

REPORT ON BEHALF OF CAPAJ (Comision Juridica Para el Autodesarrollo de los Pueblos Originarios Andinos Juridical /Commision for the Autodevelopment of First Andean People) ON THE PROCESS OF THE INSTITUTIONAL CONSTRUCTION OF THE NEW HUMAN RIGHTS COUNCIL OF THE UNITED NATIONS AND ON THE FIGHT FOR THE INCORPORATION OF INDIGENOUS DEMANDS IN THE 2007 UN REFORMS.

The motivation for this report is to inform you all that an indigenous presence is really important in the fifth Session of the Human Rights Council to take place from the 11th to the 18th of June 2007, in Geneva, for the following reasons:

1.- Because in the Fifth session of the HRC they will decide on the process of the 'institutional construction' of the HRC and will approve the HRC report that will then be submitted to the General Assembly.

2.- The institutional construction process was taken on by the following work groups:

- universal periodic review UPR
- Consultancy of Experts
- Agenda and work program
- Rules of procedure and work methods
- Procedure of complaint 1503
- Review of mandates and mechanisms.

3.- In April, each and everyone of the aforementioned groups gathered in to study workshops. In which 4 indigenous delegates from the world participated regularly, including one member from the permanent Forum, Dr. Wilton Little Child, and the endorsing Tomas Alarcon from CAPAJ, special consultant entity for ECOSOC.

4.- We the indigenous delegates have participated in each and everyone of the aforementioned working groups. We have presented written statements, for which we have asked DOCIP to translate into english so that they may be included on the HRC extranet.

5.- The 6 working groups dealt with themes that concern indigenous peoples, for example:

-In the Universal periodic review. – we have asked that the HRC demand that States, upon the presentation of their reports, include the advancement of indigenous human rights in their countries and the events that affect them.

-In the working group of consultant experts:

We have requested that the new group of consulting experts of the HRC that is to substitute the Sub Commission, (23 experts) at least 3 or 4 must be indigenous experts.

-Agenda and work program.- We have requested that, for each HRC session, the agenda should include one day that is exclusively dedicated to the treatment of themes relating to indigenous peoples.

-Review of mandates and mechanisms: we have requested that the mandate of the special rapporteur be maintained and that a Group of indigenous consultant experts that will act in place of the defunct Working Group on Indigenous Peoples (WGIP).

- Rules of procedure and work methods.- we have requested that the 25th period of sessions of the Working Group on Indigenous Peoples WGIP be authorized to be celebrated in Geneva this July or August. In as much new advisory indigenous group of the HRC is decided and created.

These requests are coming in writing. I took on their drafting and they were supported by the other indigenous Delegates including the member from the PF, Wilton Litel Child.

OUR WORK IN THE FIFTH SESSION of the HRC consists of following-up on these requests. We have advanced conversations with various States that are willing to support our proposals, many of which have already expressed their support verbally in the Working Group sessions held in April.

We have also held three meetings with Mr. President of the HRC, ambassador de Alba and his team of consultants, who have demonstrated that they are amenable to our proposals, but it is the Plenary of the HRC that will adopt the measures on the origin or lack of origin of our requests.

All this work has demanded a lot of effort and sacrifice, it cannot stay at this halfway point, it must continue, all the more because in the last session of the PF they adopted agreements backing these requests, and because these will be presented to the HRC in this fifth session.

I think that we must guide ourselves, because the topic of indigenous peoples is not on the Agenda. We must have them included and demand that states be present for it.

The indigenous demands before the HRC pertain to the entirety of the Process of Institutional Construction of the new HRC. We have intervened propositively in each and every one of the Working Groups in charge of constructing the institution of the new HRC. And by order of the General Assembly, the HRC has only until the end of June to complete this process and bring its report back to the General Assembly.

If indigenous peoples are not present in the Fifth Session, if indigenous peoples let this session pass, States will not take us into account.

With the experience of April, including the secretarial support of DOCIP that was successful, we have all recognized the good involvement of indigenous peoples in the working groups on the process of institutional construction.

In my modest opinion, the culmination of the lobbying and the interventions for indigenous issues did not go unnoticed in this whole new scenario. This is present as of the first hour on Monday in the Palace, so that the decisions that will be taken on each of the 6 WG on institutional construction include the demands of indigenous peoples. This is how much I can inform all the indigenous peoples of the world.

Sincerely
Tomás Alarcón
CAPAJ