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and Protection of Human Rights  
Working Group on Indigenous Populations  
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Item 6 (a) of the provisional agenda

**OTHER MATTERS: SECOND INTERNATIONAL DECADE OF THE  
WORLD'S INDIGENOUS PEOPLES**

**Report on the expert seminar on indigenous peoples'  
permanent sovereignty over natural resources  
and their relationship to land**

**Chairperson: Tom Calma, Human Rights and Equal Opportunity  
Commission of Australia**

**Rapporteur: Andrea Carmen, International Indian Treaty Council**

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\* Reissued for technical reasons.

\*\* Pursuant to General Assembly resolution 60/251, all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights will be assumed as of 19 June 2006 by the Human Rights Council, which will review them as appropriate.

## **Summary**

The present report reflects the outcome of the expert seminar on indigenous peoples' permanent sovereignty over natural resources and their relationship to land that took place in Geneva from 25 to 27 January 2006. This seminar was organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR) pursuant to Commission on Human Rights decision 2005/110 of 20 April 2005, which was endorsed by the Economic and Social Council in its decision 2005/289 of 25 July 2005. This decision authorized OHCHR to convene an expert seminar to discuss further the two studies of the Special Rapporteur, Mrs. Erica-Irene A. Daes, on "Indigenous peoples' permanent sovereignty over natural resources" (E/CN.4/Sub.2/2004/30 and Add.1) and on "Indigenous peoples and their relationship to land" (E/CN.4/Sub.2/2001/21). A series of conclusions and recommendations capturing the essence of the three days' discussions were elaborated at the end of the seminar.

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## I. INTRODUCTION

1. In accordance with the Economic and Social Council decision 2005/289, the Office of the United Nations High Commissioner for Human Rights (OHCHR) organized a seminar on indigenous peoples' permanent sovereignty over natural resources and on their relationship to land from 25 to 27 January 2006 to discuss further the two studies of the Special Rapporteur, Mrs. Erica-Irene A. Daes. For this occasion, OHCHR invited experts from different regions, including Mrs. Daes, as well as representatives of indigenous communities, non-governmental organizations (NGOs) and Governments. A total of 88 persons participated in the seminar, including 14 experts - representing mostly indigenous communities - representatives of 24 member States and the EU delegation, representatives of 28 indigenous and non-indigenous NGOs, as well as United Nations Institute for Training and Research (UNITAR).<sup>1</sup>

2. The seminar was opened by the Deputy High Commissioner for Human Rights, Ms. Mehr Khan Williams, who underlined the importance of creating space for dialogue that would allow Governments and indigenous peoples to deepen their common understanding of land and resource rights. Mr. Tom Calma of the Human Rights and Equal Opportunity Commission in Australia was nominated as Chairperson and Ms. Andrea Carmen, of the International Indian Treaty Council, as Rapporteur of the meeting.

3. Mrs. Erica-Irene A. Daes introduced the two reports she had elaborated as Special Rapporteur of the Sub-Commission for the Promotion and Protection of Human Rights, namely "Indigenous peoples' permanent sovereignty over natural resources" (E/CN.4/Sub.2/2004/30 and Add.1) and "Indigenous peoples and their relationship to land" (E/CN.4/Sub.2/2001/21). She explained how colonial laws had been used to dispossess indigenous peoples of their lands and resources. She added that the meaning of permanent sovereignty in the context of indigenous peoples signified respect for States' territorial integrity, but included the right of indigenous peoples to own, freely dispose of, manage and control resources. She further stated that sovereignty was permanent because indigenous peoples were not to be deprived of their rights as an outcome of unfair negotiations, fraud or discriminatory treatment. Mrs. Daes underlined that national or public interest was only a prevailing argument if it was not imposed and if its application included just and fair compensation in case of expropriated lands and resources. She emphasized that her two studies could be used as a basis for reconciliation between States and indigenous peoples.

4. Participants expressed their recognition and heartfelt appreciation for Mrs. Daes' work as embodied in these two studies, which were the basis for discussions in this seminar.

## II. SUMMARY OF DISCUSSIONS

5. During the general discussion following Mrs. Daes' presentation, participants pointed not only to the absence of legislation that protects indigenous peoples' lands and resources but also to the obstacles to the implementation of existing legislation. In this context the potential collaboration between indigenous peoples and States to ensure that activities of multinational companies and free trade agreements were not detrimental to the interest of indigenous peoples was underlined. Free, prior and informed consent and permanent sovereignty over natural resources were recognized by the participants as two practical and interrelated concepts.

**Relationship between permanent sovereignty over natural resources and self-determination, self-government and autonomy**

6. Mr. Fortunato Escobar, Aymara Lupaqa people, from the Indian Council of South America (CISA), made a presentation<sup>2</sup> on the situation of the Uro people in Puno, Peru, who have been living by Lake Titicaca for centuries on a territory that was subsequently declared by Peru as a “protected area” and as a result significantly reduced in size. Mr. Escobar stated that the Peruvian State declared this area a national reserve without consulting the community, thus denying the Uro people the ownership of their ancestral lands. Traditionally, the Uro people have been living in symbiosis with their environment, surviving by fishing, hunting and using the “totora” aquatic plant for human and animal feeding, traditional medicine and the construction of their houses and boats. Mr. Escobar pointed out that the Peruvian authorities had given away part of their ancestral territories and the towns and mining activities developed were now causing contamination of Lake Titicaca, with a consequent depletion of the natural resources on which the Uro depend. Mr. Escobar insisted that, if the Uro people continued to be denied the right to self-determination, free access and control of their lands, territories and natural resources, the objectives of the Millennium Development Goals would not be achieved in their areas.

7. Mr. Héctor Huertas González of the indigenous peoples programme of the Centro de Asistencia Legal Popular (CEALP) in Panama referred to the legal situation of indigenous territories in Panama. He said that indigenous peoples had control over the use of natural resources within their territories and any exploitation of resources by outsiders had to respect the principle of free, prior and informed consent. He pointed out, however, that privatization of water and environmental protection laws posed a threat to resource rights of indigenous peoples in protected areas in Panama.

8. Mrs. Daes underlined that the new slogan of the second International Decade for the World’s Indigenous Peoples was “Partnership for Action and Dignity”. She recommended that indigenous peoples should be able to control, own and use their land and resources in order to be in a position to participate effectively in the realization of the Millennium Development Goals.

9. Mr. Joseph Ole Simel, of the Mainyioto Pastoralist Integrated Development Organization (MPIDO) in Kenya, said that dispossession of indigenous lands and resources and the insecurity of land tenure in East Africa had increased poverty and hunger in their region.

10. Mr. Paul Chartrand of the Metis National Council in Canada stated that self-determination is related to a vision of the common good and effective self-government that includes legitimacy, legal authority to act and the necessary natural, financial and human resources. He stated that international standards should help to secure the recognition, respect and protection of indigenous peoples’ rights, as well as reconciliation of indigenous peoples’ interests with those of others through concepts such as the permanent sovereignty of indigenous peoples over their natural resources, which constitute the main source of their economic and political power.

11. Mr. Wilton Littlechild of the International Organization on Indigenous Resource Development (IOIRD) in Canada stressed that indigenous peoples have the inherent and inalienable right to self-determination, self-government and permanent sovereignty over their natural resources. He said, further, that treaties, such as Treaty No. 6 in Canada, affirm and evidence those inherent rights.

12. Mr. Rafael Mapou of the Sénat coutumier of New Caledonia said that its experience showed that a political decolonization process did not necessarily entail the recognition of indigenous peoples' rights.

13. Ms. Andrea Carmen of the International Indian Treaty Council (IITC) in the United States of America underlined the importance of respecting treaties and agreements as a way of contributing to reconciliation. A participant from Africa, however, pointed out that treaties were less relevant in the African context.

14. Mr. Eduardo Alfredo Nieva of the Comisión de Juristas Indígenas en la República Argentina (CJIRA) pointed to the new partnerships between indigenous peoples and Governments based on the growing recognition of the group rights of indigenous peoples.

#### **Indigenous peoples' ownership, use and responsibility for lands and resources**

15. Mr. Andrew Erueti of Victoria University of Wellington, New Zealand, made a presentation<sup>3</sup> showing that indigenous peoples, when claiming their traditional lands, were often expected to show occupation from the time of sovereignty to the time of the litigation, which constituted an unfair burden of proof for indigenous peoples and posed serious problems for urban indigenous communities. According to Mr. Erueti, denial of equality in domestic courts also undermined the permanent sovereignty and autonomy of indigenous peoples. He added that certain States had used tradition and indigenous customs to diminish the property rights accorded to indigenous peoples. He stated that experience showed that international and regional human rights treaty bodies might serve an important function in monitoring State practice and in particular in encouraging States to adopt less restrictive approaches to the recognition of indigenous peoples' rights to traditional lands. He further stated that it illustrated the importance of ensuring that indigenous peoples had effective access to treaty bodies in the future, through early warning and communication procedures, so that they might have an independent arbiter with expertise on human rights to evaluate State practices.

16. Mr. Hassan Id Balkassm, president of the Indigenous Peoples' African Coordinating Committee (IPAC), made a presentation<sup>4</sup> on the collective rights of indigenous peoples over land and resources in Africa, providing the example of the Amazigh people in Morocco. He stated that, during colonization, forests and other natural resources that had been community property were nationalized and appropriated by the colonial powers. After independence the colonial laws were continued by the national Government. According to him, the recognition of the Amazigh people's resource and land rights, their participation and consultation in decision-making processes and gender equality remained a challenge today. He underlined the need for a new Constitution that would recognize indigenous peoples' rights at the national level and for the elaboration of a Convention at the international level.

17. During the general discussions, participants pointed out that land rights were linked to the very existence of indigenous peoples and not necessarily based on customary laws prior to colonization. Others stated that most sustainable resources in the world were on indigenous peoples' lands and that modern natural resource management laws often overrode laws protecting indigenous peoples' rights. In this context, the responsibility of indigenous peoples to preserve resources for future generations was reiterated. Some participants stated that many national Constitutions recognized indigenous peoples' collective rights but that there was a lack of corresponding legislation to ensure the implementation of these rights. One participant pointed out that, in the African context, many States continued to use colonial laws with regard to lands and resources even after independence and that it was necessary to provide indigenous peoples a place at the negotiation table and access to education to ensure their lands and resources in the future.

### **Examples of arrangements to accommodate indigenous peoples' rights over natural resources**

18. Mr. Armand McKenzie, of the Innu Council of Nitassinan/Congress of Aboriginal Peoples, made a presentation<sup>5</sup> on the positive developments and arrangements between the Innu Nation and the Government of Canada. He provided an example in which education and training, employment and business opportunities as well as revenue sharing with the Innu community were established through legally binding agreements with a mining company. Activities that helped achieve these results included the use of public opinion, lobbying and negotiations. He said that this was a positive example of arrangements between indigenous peoples, the private sector and the regional government based on the principles of equal participation in the negotiations, free, prior and informed consent and benefit sharing to ensure rights-based development for the communities. He also made reference to the agreement-in-principle reached between the Innu First Nations and the Government of Canada which recognized their full ownership of the soil and subsoil and the right to freely and fully use, enjoy and dispose of their lands and natural resources.

19. Ms. Victoria Tauli Corpuz of the Tebtebba Foundation of the Philippines made a presentation on the legislative changes in favour of indigenous peoples in the Philippines. In 1997, the Indigenous Peoples' Rights Act (IPRA) was adopted, which was the only specific legislation recognizing indigenous peoples' rights in Asia. It was inspired by the articles of the draft declaration on indigenous peoples and recognized rights to ancestral domain, lands and natural resources. Processes for delineating ancestral lands and domains and obtaining Certificates of Ancestral Land Titles and Ancestral Domain Titles, as well as a process to obtain a certificate of free, prior and informed consent of indigenous peoples when any development project is brought to their communities, were practical modalities to implement the Act. In spite of the existence of IPRA, however, there were outstanding obstacles in ensuring indigenous peoples' permanent sovereignty over their lands and natural resources. This included the "regalian doctrine", which was still in the Philippine Constitution and which gave the State rights over lands and resources classified as part of the public domain. Similarly, the liberalization of investment laws, such as the Mining Act of 1995, provided incentives to mining companies to exploit indigenous peoples' territories even if their rights were infringed upon. She stressed that international human rights law should complement the protection provided by national legislation, such as IPRA. International trade and investment laws should respect international and national human rights laws.

20. Mr. Tom Calma, Social Justice Commissioner of the Human Rights and Equal Opportunity Commission of Australia, made a presentation<sup>6</sup> on land and resource rights in Australia. The Aboriginal Land Rights Act of 1975 protects aboriginal land and provides for limited subsoil rights, but it coexists with land rights legislation that differs from region to region. Native title was recognized in 1992; however, interpretation by courts limits its application. Obstacles include the burden of proof on behalf of indigenous peoples. Also, native title claims are often overridden by third-party claims and the application of the principle of consent has been limited. According to Calma, adequate infrastructure, financial resources, judiciability and stronger requirements for indigenous peoples' consent to and participation in development would improve the protection of indigenous peoples' lands and resources and their socio-economic status.

21. During the general discussion, one participant said that foreign mining companies had been installing themselves in his country without the free, prior and informed consent of the indigenous peoples concerned, and had been facilitated by weak national legislation that was unable to regulate the exploitation of natural resources by foreign companies. Participants underlined the need for the practical implementation of the principle of free, prior and informed consent which should include the possibility of saying no to development projects. In this context, funds for indigenous communities to assess and monitor resource exploitation projects and gather information using their own experts, as well as the need for majority agreement on the part of the indigenous communities, were stressed. One participant pointed out that workshops used for consultations were often restricted by time, limited participation of women and the lack of prior information on the environmental impact of development projects.

22. It was also mentioned that, although land demarcation and titling entailed the risk of dividing indigenous communities, they were a useful way of protecting indigenous lands and resources by providing security of tenure. Several participants, however, pointed to the fact that land demarcation was often expensive in terms of expertise and means. Another problem mentioned was that Governments often unilaterally decided the agenda of negotiations regarding indigenous peoples' rights, which weakened indigenous peoples' bargaining power, ignored their vision and often implied a take-it-or-leave-it approach.

23. Best practices mentioned included cases in which national legislation recognized the rights of indigenous peoples to their lands and resources and provided specific modalities for the realization of these rights, including respect for customary decision-making procedures. Other best practices included indigenous peoples' ownership of companies that exploited natural resources, tax laws that ensured royalties for indigenous peoples' communities, or initiatives that helped indigenous peoples to preserve the environment. Participants pointed to the danger of losing spiritual and community wealth when entering into arrangements with development partners and that there were diverse ways of respecting permanent sovereignty depending on the situation and cosmivision of each people. One participant underlined the importance of traditional good practices and suggested that indigenous peoples should receive public funding and support for their sustainable management of natural resources.



24. Participants pointed out that many violent conflicts were over resources on indigenous peoples' territories, with some regions experiencing a recolonization of their territories. They stressed that the recognition of indigenous peoples' rights was an important conflict-prevention and resolution mechanism. Some participants suggested that expertise gained in successful negotiations with multinational companies and Governments should be shared with other indigenous peoples in other parts of the world.

#### **Human rights framework for reconciliation between States and indigenous peoples in relation to natural resources**

25. Mr. Robert Timothy Coulter of the Indian Law Resource Centre (ILRC) in the United States of America, made a presentation<sup>7</sup> on means for implementing and protecting or monitoring indigenous peoples' land and resource rights. He underlined that indigenous peoples' land and resource rights were especially vulnerable because of the disparity in wealth and power between them and others. He thought it was not necessary to include any additional measures in the draft declaration but that mechanisms to implement and promote the rights in the declaration should be created immediately after its adoption. He also stated that the international standard-setting process will continue after its adoption. Coulter said that implementation and monitoring mechanisms should include fact-finding, information sharing, monitoring reports and recommendations and be linked to the future United Nations Human Rights Council. He also suggested that it would be useful to have a joint commission on indigenous peoples' rights to lands and resources, including indigenous and State representatives, following the example of the United Nations Commission on Permanent Sovereignty over Natural Resources that had been set up in 1958 within the framework of decolonization. The Commission would, among other tasks, carry out further studies and make recommendations on land and resource rights, and also implement, monitor and promote the rights in the declaration. He also suggested that States, in consultation with indigenous peoples, should create an independent international agency for indigenous land demarcation, which would provide specialized expertise and technical assistance to States and indigenous peoples for the demarcation of indigenous lands, territories and resources.

26. Ms. Andrea Carmen of the International Indian Treaty Council (IITC) in the United States of America, made a presentation<sup>8</sup> on the principle of free, prior and informed consent. She said that free, prior and informed consent was a fundamental aspect of the right to self-determination for indigenous peoples, and necessary for their ability to exercise permanent sovereignty over their lands and natural resources within a human rights framework. She stated that any agreements entered into by States or third parties with indigenous peoples must be based on obtaining their free, prior and informed consent. For Carmen, alternative terms such as "consultation" or "using best efforts to obtain" did in practice undermine this principle. She said that "free" should mean the absence of coercion and outside pressure, including monetary inducements, as well as the absence of threat or retaliation in case indigenous peoples said no to the proposed project. According to Carmen, "prior" meant that sufficient time was available to gather and share the information necessary to take an informed decision. She suggested that "informed" be defined as having all relevant information, as well as the views of traditional authorities in order to assess the potential risks and benefits of the proposed project. "Consent" was defined as a clear and compelling agreement and the procedure used to reach consent should respect the decision-making structures of indigenous peoples.

27. During the general discussions, it was underlined that free, prior and informed consent was an important treaty principle and an essential element of a legitimate constitutional order which should be applied to all agreements between indigenous peoples, States and third parties. The principle should, however, always be based on the recognition of indigenous peoples' group rights and be linked to their equal access to justice in case of violations of the principle. Moreover, it was pointed out that the strengthening of indigenous peoples' organizations and decision-making processes, as well as the formation of indigenous negotiators were important for solutions that bring mutual benefits. Participants pointed out that there was a need for a specific legally binding international instrument for the protection of indigenous peoples' land and resource rights.

28. An indigenous representative from Africa stated that the African Charter of Human and Peoples' Rights clearly recognized the right of peoples to self-determination, but that it was difficult to implement this right in practice given the lack of access to the justice system by indigenous peoples. In this context participants recommended strengthening and supporting the Working Group on Indigenous Populations and Communities of the African Commission on Human and Peoples' Rights. One participant pointed to the usefulness of the Inter-American Commission and Court on Human Rights for advancing the interpretation and implementation of indigenous peoples' rights in Latin America.

### **III. CONCLUSIONS AND RECOMMENDATIONS**

29. Experts at the seminar on indigenous peoples' permanent sovereignty over natural resources and their relationship to land, held in Geneva from 25 to 27 January 2006, noting that indigenous peoples continued to be denied access to justice and equality before the law in matters relating to their lands, territories and natural resources and noting also that indigenous peoples' land and resource rights were not well understood, recognized or implemented in many States, agreed on the conclusions and recommendations set out below.

#### **Conclusions**

30. Experts concluded that indigenous peoples had the right to permanent sovereignty over their lands, territories and natural resources, especially those which they had traditionally owned, used or occupied.

31. Experts affirmed that this right was inherent and inalienable, and essential for the exercise of the right of self-determination of indigenous peoples. This right was affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples and in international law, and in the decisions and recommendations of international and regional human rights bodies.

32. Experts noted that the right to lands, territories and permanent sovereignty over natural resources encompassed cultural, spiritual, political, economic, environmental and social elements, which were essential for the existence and survival of indigenous peoples and required recognition of indigenous peoples' own understandings of their traditional relationship to their lands, territories and natural resources, and their own definitions of development.

33. Experts agreed that the right of indigenous peoples to permanent sovereignty over natural resources must be articulated as follows: it was a collective right by virtue of which States were obligated to respect, protect and promote the governmental and property interests of indigenous peoples in their natural resources.

34. Experts affirmed that recognition and implementation of this right would contribute to the achievement of the Millennium Development Declaration and Goals, the alleviation of poverty, sustainable development and improvement of the well-being of indigenous peoples, consistent with the 2005 Declaration of Heads of States and the objectives and programme of the second International Decade of the World's Indigenous Peoples.

35. Experts underscored the importance of the draft United Nations declaration on the rights of indigenous peoples as a contribution towards the full recognition of these rights by States and also recognized that the development of international law in relation to indigenous peoples, including in relation to their permanent sovereignty over their lands and natural resources, was an ongoing process that would continue after the adoption of the Declaration by the General Assembly.

### **Recommendations**

36. **Experts endorsed the conclusions and recommendations contained in the final reports of the Special Rapporteur, Ms. Erica-Irene Daes, on indigenous peoples and their relationship to their lands (E/CN.4/Sub.2/2004/30) and on indigenous peoples' permanent sovereignty over natural resources (E/CN.4/Sub.2/2001/21).**

37. **Experts called upon States to address inconsistencies in their national laws, ensuring that laws recognizing indigenous peoples' rights over their lands and resources were not overridden or extinguished by other legislation, in particular in relation to extractive industries, natural resource use and the creation of "protected areas". Experts also called upon States to ensure that their national laws and policies relating to indigenous peoples' rights' to land and natural resources were not discriminatory or inconsistent with international human rights laws and standards.**

38. **Experts recommended that States initiate and strengthen constitutional, legislative and administrative reforms or amendments that recognized and protected indigenous peoples' rights to their lands, territories and natural resources. Experts also recommended that States establish just and fair administrative and judicial measures to ensure the full implementation of these rights, consistent with international human rights law and indigenous peoples' laws and traditions, and with their full participation.**

39. **Experts invited States to review their legal and judicial systems to ensure that indigenous peoples were not discriminated against in asserting, claiming and enjoying their rights to their lands, territories and resources, and in treaty negotiation processes.**

40. **Experts encouraged States to recognize the vital importance of implementing national legislation and procedures that protected the rights of indigenous peoples to free, prior and informed consent as the basis and framework for development. States were also**

**called upon to establish, in consultation with indigenous peoples and taking into account their legal systems and decision-making processes, effective measures to ensure that this fundamental right was respected, including by third parties such as private industry.**

**41. Experts called upon States to comply with their legal obligations under treaties, agreements and other constructive arrangements concluded between indigenous peoples and modern States or their predecessors, and to implement the decisions and recommendations of international human rights bodies and special rapporteurs recognizing and upholding indigenous peoples' rights to their lands and resources.**

**42. Experts encouraged States to ensure that international obligations under free trade agreements, international financial agreements or multilateral agreements were not used to deny indigenous peoples their human rights, treaty rights, land rights or their right of permanent sovereignty over their natural resources.**

**43. Experts encouraged States and the international community to establish an appropriate international mechanism to assist States and indigenous peoples in the implementation of the right of indigenous peoples to their lands, territories and resources, including demarcation, legal recognition, dispute resolution and financial support.**

**44. Experts invited the new Human Rights Council to establish an effective and inclusive mechanism to ensure access for indigenous peoples to continue to address their concerns over their lands, territories and natural resource rights as well as other human rights.**

**45. Experts invited the Permanent Forum on Indigenous Issues to consider devoting its sixth session to the question of lands, territories and resources of indigenous peoples, taking into account the results of the present seminar, as well as previous relevant United Nations seminars and studies.**

**46. Experts invited OHCHR, the Permanent Forum and other relevant United Nations organizations and specialized agencies to further strengthen capacity-building and awareness-raising programmes and activities, including nationally and regionally, in cooperation with indigenous peoples. These activities should be available to United Nations staff, indigenous peoples, indigenous and non-indigenous civil servants, judicial officials, members of parliaments and other elected government officials for the purpose of information exchange, technical assistance and training to contribute to the full realization of indigenous peoples' right to lands, territories and resources.**

**47. Experts also invited the OHCHR to undertake a study and hold a follow-up United Nations seminar, in cooperation with the Special Rapporteurs on the situation of human rights and fundamental freedoms of indigenous peoples and on transnational corporations and drawing upon previous relevant seminars and studies, to assess the role of transnational corporations and international financial institutions in relation to indigenous peoples' rights to lands, territories and resources.**

48. **Experts requested that the present report be submitted to the Working Group on Indigenous Populations at its twenty-fourth session for its consideration, including in preparation of relevant working papers, and that it be publicized and given the widest possible dissemination. Experts also requested that the Working Group on Indigenous Populations complete its work on the legal commentary on free, prior and informed consent at its twenty-fourth session.**

49. **Experts encouraged the Working Group on the United Nations Draft Declaration on the Rights of Indigenous Peoples to take into account the outcomes of the present seminar when considering the provisions on land, territories and resources in the Draft Declaration.**

### Notes

<sup>1</sup> See the annex for the detailed list of participants, annex I.

<sup>2</sup> Background paper No. 1; see annex II.

<sup>3</sup> Background paper No. 4; see annex II.

<sup>4</sup> Background paper No. 3; see annex II.

<sup>5</sup> Background paper No. 5; see annex II.

<sup>6</sup> Background paper No. 6; see annex II.

<sup>7</sup> Background paper No. 2; see annex II.

<sup>8</sup> Background paper No. 7; see annex II.

## **ANNEXES**

### **Annex I**

#### **LIST OF PARTICIPANTS**

##### **Governments**

Argentina, Austria, Bahrain, Bolivia, Brazil, Canada, Chile, Estonia, France, Guatemala, Indonesia, Japan, Mexico, Morocco, Norway, Philippines, Romania, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United States of America and EU

##### **Experts**

Ms. Erica-Irene Daes (Greece), Special Rapporteur

Mr. Héctor Huertas González (Panama), indigenous peoples programme of the Centro de Asistencia Legal Popular (CEALP)

Mr. Eduardo Alfredo Nieva (Argentina), Comisión de Juristas Indígenas en la República Argentina (CJIRA)

Ms. Victoria Tauli Corpuz (Philippines), Tebtebba Foundation, Chairperson of the Permanent Forum on Indigenous Issues

Mr. Romeo Saganash (Canada), Grand Council of the Crees

Mr. Robert Timothy Coulter (United States of America), Indian Law Resource Centre

Mr. Tom Calma (Australia), Human Rights and Equal Opportunity Commission

Mr. Hassan Id Balkassm (Morocco), Indigenous Peoples African Coordinating Committee (IPAC), member of the Permanent Forum on Indigenous Issues

Ms. Maivân Clech Lâm (United States of America), Ralph Bunche Institute for International Studies

Ms. Andrea Carmen (United States of America), International Indian Treaty Council (IITC)

Mr. Mikhail Todyshev (Russian Federation), Russian Association of Indigenous Peoples of the North (RAIPON)

Mr. Fortunato Escobar (Peru), Aymara Lupaqa people - Indian Council of South America (CISA)

Mr. Juan León Alvarado (Guatemala), Comunidad K'iché del Pueblo Maya de Guatemala

Mr. Andrew Kaponga Clifford Erueti (New Zealand), Victoria University of Wellington

Mr. Armand MacKenzie, Innu Council of Nitassinan/Congress of Aboriginal Peoples

**International and regional organizations**

United Nations Institute for Training and Research, UNITAR

**Non-governmental organizations/other organizations and national institutions**

Akaitcho chiefs

Anti-Racism Information Service (A.R.I.S.)

Association of World Citizens

Comisión jurídica para el auto desarrollo de los pueblos originarios andinos (CAPAJ)

Congress of Aboriginal Peoples

Congrès mondial amazigh

Culture et développement du monde berbère

Culture of afroindigenous solidarity

Grand Council of the Crees

Haudenosaunee

Human Rights and Equal Opportunity Commission of Australia

Human Rights 3000

Indian Council of South America

Indian Law Resource Centre

Indigenous Peoples and Nations Coalition

Indigenous World Association

Indigenous Peoples' Centre for Documentation, Research and Information (DOCIP)

International Organization on Indigenous Resource Development

Metis National Council

Mainyioto Pastoralist Integrated Development Organisation (MPIDO)

Native American Rights Fund

Navajo nation

Ocaproce international

Sénat coutumier of New Caledonia

Servicios del pueblo mixe

South Asia Human Rights Documentation Centre

Yellowknives Dene

Wara instituto indígena brasileiro

**Observers**

Catholic University of Leuven

Institutum Iurisprudentiae, Academia Sinica of Taipei

University of Berne

University of Naples

University of Toronto

Victoria University of Wellington



## Annex II

### BACKGROUND PAPERS\*

1. “La soberanía territorial y los recursos naturales del pueblo Uro - Puno, Perú”, by Mr. Fortunato Escobar (HR/GENEVA/IP/SEM/2006/BP.1)
2. “Indigenous land and resource rights: implementation and monitoring”, by Mr. Robert T. Coulter (HR/GENEVA/IP/SEM/2006/BP.2)
3. “La communauté autochtone en Afrique: de la souveraineté à la tutelle - expérience Amazigh au Maroc” (HR/GENEVA/IP/SEM/2006/BP.3)
4. “Indigenous peoples’ ownership, use and responsibility for lands and resources”, by Mr. Andrew Kaponga Clifford Erueti (HR/GENEVA/IP/SEM/2006/BP.4)
5. “Examples of arrangements to accommodate indigenous peoples’ rights over their natural resources: Canada and the Innu Nation”, by Mr. Armand MacKenzie (HR/GENEVA/IP/SEM/2006/BP.5)
6. “Examples of arrangements to accommodate indigenous peoples’ rights over their natural resources - native title and land rights in Australia”, by Mr. Tom Calma (HR/GENEVA/IP/SEM/2006/BP.6)
7. “Free, prior and informed consent”, by Ms. Andrea Carmen (HR/GENEVA/IP/SEM/2006/BP.7)

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\* These background documents can be found on OHCHR’s website [www.ohchr.org](http://www.ohchr.org) (issues>indigenous peoples).