

Selected Resources

Indigenous Peoples and Human Rights

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This list of selected resources complements the document ‘Indigenous Peoples and Human Rights’ and is in turn complemented by the ‘Selected Resources – Indigenous Peoples’ Rights to Land, Forests and other Natural Resources (Territories)’.

Human rights and rights of indigenous peoples in German development policy

BMZ (2011): Human Rights in German Development Cooperation

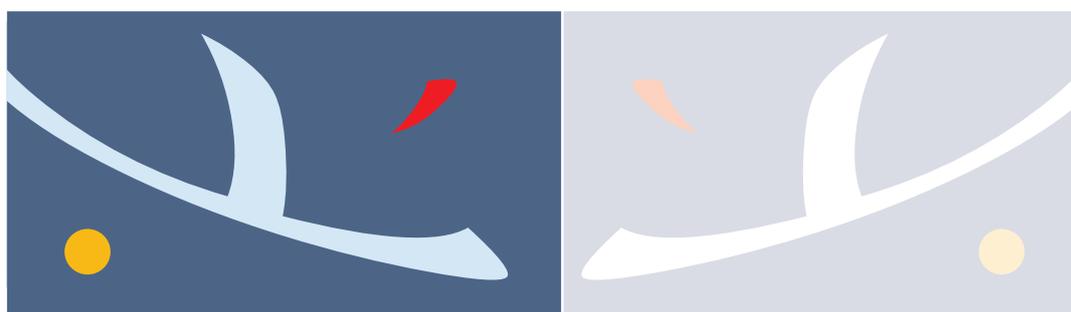
In May 2011 the Federal Ministry for Economic Cooperation and Development (BMZ) issued its new strategy on human rights in development. Indigenous Peoples are referred to as one group in need of special attention (see section 4.4).

- http://www.bmz.de/en/publications/topics/human_rights/Strategiepapier305_04_2011.pdf (English)
- http://www.bmz.de/en/publications/languages/spanish/estrategia_04_2011.pdf (Spanish)
- http://www.bmz.de/en/publications/languages/french/strategie_04_2011f.pdf (French)
- http://www.bmz.de/de/publikationen/themen/menschenrechte/Strategiepapier303_04_2011.pdf (German)

BMZ (2010): Human rights in practice – Fact sheets on a human rights-based approach in development cooperation

Collection of 2-page factsheets that explain what the human rights-based approach in development cooperation means in general and for all priority sectors of German development cooperation. Indigenous peoples’ rights can be affected in all sectors, notably in governance, agriculture, rural development, environment and resource management, education and health.

- http://www.bmz.de/en/publications/topics/human_rights/BMZ_Information_Brochure_7_2010e.pdf (English)
- http://www.bmz.de/en/publications/languages/spanish/informativo_7_2010_s.pdf (Spanish)



- http://www.bmz.de/en/publications/languages/french/broschure_7_2010_f.pdf (French)
- http://www.bmz.de/de/publikationen/themen/menschenrechte/BMZ_Informationsbroschuere_07_2010.pdf (German)

BMZ (2006): Development cooperation with indigenous peoples in Latin America and the Caribbean

In 2006, BMZ updated its 1996 policy on cooperation with indigenous peoples which is based on the international indigenous rights regime.

- http://www.bmz.de/en/publications/type_of_publication/strategies/konzept141.pdf (English)
- http://www.bmz.de/en/publications/topics/human_rights/estrategia_142.pdf (Spanish)
- <http://www.bmz.de/de/publikationen/reihen/strategiepa-piere/Konzept139.pdf> (Deutsch) (German)

International legal reference documents and specialized institutions on the rights of indigenous peoples

UN Declaration on the Rights of Indigenous Peoples (UNDRIP) – 2007

The Declaration is currently the most comprehensive document elaborating human rights standards with regard to indigenous peoples. As a declaration, it is not legally binding, but 144 states voted in favour which makes it highly authoritative. In the context of development cooperation, it can serve as guidance for situation analysis, policy dialogue and program design.

The Declaration proclaims that indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms, the right to self-determination and thereby to autonomy or self-government and the right to not be forcibly removed from their lands, among others. It also declares that States have the duty to consult with indigenous communities on projects and plans that will affect them, in order to obtain their free, prior and informed consent (FPIC) to these initiatives.

- http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf (English)

Specialized UN institutions

The following three UN institutions (two based in Geneva, one in New York) are specialized on the rights of indigenous peoples. They increasingly complement each other in providing indigenous peoples with different channels to voice their concerns. Their studies and reports provide useful country-specific and general information.

UN Special Rapporteur on the Rights of Indigenous Peoples – since 2001

The Special Rapporteur, under the UN Human Rights Council (Geneva), currently James Anaya, gathers information on the human rights situation of indigenous peoples (including via country visits), issues recommendations to states and other relevant actors and delivers reports to the Human Rights treaty bodies.

- <http://www.ohchr.org/en/issues/ipeoples/srindigenouspeoples/pages/sripeoplesindex.aspx> (English)
- <http://www2.ohchr.org/spanish/issues/indigenous/rappor-teur/index.htm> (Spanish)

In his annual reports, the Special Rapporteur deals with different issues of current importance such as the duty of States to consult with indigenous peoples on matters affecting them (2009), corporate responsibility with respect to indigenous rights (2010) or, in more detail, extractive industries (2012, 2013).

- <http://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/AnnualReports.aspx> (English)

UN Permanent Forum on Indigenous Issues – since 2002

The Forum was established by the UN ECOSOC (Economic and Social Council, New York) and is an advisory body to the Council with a mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights. It provides expert advice and recommendations on indigenous issues, raises awareness and disseminates information.

- <http://www.un.org/esa/socdev/unpfii/index.html> (various languages)

UN Expert Mechanism on the Rights of Indigenous Peoples – since 2008

The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) was established by the Human Rights Council in 2007 as a subsidiary body of the Council and a successor to the UN Working Group on Indigenous Populations (1982 – 2007).

- <http://www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/EMRIPIndex.aspx> (various languages)

The Expert Mechanism has so far published four studies including corresponding advices, the first on indigenous peoples' right to education (2009), which highlights the right to traditional education and the importance of educational autonomy, the second on the right to participate in decision making (2011), the third on the role of languages and culture in the promotion and protection of the rights and identity of indigenous peoples (2012), and the fourth an extension on the right to participate with a focus on extractive industries (2012).

DOCIP (Indigenous Peoples' Information Centre for Documentation, Research and Information), established in 1978, compiles regular updates on all processes and events relevant for the rights of indigenous peoples in the UN-system.

- <http://www.docip.org/Update.19.0.html>

Support for the Implementation of UNDRIP

UN Office of the High Commissioner (2013). Indigenous Peoples and the United Nations Human Rights System. Fact Sheet No. 9 (Rev. 2).

Reader-friendly overview of the UN human rights system and the rights of indigenous peoples.

- <http://www.ohchr.org/Documents/Publications/fs9Rev.2.pdf>

Secretariat of the UNPFII (no date): Factsheet – Who are Indigenous Peoples?

Short overview of the issues of definition and identification of indigenous peoples.

- <http://www.un.org/esa/socdev/unpfii/documents/5sessionfactsheet1.pdf>

Indigenous Bar Association, Canada (2011): Understanding and Implementing the UN Declaration on the Rights of Indigenous Peoples. An Introductory Handbook.

A handbook developed by Canadian indigenous lawyers on UNDRIP.

- http://quakerservice.ca/wp-content/uploads/2011/10/UNDRIP_Handbook_IBA.pdf

Secretariat of the UNPFII (2009): State of the World's Indigenous Peoples

Overview report on the situation of indigenous peoples worldwide, covering the following topics: poverty & well-being; culture; environment; education; health; human rights and emerging issues.

- <http://www.un.org/esa/socdev/unpfii/documents/SOWIPweb.pdf>

UN Universal Periodic Review (UPR) Process

Since 2006, all 192 UN member countries undergo a human rights review every four years. Both country and shadow reports can be sources of information on the implementation of indigenous rights (sometimes found under minorities or cultural rights).

- <http://www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx>

UN Development Group (2008): Guidelines on Indigenous Peoples' Issues

Besides offering a definition of indigenous peoples, the publication contains a practical table of key issues regarding indigenous peoples' rights, in which the issues are explained and the related rights defined.

- <http://www2.ohchr.org/english/issues/indigenous/docs/guidelines.pdf>

Secretariat of the UNPFII (2008): Resource Kit on Indigenous Peoples' Issues

Although mainly addressing UN country teams, this kit offers a comprehensive insight into issues pertaining the rights of indigenous peoples, among others FPIC.

- http://www.un.org/esa/socdev/unpfii/documents/resource_kit_indigenous_2008.pdf

Secretariat of the UNPFII (2010): Training Module on Indigenous Peoples' Issues. Facilitator's Handbook

Also developed in the context of the UN Development Group (UNDG), this module aims at raising awareness on indigenous issues and mainstreaming them into the agencies' work.

- http://www.un.org/esa/socdev/unpfii/documents/trainingmodule_en.pdf

Secretariat of the UNPFII (2010): Briefing Notes: Gender and Indigenous Women

This compilation of notes elaborates on the importance and practical implications of including a gender perspective. The notes address issues such as education, environment and human rights.

- <http://www.un.org/esa/socdev/unpfii/documents/Briefing%20Notes%20Gender%20and%20Indigenous%20Women.pdf>

FAO (2009): The Right to Food Guidelines and Indigenous Peoples: an Operational Guide

This Guide aims to assist indigenous peoples in using the Right to Food Guidelines to promote their interests in the area of food security.

- <http://www.fao.org/docrep/011/i0839e/i0839e00.htm>

ICHRP (2009): When legal worlds overlap, Human Rights, State and Non-State Law

This book addresses the issue of legal pluralism by analysing different legal orders and presenting ways of dealing with them through state institutions. It develops a human rights based approach to legal pluralism.

- http://www.ichrp.org/files/reports/50/135_report_en.pdf

ILO Convention 169 on Indigenous and Tribal Peoples – 1989 (in force since 1991)

The convention is the only legally binding instrument on the rights of indigenous peoples at global level. It stipulates the necessity of special measures to be adopted by the State Parties, in order to safeguard indigenous peoples' rights. The cornerstone of the convention is the right to consultation and participation (Art. 6, 15, 22, 27, 28). The Convention requires that indigenous and tribal peoples are consulted on issues that affect their lives in every dimension, such as industrial extractive activities on their land, and that they participate meaningfully in development processes that affect them by deciding on the priorities. Furthermore, Art. 16 of the convention foresees that indigenous peoples have to give their free, prior and informed consent (FPIC) regarding their relocation to other territories. So far, Convention 169 has been ratified by 22 states, most of them in Latin America.

- <http://www.ilo.org/indigenous/Conventions/no169/lang--en/index.htm> (English overview)
- <http://www.ilo.org/indigenous/Resources/Translations/lang--en/index.htm> (various translations)

ILO Indigenous and Tribal Populations Convention (No. 107) – 1957 (in force since 1959)

The convention is the precursor to ILO 169 and no longer valid for those countries which ratified the new convention. However, it is still valid for those countries which have not and despite its outdated integrationist orientation includes some useful parts, e.g. in Art. 11 the right to collective or individual ownership of indigenous peoples over the lands they traditionally occupy.

(same links as above)

Support for the Implementation of ILO 169

ILO Pro 169 is a special ILO project (supported by international donors) that has been assisting governments and indigenous peoples in implementing the convention. A website containing useful background information as well as publications and information by region and topic is:

- <http://www.ilo.org/indigenous/lang-en/index.htm>

Of special relevance, also for development cooperation, are the following ILO publications:

ILO (ongoing) Training Tool Box on Indigenous Peoples' Rights developed by ILO Pro 169 with manuals, a casebook, videos and other resources.

- <http://pro169.org/>

ILO (2009): Indigenous & Tribal Peoples' Rights in Practice. A Guide to ILO Convention No. 169.

This guide focuses on government responsibilities and gives examples from many countries of how different paragraphs of the convention can be implemented.

- http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_106474.pdf (English)
- http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_113014.pdf (Spanish)
- http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_116077.pdf (French)

ILO (2009): Application of Convention No. 169 by domestic and international courts in Latin America – A casebook

This compilation of 'landmark' cases before regional and national courts serves as sample of current conflicts related to the rights of indigenous peoples and its contested interpretations.

- http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_123946.pdf

ILO (2010): Monitoring Indigenous and Tribal Peoples' Rights through ILO Conventions – A compilation of ILO Supervisory Bodies' Comments 2009 – 2010

The comments of ILO bodies regarding the situation of indigenous rights around the world highlight the wide range of successes and challenges regarding the fulfilment of rights as enshrined in ILO 169.

- http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_126028.pdf

Other relevant international human rights standards, institutions and processes

While UNDRIP and ILO Convention 169 are the only international legal reference documents directly focussing on the rights of indigenous peoples as collectives, the general Human Rights regime and an increasing number of subject-specific treaties are also of relevance.

All major covenants and conventions can be found at:

- <http://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx>

International Covenant on Civil and Political Rights (ICCPR) – 1966 (in force since 1976)

The covenant, inter alia, establishes the right of self-determination of all peoples (Art. 1) and the right to non-discrimination (Art. 2). Art. 27 establishes that persons belonging to ethnic minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language. Although indigenous peoples often prefer not to be identified as ethnic minorities, the rights contained in this article are of high relevance for them.

General Comments are authoritative interpretations of the treaty by the respective UN treaty body. Those which are especially relevant to indigenous peoples are: The right to self-determination (No. 12), the right to non-discrimination (No. 18), Rights of minorities (No. 23), and participation in public affairs and the right to vote (No. 25).

All General Comments can be found here:

- <http://www2.ohchr.org/english/bodies/hrc/comments.htm> (English)

International Covenant on Economic, Social and Cultural Rights (ICESCR) – 1966 (in force since 1976)

The covenant, inter alia, establishes the right of self-determination of all peoples (Art. 1), the right to non-discrimination (Art. 2), and e.g. the rights to food, housing, work, education and health, all of which are relevant for indigenous peoples as well.

The related General Comments particularly relevant to indigenous peoples are: The right to adequate housing: forced evictions (No. 7), the right to adequate food (No. 12), the right to education (No. 13), the right to the highest attainable standard of health (No. 14), the right to water (No. 15), the right to non-discrimination in economic, social and cultural Rights (No. 20) and the right to take part in cultural life (No. 21). Especially the last is already being used to support the rights of indigenous peoples, e.g. in Africa.

All General Comments can be found here:

- <http://www2.ohchr.org/english/bodies/cescr/comments.htm> (English)

Convention on the Elimination of All Forms of Racial Discrimination (CERD) – 1966 (in force since 1969)

Art. 1 uses a broad definition of ‘racial discrimination’ that has consistently also been applied to discrimination against indigenous peoples: ‘... any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.’ The convention stipulates that states must adopt and undertake measures to prohibit and eliminate racial discrimination in all its forms.

The Committee on the Elimination of Racial Discrimination (CERD), set up in 1969, receives state reports and state or individual ‘communications’ (complaints), procedures which have been used actively by a relatively small number of indigenous peoples and their supporters. Nevertheless, CERD has contributed to the general development of the rights of indigenous peoples, especially through General Recommendation No. 23 Indigenous Peoples (1997), the first dedicated exclusively to indigenous peoples among the UN treaty bodies.

- [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/73984290dfea022b802565160056fe1c?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/73984290dfea022b802565160056fe1c?Opendocument) (English)

Convention on the Rights of the Child (CRC) – 1989 (in force since 1990)

Article 30 of the CRC foresees that children belonging to indigenous peoples or communities have the right to enjoy their own culture, to profess and practise their own religion and to use their indigenous languages.

General Comment No. 11 on Indigenous Children (2009) recognizes that indigenous children require special measures in order to fully enjoy their rights.

- http://www2.ohchr.org/english/bodies/crc/docs/GC.11_indigenous_New.pdf (English)

Indigenous Peoples & Intellectual Property Rights

Intellectual property rights (IPRs) – normally seen as (to be) protected by private law – can also be considered **Human Rights** based on Art. 27 of the Universal Declaration (right to participate in cultural life). In addition, it has been argued that there need to be **Human Rights restrictions on private or corporate IPRs** to avoid, taking examples from the health sector, both undue restrictions to vital medication and unrewarded exploitation of ‘traditional’ knowledge through patents. These arguments are important for the rights of indigenous peoples since indigenous (and other ‘traditional’ or ‘local’) knowledge systems and practices with regard to nature, land use, health care etc., usually shared by members of a particular group, are increasingly being explored by outsiders for commercial purposes and need an appropriate protection system.

Convention on Biological Diversity (CBD, in force since 1993) was launched at the first Rio Conference (United Nations Conference on Environment and Development or UNCED) in 1992. It recognizes the dependence of many indigenous peoples on biological diversity and requires, in its **Art. 8(j)**: “Each contracting Party shall (...) respect, preserve and maintain **knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles** relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge innovations and practices.”

- <http://www.cbd.int/> (various languages)

WIPO (World Intellectual Property Organization), a specialized UN agency, in 2000 established an **Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)** tasked to develop an international legal instrument (or instruments) on these complicated issues which would be of high importance for indigenous peoples. Indigenous peoples’ participation in the discussions is supported through a voluntary fund and training programs. So far, no agreement could be reached.

- <http://www.wipo.int/tk/en/igc/> (various languages)

Donor policies

Most major bilateral and multilateral donors have issued **indigenous peoples policies**, based on international human rights and rights of indigenous peoples as well as experiences with social and environmental impact assessments, participatory approaches etc. Due to the scale of the potential impact of their activities, the **safeguard provisions** of the multilateral development banks and their grievance mechanisms are of particular relevance for indigenous peoples in the defence of their rights.

Examples include:

World Bank Operational Policy 4.10 Indigenous Peoples (2005, currently under revision)

- <http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/0,,contentMDK:20553653~menuPK:4564185~pagePK:64709096~piPK:64709108~theSitePK:502184,00.html> (various languages)

IFC (International Finance Cooperation) Performance Standard 7 Indigenous Peoples (2012)

- http://www1.ifc.org/wps/wcm/connect/Top-ics_Ext_Content/IFC_External_Corporate_Site/IFC+Sustainability/Sustainability+Framework/Sustainability+Framework+-+2012/Performance+Standards+and+Guidance+Notes+2012/ (various languages)

EBRD (European Bank for Reconstruction and Development) Performance Requirement 7 Indigenous Peoples (2012)

- <http://www.ebrd.com/pages/about/principles/sustainability/requirements.shtml> (various languages)

Regional legal reference documents, specialized institutions on the rights of indigenous peoples and indigenous umbrella organizations

There is an increasing differentiation among the regional human rights regimes. Also, the degree of mobilization of indigenous peoples and the recognition of their rights at national and regional level differs considerable among the three continents relevant for development cooperation. Therefore, the following overview is structured by region.

Americas

The **Inter-American Human Rights System** developed by the OAS (Organization of American States) is quite advanced in terms of specialized institutions and case law of relevance for indigenous peoples. For a general overview of the system, see:

American Convention on Human Rights (Pact of San José) – 1969 (in force since 1978)

The convention in addition to other basic human rights in Art. 21 ensures the right to property which is of special relevance for indigenous peoples (land and resource rights). Deprivation of property is only allowed if just compensation is paid and if it happens for reasons of public utility or social interest in conformity with the law. It has been ratified by 25 states belonging to Latin America or the Caribbean.

- <http://www.oas.org/juridico/english/treaties/b-32.html> (English)

- <http://www.oas.org/juridico/spanish/tratados/b-32.html> (Spanish)

A **Draft American Declaration on the Rights of Indigenous Peoples** is being prepared, but the process has been ongoing since 1989, was sidelined by the UNDRIP process and is not yet finished.

- http://www.oas.org/dil/indigenous_peoples.htm (English)
- <http://www.oas.org/dil/esp/indigenas.htm> (Spanish)

Since 1990, a Special Rapporteur on the Rights of Indigenous Peoples has been conducting regular country visits and issued reports:

- <http://www.oas.org/en/iachr/indigenous/default.asp>

Inter-American Commission on Human Rights (2009): Indigenous and tribal peoples' rights over their ancestral lands and natural resources

Based on the legal instruments of the Inter-American system as interpreted in the light of developments in general international human rights law, the report discusses the scope of indigenous and tribal peoples' rights over their territories, lands, and natural resources as well as states' obligations.

- <http://cidh.org/countryrep/Indigenous-Lands09/TOC.htm> (English)
- <http://cidh.org/countryrep/TierrasIndigenas2009/Indice.htm> (Spanish)

Advances of Indigenous Peoples' Rights in the Courts

Court cases have become an important source for the evolution of indigenous rights in the Americas:

ILO (2009): Application of Convention No. 169 by domestic and international courts in Latin America – A casebook.

- http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_123946.pdf (English)

Inter-American Court of Human Rights, judgments on important cases on indigenous peoples' rights:

Case of the Awas Tingni Community v. Nicaragua, Judgment of August 31, 2001

- http://www.corteidh.or.cr/docs/casos/articulos/Seriec_79_ing.pdf (English)
- http://www.corteidh.or.cr/docs/casos/articulos/Seriec_79_esp.pdf (Spanish)

Case of the Saramaka People v. Suriname, Judgment of November 28, 2007

- http://www.corteidh.or.cr/docs/casos/articulos/seriec_172_ing.pdf (English)
- http://www.corteidh.or.cr/docs/casos/articulos/seriec_172_esp.pdf (Spanish)

Case of the Kichwa People of Sarayaku v. Ecuador, Judgment of June 27, 2012

- http://corteidh.or.cr/docs/casos/articulos/seriec_245_ing.pdf (English)
- http://corteidh.or.cr/docs/casos/articulos/seriec_245_esp.pdf (Spanish)

The **Inter-American Development Bank (IDB)** has an **Operational Policy on Indigenous Peoples** and Strategy for Indigenous Development (2006):

- <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=35773490> (English)
- <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=1442291> (Spanish)

The number and diversity of **indigenous organizations in Latin America**, from the local to the national level, is tremendous, and there are ongoing discussions about their representation and legitimacy. Currently, the major indigenous umbrella organizations in Latin America are organized in three sub-regions:

The **Coordination of Indigenous Organizations of the Amazon Basin (COICA)**, founded in 1984 (office in Ecuador), consists of organizations from the nine countries of the Amazon basin.

- <http://www.coica.org.ec>

The **Andean Coordination of Indigenous Organizations (CAOI)**, founded in 2006 (office in Peru), focuses on organizations representing the indigenous peoples in the Andean region, Bolivia, Colombia, Ecuador and Peru.

- <http://www.coordinadoracoi.org/porta>

The **Indigenous Council of Central America (CICA)**, office in Costa Rica) consists of seven umbrella organizations from that region.

- <http://www.cicaregional.org/indice.php/Cica>

Africa

Africa has developed a similarly complex Human Rights System under the umbrella of what now has become the **African Union (AU)**. It has, however, only during the last decade become involved with indigenous issues.

African Charter on Human and Peoples' Rights (Banjul Charter) – 1981 (in force since 1986)

The Charter is the only international human rights treaty where the term 'peoples' figures prominently in the title, thus clearly referring not only to individuals, but also to group rights. The respective articles are nowadays also interpreted to be of relevance for indigenous peoples.

- <http://www.humanrights.se/wp-content/uploads/2012/01/African-Charter-on-Human-and-Peoples-Rights.pdf>

The **African Commission on Human and Peoples' Rights (ACHPR)** in 2001 established a **Working Group on the Rights of Indigenous Populations/Communities (WGIP)** which in 2003 (published in 2005) issued an important report which develops the concept of indigenous peoples for Africa and gives an overview of their human rights and legal situation.

- <http://pro169.org/res/materials/en/identification/ACHPR%20Report%20on%20indigenous%20populations-communities.pdf>

The WGIP also issued an **Advisory Opinion on UNDRIP in 2007** which helped to convince African governments to support the Declaration after some last-minute hesitations:

- http://www.iwgia.org/iwgia_files_publications_files/0460_ACHPR_Advisory_Op-UNDRIP_UK_2010.pdf

Partnering with the ILO and the Centre for Human Rights at the University of Pretoria in South Africa, in **2009** ACHPR published an Overview Report of a research project on **'the constitutional and legislative protection of the rights of indigenous peoples in 24 African countries.'**

- http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_115929.pdf
- <http://www.chr.up.ac.za/index.php/ipr-archive.html>

In 2010, in a landmark case the ACHPR ruled in favour of the rights of the **Endorois (Kenya)**, an indigenous community involuntarily displaced from its territory whose case had been submitted in 2003. In 2012, due to the lack of government reaction, the case of the **Ogiek (Kenya)** was directly forwarded to the **African Court on Human and Peoples' Rights** (so far, this is the only case related to indigenous peoples).

- http://www.hrw.org/sites/default/files/related_material/ACHPR%20Communication%20276%20of%202003.pdf
- <http://www.african-court.org/en/index.php/news/latest-news/356-the-african-court-delivers-one-judgment-and-issues-2-orders-for-provisional-measures>

The **AU Declaration on Land Issues and Challenges in Africa (2009)**, issued based on a joint initiative of the AU Commission with the United Nations Economic Commission for Africa (UNECA) and the African Development Bank (AfDB), expresses African countries' 'resolve that land laws provide for equitable access to land and related resources among all land users, including ... vulnerable groups ...' This can be used to advance the rights of indigenous peoples.

- <http://www.unhabitat.org/downloads/docs/AssemblyDecisionLand.pdf>

Nevertheless, in contrast to its American and Asian counterparts, the **AfDB has no operational policy on indigenous peoples.**

Self-organization under the cover term ‘indigenous peoples’ is a relatively recent phenomenon in Africa. For an overview (also of processes in Asia, the Pacific and the Russian Federation), see:

- <http://www.giz.de/Themen/de/dokumente/giz2011-de-Potenziale-fuer-eine-staerkere-Vernetzung-mit-indigenen-Organisationen-ausserhalb-Lateinamerikas-0311.pdf> (German)
- <http://www.giz.de/Themen/de/dokumente/sp-pueblos-indigenas-mundial.pdf> (Spanish)

There is one **umbrella organization**, the **Indigenous Peoples of Africa Coordinating Committee (IPACC)** which was founded in the late 1990s as a network of approx. 150 indigenous peoples’ organizations in 23 African countries, organized in six regions. IPACC is active e.g. in the context of the international climate and biodiversity processes. The IPACC secretariat is in South Africa.

- <http://www.ipacc.org.za>

Among African academic institutions, the **University of Pretoria (South Africa)** has most experiences with the rights of indigenous peoples. After participating in various research projects, it continues to offer an annual Indigenous Peoples’ Rights Course.

- <http://www1.chr.up.ac.za/index.php/ahrc-2013/ipr-course.html>

Overview and Toolkit

Solomon Dersso (ed., 2010): Perspectives on the rights of minorities and indigenous peoples in Africa.

- http://www.pulp.up.ac.za/pdf/2010_02/2010_02.pdf

Forest Peoples Program (2011): Toolkit on Indigenous Women’s Rights in Africa.

This compilation of 11 Information Notes, with an introduction by the Special Rapporteur on the Rights of Women in Africa, provides a good overview of the African human and indigenous rights system.

- <http://www.forestpeoples.org/topics/african-human-rights-system/publication/2011/toolkit-indigenous-women-s-rights-africa>

Asia

Asia is the continent where, for different reasons, region-wide or even sub-regional human rights systems have been slow in developing. The **Association of Southeast Asian Nations (ASEAN)**, based on its 2007 Charta, in 2009 established an **Inter-Governmental Commission on Human Rights (AICHR)**,

but its mandate is rather weak. The recent ASEAN Human Rights Declaration (2012) also does not address the rights of indigenous peoples.

- <http://www.asean.org/news/asean-statement-communications/item/asean-human-rights-declaration>

In contrast, the **Asian Development Bank (ADB)** has since 1998 (updated in 2009) utilized **Indigenous Peoples Safeguards** ‘to ensure that the design and implementation of projects foster full respect for Indigenous Peoples’ identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by Indigenous Peoples themselves ...’

- <http://www.adb.org/site/safeguards/indigenous-peoples>

There are several internationally active indigenous organizations in Asia, besides a host of national, subnational and local indigenous organizations:

Asia Indigenous Peoples’ Pact (AIPP), founded in 1988, is based in Thailand and an umbrella organization for 44 members from 14 countries grouped in four regions: East Asia, South East Asia, Mekong and South Asia. AIPP is very active in the UN context and other international fora.

- <http://www.aippnet.org/home/>

Asian Indigenous and Tribal Peoples Network (AITPN), based in India, focusses on country and other studies and capacity development.

- <http://www.aitpn.org/index.html>

Tebtebba (Indigenous Peoples’ International Centre for Policy Research and Education), established in 1996, is based in the Philippines and also focuses on international indigenous rights issues via research, training and networking.

- <http://www.tebtebba.org>

Resource Book

IWGIA & AIPP (2008). The Concept of Indigenous Peoples in Asia. A Resource Book.

This book compiles a number of articles on the application of the concept and rights of indigenous peoples in Asia.

- http://www.iwgia.org/publications/search-pubs?publication_id=26

Specialised NGOs and academic institutions (global level)

Violations of indigenous peoples' – and often broader minority and human rights – have been a key concern of a number of specialised non-governmental human rights organizations whose approaches range from advocacy to direct support for indigenous organizations. The most prominent are listed below in chronological order. They see themselves as watchdogs vis-à-vis development cooperation (especially the multilateral development banks), but have also been important partners in advancing indigenous rights in the UN and regional context. In addition, most are sources of relevant documentation and publications (both general overviews and country-specific), some examples of which are listed below.

MRG – Minority Rights Group (London, founded in 1965)

- <http://www.minorityrights.org>

MRG publishes a useful annual 'State of the World's Minorities and Indigenous Peoples' report:

- <http://www.minorityrights.org/12071/state-of-the-worlds-minorities/state-of-the-worlds-minorities-and-indigenous-peoples-2013.html>

MRG also publishes the Peoples under Threat-Index, an 'annual authoritative rankings table which highlights those countries around the world where the risk of mass killing is greatest.'

- <http://www.minorityrights.org/?lid=11989>

Finally, MRG contributes to UNHCR's Refworld-Database with regular contributions on the 'State of the World's Minorities and Indigenous Peoples' (searchable by country).

- <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain>

GfbV – Gesellschaft für bedrohte Völker (Göttingen, Germany, founded in 1968)

GfbV is the leading German human rights organization for 'threatened peoples' (including but going much beyond indigenous peoples) which besides publishing the magazine Pogrom and special reports organizes regular campaigns at national and international level.

- <http://www.gfbv.de>

IWGIA – International Workgroup for Indigenous Affairs (Copenhagen, founded in 1968)

IWGIA was founded by concerned anthropologists and has over the last two decades developed into an organization specialized on indigenous rights processes in the UN and regional contexts.

- <http://www.iwgia.org>

IWGIA (2013): The Indigenous World 2013

This (annual) report presents the current situation of indigenous peoples and their rights in the world. For each country, the report offers generic data on the population and legislative framework as well as information on the most important issues and events related to indigenous peoples.

- http://www.iwgia.org/publications/search-pubs?publication_id=613

SI – Survival International (London, founded in 1969)

SI started as and remains mainly a lobbying and campaign NGO for the rights of indigenous peoples, especially more isolated 'tribal' peoples.

- <http://www.survivalinternational.org/>

CS – Cultural Survival (Cambridge, Massachusetts, USA, founded in 1972)

CS was also founded by anthropologists and works at the intersection between academia and advocacy for indigenous rights. The Cultural Survival Quarterly and special reports are usually based on research results or written by experienced professionals.

- <http://www.culturalsurvival.org>

FPP – Forest Peoples Programme (Moreton-in-Marsh, UK, founded in 1990)

FPP started out as an advocacy organization focusing on the plight of tropical forest peoples and has in recent years developed a special 'work theme' on legal and human rights.

- <http://www.forestpeoples.org/topics/legal-human-rights>

Academic Institutions and Resources

There is also an increasing number of research and/or training programs focusing on indigenous peoples' and their rights around the world, as well as some key academic publications. A few examples include:

Max Planck Encyclopedia of Public International Law, Benedict Kingsbury (2012): Indigenous Peoples

- www.mpepil.com (unfortunately, not free of charge)

University of Minnesota, Human Rights Library, Study Guide: The Rights of Indigenous Peoples

The guide provides a useful and quick overview of indigenous peoples' rights and related topics. They identify international standards and the respective state obligations, analyse the relationship with other rights, and addresses implementation and enforcement mechanisms.

- <http://www1.umn.edu/humanrts/edumat/studyguides/indigenous.html>

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University of Maryland, Center for International Development: Minority at Risk (MAR) Project

The MAR project monitors and analyses the persecution and mobilization, the status and conflicts of 'politically-active communal groups in all countries with a current population of at least 500,000.' 'Indigenous' is one group type being monitored.

- <http://www.cidcm.umd.edu/mar>

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