

TO: THE EXPERT MECHANISM ON INDIGENOUS RIGHTS OF THE UNITED NATIONS –
MODIFICATION OF ITS MANDATE

Response to the Questionnaire for Written Contributions to the Expert Workshop on the Review of the
Mandate of the Expert Mechanism on the Rights of Indigenous Peoples ¹

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**To The Expert Mechanism on Indigenous Rights (EM) and the Human Rights Council (HRC) of
the United Nations (UN):**

**RECOMENDATIONS ON THE MODIFICATION OF THE MANDATE OF THE EXPERT
MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES OF THE UNITED NATIONS**

*From, The Campaign for the Indigenous Protocol on the Taking of Decisions on
Matters Affecting their Peoples, Territories, Resources and Waters, in Accord with the
Principles of Free Consent*

See Annex – 222 Endorsements

- a. Categories of endorsers**
- b. Distribution of endorsers by country and indigenous peoples**
- c. List of endorsers**

¹ Resolution C.D.H. 2015 30/11.

I. Introduction – Historic and normative context

MANDATE OF THE HUMAN RIGHTS COUNCIL (HRC)

The Human Rights Council of the United Nations (HRC), composed of 47 representatives of UN member states, has, among other elements of its mandate, the responsibility to:²

- promote universal respect for the protection of all human rights
- address gross and systematic violations of human rights, and make recommendations thereon.
- prevent human rights violations through dialogue and cooperation
- respond to human rights emergencies
- cooperate closely with civil society
- promote the education of states in human rights, provide states with advice, technical assistance and promote capacity building in human rights
- promote the coordination of human rights organs within the UN system

THE CURRENT MANDATE OF THE EXPERT MECHANISM ON INDIGENOUS RIGHTS (EM)

The Expert Mechanism on Indigenous Rights (EM) has, among other elements of its mandate, the responsibility to:³

- undertake its mandate with the purpose of assisting the HRC in exercising its function
- provide the HRC with specialized expertise and thematic studies, and assist the HRC on the basis of investigation and research
- present proposals to the HRC so that these may be examined and approved

Modification of the mandate of the EM on the basis of the recommendation of the World Conference on Indigenous Peoples

On the basis of the recommendation of the World Conference on Indigenous Peoples,⁴ the HRC initiated a process of revision of the mandate of the EM, **in order to promote the more effective implementation**

² Resolution A.G. 1966, A/RES/60/251, pars. 2, 3, 5a.

³ Resolution C.D.H. 2007 6/36, par.1.

⁴ Resolution A.G. 2014 69/2 par. 28.

of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, Declaration) by United Nations member states, and to help member states achieve the ends of the Declaration.⁵

II. The Organization of this Exposition with Recommendations:

Recommendations on the Modification of the Mandate of the EM, Written in the Context of an Appeal to the EM and the HRC regarding The Paramount Need of Indigenous Peoples to Exercise the Right to Consent in Order to Restrain the Limitless Exploitation of Indigenous Territories Now Ongoing

This report with recommendations is organized according to the questions posed by the Expert Mechanism contained in its *Questionnaire for written contributions to the Expert Workshop on the Review of the Mandate of the Expert Mechanism*.⁶

However, the recommendations provided are developed within the specific context of the principal subject of Free, Prior and Informed Consent (FPIC). This concept is the paradigmatic concept of indigenous territory set forth in the articles of UNDRIP.⁷ The principle of consent has been linked directly to the capacity of the indigenous to survive as ethnic peoples, by high judicial authorities such as the Inter-American Court of Human Rights (IACtHR).⁸ For this reason the concept of territory and consent is marked with an elevated urgency among human rights in the UNDRIP.⁹ A great number of other vital indigenous human rights, such as cultural, social, economic and physical survival, all depend on the permanent control by indigenous peoples of their territories, natural resources and waters.¹⁰ The principle of free, prior and informed consent is re-emphasized repeatedly in the Final Document of the World

⁵ Resolution C.D.H. 2015 30/L.9.

⁶ Questionnaire for written contributions to the Expert Workshop on the Review of the Mandate of the Expert Mechanism on the Rights of Indigenous Peoples 2016

<<http://www.ohchr.org/Documents/Issues/IPeoples/EMRIP/EMRIP_Mandate_review_questionnaire_ENG.pdf >

⁷ Declaration of the United Nations on the Rights of Indigenous Peoples, A/RES/61/295, 13 September de 2007 (UNDRIP) Preamble par. 7, articles 11.2, 19, 28.1, 29.3, 32.2.

⁸ *The People Saramaka. Vs. Suriname*. IACtHR, 28 November 2007. (“Saramaka”) *The People of Saramaka. Vs. Suriname*. (Interpretation of the Opinion IACtHR, 12 August 2008 (“Saramaka Interpretation”). *Saramaka*, pars. 129, 130 n. 125, 135, 133-137, (citing Report of the Special Rapporteur of the United Nations on the situation of human rights and fundamental freedoms of Indigenous people, Rodolfo Stavenhagen, submitted in accordance with Commission resolution 2001/65, 59th session, U.N. Doc. E/CN.4/2003/90, January 21, 2003, p.2.), 194 (a), Decision Point No.5; *Saramaka Interpretation* pars. 17, 37, 43, 121

⁹ UNDRIP Preamble par. 7.

¹⁰ See, *supra*. n. 8, UNDRIP article 25.

Conference on Indigenous Peoples adopted by the General Assembly of the United Nations in 2014.¹¹ Therefore, the recommendations on the modification of the mandate of the EM are focused upon the capacity of this body to realize the full exercise of this right, which is an un-severable underlying structure and guiding principle of the UNDRIP as a whole.

It is necessary to indicate that in the Latin American region, the exercise of Free, Prior and Informed Consent with respect to territorial matters is strictly prohibited by the majority of UN member states. This is in violation of human rights that are legally in force in their jurisdictions and directly contrary to the UNDRIP. In turn, this directly leads to and enables an exploitation of indigenous territories that is without limits, that takes place at a galloping pace: creating a widespread human rights emergency.

It must be noted that: the possession of title to collective property for indigenous territories does not detain such unfettered exploitation, in the absence of a Right to Free Consent in territorial matters.

It must also be noted that: Convention 169 of the ILO does not detain the limitless exploitation of indigenous territories, when it is not interpreted in accord with Full Free, Prior and Informed Consent.

It must also be noted that: Prior Consultations do not contain the consumption without limits of indigenous territories since this process culminates in the imposition of forced exploitation, occupation or appropriation of indigenous territories. There is nothing “free” about this coercion denominated “Consultation”.

The recommendations and comments on the current Mandate of the EM and its modification will follow a brief presentation on the right to Free, Prior and Informed Consent (FPIC) of Indigenous Peoples

III. On the gross and systematic violation of indigenous peoples’ human right to Free, Prior and Informed Consent (FPIC) in Latin America, which is directly linked to their survival, and to the exercise of a broad spectrum of other fundamental human rights they are entitled to.

The recommendations of *The Campaign for The Indigenous Protocol on the Taking of Decisions on Matters Affecting their Peoples, Territories, Resources and Waters, in Accord with the Principles of Free Consent* is based upon sixteen (16) principles:

¹¹Resolution A.G. 2014 A/RES/69/2, pars. 3, 20.

First, the right to FPIC is based upon “hard law”, which is to say that it is legally binding upon all the public powers of the state in the majority of Latin American nations.¹²

Second, the right to FPIC is the structural basis and the fundamental paradigm of the concept of territory set forth in the UNRIP.¹³ This is reflected and repeated in the recommendations of the World Conference. Therefore, the organs of the UN are conferred with the responsibility to provide the resources that are necessary to contribute to the full realization of this right by means of financial cooperation and technical assistance, and to follow up on the effectiveness of their efforts.¹⁴

Third, the UNDRIP singles out the indigenous right to territory as being of maximum urgency. For this reason, detaining and stopping the continuous and systematic consumption of indigenous territories, which is now in course in the Latin American region, should be a priority of the first and maximum order in the EM and the HRC, and the other human rights organs of the UN.¹⁵

Fourth, the Inter-American Court of Human Rights (IACtHR) and the UN have long connected the exercise of the right of FPIC in the territorial context to the capacity of indigenous people to survive.¹⁶ All 84 members of the two governing councils (Cabildos) of the Zenú Peoples of Colombia individually and collectively assert their concurrence with this paper and the Protocol Campaign. The Zenú of Córdoba are struggling against an imminent threat of extinction due to territorial deprivation, documented by the Constitutional Court of Colombia, among others,¹⁷ see Annex.

¹² *Saramaka*, (IACtHR 2007), *supra*, n. 8; Articles 33, 62 American Convention on Human Rights, (ACHR), “Pact of San José”, Costa Rica, Organization of American States (OAS), 22 November 1969. All Latin American nations except Cuba have ratified the ACHR. Article 33 of this treaty stipulates the Inter-American Court and Commission are the organs which are competent with respect to matters concerning states’ “fulfilment of the commitments” made by them as signatories to the treaty. The Court has reiterated that indigenous people free prior and informed consent is a prerequisite for the exploitation of territories through large scale operations or other projects that infringe upon their cultural, economic, social or physical survival. *Saramaka* (IACtHR 2007), *supra* n.8. The internal legal orders of Latin American states almost universally place human rights treaties and the decisions of the organs authorized to interpret, them at a supra-legal, constitutional or supra-constitutional level, standing above contradictory ordinary law that is now used illegally to pave an unfettered flow of takings of indigenous territories. For an introduction to the subject matter, *See*, Comparative Constitutional Studies, Georgetown University, Political Database of the Americas, Norms on Foreign Relations <<http://pdba.georgetown.edu/Comp/Estado/relaciones.html>>

¹³ *See*, *supra*, note 7.

¹⁴ UNDRIP articles 41, 42.

¹⁵ UNDRIP, Preamble par, 7.

¹⁶ *See*, *supra*, n. 8;

¹⁷ Corte Constitucional de Colombia, Auto 004, MP Manuel Cepeda Espinosa Ecepeda, 1 enero 2009, Consideraciones 2.4.5; Corte Constitucional de Colombia, Auto 382, MPs Juan Carlos Henao Pérez, Nilson Pinilla y Luis Ernesto Vargas Silva, 10 diciembre de 2010; Corte Constitucional de Colombia, Auto 174, MP Luís Ernesto Vargas Silva, 9 agosto 2011. *See also*,

Fifth, the majority of Latin American member states, breaking with their own institutional structures of the Rule of Law, as well as their internal juridical hierarchies in the field of human rights, legislate, decree, regulate and adjudicate in order to prohibit the Right to Consent and keep open state access to indigenous territories for commercial and public exploitation.

Sixth, Indigenous peoples throughout Latin America, exercising their civil and political rights, who seek to assert and exercise their right to FPIC, and concomitantly, their right to survive as ethnic peoples, are everywhere violently repressed in response by member states, harassed dangerously and injuriously, and maliciously prosecuted. Therefore indigenous peoples are deserving and in need of comprehensive protection from the Human Rights System of the United Nations.

Seventh Up to dozens of uncontrolled, violent conflicts exist and are ongoing within each country in nations throughout Latin America; they centre on the forced exploitation of indigenous territories.

Eighth. At the heart of these conflicts lies precisely the prohibition of the exercise of the Right to Free, Prior and Informed Consent, and the endangerment of the survival of ethnic indigenous peoples, as such. The region is thus replete with situations of the highest order of urgency. The breadth of the crisis in indigenous territorial human rights requires the recognition of the HRC the EM in order to be the object of a truly proportionate response, and action in accord with the mandates of these two organs, and those of the other human rights organs of the UN. For example on 28 February 2016, one study reported that in Argentina alone, 200 conflicts between indigenous communities and the state exist at present.¹⁸

Ninth. The capacity of Indigenous Peoples to meaningfully participate, freely and effectively in decisions that affect them is suffocated by the authority that state members reserve for themselves to, on all occasions, oblige the exploitation, occupation and appropriation of indigenous territories. In this context of coercion, there is nothing “free” about a Prior Consultation, which in those states that practice it, leads to the forcible loss and/or environmental transformation of ancestral and traditional lands.¹⁹

Organización Nacional Indígena de Colombia (ONIC), *Identidad cultural en peligro de extinción* (2013)

<<http://rostroindigena2013.blogoo.com/identidad-cultural-en-peligro-de-extincion#.VuVxeJwrLIU>>

¹⁸ *200 conflictos indígenas permanecen sin resolver en Argentina*, Servicios de Comunicación Intercultural Servindi, Lima, Perú <<http://www.servindi.org/actualidad-noticias/28/02/2016/200-conflictos-indigenas-permanecen-sin-resolver-en-argentina>>

¹⁹ See, for example, in Peru, Article 15, Ley de Derecho a la Consulta Previa a los Pueblos Indígenas u Originarios Reconocido en el Convenio N° 169 de la Organización Internacional del Trabajo. Ley No. 29.785 de 23 agosto 2010. *El Peruano* 6 septiembre 2011; article 23.1, Decreto Supremo No. 011-2012-MC, Presidente de la República de Perú, Reglamento de la Ley N° 29785, Ley del Derecho a la Consulta Previa a los Pueblos Indígenas u Originarios reconocido en el Convenio 169 de la

Tenth. Indigenous peoples in Latin American countries are, for these reasons, trapped in the position of having to choose between 1) the loss of the territories that sustain their existence as ethnic peoples, or 2) or physical and criminal repression.

Eleventh. For the reasons stated, **the undersigned individuals, peoples and organizations ask for direct representation** in the human rights organs and all forums of the UN (HRC, EM and the Office of the High Commission on Human Rights) and in the Office of the Secretary General of the UN, Ban Ki-Moon, in accord with the Resolution of the General Assembly of the UN in Article 31 of the Final Document of the World Conference on Indigenous Peoples, such that human, technical and financial resources may be made available to intervene in the gross and systematic violation of the human rights of indigenous peoples taking place in a recognized regional crisis.

Twelfth. The undersigned individuals, peoples and organizations request that the EM, in concert with the HRC and the Office of the Secretary General of the UN, take action according to their respective mandates, to use Preventative Diplomacy, Mediation, Dialogue and Cooperation, and, if state violence cannot thus be contained, peacekeeping forces, and that they: 1) cooperate closely with Indigenous Peoples and Organizations; 2) respond to the human rights emergencies that affect the region; 3) address the gross and systematic human rights violations in course and issue recommendations to UN state members reflecting the appropriate level of gravity which implicates the disappearance of ethnic peoples for the economic gain of state apparatuses, and take proportional action; in order to 4) detain and prevent these ongoing violations, and 5) **that, in accord with their mandate under UNDRIP, that they proactively and firmly support the efforts of indigenous peoples to realize the universal institutionalization of the exercise of the right to Free, Prior and Informed Consent (FPIC).**

Thirteenth. **The institutionalization of Free, Prior and Informed Consent (FPIC) by indigenous peoples and their representative requires and is entitled to the support and safeguard of the Secretary General of the United Nations, the HRC, the EM and the other human rights organs of the UN, including the General Assembly.**²⁰

Fourteenth. Many peoples and organizations today, every day there are more, support a National Plan, in their countries, and an International Plan in the Americas, to institutionalize the exercise of FPIC through peaceful, democratic and legal means, through an initiative arising from Indigenous Peoples themselves,

Organización Internacional del Trabajo (OIT), *El Peruano* 3 abril 2012.. En Chile, Article 3, Decreto 66, Procedimiento de la Consulta Indígena en Virtud del Article 6 N° 1 Letra A) y N° 2 del Convenio N° 169 de la Organización Internacional de Trabajo, Santiago, Chile, Vigencia 4 marzo 2014.

²⁰ UNDRIP articles 41, 42.

and their representative organizations. It is resolved that this shall be done according to 1) the right of indigenous peoples to make decisions by means of their own representative organizations, 2) the right to determine their own course of development, 3) the right to self-determination, and 4) the right to permanently control their territories, natural resources and waters, among other fundamental rights.

In each Latin American country indigenous people are undertaking to create an **Indigenous Protocol on the Taking of Decisions on Matters Affecting their Peoples, Territories, Resources and Waters, in Accord with the Principles of Free Consent**. It is universally resolved that the **Indigenous Protocol** shall follow the letter of the law of international human rights, and most centrally the right to free, prior and informed consent.²¹ It is resolved that in every country 1) no development or investment project or other work that affects indigenous territories or peoples shall be authorized absent compliance with the requirements of the Indigenous Protocol; 2) no negotiation between indigenous peoples or a state shall take place regarding such projects or works without the presence of International Human Rights Monitors; 3) nor shall any negotiation take place without the presence of a court reporter and notary public, and in fulfilment of the remaining requirements of the Protocol.

Indigenous peoples request the support, accompaniment and protection of the human rights organs and organs responsible for the realization of indigenous peoples' human rights, as well as that of the Office of the Secretary General of the UN and the UN High Commissioner on Humans in this effort to implement the UNDRIP and follow the direction provided by the World Conference on Indigenous Peoples, which indicates that indigenous peoples and their representative organizations are to collaborate directly with United Nations organs and offices.

Fifteenth. Despite the national and international legality of the initiative described in the Fourteenth paragraph of this statement, Indigenous Peoples and Organizations who are organizing this initiative fear for their security of their physical integrity in the organizational phase just as in the phase of exercising their international and constitutional rights, and they reiterate their petition for direct representation in the EM, the HRC, and the office of the Secretary General of the UN, and affirmative support in the form of Preventive Diplomacy, Mediation, Dialogue and Cooperation, and if this is not sufficient to detain state violence, peacekeeping forces.

Sixteenth. The subscribing individuals and indigenous peoples and organizations have asked for the protection of the human rights organs and the office of the Secretary General Ban Ki-moon, because they do not feel secure in their persons, with respect to their physical integrity, nor in the integrity of their homes, or communities, because of their aspirations to exercise the rights enshrined in the UNDRIP and

²¹ See, *supra*, n. 8.

the rights established by the Inter-American System of Human Rights, which is the law within their nations, and to exercise these rights, without fear of reprisals from the state. They petition that their situation be duly taken into account, and that an appropriate response be afforded in the interest of the exercise of human rights, in the dire context in which indigenous peoples find themselves, and in the interest of preventing the tragic loss of more territories each day, and the loss of the exercise of all of the fundamental human rights that goes with them.

III. Recommendations for the Modification of the Mandate of the EM

Part A

What are the most valuable aspects of the current mandate of the Expert Mechanism (EM) on the Rights of Indigenous Peoples?

From our perspective, the most valuable aspect of the current mandate of the EM is its **direct connection with the HRC**, in order to assist this organ to utilize all of the powers and resources it has at its disposition to intervene in the regional and worldwide crises that are leading to the disappearance and crippling debilitation of indigenous ethnic peoples.

The HRC has a unique combination of composition and mandate: it is responsible for preventing and responding to human rights violations, on the one hand, while on the other, it is composed of 47 Member States of the UN.

This double identity, as 1) human rights organ, and 2) council of states, is singular and has a very particular importance for the present mandate of the EM, and for the interests and needs of indigenous peoples.

Why is this double nature, state and human rights watch guard, so important for indigenous peoples? Because it combines 1) the duty to ensure comportment with international human rights, with 2) the appreciation of, or indeed the sharing of the sentiments that are common to all states. These include the perspective based on *real politique*; the sense of sovereignty, territorial and other; economic practices and needs – similar, perhaps, to those manifested by states that today are devastating indigenous peoples across Latin America and the world.

Therefore it is paramount that the Expert Mechanism on Indigenous Rights (EM) fully and completely inform the HRC and make specific and proportionate proposals to **this organ** in particular.

One might take a cynical view, and conclude that the HRC, being composed of states, will not dignify indigenous peoples with a proportionate or adequate response to the crisis they face in the world, nor to their urgency in the need to preserve their territories through the plenary and firm exercise of the right to free, prior and informed consent.

Conversely, indigenous peoples may place confidence in the organs of human rights of UN, specifically in the EM, under its current mandate, believing that it will successfully and fully inform and make appropriate recommendations to the HRC, and that the HCR will take the appropriate and commensurate actions from a human rights perspective. Thus it may be believed that the 47 UN state members of the HRC will exercise their powers to respond to the crises confronted by indigenous, and that the training and subsequent utilization of faculties derived from its relationship with the ME will make the HRC precisely the body that is most suited to, in turn, train, as per its own mandate, the remaining 147 member states of the UN. This would, of necessity be a training in a **New Form of Thinking for the Modern Nation State**. This new, informed kind of national attitude would be oriented toward definitively concluding all policies that lead to the rapid or gradual extinction of indigenous ethnic groups through the illegal seizure of their territories. **This is the highest and most urgent potential that lies within the existing mandate of the Expert Mechanism on the Rights of Indigenous Peoples (EM). However, our recommendations on changes to that mandate also speak to this urgent end.**

The current mandate of the EM corresponds to the vital need of indigenous peoples to successfully communicate with these contemporary nation states that compose the HRC, and who therefore are leaders in the field of human right with responsibilities as such, in order to construct a **New Form of Thinking for the Modern Nation States**. With adequate education, a **New Thinking State** would commit to preserving indigenous peoples, and in this way, prevent their disappearance. It is necessary to change collective consciences, their collective self-philosophies, and self-concepts in the Twenty-First Century.

It is necessary to this end that the EM emphasize, and revitalize, above all, in the consciences of states **The Guiding Ethical Principles of Our Civilization**. These are singularly forgotten and overturned in the case of Indigenous Peoples:

In political economics, it is ethically fundamental that it is not permissible to base economic growth of a majority on the systematic devastation of a minority.

In the juridical orders of the world, it has long been soundly established that the exercise of discretionary sovereignty terminates at the point where the violation of human rights begins; there is emphatically no exception when the victims are indigenous peoples, collectively or otherwise.

It is the responsibility of every state to have a full and detailed knowledge of all indigenous human rights in force, and to apply them to the letter.

History is replete with models of comprehensive sovereignties that are shared and divided in multiple and diverse fashions absent the violation of the sovereignty of anyone.

Indigenous peoples face a wall of discrimination in this subject matter, where the theme is discarded as anathema.

Today, it is no longer sustainable for a state to use the term “sovereign” as though the connotation were so sacred that it justified the forced displacement of peoples from their territories and the ruination of their lands.

Therefore, States, in order to put an end to a haemorrhage of territories and peoples, **must come to accept the territorial concept of Free, Prior and Informed Consent, and take full moral cognizance of the direct relationship of this concept to social, economic, cultural and physical survival of indigenous peoples.**²² Therefore they must accept responsibility for their role in depriving ethnic minorities their right to survive, and must proceed to make changes from that point.

The EM is capable, under its current mandate, to provide comprehensive information and form the appropriate recommendations to the 47 UN member states of the HRC, so that they may come to hold this **New Perspective of Modern Nation States**, and the HRC, following its own mandate, **may launch its own education program regarding the rights of indigenous peoples regarding the relevant states among those remaining among the 147 in the UN.**

PART B

How can the Expert Mechanism’s role in assisting States to monitor, evaluate and improve the achievement of the ends of the Declaration be strengthened?

The majority of UN member states in the Latin American region expressly opposed to the paradigmatic concept embodied by the UNDRIP, which is free consent with respect to matters affecting territories. The President of Ecuador, Rafael Correa, in the 42nd General Assembly of the Organization of American States (OAS) in Cochabamba, Bolivia on June, 2013 exhorted the representatives of the OAS’s 34 states that the Right to Consent as defined by the IACtHR, was a “very serious,” and “illegitimate,” “radical

²² *Sentencia Saramaka*, pars. 81, 86, 90, 91, 103, 120-123, 126-129, 139-141, 146, 148, 155, 157, 158, 194(a), 194(c) y 194(e). Points of Decision 5, 7 y 9. *Saramaka Interpretation*, pars. 17, 32 n. 17, 37, 43.

and irresponsible” “affront to national sovereignty”.²³ The Law on the Right to Prior Consultation of Peru, and Chile’s Decree No. 66 on Prior Consultation in Chile, as well as the Constitutional Tribunal in Peru, for example, prohibit the right to consent.²⁴

In order to be effective in promoting the exercise of the rights contained in the UNDRIP, the EM must directly confront the fact that a fundamental disagreement exists between the UN and member states in this regard, at least in the Latin American region, and the ME must search for a means to resolve it.

As a multitude of studies have demonstrated, when indigenous peoples lose their territories, they lose their cultural, economic, and social rights as well as their physical integrity, and not merely their right to property.

Therefore the majority of the rights enshrined in the UNDRIP depend on the resolution of this problem.

The diplomatic tactic of concluding agreements on easy subjects and delaying those that are difficult fails thoroughly and is not suited to this context. It is necessary to place Free Consent **first on the list of priorities.**

For suggestions on this point, see Parts II and III, above.

It is Recommended that the mandate of the Expert Mechanism (EM) be expanded (1) thematically; (2) with respect to the subjects who are assisted by it, (3) organizationally, (4) with respect to the composition of the ME

(1) The thematic expansion of the mandate of the EM

a. Searching for Alternatives and Being Truthful with Respect to the Political Economy

The EM would increase its real world impact if its mandate would embrace thematic studies in a broader ambit than subjects traditionally encompassed by the field of human rights. We refer to subjects which do, however, directly cause and enable the violation of human rights contained in UNDRIP and human rights law in force in Latin America. These would be cooperative studies undertaken with states who maintain that they “need” to exploit indigenous territories to safeguard their economies

An inherent, and well recognized, ethical proscription is present in such an assertion. Nonetheless this forms the basis of a powerful political argument that, nationally and internationally, is used to justify the

²³ Presidente de la República de Ecuador Rafael Correa, en 2013 La 42ª General Assembly of the Organization of American States (OAS) Cochabamba, Bolivia, 4-6 June, 2013, < <https://www.youtube.com/watch?v=O97fat1hkXA>>

²⁴ See, *supra*, n. 19.

continuous devastation of indigenous territories. Therefore, on the basis of 1) research, and 2) collaboration with states, the EM and the HRC could coordinate with states in such a manner that states could re-organize their political economics, so as to cure them of integral human rights violations. This is to say, these bodies could undertake to find ways to remove the presumed need to continuously consume indigenous territories and count this as a pecuniary factor in the assets of the states.

It falls to the responsibilities of the human rights organs to help states to find alternatives that are not attached to the consumption of indigenous traditional and ancestral territories.

From a realist’s point of view, this is the only way to help states to monitor, evaluate and improve the achievement of the ends of the UNDRIP, and to implement its paradigmatic doctrine of free, prior and informed consent.

Let us not forget the case of Colombia. Its National Plan for Development (PND) for 2010-2014, “for the reduction of poverty, increased employment, and security” planned broadly for the use of indigenous territories, especially for the extractive industries. The PND called these industries “engines of the economy”, and stated the “environmental risks” must be undertaken.²⁵

For the 4 year period of the PND, energy generation was projected to increase 588%, access to hydrocarbons 335%, petroleum production 79%, gas production 78%, oil and gas pipelines 70%, coal 51%, and gold 51%.²⁶

However for the same 4 years, the PND projected a reduction of poverty of only 1.2%, and a reduction of indigence of only 1%.²⁷

The “economic-moral argument” fails completely, and we are before the bald political strategy to create private and/or sectoral non-urgent economic growth on the basis of destroying existing ethnic groups. This profanes principles of modern civilization, the United Nations Charter, the Universal Declaration of Human Rights, and the body of human rights instruments deemed elemental since the World War II era.

b. The Rule of Law, Indigenous Rights, and Illegal “law” that Facilitates the Taking of Territories

²⁵ Ley Nacional 1450 de 16 junio 2011, Por la cual se expide el Plan Nacional de Desarrollo, 2010-2014: Prosperidad para todos. Presidente de la República, Juan Manuel Santos Calderón. Ministerio de Hacienda y Crédito Público. Departamento Nacional de Planeación. Bogotá D.C. Colombia. 2011. < <https://www.dnp.gov.co/pnd/pnd20102014.aspx> > Tomo II. p. 565. (PND Colombia 2010-14)

²⁶ PND Colombia 2010-14, Tomo II. p. 566.

²⁷ PND Colombia 2010-14, Tomo II. p. 565.

Another critical thematic subject matter suitable to add to the sphere of the EM's mandate, which should serve as a basis for action on the part of the HRC, are studies of national legal systems, laws and norms of diverse natures, as well as court decisions, which contradict the law of indigenous and general human rights that is in force in UN member states. Such human rights law is in effect as a result of treaties that are ratified, as well as other sources of international law, and constitutional rights, all of which are conferred by the internal legal order with, supra-legal, constitutional or supra-constitutional rank. These rights, according to the structure of the rule of law, in states throughout Latin America, should supersede any inferior norms that contradict them.

However, what one finds in Latin American member states is a proliferation of ordinary norms of every kind: legislation, decrees, ordinances, adjudication, and de facto acts of the highest public authorities, that are all illegally directed to deliver access to the state to exploit, occupy and appropriate indigenous territories freely and at its discretion in a perpetual consumption that is written into the political economic script (see section above). This propagation in each nation of innumerable laws in great variety, such as forestry, mining, hydrocarbons, agriculture, environment, land use, title to property, indigenous identity, indigenous affairs, prior consultation, commerce, public contracts, sovereign prerogative, just to name a few, do not only stand in stark contradiction to the rules contained in UNDRIP, they also stand in violation of the "hard law" of indigenous peoples human rights in force.

It is recommended that through complementary collaboration with the UN Special Rapporteur on the Rights of Indigenous Peoples (Special Rapporteur) and the Permanent Forum on Indigenous Peoples Rights (Permanent Forum) that the EM, be familiar with this juridical panorama in a detailed manner, with respect to each state it deals with, and as a region-wide phenomenon. This is necessary, state by state, and region-wide, to understand the wholly entrenched and fully institutionalized manner in which the systematic and gross taking of indigenous territories is built into the myriad details of the permanent civic frameworks of states in Latin America. New laws in furtherance of these objectives come into existence every day.²⁸

Through this constant manufacture of laws generating free access to indigenous land, there is created a structural inversion of the rule of law, the rule of law is selectively abandoned in any subject that touches upon Free State access to indigenous territories for the taking by the state. Any realistic approach to dialogue with states and collaborate with states in order to "assist" them "to monitor, evaluate and improve the achievement of the ends of the Declaration" must be informed in specific terms of the hard

²⁸ See, e.g. J.C. Ruiz Molleda, "Los paquetazos ambientales no son normas aisladas, son parte de una misma idea" Servicios en Comunicaciones Interculturales Servindi, Lima, Perú. 12 noviembre 2015

legal and regulatory framework that already exists on the ground, in effect but illegally from a constitutional and human rights perspective, in violation of indigenous rights. As stated this pattern reaches into scores of regulatory fields, and is updated daily as we speak. These systems of law deliberately form a regulatory pipeline to access and spoil indigenous territory at will, which in turn forms a key-stone to national political economies. Across the region a systematic violation of indigenous peoples' fundamental right to exist and to their territory is institutionalized and must be undone in order to implement UNDRIP and implement indigenous human rights.

(2) The expansion of the mandate of the EM with respect to its Subjects: the need of Indigenous Peoples for direct and autonomous representation, and direct and autonomous assistance in human rights matters

In accord with the recommendations made in the World Conference on Indigenous Peoples, adopted by the UN General Assembly in 2014,²⁹ the new mandate of the EM should authorize it to directly assist, support and represent Indigenous Peoples and their representative organizations, in order to effectively fulfil its responsibility to effectuate the plenary implementation of the UNDRIP and the effective exercise of the rights contained therein. Please see in this regard, Part III, the Eleventh and Sixteenth paragraphs. As has been detailed above, in the Latin American region, ignoring and failing to apply the law of indigenous human rights, in a highly directed discriminatory violation of their own rule of law, nation states build legal structures that outlaw the centrepiece of UNDRIP, the right to free prior and informed consent. Nation states premise their political economies on the consumption of indigenous territory, and undergird this with a network of illegal laws that pervade the legal systems.

Indigenous peoples who exercise civic and political rights, aspiring to the right of consent, which exists as hard law within their jurisdiction, are violently suppressed and maliciously prosecuted. Indigenous peoples are afraid of their states, pursuing their cause politically leads them to feel and be unsafe in the security of their persons homes and communities.

It cannot rationally be expected that Indigenous Peoples rely on member states to represent their interests in dialogues with the UN concerning UNDRIP or the other indigenous human rights that are violated in a highly institutionalized, well thought out, and forcible manner by those states.

(3) The expansion of the organizational mandate of the EM: its coordination with the Inter-American System of Human Rights

²⁹ Ver, *supra*, n. 4, par. 33.

The Organization of American States (OAS), according to Article 1 of its Charter, a “regional agency” “within the United Nations.”³⁰ Therefore, according to articles 41 and 42 of the UNDRIP, it is its obligation to provide technical assistance and other resource to achieve the plenary and effective implementation of the UNDRIP, including its paradigmatic right to consent. The right to free, prior and informed consent is also hard law in the nations of Latin America by action of the Inter-American Court of Human Rights.³¹

With respect to the mandate of the EM, collaboration with the Inter-American Court and Commission on Human Rights and the OAS’s Rapporteur on the Rights of Indigenous Peoples would create significant advantages and would serve to realize the goals of **a new initiative that exists between the UN and the OAS. This initiative is directed precisely at the central problem that confronts indigenous rights: the systematic non-application by states of human rights legally in force in their jurisdictions.**

On the 19th of November of 2014, a new accord was celebrated between the United Nations High Commissioner on Human Rights (HCHR), Zeid Ra'ad Al Hussein, and the President of the Inter-American Commission on Human Rights (IACmmHR, Tracy Robinson. The compact was directed at the problem of the practical implementation of rights within states, themselves.³² They announced: “We are concerned about resistance by certain individual countries towards the regional system and urge all OAS member States to abide by their responsibility to support the Inter-American Commission by complying with its decisions.” President Robinson stated: “Our alliance is therefore crucial to strengthening our role in helping States to meet their human rights obligations and victims to enjoy their rights.”³³

This resolution corresponds exactly to the problem that is paralysing advances in indigenous peoples’ territorial human rights, marked as being of the highest level of urgency by the UNDRIP, as well as the full spectrum of human rights. This is the non-implementation of indigenous human right and UNDRIP. As stated, this occurs not only as a matter of fact, but through a proliferation of laws, decrees, court decisions, and executive actions of the highest level which seek to directly block the exercise of indigenous rights and achieve this end.

³⁰ Article 1, Charter of the Organization of American States (OAS), OEA A-41, 119 UNTS 3, 30 April 1948. In force: 13 December 1951. (OAS Charter).

³¹ UNDRIP, Articles 10, 11, 19, 28, 29 32.

³² Press Release 137/14, 19 November 2014. Inter-American Commission on Human Rights (IACmmHR), represented by its President, Tracy Robinson and its Executive Secretary, Emilio Álvarez Icaza Longoria, the Office of the High Commissioner on Human Rights of the United Nations, represented by High Commissioner Ra'ad Al Hussein.

<<http://www.oas.org/es/cidh/prensa/comunicados/2014/137.asp>>

³³ Ibid.

The mandate of the High Commissioner calls upon his office to coordinate and streamline resources and efforts in human rights.³⁴ Therefore, it is reasonable that the Inter-American System should benefit from the expertise and resources of the EM in its efforts to realize the objectives of the new Accord. The UN would also benefit from such a collaboration: the Inter/American system is a repository of a body of jurisprudence and doctrine in indigenous rights that is very large, very detailed and exceedingly meritorious. This could enrich the expertise of the organs working in this subject matter in the UN, and thereby throughout the world.

Nonetheless, this highly valuable normative *corpus* is, precisely not implemented, in large part in the Latin American states, and surely deserve to be the object of the new Accord between the UN and the OAS.

Therefore, the IACMMHR and the OAS Rapporteur, in the mark of this Accord and the new mandate of the EM, should be afforded all of the human, technical, educational and other resources the UN Human Rights System can bring to them to give real effect, within nations, to the rights of indigenous peoples established in the Inter-American body of norms.

(4) The expansion of the composition of the EM

Do you have any comments or suggestions concerning the composition and working methods of the Expert Mechanism?

It is recommended that the EM add to its composition indigenous persons who have necessary expertise to 1) undertake the work recommended in the proposals for the thematic expansion of the EM's mandate, and 2) to undertake the organizational collaboration with the Inter-American System.

Additional Members of the EM suitable to the Recommended Thematic and Organizational Expansions of the EM

Expert in political economics and alternatives to large scale investment and development plans executed on virgin territories

It is recommended that a person of indigenous ethnicity be added to the EM who is expert in political economy and development. The function of this person would be to strengthen the current capacity of the EM to assist states to cleanse their political economies from agendas built on the presupposition and the intention to consume indigenous territories through investment and development plans without taking into account the indigenous and UNDRIP right to free, prior and informed consent. This would require a

³⁴ Resolution A.G. 1994 A/RES/48/141.

capability to propose alternate models. This would also require a close collaboration with other members of the ME, the Special Rapporteur and the Permanent Forum in order to have a profound knowledge of the relationship between such projects and the destruction of indigenous peoples and the violation of human rights. See, *supra* Part IV. B. 1 (a).

Expert in General Law and Human Rights in the Nations of the Americas, and the Inter-American System of Human Rights

As is stated in Part IV. B. 2, *supra*, on the 19th of November of 2014, an Accord was made between the UN High Commissioner on Human Rights (HCHR), Zeid Ra'ad Al Hussein and the President y of the Inter-American Commission on Human Rights (IACmmHR), Tracy Robinson.³⁵ The focus of this common undertaking was “resistance by certain individual countries” to implement Inter-American human rights.³⁶ As is described in Part IV. B. 1 (b), *supra*, what one finds in Latin American countries is a great and varied network of ordinary law and de facto actions that are designed to afford states unfettered access to indigenous territories as ready economic resources for steady consumption, which directly contradict the rights of UNDRIP and the “hard law” of Inter-American human rights in legal effect within those countries,

It has also been emphasized that there would be mutual benefits to a collaboration between the ME and the HRC and the IACmmHR in an undertaking to secure the effective and real application, rather than the merely formal one, of the human rights of the two systems in the countries of the region.

Secondly, it has been indicated that with respect to Latin America, any effort by the EM to “assist States to monitor, evaluate and improve the achievement of the ends of the Declaration” requires an expert understanding of the real legal panorama within countries, because indigenous human rights are undercut and obstructed by laws in mining, forestry, hydrocarbons, land titles, Prior Consultation, and many, many more areas, as well as in regulatory decrees and judicial decisions. These masses of law, found within any given country, not on directly contradict the fundamental principles of UNDRIP, and the human rights of indigenous peoples, they also selectively bring asunder the very structure of the Rule of Law, and violate in a grave and systematic manner the human rights of indigenous peoples. This is capped by the selective violation of the civil and political rights of indigenous peoples who seek to take on these issues.

³⁵ See *supra*, n. 32.

³⁶ See *supra*, n. 32.

Therefore it is necessary the ME have a person who is capable of dealing with the details of internal legal systems of countries in the region and also deal in a detailed manner with the Inter-American human rights system.

Annex – Endorsements

222 Supporters of the Recommendations on Modifications to the Mandate of the Expert Mechanism on Indigenous Rights and to the Human Rights Council of the United Nations & The Indigenous Protocol

A. Categories of Supporters:

- 1) Leaders of indigenous representative organizations
- 2) Eighty-four (84) members of 2 Councils (Cabildos) of the Zenú Indigenous Peoples of Córdoba Colombia, each of the 84 sign both their individual and collegiate capacities
- 3) Endorsement from fourteen (14) representative indigenous organizational associations and communities of Bolivia
- 4) Endorsements from NGOs and NGO project workers, indigenous media, and others working in matters related to indigenous peoples
- 5) Persons in support, indigenous; non-indigenous

B. Distribution of supporters by country and indigenous peoples.

Argentina: Diaguita, Quechua, Mapuche, Chichas, Qom, Toba, Wichi; **Bolivia:** Ayllu , Aymara, Cahua Chirapaca Churiaqui Chuñavi Coromata Qhana Pukara Kurmi, Teneria Sinapaya, Tujuyo; **Brazil:** Guaraní, Guarani-kaingang, Matis/Matses; **Chile:** Mapuche; **Colombia:** Ayupel, Chibcha, Nación Yanakuna Chinkays, Pueblos Indígenas de Nariño y de los Pastos, Tocarema, Zenú; **Dominican Republic:** Taino, Arakuyo Taino, **Ecuador:** Kichwa Amazónica, Pueblo Kichwa de Rukullacta **México:** Coahuilteco, Nahua, Tahp'pilam, Rarámuri **Perú:** Awajun, Quechua, Harakbut, Kukama, Nación Aymara, Shuar, Shipibo, Shipibo-Konibo, Wampis **Venezuela:** Wayúu

1) Líderes de organizaciones representativas indígenas

1. Félix Díaz; La Primavera, Potae Napoqna Navogoh Formosa, Argentina; pueblo indígena; Qom; Cacique, Comunidad Qom Potae Napocna Navogoh.
2. Hugo Tacuri, Ayacucho, Perú; pueblo indígena: Cancha- cancha- Chuschi. Presidente, Conferderación de Nacionalidades Indígenas del Perú (CONAIP).
3. Luis Alberto Castro López; Ancash, Perú; Representante de la Comunidad Campesina de Conchucos, Provincia de Pallasca, Región Ancash, Perú.
4. Beatriz Bautista Bautista, La Paz, Bolivia, Pueblo Indígena; Ayllu Portada Corapata, Pucarani; Abogada licenciada, Equipo Técnico Qhana Pukara Kurmi; Consejo Amawtico de Justicia, Marka Patamanta, Provincia Los Andes, Departamento La Paz, Bolivia, Nación Aymara.
5. Miguel Luis Tayori Kendero; Choymara, Madre de Dios, Perú; pueblo indígena : Harakbut; Representante De la Organización Indígena Consejo Harakbut Yine Matsigenka-Coharyima
6. Juyashi Apushana; Maracaibo, Venezuela; pueblo indígena: Wayúu; Ave Samuro, Organización Maikiralasallii.
7. Flor María Solano; Córdoba, Colombia, pueblo indígena ; Ayupel; Gobernadora Cabildo Indígena Rural Zenú, Las Delicias, Colombia; Gobernadora del Cabildo Indígena Vereda Aguas Claras Comunidad Zenú, Colombia
8. Wayra Chaski, Cauca, Colombia, Nación Yanakuna Chinkays, Representante del Consejo Regional Indígena de Cauca, Colombia
9. Néstor Cuayla; Moquegua, Perú; pueblo indígena : Nación Aymara, Presidente Frente de Defensa de Chilota Moquegua del Perú
10. Elmer Aldemar Ruano Arias, Los Pastos, Colombia; Representante del Consejo Mayor de los Pueblos Indígenas de Nariño y de los Pastos, Colombia
11. Lucía Impreno, Los Pastos, Colombia; Representante de los Maestros Indígenas de los Pastos, Colombia

12. Jorge Felipe Shimbucat Taish, Lima, Perú, pueblo indígena: Shipibo, Ministerio Público, Fiscalía de la Nación, Lima, Perú.

13. Ariel Calfucura; La Plata, Argentina; pueblo indígena : Mapuche; Cacique de la Comunidad Mapuche “General Juan Calfucura”

14. Don Juan Calfucura; Buenos Aires Argentina, pueblo indígena : Mapuche; Cacique Pueblo Mapuche

15. Comunidad Indígena El Palmar, Tocarema, German, Colombia

2) Eighty-four (84) members of 2 Councils (Cabildos) of the Zenú Indigenous Peoples of Córdoba Colombia, each of the 84 sign both their individual and collegiate capacities

a) Cabildo (Vereda Aguas Claras, Comunidad Indígena Ayapel Zenú, Córdoba, Colombia

16. Julio Cesar Vergara Borja; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras

17. Leonardo Francisco Ortega; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras

18. Diocelina María Sierra; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras

19. Kevin Johana Osorio Menco; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras

20. Kevin Johana Osorio Menco; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
21. David Jerónimo Ortega; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
22. David Jerónimo Ortega; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
23. Manuel Jerónimo Ortega; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
24. Pablo Antonio Meza; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
25. Jeneth Enrique Martínez; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
26. Ambrosio Madera Medina; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
27. Rafael Segundo González; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
28. Alfredo Miguel Aguas; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
29. José Primero Manchego; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
30. Diógenes de Jesús Álvarez; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
31. Diógenes de Jesús Álvarez; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
32. Carlos Augusto Videz; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras

33. Ferney Rodrigo Aguas; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
34. Ambrosio José Rivera; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
35. Robinson Manuel Madera; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
36. Mónica Milena Álvarez; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
37. Juan Batista Madera; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
38. Edinson Rafael López; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
39. Edinson Rafael López; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
40. Pablo Francisco Sierra; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
41. Aderbal Israel Oviedo; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
42. Aderbal Israel Oviedo; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
43. Humberto Manuel Aguas; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
44. Alberto Rivera Baldovino; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
45. María Isabel Ortega Arcia; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras

46. Salustiano López Rivera; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
47. Libardo José Contrera; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
48. Jairo de Jesús Salcedo; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
49. Elder de Jesús Torres; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
50. Tereza de Jesús Gravito; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
51. Elvia Rosa Sierra Cuadrado; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
52. Julio Cesar Montiel Ortega; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
53. Wenceslao Garzón Aparicio; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
54. Wenceslao Garzón Aparicio; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
55. Juan Carlos Álvarez Doria; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
56. Juan Carlos Álvarez Doria; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
57. Luís Javier Bravo Herrera; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
58. Mayoris Fabra Fabra; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras

59. Alberto Becerra Martínez; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
60. Eduin José Garavito Contreras; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
61. José Manuel Miranda; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
62. Santander Manuel Cuadrado; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras
63. Augusto Manuel Ortega; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Vereda Aguas Claras

b) Las Delicias Comunidad Indígena Ayapel Zenú, Córdoba, Colombia

123. Never Antonio Vázquez Vega; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
125. Rubén Darío Espitia Domico; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
126. Marcelina Vega Velázquez; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
127. Lacides González González; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
128. Estevana del Carmen Solano Elián; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
129. Nancy Edith Hernández Delgado; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
130. Harold David Calderón Hernández, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias

131. José Albeiro García Usma, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
132. Berta Pertuz Castro; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
133. José Rafael Sánchez Pérez; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
134. Modesta del Carmen Viyadiago; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
135. Patricia del Socorro Castro Delgado; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
136. Ana Julia Díaz Torre; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
137. Ledis Ezter Pacheco Castillo; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
138. Víctor Gabriel Díaz Díaz; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
139. Jonás Gabriel Díaz Hoyas; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
140. Ana Francisca Medina Quiñonez; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
141. Yonairo Herrera Monterrosa; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
142. Osan Herman Hoyos Mejía; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
143. Mercedes de Jesús Domínguez Torres; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias

144. María Hiliana Chima; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
145. María de Jesús Velázquez Vega; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
146. Francisco Antonio Solano; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
147. Isaco Fernando Ramos Cuadrado; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
148. Katia del Socorro García; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
149. Rosa Elvira Olivar Vergara; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias
150. Diana Sofía Velázquez Solano; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias.
151. Gabriel José Velázquez Solano; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias.
152. Adolfo José López Navarro; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias.
153. Sobeida María Rosario Reyez; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias.
154. María Elva Navarro; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias.
155. Aldair David Solano Peralta; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias.
156. Uber Lain Solano Peralta; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias.

157. Luís Alfredo Solano Peralta; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias.

3) Endorsement from fourteen (14) representative indigenous organizational associations and communities of Bolivia

158. Yina Paola Solano Peralta; Ayapel, Córdoba, Colombia; Comunidad Indígena Zenú, Cabildo Las Delicias.

159. Asociación de Organizaciones Indígenas Qhana Pukara Kurmi, El Alto, La Paz, Bolivia Comunidad Ayllu Indígena Originario Chuñavi, Provincia Los Andes, La Paz, Bolivia

160. Comunidad Indígena Originaria Campesina Teneria Sinapaya Provincia Loayza, La Paz, Bolivia

161. Comunidad Indígena Originaria Coromata, Baja Provincia Umasuyus, La Paz, Bolivia

162. Comunidad Indígena Originaria Tujuyo Alto Provincia Los Andes La Paz, Bolivia

163. Comunidad Indígena Originaria Chirapaca, Provincia Los Andes, Batallas, La Paz, Bolivia

164. Comunidad Indígena Originaria Cahua Chico- Zongo Provincia Murillo, La Paz, Bolivia

165. Quinta Sección Cairoma, Provincia Loayza, La Paz, con 54 Comunidades Aymaras, Bolivia

166. Cantón Villa Lipe, Provincia Umasuyus, La Paz, Aymara, Bolivia

167. Distrito Indígena Originario Campesino Kalaque, Nación Aymara, Provincia Umasuyus, La Paz, Bolivia.

168. Ayllu Indígena Originario Campesino Churiaqui, Nación Aymana, Provincia Los Andes, La Paz, Bolivia

169. Comunidad Indígena Originaria Vilaque Huaripampa, Nación Aymara, Provincia Los Andes, La Paz, Bolivia

170. Comunidad Indígena Originaria Santa Ana, Aymara, Provincia Los Andes, La Paz, Bolivia

171. Marka Patamanta, Provincia Los Andes, Departamento La Paz, Bolivia, Nación Aymara, Consejo Amawtico de Justicia

4) Endorsements from NGOs and NGO project workers, indigenous media, and others working in matters related to indigenous peoples

172. Carlos Alberto Heredia Neciosup, Distrito de la Perla, Provincia de Callao, Perú, Amnistía Internacional, Asociado Sección Peruano, Docente Universitario, Asesor Legal. Licenciado
173. Leonardo Tello Imaina, Nauta, Colombia; Pueblo indígena Kukama de la Amazonía del Perú, zona Río Marañón; Dirigente, Radio Ucamara 98.7 FM Nauta, Loreto, Perú.
174. Eco de Nuestras Tierras, Santiago, Chile. Diario electrónico medioambientalista. Encargado de informar y educar sobre conflictos socio/ Medioambientales de Chile. Dirigente, socióloga Claudia Umaña.
175. El Reverendo Luis Carlos Marrero Chasbar, La Habana, Cuba, Centro Oscar Arnulfo Romero-Cuba
176. Amalia Noemi Vargas; Salitre, Jujuy, Argentina; Pueblo Indígena: Comunidad Quechua, Nación Chicha. Comunicadora profesional en medios electrónicos, radio y prensa en materia de cultura y derechos de pueblos indígenas. Luchadora por los Derechos Humanos.
177. Alejandro Quiahuitl, Nahua (Azteca) y Tahp'pilam (coahuilteco), Austin, Tejas, EEUU, Red de Comunidades Indígenas, Jornadas de Paz y Dignidad.
178. Samuel Pinedo Cauper; Ucayali, Perú; Pueblo indígena : Shipibo-Konibo Amazónica del Perú; Consultor, Rainforest Ecovercity Center, Consulta Previa sobre Áreas Naturales Protegidas que afectan a las Comunidades Nativas del Perú
179. Francisco Javier Serna Chucuazuque; Comunidad Chibcha, Los Chucuazuque, Colombia; Pueblo indígena : Chibcha; Director, Protección Sociocultural de los Pueblos Indígenas en Colombia, Chibchas, Muiscas, Sabana Cundiboyacense, Chicuzuque
180. Rita Adela Narváez Shiguango, Rukullacta, cantón Archidona, Napo Ecuador, Pueblo Indígena: Pueblo Kichwa de Rukullacta; Coordinadora, Educación Intercultural Pueblo Kichwa de Rukullacta.
181. Albino Velázquez Cahuaza; Candingo, Condorcanqui, Perú; Pueblo indígena: Wampis; Pueblo Centro Poblado Candungos, Gerente Consultaría Social y Ambiental para Comunidades Wampis y Awajun.

182. Guiselle Padilla Sancho, Iquitos-Loreto Perú, Pueblo Indígena; ascendencia Quechua y Aymara, ONG/ especialista desarrollo social y conservación.
183. Roy Zimmerman; Salvador, Brasil; Instituto Cultural Brasil, Italia, Europa, Presidente Honorario
184. Movimiento Ambientalista Ventanas por la Defensa de la Vida, Santiago, Chile. Directora, socióloga Claudia Umaña.
185. Arnaldo Zenteno, S.J. Comunidades Eclesiales de Base (CEB) Mesa de Profetismo y Compromiso Ciudadano Managua, Nicaragua Comisión de Solidaridad y Defensa de los Derechos Humanos AC
186. Comisión de Solidaridad y Defensa de los Derechos Humanos AC, Chihuahua, México Atención a Pueblos Rarámuri de la Sierra Tarahumara, La Comisión tiene poco menos de 28 años trabajando al servicio de los derechos de los pueblos indígenas de la Sierra Tarahumara.
187. Asentamientos Tarahumares AC, Chihuahua, Asentamientos Tarahumares AC Chihuahua, México. Atención a indígenas migrantes a la ciudad de Chihuahua, México. La AC tiene ya 12 años atendiendo a los migrantes a la ciudad de Chihuahua y tiene como objetivo ofrecerles una vida digna en la ciudad sin perder su identidad étnica.
188. Francisco Ríos Araya; Santiago, Chile; Latinoamericano; Colectivo En-hebra, artista, educador y artes integradas, especialista en cultura y mitología indígena.
189. Paulina Brouin, Reserva Pacaya Samiria, Perú, trabaje en arte cultural con jóvenes Kukama
190. Fernando Rada Arteaga, El Alto, La Paz, Bolivia, Equipo Técnico Qhana Pukara Kurmi, La Paz, Bolivia
191. John Kenny Ledezma, El Alto, La Paz, Bolivia, Equipo Técnico Qhana Pukara Kurmi, La Paz, Bolivia
192. Fernando Ramirez Ríos, Comunidad Paez, Corregimiento del Palo Cauca, Colombia

5) Persons in support, indigenous and non-indigenous

193. Fabián Oscar Libretti, Mar del Plata, Argentina: Pueblo indígena: Comunidad Quechua
194. Letizia Lezcano Mar del Plata, Argentina, Pueblo indígena: Comunidad Wichi
195. Cesar Eloy Cabano Mar del Plata, Argentina, Pueblo indígena: Comunidad Wichi

196. Andrea Libretti, Villa Dominico, Argentina, Pueblo indígena: Comunidad Toba
197. Nelida Josefa Carnavales, Mar del Plata, Argentina, Pueblo indígena: Comunidad Toba,
198. Oscar Juan Libretti, Mar del Plata, Argentina, Pueblo indígena: Comunidad Toba
199. Julián Alberto Condori Apaza; Puno, Perú; Pueblo indígena Nación Quechua, Activista para liberación de los pueblos del Perú.
200. Beato Ceferino Namancura; Buenos Aires, Argentina; Pueblo Indígena : Mapuche
201. Xica Silva, Matis/Matses Brasil, New York, New York USA
202. Ana-Maurine Lara Caonayari, Arakuyo Taino Tribal Community, Union Higuayagua, Arakuyo Yucayeke Organization.
203. Sonny Rivas, Moca, República Dominicana; Pueblo indígena Taino,
204. Valeria Nanatureiyari Vargas Estevez, Puerto Rico, USA; Pueblo indígena Taino.
205. Nemesio Aguirre; Buenos Aires; Argentina, Pueblo Indígena: Diaguita; Comunidad de Andalgala, Provincia de Catamarca, Brawijaya University.
206. Héctor Guillermo Sáez Ancan; Concepción, Bío Bío, Chile, Pueblo Indígena: Mapuche, Agromar SA, Chile.
207. Gregorio Augusto Ramos; Florianopolis, Brasil; Pueblo indígena : Guarani-kaingang.
208. Jorge Baracutei Estevez, Pueblo Indígena Taino, Jaibon, Laguna Salada (Kiskeya) República Dominicana (Guilford CT USA).
209. Marco Singuani Nawech, Shuar, Amazonas, Universidad Nacional Intercultural de la Amazonia, UCSS - Universidad Católica Sedes Sapientiae, Nueva Cajamarca, San Martin, Perú, Santa María De Nieva, Amazonas, Perú.
210. Jhoana Milagros Barboza Velasquez Spliff; Lima, Perú; Pueblo Indígena: Wampis.

Non- indigenous, in solidarity:

211. Celina Mosquera Sánchez; Lima, Perú; Iwona Kacyna.

212. Jesús Manuel Guillen Quispe; Cusco, Perú; Mestizo; Docente Instituto Khipu , Cusco, Perú.
213. Juan R Yriart, Paris, France, nationality Uruguay, USA, Euskal (Basque) International Stage Productions,
President.
214. Dean Baker, Washington DC, United States, Caucasian.
215. Marina Lent, Vineyard Haven, German-Dutch, Massachusetts USA.
216. Petra Lent McCarron, P.O. Box 4281, Vineyard Haven, Massachusetts, USA 02568
217. Lillian Sepulveda Fajardo, · Mar 09, 2016
218. Mercedes Garcia, Poughkeepsie, NY · Mar 09, 2016
219. Kelsey Taylor, Browndale, PA · Mar 08, 2016
220. Alberto Ayala, Philadelphia, PA · Mar 08, 2016, I care about the human rights of indigenous people.
221. Rocio Virginia Uribe Ledesma, San Luis Potosi, Huachichiles, México, Empleada Asociación Civil
Ingenium San Luis Potosi.
222. Robert McCarron, P.O. Box 4281, Vineyard Haven, Massachusetts, USA 02568
223. Sofia McCarron, P.O. Box 4281, Vineyard Haven, Massachusetts, USA 02568