

## **Explanatory notes: draft outcome document - World Conference on Indigenous Peoples**

### **OP1-3**

The chapeaux has been become three operative paragraphs due to its increasing length.

It now includes a reference to the UN Charter, as requested by some Member States.

OP3 is a new paragraph which covers the issue of “free, prior and informed consent” early in the outcome document, avoiding the need for later repetition. It reflects Article 19 of the Declaration on the Rights of Indigenous Peoples .

### **OP4**

This paragraph reflects Article 43 of the Declaration on the Rights of Indigenous Peoples concerning “the minimum standards for the survival, dignity and wellbeing of the indigenous peoples of the world”.

### **OP6**

This paragraph draws on language from Resolution 66/142 (OP4) which encourages states to take “the appropriate measures, including legislative measures, to achieve the ends” of the Declaration on the Rights of Indigenous Peoples.

### **OP9**

The paragraph draws on language from Articles 21 and 22 of the Declaration on the Rights of Indigenous Peoples.

### **OP10**

The intention of “data disaggregation” in this paragraph is solely to aid public policy that would benefit indigenous peoples.

### **OP11**

This paragraph draws on language from Articles 14, 21, 23 and 24 of the Declaration on the Rights of Indigenous Peoples.

### **OP12**

This paragraph draws on Article 24 of the Declaration on the Rights of Indigenous Peoples.

### **OP 16**

This paragraph draws on Article 27 of the Declaration on the Rights of Indigenous Peoples.

### **OP19**

This paragraph draws on Article 12 of the Declaration on the Rights of Indigenous Peoples.

### **OP20**

This paragraph draws on Article 30 of the Declaration on the Rights of Indigenous Peoples.

**OP21**

This paragraph seeks to give effect to the intention of Articles 41 and 42 of the Declaration on the Rights of Indigenous Peoples.

**OP24**

The SWAP seeks to give effect to the intention of Articles 41 and 42 of the Declaration on the Rights of Indigenous Peoples.

**OP25**

This paragraph seeks to give effect to the intention of Articles 41 and 42 of the Declaration on the Rights of Indigenous Peoples.

**OP27**

This paragraph reflects Articles 5 and 20 of the Declaration on the Rights of Indigenous Peoples.

**OP31**

This paragraph draws on resolution 68/149 (OP7).

**General observations**

The revised draft has re-ordered paragraphs from the zero-draft and removed the numbered sections (I, II, etc). For ease of use, previous paragraph numbers (i.e. as they appeared in the zero-draft) are referenced at the end of each new OP in bold text.

The outcome document has tried to minimise the use of “where relevant” and “where appropriate” to improve readability. It can be noted that the Declaration on the Rights of Indigenous Peoples also avoids this language.

The resolution is termed an “outcome document”, to avoid confusion with the Declaration on the Rights of Indigenous Peoples.

In regard to the status of the Declaration on the Rights of Indigenous Peoples, the following observation of the Committee on the Elimination of Racial Discrimination is noted:

“the Committee finally recommends that the Declaration [on the Rights of Indigenous Peoples] be used as a guide to interpret the State party’s obligations under the Convention [on the Elimination of Racial Discrimination] relating to indigenous peoples<sup>1</sup>”.

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<sup>1</sup> CERD/C/USA/CO/6 (8 May 2008), para 29.