

# **Expert Workshop on the Review of the Mandate of the Expert Mechanism on the Rights of Indigenous Peoples**

*4 – 5 April 2016*

*Room XXVI, Palais des Nations, Geneva*

## **Observations and Recommendations of the Citizen Potawatomi Nation 14 March 2016**

The Citizen Potawatomi Nation is an indigenous nation located in the United States of America. Through its democratically elected government, the Citizen Potawatomi Nation has participated for many years in the work of the United Nations, including the negotiation of the Declaration on the Rights of Indigenous Peoples and the World Conference on Indigenous Peoples.

The Citizen Potawatomi Nation supports and joins in the Response of the Indian Law Resource Center along with a number of other Indian nations and organizations to the questionnaire circulated by the Office of the High Commissioner for Human Rights seeking written contributions to inform the Expert Workshop. The following observations and recommendations are intended to provide additional information and discussion, particularly about matters not fully covered in the questionnaire.

The Nation expects to participate in the Expert Workshop and to review all of the written submissions and the views expressed at the Workshop. Soon after the Workshop the Nation looks forward to submitting a few brief responses to the written submissions and presentations.

### **I. The need for an effective body to implement, promote, and monitor states' compliance with the rights contained in the UN Declaration on the Rights of Indigenous Peoples**

For many years, even before the adoption of the Declaration, indigenous leaders and organizations have urgently called for measures by the United Nations to implement the rights in the Declaration and to discourage and respond to violations of those rights. Indigenous demands for an implementing body in the process of the UN World Conference on Indigenous Peoples resulted in 2014 in the General Assembly's decision in the Outcome Document:<sup>1</sup>

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<sup>1</sup> A/RES/69/2, Resolution adopted by the General Assembly on 22 September 2014, Outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples.

28. We invite the Human Rights Council, taking into account the views of indigenous peoples, to review the mandates of its existing mechanisms, in particular the Expert Mechanism on the Rights of Indigenous Peoples, during the sixty-ninth session of the General Assembly, with a view to modifying and improving the Expert Mechanism so that it can more effectively promote respect for the Declaration, including by better assisting Member States to monitor, evaluate and improve the achievement of the ends of the Declaration.

From this it may be seen that the review of the mandate of the Expert Mechanism is for the purpose of modifying and improving the body so that it can more effectively promote respect for the Declaration by, among other things, assisting Member States to monitor, evaluate, and improve the achievement of the ends of the Declaration.

This context shows that the purpose of this Expert Workshop is to consider how to modify the mandate in order to transform the Expert Mechanism into an effective, genuine, expert body for promoting respect for the Declaration – or, to say the same thing, to promote and encourage implementation of the rights in the Declaration. Nothing is more important for promoting respect for the Declaration and for assisting States.

The importance of such implementing bodies was powerfully stated by the General Assembly in its resolution 68/268 (2014) on strengthening the UN treaty bodies. The resolution reaffirms that the treaty body system is “indispensable for the full and effective implementation of [human rights] instruments.” An effective implementing body is likewise *indispensable* for the full and effective implementation of the Declaration. Anything less than an effective implementing body would be contrary to the General Assembly’s Outcome document of the World Conference and a betrayal of the Declaration itself.

A great deal is at stake for indigenous peoples in this Expert Workshop and the review of the mandate of the Expert Mechanism. This is far more than a mere exercise in improving the mandate.

The extremely urgent and practically overwhelming need is for an on-going body capable of responding to major problems or issues concerning indigenous lands and resources, protection of the environment, and the well-being and self-governance of indigenous peoples and communities. These matters often demand timely responses, on-going fact-gathering, and follow-up. The body needs to be capable of action that is both prompt and sustained, extending over periods of months or even years.

Because the rights of indigenous peoples are rights of communities, tribes, nations, and peoples, as well as individuals, violations of these rights are often major matters involving hundreds or thousands of people and sometimes vast areas of land and extensive resources. Such lands and resources are often of great value, and they are typically sought by developers, settlers, extractive industries, agricultural interests, and

many others.<sup>2</sup> The invasion and theft of indigenous lands and resources is usually an on-going and complex matter. Tragically, violence often accompanies such invasions and takings, and it is usually the indigenous people who are killed, sometimes in large numbers. It has not been unusual for killings and dispossessions to reach genocidal proportions.

Not only are violations of indigenous rights often large and complex situations, but indigenous peoples and individuals typically have little ability to protect themselves or find remedies at the national level. Indigenous peoples are in most instances very disadvantaged economically (they have little money), they have little or no political power, and they frequently have little or no access to justice in their countries. If there is data available in their home country, indigenous peoples can be found at the bottom of practically every socio-economic indicator. This is true in economically developed countries as well as others. This means that international attention and international mechanisms are of very great importance to indigenous peoples. The need is extraordinarily great for a strong and capable body to promote and oversee the implementation of the rights in the Declaration. Otherwise, the very purpose, spirit, and intent of the Declaration will be lost.

## **II. The Mandate**

We are in accord with the written submission of the Indian Law Resource Center that the core of the mandate must be the authority to seek and receive information relating to indigenous rights, to prepare and distribute reports on these matters, and to make recommendations to states and others concerning implementation of the rights in the Declaration. This should include, among other things, authority to make country visits (with the consent of the country), to disseminate information about successful implementation and good practices, and to issue general comments including interpretations of the Declaration and observations about its application. The mandate to gather information and to disseminate reports about implementation or violations of the Declaration is the irreducible, indispensable part of the mandate. No other duties or possible activities should interfere with this core obligation.

We believe that requiring periodic reports by states would not be sufficiently productive. The report of the High Commissioner for Human Rights has clearly documented the severe problems with periodic reports to the various treaty bodies.<sup>3</sup> Not only is there a serious failure of most states to submit the reports, but the treaty bodies have been enormously burdened and back-logged in considering and responding to the reports. Such a burden would predictably interfere with the reformed body's ability to respond to urgent and high priority situations.

For a similar reason, we agree that a process for individual or group complaints would not be a wise idea. The treaty bodies have been very delayed and lacking in time

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<sup>2</sup> The need for an implementing body is discussed at greater length in *Indigenous Land and Resource Rights: Implementation and Monitoring*, Robert T. Coulter (2006), HR/GENEVA/IP/SEM/2006/BP.2. For convenience this document is attached.

<sup>3</sup> U.N. High Comm'r for Human Rights, *Strengthening the United Nations Human Rights Treaty Body System*, 44, U.N. Doc. A/66/860 (June 26, 2012).

and resources to respond promptly to complaints. It would seem very likely that any new body would be rapidly overwhelmed with individual complaints and thus unable to fulfill its core mandate. This is truly regrettable. When substantially greater financial resources are available, a complaint procedure should perhaps be considered, but under present circumstances it does not appear sufficiently efficient. We keep in mind that the body should certainly have a mandate to receive information and to respond to that information. However, it appears that the formal process of “Inquiries,” as followed by some treaty bodies, is also probably too complex and burdensome to be useful and efficient. No doubt the newly composed body will decide on its own methods of work, keeping in mind those methods that have proven to be particularly time-consuming and burdensome.

We are aware that some suggestions have been made for adding elements to the Expert Mechanism mandate that are novel and positive-seeming. We do not wish to oppose new ideas, but with resources limited as they are, we would urge caution. Some ideas that resemble mediation or conciliation between states and indigenous peoples are appealing, but they may result in very heavy, on-going burdens that would impair the body’s ability to deal with more urgent and grave matters.

### **III. Composition of the Body**

Having in mind the very urgent and complex matters that should be addressed under the new mandate proposed above, an effective implementation body must be made up of true experts who are independent and who will serve in their individual capacities. The body should comprise both indigenous experts and non-indigenous experts, experts nominated by indigenous governments and organizations as well as those nominated by states (who may also be indigenous individuals). Such a mixed body will be more credible and more effective than one that is entirely or largely indigenous or non-indigenous. Reports and recommendations from a mixed and balanced body will have greater political and moral force, and that political and moral force is practically the only power that can be exerted by an implementing body. No doubt indigenous individuals can bring crucial knowledge and experience to the reformed body, but non-indigenous experts will also bring valuable perspectives and experience.

The method of selecting the experts should be transparent and based on consultations with states and indigenous governments and organizations. Electing the experts may not be feasible, because it is not clear who or what body should do the electing. It may be that the process of “nominating” or recommending individuals to be appointed by the President of the Human Rights Council would be acceptable. Indigenous governments and organizations should be widely consulted to identify indigenous experts from the various parts of the world. States, too, should be consulted to identify independent experts. Of course, gender balance must also be achieved.

A reasonable balance of indigenous and non-indigenous experts should be sought. Setting precise numbers may not be feasible at this time.

We want to emphasize that members of the implementing body must be genuine, independent experts, not representatives or employees of states or indigenous

governments. The report of the High Commissioner on strengthening the treaty bodies discusses at some length the problem of expert members who are not in fact independent and who may have conflicts of interest.<sup>4</sup> Not only must the members be actual experts, but they must be impartial and independent, and they must also *appear* to be impartial and independent.

The number of experts who should compose the body deserves discussion. There must be a sufficient number to reasonably carry out the new mandate. The guiding values for discussing the number should probably be *effectiveness* and *efficiency*. The number ten is the lowest number for any of the treaty bodies, and this is a starting point. We are sensitive that more members of the body will require more funds for travel and accommodations for meetings. It is not clear at this time what the most effective number would be, but we are concerned that a body with only six or seven members would be too small to carry out needed work and to have the influence and credibility that will be essential.

#### **IV. Avoiding Duplication**

The work of the newly reformed body, as we have discussed it here, will not duplicate the work of the Special Rapporteur on the Rights of Indigenous Peoples, because the reformed body will do work that cannot now be done by the Special Rapporteur, and the new body, as an expert group, will have a wider expertise and greater capacity for activities that the Special Rapporteur cannot have. Certainly the unique and valuable work of the Special Rapporteur must be continued along with the work of the reformed body.

Following are some of the principal reasons that duplication of the work of the Special Rapporteur is not a serious issue, as we envision the new mandate:

1. The expert body would have members from various parts of the world, both indigenous and non-indigenous. This would bring a much wider range of knowledge, experience, and background to the work.
2. The group will have ten or more members, and this will mean that more total hours of work and attention can be devoted to the total body of work or to each issue or item of work -- where that is needed. There will be more experts to work on any given issue or situation.
3. The expert body, because of its continuity and overlapping terms of experts, will be capable of long-term, sustained attention, and on-going work on major issues extending over a period of many years.
4. Many of the matters that will most need attention are likely to be widespread and complex matters involving entire communities or many communities spread over wide areas, and sometimes in many states. For example, problems with ownership

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<sup>4</sup> U.N. High Comm'r for Human Rights, *Strengthening the United Nations Human Rights Treaty Body System*, 44, U.N. Doc. A/66/860 (June 26, 2012), 4.4.2, pg. 75.

of lands and resources; widespread killings of indigenous leaders and individuals; massive and widespread environmental damage from deforestation, extractive industries, oil development, and other major problems can be expected. Moreover, because many indigenous rights are collective rights, they involve large numbers of individuals, communities, peoples, nations and tribes, sometimes in multiple countries. For such large-scale situations and issues, a group or body of experts will have greater capacity to gather the relevant facts, analyze the facts, and prepare reports, whereas, the Special Rapporteur, no matter how capable, is a single individual with limited time, expertise, and resources.

5. The implementing body will have or should have a balance of experts nominated by indigenous peoples and experts nominated by states. This will give the body a degree of credibility and influence that a single Rapporteur could probably not equal, no matter how skilled and capable.
6. The implementing body should have a mandate to report to, collaborate with, and make recommendations to many other bodies and agencies, as well to states. This will be more far reaching than the mandate of the Special Rapporteur.
7. The implementing body will have public meetings at which states, indigenous governments, indigenous leaders, NGOs, and others will speak, present facts, discuss issues, and make proposals. This process has a very useful purpose in educating others, making states and civil society more aware of critical issues, and giving visibility to the human rights work of the UN and to the work of the implementing body. Of course, the Special Rapporteur does not usually have such meetings within the UN.
8. Of course, the implementing body should coordinate and consult regularly and often with the Special Rapporteur to avoid any possible duplication of efforts and to make collaboration possible. The implementing body and the Special Rapporteur could and should support and augment each other's work wherever possible. Their work should be complementary and mutually supportive.

## **V. Methods of work**

We would like to make a few comments about possible methods of work, though we believe that the reformed body should have the primary responsibility for deciding upon its own methods of work. Our suggestions are aimed mainly at reaching the highest level of effectiveness within the limited financial resources that are likely to be available.

Videoconferencing could be a cost-effective way of conferring with states, indigenous peoples, and civil society organizations, and even among members of the expert body. Videoconferencing has been approved by the General Assembly for the treaty bodies.<sup>5</sup> Similarly, webcasting of the public meetings of the body could be an effective way of reaching out to relevant audiences around the world and for educating

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<sup>5</sup> Strengthening and enhancing the effective functioning of the human rights treaty body system, A/RES/68/268, 9 April 2014.

the public about the work of the United Nations. This was recommended for the public meetings of the treaty bodies by the High Commissioner.<sup>6</sup> In addition, consideration should be given to the use of webinars (live, educational seminars or events, accessible on the internet) and to hosting other kinds of in-person or internet-based educational events. Education of states, indigenous peoples, civil society, and others can be a very effective way of promoting respect for the Declaration.

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<sup>6</sup> U.N. High Comm'r for Human Rights, *Strengthening the United Nations Human Rights Treaty Body System*, 44, U.N. Doc. A/66/860 (June 26, 2012).

**ATTACHMENT**

HR/GENEVA/IP/SEM/2006/BP.2



**EXPERT SEMINAR ON INDIGENOUS PEOPLES' PERMANENT SOVEREIGNTY  
OVER NATURAL RESOURCES AND ON THEIR RELATIONSHIP TO LAND**

**25, 26 and 27 January 2006  
Palais des Nations**

**Indigenous Land and Resource Rights: Implementation and Monitoring**

Document prepared by Robert T. Coulter, Indian Law Resource Center,  
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The views expressed in this paper do not necessarily reflect those of the OHCHR.

Indigenous land and resource rights, which are now being declared in the draft Declaration on the Rights of Indigenous Peoples, will remain very vulnerable to abuse and loss even after adoption of the Declaration. Even after indigenous peoples are recognized as having ownership and control of their lands and resources, strong measures will be needed to implement, promote and protect these land and resource rights. The purpose of this paper is to set out some of the reasons why implementation and protection mechanisms and procedures are needed and to outline some of the procedures and mechanisms that may be most useful after the Declaration is adopted.

Indigenous rights to lands and resources are different from most other rights, because they involve property with very great market value, that is, value in money terms. Of course, indigenous land is sought after by settlers, developers, agricultural interests, or others depending on the characteristics of the land. Practically everywhere, the land would have great value in the open market. Likewise, the natural resources of indigenous peoples will in many cases be enormously valuable, whether it is timber, water, oil or gold. This is an obvious point, in itself.

What makes the lands and resources peculiarly vulnerable to unjust taking or loss is the enormous disparity in wealth and power between most indigenous peoples and the economic interests that want to have indigenous lands and resources. Almost everywhere, indigenous peoples are exceedingly poor in relative economic terms. Many indigenous peoples live in conditions of desperate hunger and want, lacking adequate food, shelter, and health care. In many if not most situations, indigenous peoples are also lacking in political power because of social and political exclusion and marginalization. In many situations, indigenous peoples will not be able to adequately protect their lands and resources in domestic legal systems – at least in the immediate future. These conditions may be improving, but they are likely to persist for many years despite adoption of the Declaration. At the same time, indigenous lands and resources are sought after by enormously wealthy and powerful interests, including state governments and transnational corporations, some of the most powerful entities on Earth.

It is a sad truth, all but universal, that unless strong protective or regulatory measures are enforced, the relatively poor and less powerful party will be forced by economic necessity to give up its lands and resources – usually on very unjust terms. It is sometimes said that in an unregulated market economy a poor person “cannot afford” to own a valuable asset. He will by necessity sell it to pay for food, shelter and other basic needs. The terms of trade will be poor because of the vast difference in bargaining power. Without effective restraints, indigenous peoples could find themselves deprived of their lands and resources, receiving only paltry money compensation. Without lands, indigenous cultures and communities cannot be sustained.

There is, as well, the need to promote implementation of and respect for indigenous land and resource rights on the part of all states where indigenous

peoples are located. The possibility that some states may deny that indigenous peoples exist in the state or that some states may simply ignore indigenous peoples' land and resource rights is very substantial. We believe it is still the case that in many parts of the world governments have little knowledge of indigenous peoples and their human and collective rights. These are the well-understood reasons why measures are called for to promote and protect all human rights after they are recognized and declared by the international community.

*Mechanisms for Implementing and Protecting Indigenous Land and Resource Rights.*

There are many possible mechanisms that might be useful for promoting implementation of the indigenous land and resource rights and for helping to assure that these rights are respected and protected by states. Once the draft Declaration is adopted, some such mechanisms should be put in place as soon as possible in order that indigenous peoples may realize the rights that we have developed over the past 30 years. It is not too soon to begin considering what measures might be most useful and effective especially for land and resource rights, which involve complex issues that are not yet thoroughly understood. We do not believe it is necessary or wise to try to include any additional measures of this sort in the draft Declaration itself.

We would like to initiate a discussion of the various possible mechanisms with a view to reaching a consensus on one or more mechanisms that could be adopted not long after the adoption of the Declaration itself.

What we are interested in discussing are mechanisms — bodies, institutions, organs, and their procedures — that are capable of exercising oversight over the status of indigenous peoples' rights to land and resources, including indigenous peoples' permanent sovereignty over natural resources, and are also capable of implementing or promoting relevant principles and law at an international level to ensure that these rights are respected and upheld. The functions of implementation mechanisms might, for example, include:

- . - Periodic state reports that are reviewed by a monitoring body with authority to render observations and comments;
- . - Investigations and fact-finding;
- . - Preparation of recommendations to higher bodies;
- . - Reviewing or carrying out research on the status of indigenous peoples' land and resource rights: gathering information on how these rights are or are not being enforced; how these rights are perceived; a survey of controversial issues surrounding these rights, particularly rights to natural resources;
- . - Further development of the concept of indigenous sovereignty over natural resources;
- . - Developing a comprehensive set of guidelines for states and non-state entities for protecting and respecting indigenous land and resource rights;
- . - Development of recommendations for improving enforcement or international consensus and cooperation concerning indigenous land and resource rights;

- Consideration of complaints of violations of land and resource rights.

There are many existing bodies and mechanisms at the international level for the promotion and monitoring of human rights, and these provide useful models to be considered. One mechanism of particular interest is no longer in existence, and that is the specialized commission such as the Commission on Permanent Sovereignty Over Natural Resources. Such a commission could be particularly useful for dealing with indigenous peoples' land and resource rights. We will first summarize the most pertinent international mechanisms and then comment briefly on the possible usefulness of a commission on indigenous land and resource rights.

**1. Treaty-based monitoring bodies.** There are seven monitoring bodies established by human rights treaties:

- The Human Rights Committee (HRC);
- The Committee on Economic, Social and Cultural Rights (CESCR);
- The Committee on the Elimination of Racial Discrimination (CERD);
- The Committee on the Elimination of Discrimination Against Women (CEDAW);
- The Committee Against Torture (CAT);
- The Committee on the Rights of the Child (CRC); and
- The Committee on Migrant Workers (CMW).

These expert bodies are principally mandated to consider the periodic reports that states are obliged to submit under their respective treaties, reporting on the steps taken to implement the treaty. Five of the treaty bodies are empowered to consider individual communications or complaints where the state concerned has so agreed (HRC, CERD, CAT, CEDAW, and CMW). Two (CAT and CEDAW) are empowered to conduct inquiries into reported violations where the state concerned has agreed. The treaty bodies consist of 10 – 23 independent experts elected by the states parties.

Without doubt, the mechanism of periodic state reports monitored and reviewed by a committee of experts is very widely accepted and it has contributed greatly to the implementation and enforcement of human rights. However, it may be doubted whether such a mechanism is appropriate where there is not yet a treaty, but rather a non-binding declaration. Nevertheless, elements of this model may be very much needed in some form even before a treaty or convention is in force.

**2. Thematic mechanisms of the Human Rights Commission.** The Human Rights Commission has over the past 60 years developed several mechanisms that have proven useful. The future of the Commission itself is, no doubt, very short, but the Human Rights Council or whatever body takes the Commission's place may nevertheless choose to implement some of the same mechanisms. *Special rapporteurs* may be empowered to gather information and make reports on specified topics or areas of concern. The Commission now has a Special Rapporteur on the Human Rights of Indigenous Peoples. *Working groups* can be very useful for

examining particular situations or fields of human rights concern, and indeed the Sub-Commission's Working Group on Indigenous Populations has been in existence for some 20 years. The present working group may or may not continue after the Commission comes to an end, but in any case a working group would have to have a far more specific mandate in order to be effective in implementing, developing and promoting respect for the rights in the draft Declaration. An *independent expert* is another mechanism, similar to a special rapporteur, appointed by a body to study or report on a specified topic or area of concern.

**3. Other Commission mechanisms: Statements and complaints.** Of course, the Commission and the Sub-Commission have long had their own procedures that have permitted oral and written statements about human rights violations and issues, and that have permitted confidential complaints against particular states (the 1503 procedure). Whether or not such procedures will continue in any new Council, it appears clear that such measures would not by themselves be adequate to effectively monitor the implementation of the rights in the draft Declaration or to assure respect for these rights.

**4. The Permanent Forum on Indigenous Issues.** This relatively new body was not conceived as a body for monitoring state compliance with human rights norms, although it has some important authority in this regard. The Permanent Forum is not devoted exclusively to human rights, but has many other areas of concern as well. The Permanent Forum may certainly be a very valuable body for discussing and developing ideas for mechanisms that will promote and protect rights recognized in the draft Declaration. However, it may be doubted whether it should itself be the body to carry out the needed work of implementation and monitoring.

**5. Other mechanisms: arbitral tribunals, ombudsman, etc.** Other mechanisms may someday be useful for implementing and enforcing indigenous rights, and such mechanisms might include judicial or quasi-judicial mechanisms such as a tribunal empowered to decide specific cases. Generally, states are not likely to consent to the jurisdiction of a judicial or arbitral tribunal at this stage in the development of the rights of indigenous peoples. Such mechanisms may be appropriate, if ever, after a relevant convention has come into force. On the other hand, the idea of an ombudsman with authority to consider complaints and problems submitted by indigenous peoples has been discussed from time to time for many years. While this may be a useful idea, it does not seem adequate to the task of developing, implementing and monitoring the rights in the Declaration.

**6. A Commission on indigenous lands and resources.** A commission created specifically to develop, implement and monitor the land and resource rights of indigenous peoples might be very useful. Such a commission, made up of states and indigenous representatives, could carry out a variety of important tasks aimed at clarifying indigenous rights, promoting implementation of those rights, and securing the enforcement of those rights by states. This idea is based on the success of the Commission on Permanent Sovereignty over Natural Resources, which played

a very important role in the decolonization period by elaborating the right, particularly of newly emerging states, of permanent sovereignty over their natural resources. The Commission, made up of just nine states, was created by the General Assembly in December 1958 to conduct a survey on the status of permanent sovereignty over natural resources and to make recommendations to the General Assembly on this matter. The Commission completed its work successfully in 1961. The Commission's principal accomplishment was the drafting of the Declaration on Permanent Sovereignty Over Natural Resources, which was eventually adopted by the General Assembly (GA Resolution 1803 (XXVII)). The Declaration achieved a delicate balance between the rights of former colonies emerging as states with the interests of developed countries in international obligations and security of contracts and investments. The history of the Commission is described in N. Schrijver, *Sovereignty Over Natural Resources* (1997).

Reconciling state interests with the interests of indigenous peoples calls for a delicate process similar in some ways to the process of balancing the rights of former colonies with the interests of the developed countries. Just as permanent sovereignty over natural resources was a concept that demanded further study and elaboration in the decolonization period, so also the rights of indigenous peoples to their lands and resources call for further study and clarification to assure that they are reconciled with the legitimate interests of states. The Final Report of Special Rapporteur Erica-Irene A. Daes on Indigenous Peoples' Permanent Sovereignty Over Natural Resources, and her working paper on Indigenous Peoples' Relationship to Land are very important contributions on these topics. They are not, however, exhaustive, and they must be regarded as the beginning or foundation for further work that is needed to resolve and clarify the many complex issues that remain concerning indigenous lands and resources. The draft Declaration has now substantially achieved a balance in the statement of indigenous rights that can probably be adopted without major change. But further work will be needed in the future to assure that these rights are constructively implemented in a manner that promotes the interests of both indigenous peoples and states.

A commission made up of both states and indigenous representatives might well undertake the needed further study of indigenous peoples' resources rights especially, as well as indigenous peoples' land rights. Such a commission might also be charged with developing and proposing appropriate mechanisms for implementing, monitoring, and promoting indigenous land and resource rights. It is possible that such a commission might, itself, become a monitoring body with a mandate to promote and protect the rights in the Declaration. Such a commission might be established and appointed by the new Human Rights Council or by the General Assembly. At this time, it is impossible to be very specific on such details. For the present time it is important that dialogue about these topic begin and that we start to exchange ideas about how to realize the rights that are soon to be declared in the Declaration on the Rights of Indigenous Peoples.

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