basis of which contributions could be drafted. The outline included the following elements:

- (a) An analysis of the incorporation and implementation of the international human rights framework with regard to the right to participate in decision-making;
- (b) Identification of indigenous peoples' own decision-making processes;
- (c) Identification of participatory and consultative mechanisms linked to both State and relevant non-State institutions and decision-making processes and their challenges;
- (d) Identification of key measures and challenges relating to the efforts to guarantee the right of indigenous peoples to participate in decision-making.

4. Additional contributions were made at the international seminar on the right of indigenous peoples to participate in decision-making co-organized by the Asia Indigenous Peoples Pact and the International Work Group for Indigenous Affairs, with the participation of members of the Expert Mechanism, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, indigenous experts and a representative of OHCHR. The seminar was held in Chiang Mai, Thailand, from 20 to 22 January 2010. Various organizations and institutions contributed to the seminar, including the Central Department of Sociology and Anthropology at Tibhuvan University; the Centre for Malaysian Indigenous Studies at the University of Malaya; the Centre for the Promotion and Protection of Indigenous Rights Yanapanakuy; the Foundation for Aboriginal and Islander Research Action; the Indigenous Information Network; the Indigenous Peoples' Alliance of the Archipelago; the Jaringan Orang Asal Se Malaysia; Makumira University; the Sami Parliament of Norway; and indigenous experts from Canada and the United States of America.

5. To facilitate discussion related to the draft progress report on the study about indigenous peoples and the right to participate in decision-making, and following the practice of the first study of the Expert Mechanism, OHCHR organized a technical workshop in Geneva on 23 and 24 March 2010.

6. The above-mentioned workshop was attended by four members of the Expert Mechanism and representatives of the International Labour Organization (ILO), the United Nations Development Programme (UNDP), OHCHR, the secretariat of the Permanent Forum on Indigenous Issues, the Working Group on Indigenous Populations/Communities of the African Commission on Human and Peoples' Rights and indigenous representatives and academics.

7. The purpose of the technical workshop was to consider concrete proposals to develop the draft progress report. Participants in the workshop made both structural and substantive suggestions, which were included in a revised draft progress report on the study submitted to the Expert Mechanism at its third session in July 2010.

III. Contributions received to the study on indigenous peoples and the right to participate in decision-making

A. Information received from Member States

8. The following Member States submitted written contributions to the study on indigenous peoples and the right to participate in decision-making: Australia, Bolivia (Plurinational State of), Bosnia and Herzegovina, Denmark, Finland, France, Germany, Mexico, New Zealand, Nicaragua, Norway, Paraguay, Peru, Sweden, Switzerland and Venezuela (Bolivarian Republic of). The Government of Denmark submitted its contribution jointly with the Government of Greenland.

B. Information received from indigenous peoples

9. The Expert Mechanism received contributions from numerous indigenous peoples' organizations, including the Asia Indigenous Peoples Pact, Autoridad indígena del Pueblo Inga de San Pedro, the Centre for Indigenous Peoples of Indus of the Damman Development Organization, Comandancia de las Autoridades Tradicionales del Pueblo de Vicam and Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos. Contributions were also received from indigenous representatives from Bangladesh and India, Coordinadora de los Pueblos Indígenas de Guerrero, First Nations Summit, the Indigenous Peoples Network of Malaysia, the Legal Assistance Centre and Working Group of Indigenous Minorities in Southern Africa, Mesa Nacional Indígena de Costa Rica, Mohawk Nation, the National Advocacy Council for Development of Indigenous People, the National Indian Youth Council, Pueblo Chinchaycocha, West Papua Interest Association and Yamasi People.

C. Information received from non-governmental organizations and academics

10. Various contributions were received from non-governmental organizations, including Amnesty International Australia, Federación Internacional de Derechos Humanos, Rights and Democracy and the Center for Applied Studies on Economic, Social and Cultural Rights, Solidarité avec les peuples autochtones des Amériques, Survival International and Vivat International. In addition to a submission of the Indigenous Law Centre at the University of New South Wales, relevant articles were submitted by individual academics.

D. Contribution from national human rights institutions

11. Several contributions were received from national human rights institutions, including Comisión Nacional de los Derechos Humanos de México, Commission nationale consultative de promotion et de protection des droits de l'homme de l'Algérie, Commission nationale des droits de l'homme du Togo, Defensoría del Pueblo de Bolivia, Defensoría del Pueblo de Colombia, Defensoría del Pueblo de Ecuador, Defensoría del Pueblo del Peru, New Zealand Human Rights Commission, Procuraduría para la Defensa de los Derechos Humanos de El Salvador and the Swedish Equality Ombudsman.

E. Contributions from intergovernmental institutions and United Nations agencies

12. Contributions were also received from ILO, OHCHR, the secretariat of the Convention on Biological Diversity and UNDP.
