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Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Practical implications of a change in the mandate the Voluntary Fund for Indigenous Populations

Report of the Office of the High Commissioner on Human Rights

Summary

The present report has been prepared in accordance with Human Rights Council resolution 12/13 of 12 October 2009, in which the Council requested that OHCHR prepare “a detailed document outlining the practical implications of a change in mandate of the Voluntary Fund [for Indigenous Populations] in particular if it is expanded, the current working methods and resources of the Fund, and to present it to the Council at its fifteenth session”. The present report covers in particular: the mandate, administration, working methods and financial status of the Fund. It also provides information on the implications of a possible change of mandate of the Fund to cover the participation of indigenous people’s representatives to sessions of the treaty bodies and Human Rights Council, which has been proposed by the Human Rights Council’s Expert Mechanism on the Rights of Indigenous Peoples (proposals contained in reports A/HRC/10/56 and A/HRC/12/32).

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I. Introduction

1. The present document has been prepared in accordance with Human Rights Council resolution 12/13 of 12 October 2009 by which the Council requested the Office of the High Commissioner for Human Rights (OHCHR) to prepare “a detailed document outlining the practical implications of a change in mandate of the Voluntary Fund [for Indigenous Populations], in particular if it is expanded, the current working methods and resources of the Fund, and to present it to the Council at its fifteenth session”.

2. The request of the Human Rights Council relates to the proposal made by the Human Rights Council’s Expert Mechanism on the Rights of Indigenous Peoples (hereinafter “the Expert Mechanism”) to expand the mandate of the Fund. At its first session on 1–3 October 2008, the Expert Mechanism proposed that the Human Rights Council suggests to the General Assembly to broaden the mandate of the Fund to help indigenous peoples to participate in the sessions of the Human Rights Council and human rights treaty bodies (the proposal is contained in the report on the first session, A/HRC/10/56). At its second session on 10–14 August 2009, the Expert Mechanism proposed “that the Human Rights Council follow up further on the recommendation made by the Expert Mechanism at its first session to expand the mandate of the United Nations Voluntary Fund for Indigenous Populations to cover also the sessions of the Human Rights Council and those of human rights treaty bodies” (contained in the report on the second session, A/HRC/12/32).

II. Mandate of the Fund

3. The United Nations Voluntary Fund on Indigenous Populations (the Fund) assists representatives of indigenous peoples’ communities and organizations in participating in the sessions of the Permanent Forum on Indigenous Issues (the Permanent Forum) and of the Expert Mechanism on the Rights of Indigenous Peoples (the Expert Mechanism). In 2009, the Board of Trustees (the Board) of the Fund allocated a total of 111 grants for representatives of indigenous communities and organizations to attend the Permanent Forum and Expert Mechanism for a total of US\$ 412,022. In 2010, the Fund provided 101 travel grants for indigenous representatives to attend the Permanent Forum and Expert Mechanism for a total of US\$ 412,524.

4. The current mandate of the Fund is a result of a number of developments since the General Assembly, convinced that the establishment of a voluntary trust fund would constitute a significant development for the future promotion and protection of the human rights of indigenous populations, established the Fund through resolution 40/131 of 13 December 1985. The original purpose of the Fund was to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations of the then Sub-Commission on Prevention of Discrimination and Protection of Minorities by providing them with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations (NGOs) and other private or public entities.

5. The mandate of the Fund was extended by General Assembly resolution 50/156 of 21 December 1995, which provided that the Fund would also be used to assist representatives of indigenous communities and organizations to participate in the deliberations of the open-ended intersessional working group of the Commission of Human Rights to elaborate the draft declaration on the rights of indigenous peoples, established by the Commission in its resolution 1995/32 of 3 March 1995 and endorsed by the Economic and Social Council on 25 July 1995. Subsequently, the Fund enabled over 130 specialized

indigenous activists to attend sessions on the draft declaration and to contribute to this important standard-setting exercise, culminating in the approval of the United Nations Declaration on the Rights of Indigenous Peoples by the General Assembly through resolution 61/295 of 13 September 2007.

6. The Fund's mandate was further extended following the creation by the Commission on Human Rights (resolution 1998/20 of 9 April 1998, endorsed by the Economic and Social Council in its decision 1998/247 of 30 July 1998) of an open-ended intersessional ad hoc working group to elaborate and consider further proposals for the possible establishment of a permanent forum for indigenous people in the United Nations system. The General Assembly decided in its resolution 53/130 of 9 December 1998 that the Fund should also assist indigenous representatives to attend the deliberations of the said ad hoc working group, and the Fund subsequently allocated approximately 50 grants to indigenous representatives to attend meetings of this body.

7. The Economic and Social Council, in its resolution 2000/22 of 28 July 2000, established the Permanent Forum on Indigenous Issues as subsidiary organ of the Council. As a response to this development, the General Assembly decided, by resolution 56/140 of 19 December 2001, that the Fund should also be used to assist representatives of indigenous communities and organizations in attending, as observers, the sessions of the Permanent Forum on Indigenous Issues.

8. Finally, in its resolution 63/161 of 18 December 2008, the General Assembly adjusted the mandate of the Fund so as to facilitate the participation of representatives of indigenous peoples' organizations in the Expert Mechanism on the Rights of Indigenous Peoples, established as a subsidiary organ of the Human Rights Council in accordance with its resolution 6/36 of 14 December 2007.

9. Given that the mandate of the Fund has been amended five times, its Board and its secretariat in OHCHR have had to continuously adapt working methods and procedures in order to respond effectively to these changes.

III. Administration of the Fund, mandate and composition of the Board of Trustees

10. The Fund is administered by the Secretary-General in accordance with the Financial Regulations and Rules of the United Nations on general trust funds for humanitarian assistance, by means of OHCHR with the advice of the Board.

11. The Fund reports on its activities to the General Assembly through an annual report of the Secretary-General. There is also a standard practice by which a representative of the Board addresses each plenary session of the Permanent Forum and the Expert Mechanism to provide information on the work of the Fund under the relevant agenda item.

12. The Fund's Board composed of five persons with relevant experience on issues affecting indigenous peoples, who serve in their personal capacity as United Nations experts. The Board members are appointed by the Secretary-General for a three-year renewable term. At least one member shall be a representative of a widely recognized organization of indigenous peoples. In practice, indigenous persons have been regularly appointed as members of the Board. The current Board members appointed by the Secretary-General in 2009 are Kenneth Deer (Canada), Melakou Tegegn (Ethiopia), Shankar Limbu (Nepal), Tarcila Rivera Zea (Peru) and Dalee Sambo Dorough (United States of America).

13. The composition of the Board has been drawn upon when establishing various other funds and boards within and outside the United Nations system, such as the voluntary fund

to allow indigenous representatives to attend meetings of the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions under the Convention on Biological Diversity and the Voluntary Contribution Fund for Accredited Indigenous and Local Communities to provide travel grants to attend meetings of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore established by the World Intellectual Property.

IV. Sessions of the Board of Trustees

14. Since the establishment of the Fund, the Board has held 23 sessions. The Board meets annually in Geneva, in February or March, for five working days. At the beginning of each session, the Board elects the chairperson, a position which rotates annually.

15. At its sessions, the Board has an extensive agenda. The members of the Board review the implementation of the recommendations taken at its previous session; the financial status of the Fund; the new admissible applications received for funding; and other relevant matters that fall within its mandate. The Board also meets annually with present and potential donors.

16. During its sessions, the Board also meets with the relevant OHCHR staff working on issues related to human rights and indigenous peoples, including the Assistant to the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (the Special Rapporteur), the Coordinator of the Indigenous Fellowship Programme and the secretariats of various treaty bodies. Under the agenda item devoted to the developments in the United Nations system concerning relevant mandates, the Board has also met, for example, with representatives of the Expert Mechanism to discuss cooperation between the two bodies and the proposal made by the Expert Mechanism regarding the expansion of the mandate of the Fund to enable indigenous representatives to also attend sessions of the Human Rights Council and treaty bodies.

17. The Board adopts recommendations for approval of the High Commissioner for Human Rights on behalf of the Secretary-General. The approved recommendations are then implemented by the secretariat of the Fund within OHCHR.

V. Intersessional decision-making

18. The Board has developed a range of practical working methods to pursue work between sessions. If a decision needs to be taken on a grant or on any other relevant urgent issue, the Secretariat will contact the chairperson of the Board and the Board member of the geographical region to which the question refers. They will make a recommendation that will be conveyed to other Board members for information and submitted for approval to the High Commissioner for Human Rights, who acts on behalf of the Secretary-General. If the matter needs the advice of all members of the Board, the Secretariat, through the chairperson of the Board, will involve all members in the formulation of a recommendation. Intersessional communication is done via electronic mail and videoconferencing.

19. Intersessional decision-making has proven important especially in situations where the mandate of the Fund has been extended by the General Assembly between sessions. In such cases, all the Board members are contacted to provide intersessional advice and make recommendations. This was done, for example, in 2001, when the General Assembly approved the expansion of the mandate of the Fund in late December to allow representatives of indigenous communities to attend the newly established Permanent Forum on Indigenous Issues (by virtue of resolution 56/140). In order to ensure support for participation in the first session of the Forum, the Secretariat organised intersessional

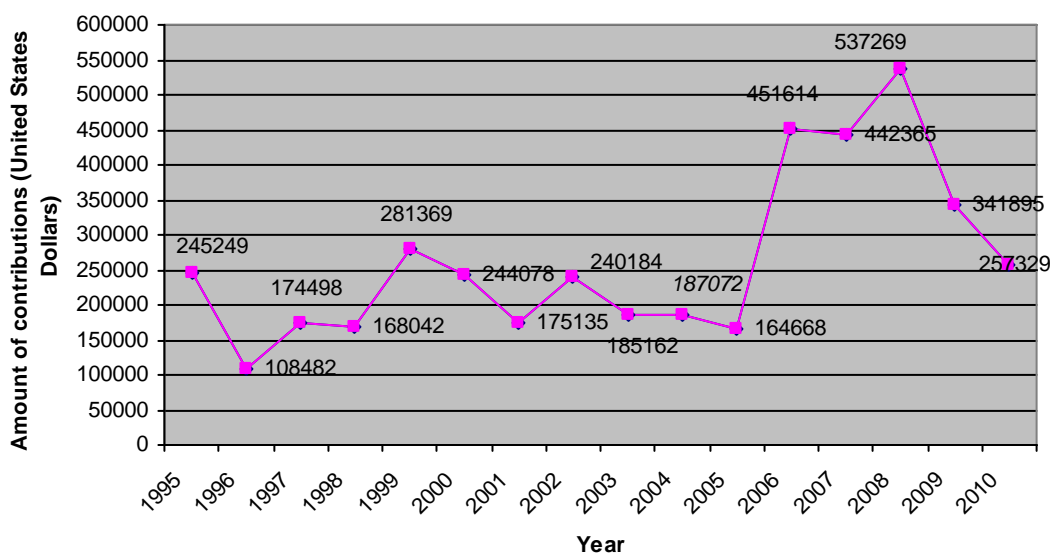
consultations, via electronic mail, for the recommendations on travel grants. In that context, the Secretariat analysed more than 400 applications received from indigenous organizations and communities. The Board received from the secretariat a comprehensive analysis of each admissible application form, covering all the selection criteria. Once the recommendations were made, the Secretariat forwarded them to the High Commissioner for Human Rights for approval on behalf of the Secretary-General.

VI. Financial status of the Fund

20. The Fund is funded by means of voluntary contributions from Governments, NGOs and other private or public entities. Despite a decrease in contributions in 2009, the Fund has over the years enjoyed a satisfactory financial situation (see table 1).

Table 1

Voluntary contributions received 1995 – 2010



21. Thanks to continuous support from donors, the Fund has, since its establishment, been able to allocate more than 1,100 grants to representatives of indigenous communities and organizations to participate in United Nations meetings. In recent years, the Board has been in a position to allocate annually over US\$400,000 for participation in the Permanent Forum and the Expert Mechanism.

22. In order to ensure solid support for the Fund, the Board of Trustees meets annually with donors and potential donors during its sessions. At these meetings, the Board informs Government representatives of the status of the Fund, its sessional deliberations and other important considerations. These meetings represent a direct and transparent flow of information between the Fund and Governments. Members of the Board also meet with donors during the sessions of the Permanent Forum in New York. At these meetings, the Board invites beneficiaries of the Fund to explain the impact of their participation in the sessions of the Permanent Forum as well as the overall impact of the Fund's mandate.

VII. Beneficiaries of the Fund

23. The criteria for the selection of beneficiaries have been established by the General Assembly as well as by the Secretary-General upon recommendations of the Board. The selection criteria are reflected in the application form that all candidates must complete. Over the years and given the changes in the mandate of the Fund, the application form has developed into a comprehensive yet simple document. The Board has sought to ensure that the form remains accessible for all applicants and easy to complete. Applicants can choose to submit the form in English, French or Spanish.

24. All applicants must be indigenous. Furthermore, they must attach to the application form a recommendation letter from the indigenous organization or community that they represent. This letter must be signed by the executive officer of the organization or the leader of the community. This requirement aims at preventing non-indigenous people and especially individuals that do not have the legitimate representation of their indigenous community to be selected for a grant.

25. The Board also seeks to ensure diversity among beneficiaries attending the sessions of the Expert Mechanism and the Permanent Forum. Indigenous organizations – which are allowed to submit only two grant applications each – are asked to nominate one man and one woman. As regards geographic representativeness, the number of countries from which the Fund received applications increased between 2005 and 2009 from 56 to 70, and the Board continuously encourages applications from regions, countries, organizations and communities that have been unrepresented. Age balance is also important for the Board when analysing applications. It aims to select both young and older participants, emphasizing the need to facilitate the transfer of skills between generations.

26. The Board selects both representatives who have never participated in a session of the Expert Mechanism or the Permanent Forum and representatives who have already participated and are developing specialized capacity and skills, thereby strengthening the group of experienced participants in the sessions. When taking decisions on travel grants to attend various meetings, the Board has taken into consideration the needs, agenda and substantive focus of the United Nations organ in question. In the past, the practice was that indigenous representatives were chosen to take part in the open-ended intersessional working group of the Commission of Human Rights to elaborate the draft declaration on the rights of indigenous peoples, whereas indigenous representatives who had more limited international experience and intended to present broader issues would be granted financial assistance to attend the Working Group on Indigenous Populations. Indigenous representatives have been selected for grants in accordance to their expected substantive contribution to the meetings (as indicated in their application forms) that reflected the themes that were going to be discussed at the sessions. The profiles of the grantees have therefore differed from session to session and from organ to organ.

27. These considerations continue to be true for the selection of grantees to attend the Permanent Forum and the Expert Mechanism. The Board of Trustees tries to identify beneficiaries of the Fund who could effectively contribute to the thematic agenda of the Expert Mechanism and the issues within the mandate of the Permanent Forum.

28. In addition to participating effectively in the sessions of the Permanent Forum or Expert Mechanism, beneficiaries of the Fund commit themselves to organizing follow-up work in their communities and reporting to the Fund's secretariat. The beneficiaries of a travel grant are requested to conduct at least one awareness-raising meeting in their local communities about the issues, proceedings and decisions of the international meeting they have attended.

VIII. Methods of work and grants cycle

29. Indigenous representatives are requested to fill in the above-mentioned application form by the deadline of 1 October of each year. This deadline has been changed over the years in the light of changes in the mandate and in order to meet the technical and practical requirements of the participation of beneficiaries, and it would possibly need to be revisited again should the mandate of the Fund be extended further. The application contains an explanatory note on the Fund, its mandate and especially on the duties and obligations that each beneficiary and organization would have if selected.

30. Applications are then analysed by the secretariat from 1 October until the session of the Board of Trustees in February or March. This timeframe gives the Secretariat enough time to request additional information from the applicant in case the application is not complete. If possible, the Secretariat will contact the regional OHCHR offices and other relevant partners in the pre-screening process of applications to obtain information from the field and verify the information received.

31. The secretariat of the Fund prepares a comprehensive chart with all the relevant information, including results of past evaluation forms and comments regarding compliance with the selection criteria. At its annual session, the Board will review the admissible applications received on the basis of the documents prepared and prior analysis done by the secretariat of the Fund.

32. In order to enhance the effectiveness of the secretariat and reduce its workload when analysing applications, the Board of Trustees has recommended the establishment of a database on past beneficiaries of the Fund. This directory is intended to contain relevant information on past beneficiaries, including information on their indigenous communities, activities of their respective organizations, the beneficiaries themselves, their field of expertise and experience in matters related to indigenous rights and the results of their evaluation forms and performance. This database, which is now in the process of being elaborated, is expected to facilitate the consideration of future requests for funding.

33. Once the recommendations have been approved by the High Commissioner on behalf of the Secretary-General, the Secretariat informs the new grantees, two months in advance of the session at issue. Subsequently, the Secretariat starts all the administrative procedures especially with the financial department and the Travel Unit to ensure that the travel arrangements are prepared in time. Official invitation letters are also sent to recipients so that they can request visas to travel.

34. At the session of the Expert Mechanism or the Permanent Forum, the Secretariat of the Fund liaises with the beneficiaries and aims to ensure their effective participation. Before the end of the session, beneficiaries are requested to submit an evaluation report on their participation in the session. On this form, the beneficiary is asked about his/her participation not only in the regular meetings of the organ, but also in parallel meetings. Beneficiaries also have to report on how they prepared for their participation, consulted members of their communities and organizations and what were their main objectives and achievements. After the sessions, beneficiaries are requested to send to the secretariat a follow-up report on the awareness-raising activities that they have organized within their local communities in order to share the knowledge acquired at the international level. The evaluation report and the follow-up report are then analysed and presented to the Board at its next session. These are taken into consideration when selecting candidates from the same indigenous organization or community.

IX. Capacity-building and training

35. To maximize the Fund's impact and the participation of indigenous representatives at the sessions, the Secretariat of the Fund organizes, on the first day of each session, an information meeting about the Fund and the technical aspects related to the beneficiaries' participation in the session at issue. The secretariat also assists grantees with specific issues over the course of the sessions.

36. Many of the indigenous representatives attending United Nations meetings have expressed the wish to discuss their specific situations and express their concerns, and it is therefore important that they are provided with adequate information regarding the appropriate venues and mechanisms designed for that purpose. In this respect, a number of participants have appreciated the opportunity to meet with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and, in some cases, other special procedure mandate holders during the sessions of the Expert Mechanism and the Permanent Forum and they have also requested further information on the use of treaty bodies and other relevant human rights mechanisms.

37. In view of the above-mentioned interest, the Board of Trustees has recommended that the initial information sessions be complemented with training sessions, and a small sum was allocated for this purpose from the Fund in 2010. Such training has been pursued in connection with the partnership between OHCHR and Indigenous Peoples' Centre for Documentation, Research and Information. The first training course took place at the 2010 session of the Permanent Forum. Expert indigenous representatives delivered the training sessions on the United Nations mandates devoted to indigenous peoples and other relevant mechanisms, including the universal periodical review. The next training of this kind will take place in the context of the third session of the Expert Mechanism in July 2010.

X. Proposed expansion of the mandate to cover sessions of the treaty bodies

38. The Expert Mechanism proposed at its first and second sessions that the Human Rights Council suggests to the General Assembly to broaden the mandate of the Fund to help indigenous peoples to participate in the sessions of the Human Rights Council and human rights treaty bodies. As regards human rights treaty bodies,¹ they all address issues that relate to indigenous peoples and are therefore to be considered in this context.

39. In several cases, indigenous representatives have already worked actively with treaty bodies by providing information on the implementation of specific rights at the domestic level and helping to promote the implementation of treaty bodies' recommendations. Participation of indigenous peoples in the treaty bodies system can be done in various ways, and only some of them require travel to sessions. Indigenous peoples can, for example, submit alternative reports to assist various committees in their formulation of their concluding observations on State party reports; present information to the committees for the elaboration of general comments that would include references to indigenous questions; contribute to the thematic discussions that certain committees organize; submit individual

¹ Human Rights Committee; Committee on Economic, Social and Cultural Rights; Committee on the Elimination of Racial Discrimination; Committee on the Elimination of Discrimination against Women; Committee against Torture; Committee on the Rights of the Child; Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families; and Committee on the Right of Persons with Disabilities.

communications and use the early warning and urgent action procedures that have been established under the International Convention on the Elimination of All Forms of Racial Discrimination.

40. Treaty bodies also invite NGOs to provide reports containing country-specific information on States parties whose reports are due for consideration, as well as to the country task forces in charge of the lists of issues. NGOs can participate in the pre-sessional meetings of several committees at which the list of issues on country reports is being elaborated.

41. Various committees have found it important to explicitly mention indigenous peoples and their rights in their general comments or recommendations. For example, the Committee on Social, Cultural and Economic Rights has mentioned the rights of indigenous peoples in a number of general comments, most recently in its general comment No. 21 on the right of everyone to take part in cultural life. The Committee on the Elimination of Racial Discrimination issued in 1997 general recommendation No. 23 on indigenous peoples and the Committee on the Rights of the Child issued in 2009 its general comment No. 11 on indigenous children and their rights under the Convention. In general, treaty bodies encourage NGOs to provide contributions on general recommendations being drafted and make use of these general recommendations in their advocacy efforts.

42. Several committees hold thematic discussions or days of general discussions that deal with issues covered by their mandates, some of which include indigenous issues. Indigenous organizations can and have assisted committees by sending background documents on the chosen topic for the discussion and by actively participating in the debates with indigenous experts. The Committee on the Rights of the Child held a general discussion day on the rights of indigenous children in October 2003, in close cooperation with the Special Rapporteur and the Permanent Forum: various indigenous organizations contributed to the final recommendations adopted by the Committee. Indigenous representatives have on several occasions also used individual communication procedures, especially under the Covenant on Civil and Political Rights.

43. Although a number of indigenous organizations have actively used the treaty body system, there have been a number of calls to raise further awareness and encourage wider use of treaty bodies. Further awareness-raising and opportunities to approach treaty bodies (as well as special procedures) could also reduce the number of cases where indigenous representatives raise alleged human rights violations before bodies that have no mandate to act upon individual cases. With an expanded mandate, the Board of Trustees could also support further substantive and technical training for indigenous peoples. These could include information on the drafting process of alternative reports or the submission of individual complaints. Financial assistance to attend the sessions of the committees would help to avoid a situation whereby only indigenous peoples with solid financial resources or those that live close to the venue of the meeting can meet with these organs. In this way, the expansion could help to diversify the information submitted to the committees.

44. If the mandate of the Fund is extended by the General Assembly to cover treaty bodies, indigenous communities could receive support to attend the sessions of the relevant Committees as well as the pre-sessional working groups where the list of issues are being discussed and agreed upon. During their attendance they can voice their concerns at the NGO hearings, organize side events and attend lunchtime briefings. As treaty bodies normally establish their agenda and timetables about two sessions beforehand (a year in advance), there would be adequate time for indigenous peoples and NGOs to prepare and for the Fund to receive and consider applications, select beneficiaries and allocate grants.

45. While the extension of the mandate would require revisiting certain working methods, the basic approval procedure would remain intact. After reviewing the

information received on the applicants, the Board of Trustees would make recommendations for the approval of the High Commissioner for Human Rights on behalf of the Secretary-General on the basis of this information.

46. Bearing in mind its past practices, it is likely that the Board of Trustees would select indigenous representatives with a specialized profile to attend human rights treaty bodies, focusing on indigenous representatives with knowledge of the United Nations system, international human rights law and the mandate of treaty bodies. As has been the practice in the past, the Board of Trustees of the Fund could select the candidates on the basis of an application form that each candidate and his/her sponsoring organization will have to submit, but it is likely that the content of the said form would need to be revisited in the light of the expanded mandate, so as to obtain information on such issues as past attendance of sessions of treaty bodies and, in general, experience in working with the treaty body system.

47. The number of grantees would depend on the countries under discussion at a given session. Treaty bodies review between 4 and 18 country reports during one session, and not all of them will necessarily have indigenous peoples. Furthermore, only those representatives of communities and organizations that work on the rights contained in the specific convention at issue would be selected. Therefore, the number of beneficiaries attending these sessions would be significantly lower than the number of beneficiaries at the Expert Mechanism and the Permanent Forum.

48. It is likely that the inclusion of treaty bodies in the mandate of the Fund would increase the need for intersessional consultations. The methodology could be built on the intersessional procedures already being used by the Board, according to which the information prepared and analysed by the Fund's secretariat is sent to all Board members for their consideration and approval in an electronic form. If necessary, the secretariat may convene an intersessional meeting using videoconference and webcasting.

XI. Proposed expansion of the mandate to cover sessions of the Human Rights Council

49. While the following paragraphs describe the present situation and modalities as regards indigenous participation in the Human Rights Council, it is important to recall at the outset that the Human Rights Council is, pursuant to General Assembly resolution 60/251 of 15 March 2006, undertaking a review of its work and functioning, the results of which may impact on some of the relevant modalities.

50. At present, the Voluntary Fund for Indigenous Populations supports participation of indigenous peoples in the overall context of the Human Rights Council by funding their participation in the sessions of the Expert Mechanism, which is a subsidiary body of the Council. Unlike the sessions of the Council, the sessions of the Expert Mechanism are open to indigenous organizations without Economic and Social Council consultative status and many of the beneficiaries of the Fund are from such organizations. The proposal made to the Human Rights Council by the Expert Mechanism at its first and second session would involve expanding the mandate of the Fund so that it could support participation not only in the Expert Mechanism but also in the sessions of the Human Rights Council.

51. Indigenous persons representing NGOs with ECOSOC consultative status can submit written statements; deliver oral statements and host parallel events during the sessions of the Human Rights Council, and a number of them have contributed to the regular sessions of the Council, including its discussions on the reports of the Expert Mechanism and the Special Rapporteur, as well as meetings on the universal period review. In addition to contributing to the formal sessions, indigenous representatives often use these

occasions to meet with various special procedure mandate holders, Government representatives and other key actors.

52. Further to a proposal made by the High Commissioner, the Human Rights Council has, since 2009, considered the various reports on the promotion and protection of the human rights of indigenous peoples at the same session. This has facilitated participation of indigenous peoples, and at the twelfth regular session of the Human Rights Council in September 2009, some ten indigenous organizations had the opportunity to make joint statements. At the fifteenth session in September 2010, the Council will again consider at the same session the reports by the Expert Mechanism and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, as well as that of the High Commissioner for Human Rights.

53. Indigenous peoples have also participated in the universal periodic review, established by General Assembly resolution 60/251. In some cases, they have contributed to the report submitted by their Government and many of them have presented written submissions containing information on the human rights situation in the States under review, which can be included in the summary of stakeholders' contributions prepared by OHCHR.

54. At the sessions of the Working Group on the Universal Periodic Review, NGOs with Economic and Social Council consultative status can be observers but not play a role in the interactive dialogue. They can, however, host information sessions and parallel events. At the sessions where the Human Rights Council reviews the recommendations adopted at the Working Group on Universal Periodic Review, indigenous organizations have taken advantage of the possibility to take the floor and address the Council with brief general comments, often through joint statements.

55. As regards practical implications of the proposed expansion of the Fund to cover the sessions of the Human Rights Council, grouping reports pertaining to indigenous peoples at one session would be likely to facilitate the processing of related applications. Furthermore, as the universal periodic review calendar is settled well in advance, the Board of Trustees and potential applicants would know which countries are up for review under the process and at what session, facilitating early submission and consideration of applications. At the same time, it should be noted that, aside from reports devoted to indigenous peoples and the universal periodic review, many other issues addressed by the Human Rights Council are also of interest to indigenous peoples and could benefit from their input; informal meetings in the contents of the sessions are often of great importance in advancing dialogue on the rights of indigenous peoples.

56. If the mandate is expanded to cover the Human Rights Council, the Board of Trustees would need to revisit the current selection criteria, notably in light of the fact that only organizations with Economic and Social Council consultative status can participate in the sessions of the Human Rights Council. An increasing number of indigenous organizations have applied for authorization by the Committee on Non-Governmental Organizations to attend international meetings related to indigenous issues and the number of indigenous organizations with full consultative status has also increased. At the same time, it is clear that the number of potential applicants to attend sessions of the Council would be significantly lower than the number of applications submitted annually to attend sessions of the Expert Mechanism and those of the Permanent Forum, and that the allocation of funding to support participation in the sessions of the Council would probably be relatively low in comparison to support allocated to participation in the annual sessions Expert Mechanism and the Permanent Forum.

XII. Concluding remarks

57. The General Assembly, convinced that the establishment of a voluntary fund would constitute a significant development for the future promotion and protection of the human rights of indigenous populations, established the United Nations Voluntary Fund for Indigenous Populations in 1985. Since its inception, the mandate of the Fund has been amended five times to take into account institutional changes and to ensure that the work of the Fund reflects the needs of indigenous peoples and of the United Nations. Each time, the working methods of the Fund and of the Board of Trustees have been quickly adapted to reflect these changes.

58. With its current mandate, the Fund can support participation of indigenous peoples in the Expert Mechanism on the Rights of Indigenous Peoples and the Permanent Forum on Indigenous Issues, two key bodies in the United Nations devoted to indigenous issues. The expansion of the mandate to cover the sessions of the Human Rights Council and those of human rights treaty bodies, proposed by the Expert Mechanism on the Rights of Indigenous Peoples, would constitute a significant addition to the mandate of the Fund and would increase indigenous participation in two areas where some indigenous representatives are already active. While the decision-making process under the Fund could, by and large, remain the same, such an expansion is likely to require certain changes in the working methods of the Board, such as more intersessional decision-making and revised selection criteria for those applying to attend sessions of treaty bodies or the Human Rights Council.

59. It is likely that, if the mandate were expanded, the number of grantees that would receive support to attend sessions of the Human Rights Council and human rights treaty bodies would remain relatively modest in comparison with the number of grantees attending the annual sessions of the Expert Mechanism and the Permanent Forum. This would result, inter alia, from the Economic and Social Council consultative status requirements applicable to attending the sessions of the Human Rights Council, as well as from the specialized expertise that may be required to participate effectively in the work of human rights treaty bodies. The fact that the number of grants based on the new elements of the mandate would be limited would in turn limit the impact of the expansion on the financial situation of the Fund and its capacity to support participation in the Expert Mechanism and in the Permanent Forum. This being said, it is clear that the successful implementation of an extended mandate would require continuous solid support from donors.

60. In addition to travel grants per se, effective participation may require further training and orientation support for the beneficiaries during the sessions at issue. This has already been recognized by the Board of the Trustees of the Fund, which has encouraged further training activities and support for beneficiaries of the Fund in order to ensure that they are in a position to participate effectively in the sessions of the Expert Mechanism and the Permanent Forum and that they are aware of the appropriate mechanisms for raising specific issues. While OHCHR continues to support such training activities even in the absence of any change in the mandate, an expansion of the mandate would further increase the need to ensure that such support is available for indigenous peoples using the Fund.

61. The proposed extension of the mandate of the Fund would undoubtedly increase the diversity of indigenous peoples' representatives -- including those from underrepresented regions who do not have adequate financial resources -- contributing to the work of the Human Rights Council and treaty bodies. It would also help to ensure that indigenous peoples' representatives use effectively the Expert Mechanism and Permanent Forum and contribute substantively to their core

mandates and channel their human rights concerns to the most appropriate mechanisms.
