

The Inari Declaration on the World Conference on Indigenous Peoples

Representatives of Sami institutions and organizations in Finland, Norway, Russia and Sweden, gathered in Inari, Finland, from 27 - 28 June 2012,

Welcome the decision of the United Nations General Assembly, to organize a high-level plenary meeting of the General Assembly to be known as the World Conference on Indigenous Peoples, to be held in 2014, in order to share perspectives and best practices on the realization of the rights of indigenous peoples, including to pursue the ends of the United Nations Declaration on the Rights of Indigenous Peoples;

Encourage the Sami Parliaments, the Sami Parliamentary Council, the Saami Council, and other Sami organizations and institutions that may participate in the process towards the World Conference on Indigenous Peoples, to promote and advocate for an action-oriented outcome of the World Conference, with the aim of achieving full and effective implementation of the rights of indigenous peoples, including the rights recognized in the United Nations Declaration on the Rights of Indigenous Peoples;

Encourage in particular that the Sami Parliaments, the Sami Parliamentary Council, the Saami Council, and other Sami organizations and institutions that may participate in the process towards the World Conference on Indigenous Peoples, to actively promote that the outcome document of the World Conference:

Reaffirm that indigenous peoples are free and equal to other peoples, and that indigenous peoples, in the exercise of their rights, including their human rights, shall be free from discrimination of any kind, in particular discrimination that is based on their indigenous origin or identity;

Reaffirming further that indigenous individuals and groups are entitled to full and effective implementation of all human rights recognized in international law without discrimination, including indigenous women, children, youth, elders and persons with disabilities, and bearing in mind that the rights and freedoms recognized in the United Nations Declaration on the Rights of Indigenous Peoples are equally guaranteed to male and female indigenous individuals;

Recognize the urgent need to take decisive and concrete measures to ensure full and effective implementation of indigenous peoples' rights, including the rights recognized in the United Nations Declaration on the Rights of Indigenous Peoples, with a particular focus on land and resource rights, including access such lands and resources, and their right to self-determination;

Recognize further the need to adopt effective measures to guarantee indigenous peoples right to the full enjoyment, as a collective and individuals, of all other human rights and fundamental freedoms as recognized in international human rights law, including their right to culture, language and education;

Reaffirm further that the rights recognized in the United Nations Declaration on the Rights of Indigenous Peoples constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world;

Recall that the United Nations Declaration on the Rights of Indigenous Peoples obliges States, in consultation and cooperation with the indigenous peoples concerned, to take measures, including legislative measures, to achieve the ends of the Declaration;

Recognize that in order to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, it is appropriate to establish a voluntary international mechanism to receive and consider communications from indigenous peoples claiming that their rights to territories, lands and resources, and/or their right to self-determination have been violated;

1. Indigenous Peoples' Right to Self-determination

Note that the Nordic States already in the Lapp Codicil of 1751 recognized the Sami Nation, and that the Sami hold rights to territories traditionally used, including cross-border rights;

Reaffirm the commitment of all States to fulfill their obligations to promote universal respect for, and observance and protection of all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law;

Underscore that respect for the right to self-determination constitutes a pre-requisite for the realization of all other human rights and fundamental freedoms;

Recommend that States, in order to fulfill their obligations to guarantee the realization of indigenous peoples' right to self-determination, as a matter of urgency, establish national committees, consisting of State and Indigenous Peoples' representatives, with the aim of reaching concrete agreements on the content and scope of indigenous peoples' right to self-determination, as well as on how this right can be effectively implemented;

2. Indigenous Peoples' Rights to Territories, Lands, Waters and Resources

Recognizing that control by indigenous peoples over developments affecting their territories, lands, waters, coastal waters and other resources enables them to freely pursue their economic, social and cultural development, in accordance with their own aspirations and needs;

Recommend that States, in order to fulfill their obligations to give legal recognition and protection to the lands, territories, waters, coastal waters and other resources, including genetic resources, which indigenous peoples' have traditionally owned, occupied or otherwise used or acquired, establish national judicial institutions tasked with identifying such lands, waters, coastal waters and other

resources, including genetic resources, to which the indigenous peoples concerned have established ownership and usufruct rights, and to demarcate such lands and resources;

Recommend further that States, in cooperation with the indigenous peoples concerned, establish national committees, or other mechanisms, consisting of State and Indigenous Peoples' representatives with the aim of reaching agreements on the content and scope of such indigenous peoples' rights to territories, lands, waters, coastal waters and other resources, including genetic resources, that are not fully determined by indigenous peoples' property rights to land, such as the scope of benefit-sharing rights and the relationship between indigenous peoples' property rights to land and competing activities, including competing industrial activities;

3. Optional Protocol to the United Nations Declaration on the Rights of Indigenous Peoples

Consider the denial of indigenous peoples' right to self-determination, and their right to territories, lands and resources, as one of the most fundamental violation of their human rights;

Recognize the urgent need for the establishment of effective international measures to guarantee and monitor the implementation of indigenous peoples' right to self-determination, and their rights to territories, lands and resources, without prejudice to the rights which peoples under colonial or other forms of alien domination or foreign occupation have under existing international procedures;

Recommend that the United Nations Permanent Forum on Indigenous Issues, at its 14th session, presents a draft Optional Protocol to the United Nations Declaration on the Rights of Indigenous Peoples, outlining a proposed structure and mandate for an international mechanism tasked with overseeing the implementation of indigenous peoples' rights to lands, waters, coastal seas and other resources, and indigenous peoples' right to self-determination, based on communications submitted by States, or by indigenous peoples;

Recommend further that the United Nations General Assembly, following the presentation by the United Nations Permanent Forum on Indigenous Issues at its 14th session of a proposal for a draft Optional Protocol to the United Nations Declaration on the Rights of Indigenous Peoples, establishes an inclusive process that allows the United Nations General Assembly, at its earliest convenience, to adopt a resolution establishing an Optional Protocol to the United Nations Declaration on the Rights of Indigenous Peoples, based on the said proposal by the United Nations Permanent Forum on Indigenous Issues;

4. Further measures for the implementation of rights of indigenous peoples

Recognize that States are obliged to take concrete and action-oriented measures to recognize, realize, concretize and implement the rights of indigenous peoples;

Recommend that States adopt effective measures to guarantee the full realization of the rights of everyone belonging to indigenous peoples, including by adopting special measures for the implementation of the rights of indigenous elders, women, children, youth and persons with disabilities;

Recognizing that violence against indigenous women and girls is a multifaceted problem that is not just related to individual human rights, structural gender inequality and discrimination, but also involve a lack of recognition of the collective rights of indigenous peoples concerned, and that economic, social and political marginalization, poverty and discrimination of indigenous peoples increase the conditions that generate violence against indigenous women and girls;

Recommend that States present annual reports on what measures they have taken to effectively implement the rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples, to be presented to the United Nations Special Rapporteur on the Rights of Indigenous Peoples and other relevant United Nations institutions and processes;

Further recommend States with indigenous peoples that have not yet done so to extend an open official invitation to the United Nations Special Rapporteur on the Rights of Indigenous Peoples to visit the country concerned at any time, including in order to de-politicize the process of country visits by shifting the focus away from the question of access, to questions of substance;

Recommend also that those States that have received an official visit by the United Nations Special Rapporteur on the Rights of Indigenous Peoples report annually what measures they have taken to effectively implement the recommendations made by the Special Rapporteur;

Recommend as well that States, in their reports to the United Nations Human Rights Council's Universal Periodic Review, report on what measures they have taken to effectively implement the Expert Advices by the United Nations Expert Mechanism on the Rights of Indigenous Peoples;

Encourage those States that have not yet endorsed the United Nations Declaration on the Rights of Indigenous Peoples to join the ranks of States and Indigenous Peoples committed to the principles and rights enshrined in the Declaration;

Encourage further those States that have not yet ratified or acceded to the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989) to do so;

Recognize that the full and effective implementation of indigenous peoples' rights, including as recognized in the United Nations Declaration on the Rights of Indigenous Peoples, will in some cases require constitutional reforms or amendments, adoption of new legislation or amendment of existing legislation;

Recommend that States, in consultation and cooperation with indigenous peoples, as a matter of urgency, initiate a comprehensive review of existing national legislation, including constitutional provisions, with the aim of ensuring that national legislation is fully compatible with existing international standards on indigenous peoples' rights;

5. Education and Language

Recognize that education is one means of ensuring indigenous peoples' individual and collective development, and that it further indigenous peoples' ability to realize their right to self-determination, including their right to pursue their own economic, social and cultural development;

Recommend that States facilitate the possibility for indigenous peoples to develop high quality and culturally appropriate educational programs and services for indigenous peoples, which incorporate the special needs, histories, identities, values, beliefs, cultures, languages and knowledge of indigenous peoples, and to secure adequate funding for such programs and services;

Recommend further that States take effective measures, including through the establishment of national and international mechanisms for cooperation and coordination of efforts aimed at full and effective realization of the rights of indigenous peoples to education, including their linguistic rights, and by adopting measures aimed at combating prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society;

Recommend that States facilitate the possibility for indigenous peoples, to adopt programs and long-term strategies to maintain and develop their own academic institutions and research programs and to develop ethical guidelines for research on issues directly affecting indigenous peoples;

6. Extractive Industries

Recognizing that the Arctic is subject to a constantly accelerating amount of industrial activities, and that Arctic indigenous communities and traditional livelihoods are under quickly growing pressure from, among others, oil and gas, mining, forestry and wind mill industries, and associated infrastructure developments;

Underscoring that existing corporate social responsibility regimes, such as the OECD Guidelines and the Global Impact, fail to ensure that private entities operating in the Arctic conduct themselves in a manner respectful to the rights of the indigenous peoples of the Arctic;

Recommend that the Arctic Council adopts, at its Ministerial Meeting in 2015, a comprehensive long term strategy for resource extraction in the Arctic region, to end the present uncontrolled, unmanaged and unsustainable industrial practices;

Recommend further that the Arctic Council adopts, at its Ministerial Meeting in 2015, an ethical code of conduct, committing private entities operating in the Arctic region to not engage in practices harmful to the environment and to respect human rights, particularly those of the indigenous inhabitants of the Arctic;

Recognizing further that most Arctic indigenous communities are in a vulnerable position vis-à-vis private entities, lacking the resources and capacity to represent themselves adequately in relationship with the industry;

Call on States to ensure that Arctic indigenous communities can adequately represent themselves vis-à-vis the industry, through rendering it mandatory for private entities engaging in industrial activities in the Arctic to share profits with affected indigenous communities, as well as through other means to promote capacity building;

7. Traditional knowledge and traditional cultural expressions

Affirming that conventional intellectual property rights regimes are geared towards individual creativity common to Western cultures, and therefore fail to protect indigenous peoples' collective creativity, and hence are discriminatory;

Underscoring that a contemporary understanding of the right to non-discrimination obliges States to recognize that also collective creativity vest with those that have generated the knowledge and cultural expressions;

Call on States to implement the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity in a manner recognizing and realizing indigenous peoples' rights to their traditional knowledge;

Further call on States participating in the World Intellectual Property Organization's Intergovernmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore to adopt instrument(s) recognizing and realizing indigenous peoples' rights to their traditional knowledge and traditional cultural expressions;

8. Indigenous Peoples' Cross-border Rights

Reaffirming, in particular that those indigenous peoples divided by international borders, have the right to maintain and develop contacts, relations and cooperation, with their own members, as well as other peoples across international borders;

Recommend that States, in consultation and cooperation with the indigenous peoples concerned, as a matter of urgency, take effective measures to guarantee the exercise and ensure the implementation of indigenous peoples' cross-border rights, including their civil, political, economic, social and cultural rights, through legally binding conventions between the States concerned, and establish judicial mechanisms to monitor the implementation of such conventions;

9. Health

Underscoring that every indigenous individual has the same right to the highest attainable standard of physical and mental health as all other individuals;

Recommend that States, in their national health policies and programs, include separate data on and pay particular attention to the health situation of indigenous peoples, including the correlation between the socio-economic situation of indigenous peoples and their physical and mental health;

Recommend further that States accustom health services directed towards indigenous individuals and their particular health situation, including through programs aiming at preventing psycho-social health problems, and culturally sensitive health programs for education and awareness of the common risk factors for non-communicable diseases;

10. The United Nations System

Recommend that the United Nations General Assembly, organizes a comprehensive high-level review of the progress achieved in the implementation of the recommendations adopted at the World Conference on Indigenous Peoples, with the aim to further strengthen the realization of the rights of indigenous peoples, to be held during its 74th session [September 2019 – September 2020];

Recommend further that the United Nations General Assembly appoints an Under-Secretary General for Indigenous Issues, with the aim to strengthen the United Nations capacity and efforts towards ensuring the full realization of the rights of indigenous peoples, and in order to ensure that that these rights are taken into account in the activities of the United Nations;

Recommends also that all United Nations agencies and programmes engaging in activities impacting on indigenous peoples appoints an officer, or establishes a team of officers, with particular responsibility to ensure that all such activities are accustomed to the particular situation of indigenous peoples;