

30/06/2017

Consultation on a UNESCO Policy on Engaging with Indigenous Peoples  
Consultation sur une Politique de l'UNESCO sur l'Engagement auprès des Peuples Autochtones

**COMMENTS**  
**COMMENTAIRES**

**Contribution from Argentine Republic  
Contribution de la République Argentine**

Documento: "UNESCO Policy on Engaging with Indigenous Peoples"

La sección A) refiere a los Principios que guían el compromiso de UNESCO con los Pueblos Indígenas. Cabe destacar que los principios se encuentran fundamentados en los artículos de la Declaración de Naciones Unidas sobre los Derechos de los Pueblos Indígenas (UNDRIP) y las Directrices del Grupo de Naciones Unidas para el Desarrollo (UNDG) sobre las cuestiones relativas a los Pueblos Indígenas.

a) Con relación al punto 10 de la Parte A, éste menciona los derechos de los pueblos indígenas a sus tierras, territorios, recursos, lenguas, conocimientos y herencia cultural, en particular prevé:

"UNESCO will recognize and respect indigenous peoples' rights to their lands, territories, resources, knowledge, and cultural heritage in all of its activities, including the implementation of its Conventions".

Sobre la citada redacción, se sugiere especificar las Convenciones UNESCO a las que se refiere, en particular las citadas en el punto 78 del documento, entre las cuales se encuentran: la Convención sobre la Protección y la Promoción de la Diversidad de las Expresiones Culturales, Convención para la salvaguardia del patrimonio cultural inmaterial, Convención sobre la Protección del Patrimonio Cultural Subacuático, Convención para la Protección del Patrimonio Mundial Cultural y Natural, entre otros instrumentos. Tal mención se considera adecuada a los efectos de evitar una confusión con otros instrumentos que no resulten aplicables, y asimismo, en razón de que UNESCO se obliga en el marco de Convenciones que son de su propio ámbito de competencia.

**General comment  
Commentaire général**

b) En lo que concierne al punto 11 sobre "la participación de los Pueblos Indígenas en los asuntos que los afectan en el ámbito de UNESCO", se debe tener presente el proceso de consultas sobre la participación de representantes de los pueblos indígenas y sus organizaciones en las reuniones relevantes de las Naciones Unidas, en virtud de lo previsto en la resolución 70/232 de la Asamblea General, respecto del cual esta Consejería realizó observaciones en ME Ref. C).

c) El punto 65 titulado "Policy principles as they relate to UNESCO s work in relation to the Ocean", hace mención al trabajo de UNESCO en materia de océanos, este punto prevé:

"UNESCO requires the effective inclusion of indigenous peoples knowledge of the ocean and seas into the development of science-based approaches to sustainable management of marine and coastal regions, their ecosystems and protection of living and non-living resources of the ocean".

Al respecto, se sugiere incluir la redacción que se encuentra entre paréntesis: "UNESCO requires the effective inclusion of indigenous peoples knowledge of the ocean and seas into the development of science-based approaches to sustainable management of marine and coastal regions, their ecosystems and protection of living and non-living resources of the ocean (where appropriate)".

Además, habría que incluir en el documento (ej. en los párrafos 7 y 10) una referencia a lo estipulado por el Artículo 46 de la UNDRIP con respecto a que "Nada de lo contenido en la presente Declaración se interpretará en el sentido de que confiere a un Estado, pueblo, grupo o persona derecho alguno a participar en una actividad o realizar un acto contrarios a la Carta de las Naciones Unidas, ni se entenderá en el sentido de que autoriza o alienta acción alguna encaminada a quebrantar o menoscabar, total o parcialmente, la integridad territorial o la unidad política de Estados soberanos e independientes".

**Contribution from Brazil  
Contribution du Brésil**

**English version  
Version Anglaise**

<b>Page number Numéro de page</b>	<b>From line Depuis la ligne</b>	<b>To line Jusqu'à la ligne</b>	<b>Comment Commentaire</b>
2	40	46	Paragraph 7 of the proposed text should be followed by a reference to article 46, paragraph 1 of the UNDRIP. Thus, the following clarification should be added at the end of the aforementioned paragraph 7: "Nothing in this Policy may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States."
2	41	42	The exact wording of article 4 of the UNDRIP should be kept, so these lines should read: "This includes <i>inter alia</i> the right to autonomy or self-government in matters relating to their internal and local affairs."
2	47	50	The sentence in lines 47-50 should be replaced by the exact wording of article 19 of the UNDRIP. Thus, the first sentence of paragraph 8 of the proposed text should be replaced by the following: "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them."
2	57	58	The exact wording of article 14 of the UNDRIP should be kept, so these lines should read: "[...] control their educational systems and institutions providing education in their own languages [...]".
3	78	78	Add "on issues affecting them" after "evaluation".
3	79	79	The process of choosing representatives of indigenous peoples before UNESCO should include the participation of States, so that each State can confirm whether they are recognized as such by the State and whether their representative is a legitimate one.
3	91	91	The expression "at all levels" should be followed by "regarding issues affecting them".
4	150	150	The expression "full and effective participation of indigenous peoples" should be followed by "in issues affecting them".
4	162	162	Replace "information pathways" by "informal pathways".
6	251	252	The expression "full and effective participation of indigenous peoples" should be followed by "in issues affecting them".
7	280	280	The expression "at all levels of the STI endeavour" should be followed by the qualifier "in issues affecting them".

7	285	285	The expression "full and effective participation of indigenous peoples" should be followed by "in issues affecting them".
9	354	354	The expression "regarding their lands and resources" should be added after "stages and levels".
9	376	376	The expression "strategic-level processes" should be followed by a comma and by the expression "where appropriate"
10	387	387	The expression "as appropriate", separated by commas, should follow the word "inclusion".
15	614	614	Item "p" of paragraph 86 of the proposed text diverges from Convention No. 169 of the International Labour Organization. With respect to the removal of indigenous and tribal peoples from the lands which they occupy, Convention No. 169 states in its article 16 that: "Paragraph 2. Where the relocation of these peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent. Where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned." As a solution, Brazil suggests that the following clarifications be added at the end of item "p" of paragraph 86 of the proposed text: "[...], except in emergency situations, such as catastrophes and epidemics".
17	702	702	The phrase "ensure enforcement of" should be replaced by "promote compliance with".
19	779	779	The expression should read "as a whole" and not "as whole".
20	837	837	Exclude "that" of the sentence.

**Contribution from Canada**  
**Contribution du Canada**

**General comment**  
**Commentaire général**

Chers collègues,

La Délégation permanente du Canada auprès de l'UNESCO a le plaisir de vous faire parvenir ci-dessous les commentaires du Canada sur le projet de Politique de l'UNESCO sur l'engagement auprès des peuples autochtones.

Le Canada se réjouit du travail accompli afin de respecter l'engagement pris par l'UNESCO au regard de la Stratégie à moyen terme pour 2014-2021 d'élaborer et de mettre en œuvre une politique sur l'engagement des peuples autochtones à l'échelle de l'Organisation. Il estime que ce dernier concourt effectivement à la mission que s'est donnée l'UNESCO de promouvoir la paix par le dialogue interculturel.

L'adoption par l'UNESCO d'une « Politique de l'UNESCO sur l'engagement auprès des peuples autochtones » est tout à fait conforme au mandat de l'UNESCO. De nombreux organismes et institutions spécialisées des Nations Unies dont le PNUD, le PNUE, et la FAO ont déjà adopté des politiques ou d'autres instruments d'orientation relatifs aux peuples autochtones. Dix ans après l'adoption de la Déclaration des Nations Unies sur les droits des peuples autochtones, il est temps que l'UNESCO comble son retard et mette en œuvre la Déclaration des Nations Unies de façon cohérente.

Le projet de « Politique de l'UNESCO sur l'engagement auprès des peuples autochtones » prévoit : une meilleure coordination au sein de l'UNESCO des activités et programmes qui peuvent intéresser les peuples autochtones; une contribution de l'UNESCO aux activités de l'ensemble du système onusien sur les questions autochtones (par exemple, l'Instance permanente des Nations Unies sur les questions autochtones, le Mécanisme d'experts sur les droits des peuples autochtones, et le Rapporteur spécial sur les droits des peuples autochtones); et la possibilité pour l'UNESCO de mettre en place des partenariats officiels avec des organisations de peuples autochtones afin d'améliorer la participation des peuples autochtones dans les activités de l'UNESCO.

La possibilité de mobiliser des ressources extrabudgétaires en faveur de projets intersectoriels qui profitent directement aux peuples autochtones est également évoqué par le projet de « Politique de l'UNESCO ».

Le Canada ne peut que se féliciter de ces objectifs et souhaite souligner l'importance d'un examen périodique de la mise en œuvre de la « Politique de l'UNESCO » afin d'y apporter les ajustements nécessaires et tirer les leçons qui s'imposent.

Le Canada appuie sans réserve la Déclaration des Nations Unies sur les droits des peuples autochtones et tient néanmoins à rappeler que les discussions entourant la mise en œuvre des droits prévus à la Déclaration doivent se poursuivre au sein de l'Instance permanente de l'Organisation des Nations Unies sur les questions autochtones. Le Canada se félicite que l'UNESCO cherche à mettre en œuvre la Déclaration dans ses champs de compétence. Comme l'a indiqué la Ministre des Affaires autochtones et du Nord du Canada dans son allocution devant l'Instance permanente des Nations Unies sur les questions autochtones le 10 mai 2016 : « la mise en œuvre de la Déclaration des Nations Unies sur les droits des peuples autochtones ne doit pas nous effrayer ».

**Contribution from the Democratic Socialist Republic of Sri Lanka  
Contribution de la République démocratique socialiste du Sri Lanka**

**English version  
Version Anglaise**

<i>Page number Numéro de page</i>	<i>From line Depuis la ligne</i>	<i>To line Jusqu'à la ligne</i>	<i>Comment Commentaire</i>
2	45	46	Should not contradict with the existing national legislation.
7	267	271	The term 'scientific research' on line 268 is too exclusive. It should also include other disciplinary areas such as sociological and humanities research as well. It may be necessary to define the term "scientific research" in the policy document.
7	272	275	Need to include the aspects of 'Access and Benefit Sharing' (ABS) into the statement similar to the previous statement (37).
7	286	288	Remove the term "... their knowledge ..." from line no. 287, and articulate a separate sentence that includes 'their knowledge, culture, tradition, and identity'.
9	377	380	The present clause does not address the need to 'protect the rights' of indigenous people to water. Therefore, it is necessary to re-phrase the clause accordingly.
11	436	436	The sub-heading 436 is about 'Sports and anti-doping'. However, in the statement (from line 437-446) there is no mention about 'anti-doping'.
14	573	576	Need to include all ICH domains as defined in the 2003 Convention.
20	851	875	Under the sub-heading 'Information Sharing (110), include a communication modality as follows; 'Provide input to programmes and strategies in the collection, organization, and dissemination of information by relevant parties.'

**Contribution from Estonia  
Contribution d'Estonie**

**English version  
Version Anglaise**

<i>Page number Numéro de page</i>	<i>From line Depuis la ligne</i>	<i>To line Jusqu'à la ligne</i>	<i>Comment Commentaire</i>
1	10	11	It is imperative to keep reference to UNDRIP as in current wording.
5	202	204	change "and meeting such as" into "and meetings such as annual sessions of" - to be more precise.
8	311	313	strengthen wording in order to rule out possibility that UNESCO participates in projects that include "removal of indigenous peoples from their lands and territories /.../, e.g., into the following "UNESCO will not participate in projects that involve, or result in the removal of indigenous peoples from their lands and territories /.../
8	314	314	add "World Heritage sites" to the list to articulate this point. As this subsection deals with UNESCO-designated sites it would be good to mention them in addition to the already mentioned Biosphere Reserves and Geoparks.

13	542	542	add in the end "and calls upon Member States to ensure implementation of applicable international instruments, including the UN Declaration on the Rights of Indigenous Peoples." The wording is taken from the UNESCO Recommendation on Museums and Collections + it contains specific reference to UNDRIP as it is included in the Recommendation's list of the international instruments directly and indirectly relating to museums and collections and it is especially relevant in the context of the policy.
18	733	736	add "in collaboration with other analogous and complementary platforms"
20	849	850	add "in substantive manner and in a spirit of partnership" to para.
20	850+		"Through the policy and its coordination mechanisms UNESCO seeks to improve coordination of cross-sectoral projects on themes relevant for the implementation of the UNDRIP, in particular preparations for the UNESCO-led International Year of Indigenous Languages in 2019." The reason for this addition is to reinstate the reference previously included in the introduction to the policy given the relevance and importance of this International year, that is also in line with the relevant recommendations of the report of the 16th session of UNPFII.
20	854	855	add " including engage in substantive dialogue with UNPFII Members and indigenous peoples' organizations (IPOs) attending these sessions"
20	850+		We invite UNESCO to consider a possibility of adding a 4th modality which would effectively be an advisory body consisting of representatives of indigenous peoples. Examples from other UN agencies include Indigenous Peoples' Forum at IFAD, Indigenous Peoples Advisory Council at World Bank, or others. Such advisory body would ensure that the voice of indigenous peoples is heard, and taken into account by UNESCO on a systematic basis.

Contribution from Finland Contribution de la Finlande			
English version Version anglaise			
<b>General comment</b> <b>Commentaire général</b>	Referring to the above mentioned consultation Finland welcomes the draft UNESCO Policy on engaging with Indigenous Peoples. It is a valuable, concrete follow-up to the outcome document of the high-level plenary meeting of the UN General Assembly in 2014, known as the World Conference on Indigenous Peoples, and the subsequent UN system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples. Finland welcomes in particular that the draft policy emphasizes the participation and inclusion of Indigenous Peoples, firmly integrates a gender perspective and adopts a human rights based approach.		
<b>Page number</b> <b>Numéro de page</b>	<b>From line</b> <b>Depuis la ligne</b>	<b>To line</b> <b>Jusqu'à la ligne</b>	<b>Comment / Commentaire</b>
1	12	13	Add words "human rights treaties" and "other" to the following sentence: "These include the rights of indigenous peoples as laid out in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the Convention 169 of the International Labour Organization (ILO 169), <b>human rights treaties</b> and <b>other</b> related human rights documents." A reason: There are human rights treaties – such as International Covenant on Civil and Political Rights (CCPR) and Convention on the Rights of the Child (CRC) – which are essential to Indigenous Peoples' rights.

Contribution from France Contribution de la France			
French version Version française			
<b>Page number</b> <b>Numéro de page</b>	<b>From line</b> <b>Depuis la ligne</b>	<b>To line</b> <b>Jusqu'à la ligne</b>	<b>Comment / Commentaire</b>
1	14	14	suppression de la référence à la Convention n°169 de l'OIT qui n'a été ratifiée que par 22 Etats dans le monde et qui reconnaît des droits collectifs aux populations autochtones
1	18	18	ajouter, après "dans tous les domaines de programme appropriés", l'incise suivante : "dans le respect de leur cadre constitutionnel et législatif respectif"
4	125	126	suppression de la référence à la Convention n°169 de l'OIT qui n'a été ratifiée que par 22 Etats dans le monde et qui reconnaît des droits collectifs aux populations autochtones
13	527	527	rajouter "parmi" après "les peuples autochtones ou d'ascendance africaine sont"
18	783	784	remplacer "droit humain" par "droit de l'Homme"

**Contribution from Holy See  
Contribution de Holy See**

**French version  
Version française**

<i>Page number Numéro de page</i>	<i>From line Depuis la ligne</i>	<i>To line Jusqu'à la ligne</i>	<i>Comment / Commentaire</i>
3	86	86	Delete the word "genres" and substitute with the word "sexes"
3	113	113	Delete the word "genres" and substitute with the word "sexes"
3	114	114	Enter the word "cette" between "de" and "dimension" and erase the two words "de genre"
4	170	170	Delete the word "genres" and substitute with the word "sexes"
5	186	186	Delete the word "genres" and substitute with the word "sexes"
6	248	248	Delete the word "genres" and substitute with the word "sexes"
10	413	413	Enter the word "humain" after the word "droit"
11	463	463	Delete the word "genres" and substitute with the word "sexes"
13	527	527	Enter the word "parmi" in between the word "sont" and "les"
15	637	637	Delete the word "different" and substitute with the word "deux"
16	692	692	Move the article and the noun "la dignité" after the word "renforcer"
16	693	693	Delete the word "genres" and substitute with the word "sexes"
20	866	866	Delete the word "genres" and substitute with the word "sexes"
20	867	867	Delete the word "genres" and substitute with the word "sexes"
20	873	873	Delete the word "genres" and substitute with the word "femmes et des hommes"
20	874	875	Delete the words " de la question du genre, c'est-à-dire la prise en considération"
21	879	879	Delete the words "spécifiquement axés sur le genre, c'est-à-dire"
21	884	884	Delete the word "genres" and substitute with the word "sexes"
21	895	895	Delete the word "genres" and substitute with the word "femmes et des hommes"
21	907	907	Delete the word "genres" and substitute with the word "sexes"
21	914	914	Delete the word "genres" and substitute with the word "sexes"

**Contribution from the Kingdom of Denmark  
Contribution du Royaume du Danemark**

**English version  
Version Anglaise**

**General comment  
Commentaire général**

Dear ADG/ERI, Mr. Eric Falt

In Denmark's new Strategy for Development Cooperation and Humanitarian Action, we vouch to continue making a persistent effort in '*the promotion of the rights of indigenous people*'. Denmark considers a UNESCO policy on engaging with indigenous peoples to be an important milestone for the work of the secretariat. It is therefore our pleasure – with reference to the consultation process – to send in general comments of support and a specific proposal for amendment.

Regarding the general comments, we believe the UNESCO policy would be highly relevant due to at least four reasons:

- UNESCO's normative work covers issues pertinent to indigenous peoples.
- The increasing demand for a policy, by partners and donors.
- To keep up with the rest of the UN-bodies of which several already have a policy in place.
- The visibility of UNESCO's existing work in the area.

Regarding the specific proposal for amendment, Denmark wish to add a reference to article 18 of UNDRIP under para 11 'Participation and inclusion' (p. 2, l. 74): "*United Nations agencies shall establish ways and means of ensuring the participation of indigenous peoples in issues affecting them (UNDRIP, Articles 18 and 41)*". See attached review form.

Denmark reiterates its welcoming of the secretariat's initiative and hopes for its adoption at the 202<sup>nd</sup> Executive Board.

Paris, (22/06/2017)

<b>Page number Numéro de page</b>	<b>From line Depuis la ligne</b>	<b>To line Jusqu'à la ligne</b>	<b>Comment Commentaire</b>
2	74	74	Add reference: "United Nations agencies shall establish ways and means of ensuring the participation of indigenous peoples in issues affecting them (UNDRIP, Articles <a href="#">18</a> and <a href="#">41</a> )"

**Contribution from the Kingdom of Norway  
Contribution du Royaume de la Norvège**

**English version  
Version Anglaise**

**General comment  
Commentaire général**

Referring to the above mentioned consultation, Norway welcomes UNESCO's draft policy on engaging with indigenous peoples as an implementation of the UN Declaration on the Rights of Indigenous Peoples. Norway appreciates the opportunity to submit comments to the draft policy. These comments have been inserted to the Excel table enclosed.

However, Norway would like to comment on the use and reference to free, prior and informed consent in the draft policy. We wish to clarify our understanding of some issues pertaining to this term and to the relevant legal framework. The ILO Convention No. 169 article 6 establishes a duty for the states to consult the indigenous peoples whenever consideration is being given to legislative or administrative measures which may affect them directly. The consultations shall be undertaken in good faith and with the objective of achieving agreement – or consent – to the proposed measures.

While The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is not a legally binding document, it does provide important guidelines. Article 19 declares that states should consult in good faith in order to obtain a free, prior and informed consent. The scope of the provision must be determined on the basis of interpretations of similar consultation obligations in other international legal instruments, such as ILO Convention No. 169.

The International Covenant on Civil and Political Rights article 27 is also essential. Measures whose impact amounts to a denial of the right of a community to enjoy its own culture, would be incompatible with the covenant.

However, a general requirement to obtain a free, prior and informed consent –also referred to as a "right to veto" – cannot be derived from the international instruments. Please also see Norway's addendum to the Report on the Rights of Indigenous Peoples on the human rights situation of the Sámi people in the Sápmi region in Norway, Sweden and Finland (attached), for more detailed comments.

We will urge UNESCO to make the necessary changes in the draft document to ensure that the policy on engaging indigenous peoples is in accordance with the "agreed language" in UNDRIP and other relevant instruments.

UNESCO's draft policy on engaging with indigenous peoples and Norway's comments have been shared with the Sami Parliament.

We also would like to stress that UNDRIP is a non-binding text for Member States. Nevertheless, it is important quotes from UNDRIP in the draft declaration entirely corresponds to the text of UNDRIP.

Sweden would like to underline that the proposed policy should be considered as an internal instrument for how UNESCO engages with indigenous people, and not as an binding text for Member States. This should ideally be made clear in the preamble.

The Swedish government has no difficulty in recognising collective rights outside the framework of human rights law. However, it is the firm opinion of the Swedish government that individual human rights prevail over the collective rights.

<b>Page number Numéro de page</b>	<b>From line Depuis la ligne</b>	<b>To line Jusqu'à la ligne</b>	<b>Comment Commentaire</b>
2	47	47	We propose the following wording: Consultations in order to obtain free, prior and informed consent
2	49	49	... require consultations and cooperation in good faith in order to obtain their free, prior and informed consent (FPIC) ... Please see Norway's addendum attached.
2	50	50	Consultations in order to obtain FPIC is a process ...
6	254	254	... taking into account the right to be consulted in order to obtain their free, prior and informed consent of ...

7	268	269	Respecting the right to be consulted in order to obtain indigenous people's free, prior and informed consent, ...
7	273	274	Is the reference to "free, prior and informed consent" in accordance with "agreed language"?
7	286	286	require consultations in good faith in order to obtain their free, prior and informed consent
9	341	342	... without their active and full participation in the process in order to obtain their free, prior and informed consent.
9	361	361	Is the reference to "free, prior and informed consent" in accordance with "agreed language"?
12	477	478	...with consultations in order to obtain free, prior and informed consent of the concerned indigenous peoples,
14	593	593	We suggest to keep to the wording in UNDRIP article 31, an alternative solution is: ... have the right to be consulted in order to obtain their free, prior and informed consent regarding ...
15	626	626	Ensure consultations in order to obtain free, prior and informed consent and ...

Contribution from the Republic of Chile Contribution de la République du Chili			
English version Version Anglaise			
Page number Numéro de page	From line Depuis la ligne	To line Jusqu'à la ligne	Comment Commentaire
2	60	60	on indigenous knowledge , <b>in full respect with their cultural identity</b> ] and, as far as possible, be administered through their own institutions (UNDRIP, Article 23).
3	84	85	UNESCO will promote the economic, social and cultural empowerment and agency of indigenous women [, <b>and girls and boys</b> ] grounded in a human rights-based approach.
3	92	92	including planning and decision-making [, <b>with an impact on the evaluation of UNESCO's activities.</b> ]
21	889	889	the policy may be reviewed periodically [ <b>in conjunction with indigenous peoples</b> ] to strengthen
21	891	891	[Promote a dialogue and participation mechanism between indigenous people, states and UNESCO that allows the collection of information on policy implementation.]

**Contribution from the Republic of Philippines  
Contribution de la République des Philippines**

**General comment  
Commentaire général**

The Delegation of the Philippines suggests that UNESCO policy should hue closely to the Declaration, particularly in Part B. Policy should focus on how UNESCO can help fully realize provisions of the Declaration related to its key sectors (culture, education and science) such as Articles 8, 11, 14, 15, 16, 17, 21 and 31.

**Contribution from the Republic of South Africa  
Contribution de la République d'Afrique du Sud**

**English version  
Version Anglaise**

<i>Page number Numéro de page</i>	<i>From line Depuis la ligne</i>	<i>To line Jusqu'à la ligne</i>	<i>Comment Commentaire</i>
1	7	10	Guidelines were created for the UN Secretariat. We don't think that it's appropriate to mention them in this context. The Human Rights Based Approach is indeed a Secretariat document, and we do not know what it entails, and we are requested to endorse its contents. Additionally, by including ILO Convention 169, of which some Member States such as South Africa are not party to, raise a concern of Member States who are not party to the Convention are inadvertently being requested to implement this policy. UNESCO should clarify how it will manage this process. Delete from "approach" to "Issues"
1			In the whole paragraph quotes from UNDRIP shall be verbatim fully in line with the text of the Declaration
2	38	39	This constitutes a specific commitment, not a guiding principle. While South Africa does not support forced assimilation, it is not clear how UNESCO defines indigenous peoples' socio-cultural, political and economic integrity. These are terms that could be clarified in consultations given that this is an undertaking by UNESCO. Delete from "Unesco" to "Integrity"
2	45	46	This constitutes a specific commitment, not a guiding principle. South Africa has elaborated the Traditional Affairs Bill which has undergone consultations, however some articles therein proved contentious. The Bill would among others, recognize the governance structures of indigenous peoples, consistent with the Constitution.  It is not clear however, where these governance structures are not recognized by other Member States, how UNESCO plans to deal with that. Clarification would therefore be required on process or mechanism to address indigenous peoples' complaints related thereto.  Delete from "UNESCO" to "structures"

2	47	52	<p>FPIC – South Africa has established a National Khoi-San Council, a consultation mechanism with Indigenous Peoples. We have to be aware however, that there is an element in South Africa calling for secession. UNESCO should clarify how it plans to address issues such as secession when implementing the envisaged policy.</p> <p>Delete Paragraphe 8.</p>
2	70	72	<p>This constitutes a specific commitment, not a guiding principle. According to Russian law, indigenous people have the right to <u>access to</u> and <u>use</u> lands.</p> <p>Delete from "UNESCO" to "Conventions"</p>
2	73	79	<p>This paragraph as formulated undermines the intergovernmental status of UNESCO. Moreover as there is no definition of the term "indigenous people" a question of the right for representation can be raised. The mechanism for implementing this commitment is not clear. Will this be done in spite of the institutional and constitutional arrangements in place? In south Africa, the exception to the 1913 cut-off date for land restitution was among others, aimed at addressing the land question for the national/ethnic, religious or linguistic communities in South Africa.</p> <p>On participation and inclusion, the operations of UN Agencies are regulated by the agreement entered into with the host country. It therefore begs the question on whether this commitment is sincere or whether it is aimed at pleasing donors.</p> <p>It is also not clear how these peoples' representatives are chosen because there are some indigenous peoples structures recognized by Governments, while some are not. Indigenous peoples themselves don't see eye to eye on this issue.</p> <p>Delete pragraph</p>
3	87	92	<p>This paragraph as formulated undermines the intergovernmental status of UNESCO.</p> <p>Will there be needs assessment or is it assumed that there is a need for awareness raising. The AU has a position on this matter, following a study undertaken by the experts in the African Commission on Human and Peoples' Rights.</p> <p>Delete paragraph</p>
3	110		<p>One of the outcomes of the 2014 World Conference on Indigenous Peoples was a request addressed to the UN Secretary-General to identify ways and means of ensuring the participation of indigenous peoples' representatives and/institutions in the work of UN bodies and agencies, in decision-making processes on issues that affect them. This process is on-going in New York with the latest meetings having taken place on 26 April and 03 May 2017, respectively. To what extent has UNESCO engaged with that process, and is this process not pre-empting the outcome of that process, where indigenous peoples are involved.</p>
5	168		<p>"Diverse itentities": Vague term. It should be clear what identities are meant.</p>

5	187		This human rights based approach is not defined. How do we recognize a human rights based approach. Additionally, which normative instruments are these. Are they UNESCO normative instruments.
6	245	249	It is not clear how the intellectual property of indigenous peoples will be protected in such collaborations.
6	250	252	How will this be done, or what mechanism?
8	318	321	We can talk only about involvement of indigenous people to this process. Delete paragraph
8	323	325	This suggests that UNESCO will recognize indigenous peoples' rights as a standard above everything else.
8	327		"key rights-holders": Seems to establish a hierarchy of rights-holders
9	340	342	What does empowered participation entail? Delete paragraph
17	701	702	How will UNESCO ensure enforcement, and in what capacity will it do this? This is not to question the right to the exercise of freedom of opinion and expression.
18	752		South Africa does not recognize collective rights in its constitution, however, we are a signatory of the UN DRIP
18-19	770	773	The role of domestic/national NGOs has not been included. Not sure if this is deliberate.
20	841	850	The UN General Assembly and the UN Human Rights Council should be mentioned as the only inter-governmental bodies that define the UN policy regarding indigenous people. It is incorrect to say there are three main bodies as the Permanent Forum on Indigenous Issues is an advisory structure of ECOSOC, which is a body of the UN, while the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the Rights of Indigenous People are Special Procedures Mechanisms of the Human Rights Council. The referencing should be corrected.
21	872	873	This is a selective approach. How were these indigenous peoples selected?

**Contribution from the Russian Federation  
Contribution de la Fédération de Russie**

**English version  
Version Anglaise**

<b>Page number Numéro de page</b>	<b>From line Depuis la ligne</b>	<b>To line Jusqu'à la ligne</b>	<b>Comment Commentaire</b>
1	8	10	Eliminate any reference to Guidelines. Guidelines were created for the UN Secretariat. It is not appropriate to refer to them in the context of this document.
2	38	39	Eliminate "UNESCO ensures..." as it constitutes a specific commitment, not a guiding principle.
2	45	46	Eliminate "UNESCO will recognize..." as it constitutes a specific commitment, not a guiding principle.
2	47	52	This paragraph should be reformulated. Russia abstained from voting for UNDRIP, making remark that we can't accept the "right over lands, territories and resources". "Free, prior and informed consent" is the UN terminology that goes beyond UNESCO mandate.
2	70	72	Eliminate "UNESCO will recognize..." as it constitutes a specific commitment, not a guiding principle and contradicts with the Russian law. According to it, indigenous people have the right to access to and use lands.
2-3	73	79	This paragraph should be reformulated. As it is now, it undermines the integovernmental status of UNESCO. As there is no definition of the term "indigenous people" a question of the right for representation can be raised.
3	87	92	This paragraph should be reformulated. As it is now, it undermines the integovernmental status of UNESCO.
1-3	25	92	Quotes from UNDRIP in Part A shall be verbatim fully in line with the text of the Declaration.
5	168	168	Term "diverse identities" is vague. It should be clear what identities are ment.
8	315	317	This paragraph should be reformulated. We can talk only about involvement of indigenous people to this process.
9	340	342	This paragraph should be reformulated.
9-20	381	825	Part B should be more brief and concrete.
20	830	830	After "its work" "within its competence" should be added.
20	841	844	The Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the Rights of Indigenous Peoples can be mentionned only as "three UN bodies that are mandated to deal specifically with indigenous people's issues". The UN General Assembly and the UN Human Rights Council are to be mentionned as the only inter-governmental bodies that define the UN policy regarding indigenous people.

**Contribution from Sweden  
Contribution de la Suède**

**English version  
Version Anglaise**

**General comment  
Commentaire général**

The Swedish government firmly believes that the promotion of human rights of indigenous individuals contribute to the maintenance and development of multicultural, pluralistic and tolerant societies, as well as the creation of stable and peaceful democracies built upon effective participation by all groups of society.

We also would like to stress that UNDRIP is a non-binding text for Member States. Nevertheless, it is important quotes from UNDRIP in the draft declaration entirely corresponds to the text of UNDRIP.

Sweden would like to underline that the proposed policy should be considered as an internal instrument for how UNESCO engages with indigenous people, and not as an binding text for Member States. This should ideally be mad clear in the preamble.

The Swedish government has no difficulty in recognising collective rights outside the framework of human rights law. However, it is the firm opinion of the Swedish government that individual human rights prevail over the collective rights.

<b>Page number Numéro de page</b>	<b>From line Depuis la ligne</b>	<b>To line Jusqu'à la ligne</b>	<b>Comment Commentaire</b>
1	7	10	The references to <i>Guidelines on the Human Rights Based Approach to Development Cooperation Towards a Common Understanding Among UN Agencies and Guidelines on Indigenous Peoples Issues</i> are highly relevant, since these guidelines were developed for all organisations in UN Developing Group, including UNESCO.
2	47	52	Sweden supports right to free, prior and informed consent (FPIC) for indigenous peoples as pointed out in article 19 in UNDRIP. FPIC is a crucial principle for dialog and consultation with indigenous peoples. The FPIC can be implemented in different ways, including through a consultative process between institutions representing indigenous people and governments and through participation in democratic systems. It does not entail a collective right to veto.
2	63	72	Sweden is positive to that UNESCO will recognize and respect indigenous peoples' rights to their lands, territories, resources, knowledge, and cultural heritage in all of its activities, including the implementation of its Conventions. At the same time, we recognise that the issue of land rights has different connotations in different states due to historic and demographic reasons. It is for example the interpretation of the Swedish government that the reference to article 26 and 28 of the UNDRIP, in the Swedish context applies to the traditional rights of the Sami people which includes for example the right to reindeer herding and the right to build fences and slaughterhouses for the reindeer. Article 28 does not give the Sami the right to redress for regular forestry by the forest owner.
9	366	366	Water is not a standalone human right, rather water <u>and sanitation</u> .

18	746	746	In order to avoid confusion, there should be a consequent use of the term indigenous peoples, and not substituting it with for example 'communities' or 'populations'. For example, the end of para 99 (e) should read "... especially among indigenous peoples."
19	774	825	Sweden is very positive to the clear text on how UNESCO will apply gender equality perspective, including discrimination, on the engagement with indigenous people.
20	842	844	Sweden is positive the three main bodies within the UN system that promote indigenous peoples' right is mentioned: the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the Rights of Indigenous Peoples. But, these bodies do not take decisions on behalf of the Member States.

**Contribution from Turkey**  
**Contribution de la Turquie**

**General comment**  
**Commentaire général**

Turkey notes the draft Policy document on UNESCO policy on engaging with indigenous peoples and would like to make the following observations with regard to the draft:

The draft makes reference to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Convention 169 of the International Labour Organization (ILO 169) as guiding documents on the issue.

Whereas the Declaration constitutes a comprehensive document on the rights of indigenous peoples, it remains a non-binding instrument. Turkey voted in favour of the Declaration, acknowledging that although legally non-binding, it could serve as an important tool for those States that recognize indigenous peoples within their national territories. However, we have also registered our position that Turkey did not have any people in its territory that falls within the terminology that has been employed by the Declaration in order to describe indigenous peoples to which the Declaration applies. We have also emphasized that the Declaration referred to the exercise of self-determination in line with the United Nations Charter obligations regarding non-interference in the sovereignty, integrity and political unity of States.

The ILO 169 Convention, on the other hand, fails to be a universally recognized instrument with only 22 ratification as of today.

In this framework, since there is no established definition of indigenous peoples in international law, UNESCO should be very cautious in the drafting of the policy document and refrain from using “self-determination” and “right to lands and territories” which may interfere in the sovereign rights of the States. We believe that any Policy document that is to be developed by UNESCO on indigenous peoples should strictly be limited to the mandate of the Organization.

It is extremely important that Article 46.1 of the Declaration is reflected on the policy document as a general principle that will guide our deliberations.

“Article 46.1- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.”

Furthermore, it is of utmost importance that activities enumerated in the draft policy document will be carried out in close coordination and consultation with the concerned States. This should be enshrined in the document as a general principle. Their participation in UNESCO work and its criteria, promotion of official partnerships with indigenous Organizations and any interaction in UNESCO established online platforms should be carried out in close collaboration with concerned States to avoid creating sensitivities.

**Contribution from Uganda**  
**Contribution de l'Ouganda**

**General comment**  
**Commentaire général**

- a) The draft policy is actually spot on on the issues generally affecting the indigenous peoples world wide and I concur with all of them. I want to add though that a specific issue on affirmative action on political representation is very important that can lead to effective inclusive decision making both in allocation of resources as well as overcoming discrimination, stereotypes and many more other challenges affecting indigenous peoples. I want to add that looking at the democratic dispensation that is in most countries in the world, representation for indigenous peoples is extremely very difficult mainly on basis of numbers, stereotype, language and communication. For Uganda therefore, the policy should come clear on advocating for affirmative action on political representation.
- b) In Uganda, there is an ambiguity on indigenous peoples. Our Constitution spells out that any ethnic group found in Uganda by 1926 is indigenous. As such, for Uganda, all the 65 ethnic groups or tribes are indigenous including the popularly known: IK, Batwa and Benet. Now, our issue here is that the policy should come clear on whether in such circumstance where like for Uganda not all the 65 tribes fit in the UN criteria, we for example differentiate by calling those popular three "indigenous minority peoples". In fact, as a department, we have adopted "indigenous minority peoples" when referring to the IK, Batwa and Benet. Therefore, this is an opportunity to have that clarification should you find out that such an ambiguity also exists in other member Countries.
- c) The policy has no vision, mission/goal and objectives. As such, one cannot quickly get to feel the rationale of the policy, let alone, the fact that the rationale/problem statement as a stand-alone is missing. There are all good ideas and statements but without a "direction".
- d) We would appreciate as Uganda if we officially got a copy of the UNESCO Medium Term Strategy 2014-2021 being referred to in the policy.
- e) We would love to see the roles and responsibilities of the various actors/stakeholders in implementation of this policy.
- f) Finally, we would like to see an official launch of this important policy wherein, Uganda and particularly, the department will be invited at the launch and then resources released to disseminate it in each country. Thank you.

**Contribution from Ukraine**  
**Contribution de l'Ukraine**

**General comment**  
**Commentaire général**

Dear Sir/Madam,

On behalf of the Ministry of Culture of Ukraine let me inform you that we've worked out the draft UNESCO policy on engaging with indigenous peoples and believe it doesn't require any amendments.

Ukraine as a State shares the main principles of the UNESCO policy on engaging with indigenous peoples based upon universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion.

Thank you for your excellent team-work and perfectly elaborated document.

**Contribution from UN PFII  
Contribution de UN PFII**

**English version  
Version Anglaise**

**General comment  
Commentaire général**

As previously mentioned, Preservation and revitalization of indigenous languages has not been stated as a priority area for UNESCO. However prioritizing this would be consistent with recommendations of 2016 expert group meeting (EGM) on IP languages, and on corresponding recommendations of UNPFII 15th session (2016) as well as the UNGA 3rd Committee resolution about International Year of Indigenous Languages 2019.

<b>Page number Numéro de page</b>	<b>From line Depuis la ligne</b>	<b>To line Jusqu'à la ligne</b>	<b>Comment Commentaire</b>
1	footnote 3		change link to <a href="https://undg.org/wp-content/uploads/2016/09/6959-The_Human_Rights_Based_Approach_to_Development_Cooperation_Towards_a_Common_Understanding_among_UN.pdf">https://undg.org/wp-content/uploads/2016/09/6959-The_Human_Rights_Based_Approach_to_Development_Cooperation_Towards_a_Common_Understanding_among_UN.pdf</a>
1	footnote 4		change link to <a href="https://undg.org/wp-content/uploads/2016/10/UNDG_guidelines_EN.pdf">https://undg.org/wp-content/uploads/2016/10/UNDG_guidelines_EN.pdf</a>
2	31		replace "as well as" w/ " <b>and</b> "
2	39		replace "," w/ " <b>and/or</b> "
2	45		add " <b>(UNDRIP, Article 18).</b> " after representatives
2	71		edit "resources, <b>languages</b> , knowledge..."
3	106		edit "population groups ( <b>such as indigenous peoples</b> )..."
3	107		edit "lagging/left..."
3	119	120	edit "reasons of <b>a...</b> "
4	125	126	edit " <b>often</b> being often..."
5	196		edit "education <b>by analysis of relevant data, promotion of indicators for further data gathering,...</b> "
5	207		edit "systems, <b>training programs...</b> "
6	211		edit "stakeholders"
7	280		add " <b>full and</b> effective..."
7	293		expand acronyms " <b>SC and UIS</b> "
8	326		add " <b>full and</b> effective..."
8	326	327	Avoid the term "local communities and indigenous peoples" and refer just to "indigenous peoples" - unless this is based on agreed language
8	328		delete "among others"
8	334	336	edit "Indigenous peoples' <del>cosm</del> vision, knowledge, innovations and practices can <b>effectively</b> contribute to innovative approaches to climate change." (removed part is due to repetition of 337-339)
9	369		replace "water security" w/ <b>right to access to safe, clean, accessible and affordable water for personal, domestic and community use.</b>
10	397		edit "that this group <b>they continues...</b> "

10	398		add "poverty, <b>dispossession of land and denial of land rights, continuing assimilation policies...</b> "
10	414		edit "Latin American"
11	453	454	edit "their prior identification and participation of such-groups."
11	468		"...are <b>among</b> the most marginalized..."
14	579		edit "their indigenous peoples' "
14	602		edit "their..."
15	625		delete "and local communities."
17	713	715	Consider adding element of indigenous women participating in media. They are often particularly marginalized.
18	767		edit "people. ; and"
18,19	771	772	edit "organizations, the private sector and academic insitutions to promote cooperation, outreach programmes and policy implementation <b>that...</b> "
19	779		edit "as a whole."
19	793		edit " <del>stimulating</del> <b>raising...</b> "
20	815		edit "peoples'..."
20	837		edit "Sectors, <del>Sectors...</del> "
20	838		edit "- namely <b>the...</b> "
20	844		edit "Inter-Agency Support Group <b>on Indigenous Issues</b> "
20	846		edit "Inter-agency..."
20	848		edit " <b>United Nations</b> Declaration..."
20	848	849	edit "adopted in 2014 by the UN Secretary-General- <del>General</del> that was requested by Member States at the 2014 World Conference on Indigenous Peoples."