## Appendix III International documents and jurisprudence

#### **United Nations Human Rights Treaties and Protocols**

- International Convention on the Elimination of All Forms of Racial Discrimination, GAOR 2106 (XX), Annex, 20 UN GAOR Supp. (No. 14) 47, UN Doc. A/6014 (1966), 660 UNTS 195, entered into force 4 January 1969.
- International Covenant on Civil and Political Rights, GAOR 2200A (XXI), 21 UN GAOR Supp. (No. 16) 52, UN Doc. A/6316 (1966), 999 UNTS 171, entered into force 23 March 1976.
- International Covenant on Economic, Social and Cultural Rights GAOR 2200A (XXI), 21 UN GAOR Supp. (No. 16) 49, UN Doc. A/6316 (1966), 993 UNTS 3, entered into force 3 January 1976.
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, UN GAOR A/RES/63/117 (10 December 2008).

#### UN Human Rights Committee (HRC) Jurisprudence

#### **Concluding Observations**

Canada, UN Doc. CCPR/C/79/Add.105 (7 April 1999); Panama UN Doc. CCPR/C/ PAN/CO/3, (17 April 2008); Nicaragua, UN Doc. CCPR/C/NIC/CO/3, (12 December 2008); Colombia, UN Doc. CCPR/C/COL/CO/6, (4 August 2010); Togo, UN Doc. CCPR/C/TGO/CO/4 (2011).

#### **Communications**

- Communication No. 167/1984 Lubicon Lake Band v. Canada, UN Doc. Supp. No. 40 (UN Doc. A/45/40) at 1 (1990).
- Communication No. 511/1992 Lansman v. Finland, UN Doc. CCPR/C/52/D/511/ 1992 (1994).
- Communication No. 1457/2006 Angela Poma Poma v Peru CCPR/C/95/D/1457/ 2009 (2009).
- Communication No. 1023/2001 Lansman v. Finland, UN Doc. CCPR/C/83/D/1023/ 2001 (2005).
- Communication No. 167/1984 Lubicon Lake Band v. Canada, (26 March 1990), UN Doc. Supp. No. 40 (A/45/40) at 1 (1990).

#### 292 Appendix III

#### **General** comments

General Comment 12, Article 1 (1984), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc. HRI/GEN/1/ Rev.1 at 12 (1984).

# UN Committee on the Elimination of Racial Discrimination (CERD) Jurisprudence

#### **CERD** Concluding Observations

Suriname UN Doc. CERD/C/64/CO/9/Rev.2, (2004); Lao UN Doc. CERD/C/LAO/CO/15, 18 April 2005; United States of America UN Doc. CERD/C/USA/DEC/1
(b) 11 April 2006; Guyana UN Doc. CERD/C/GUY/CO/14, 4 April 2006; India UN Doc. CERD/C/IND/CO/19, 5 May 2007; Ethiopia UN Doc. CERD/C/ETH/CO/15, 20 June 2007; Russia UN Doc. CERD/C/RUS/CO/19 20 (2008); Ecuador UN Doc. CERD/C/ECU/CO/19, 15 August 2008; United States of America UN Doc. CERD/C/USA/CO/6 (7 March 2008); Colombia CERD/C/COL/CO/14, (28 August 2009); The Philippines UN Doc. CERD/C/PHL/CO/20, 28 August 2009; Cambodia UN Doc. CERD/C/KHM/CO/8–13 (2010); Norway UN Doc. CERD/C/ NOR/CO/19–20 (8 April 2011).

#### **CERD Early Warning Urgent Action communications** and decisions

Letters to: Guyana (24th August 2007); Philippines (24th August 2007); Canada (15th August 2008); The Philippines (7th March 2008); Peru (13th March 2009), (13th March 2010), (2nd September 2011); Papua New Guinea (11th March 2011), France (28th September 2009).

Decisions issued to: United States (2006) UN Doc. CERD/C/USA/DEC/1; Suriname (2005) UN Doc. CERD/C/DEC/SUR/2.

CERD Early Warning Urgent Action procedure guidelines (2007).

## **CERD** Summary Records

1215th meeting, UN Doc. CERD/C/SR.1215 (7 August 1997).

1235th meeting, UN Doc. CERD/C/SR.1235 (5 August 1997); 1183rd meeting, UN Doc. CERD/C/SR.1183 (3 January 1997).

1171st meeting, UN Doc. CERD/C/SR.1171 (14 November 1996).

Briefing on the United Nations Declaration on the Rights of Indigenous Peoples UN Doc. CERD/C/ SR.1848/Add.1 (22 February 2008).

## **CERD** General Recommendations

- General Recommendation XX, Non-discriminatory implementation of rights and freedoms (Art. 5) 03/15/1996 contained in UN Doc. A/51/18.
- General Recommendation XXIII, *Rights of indigenous peoples* (Fifty-first session, 1997), U.N. Doc. A/52/18, annex V at 122 (1997), reprinted in Compilation of General Comments

and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI\GEN\1\Rev.6 at 212 (2003).

## UN Committee on Economic Social and Cultural Rights (CESCR) Jurisprudence

#### **CESCR** Concluding Observations

Canada UN Doc. E/C.12/CAN/CO/5, 19 May 2006; Mexico, UN Doc. E/C.12/MEX/ CO/4 9 June 2006; Democratic Republic of Congo, UN Doc. E/C.12/COD/CO/4 (20 November 2009); Cambodia UN Doc. E/C.12/KHM/CO/1 (22 May 2009); Sri Lanka UN Doc. E/C.12/LKA/CO/2–4 (9 December 2010); Colombia, UN Doc. E/C.12/COL/CO/5 (21 May 2010); Russia UN Doc. E/C.12/RUS/CO/5 (11 May 2011); Argentina UN Doc. E/C.12/ARG/CO/3 (14 December 2011); China UN Doc. E/C.12/CHN/CO/2 (2014).

#### **CESCR General Comments and Statements**

- General Comment 14, (Twenty-second session, 2000): Article 12: The Right to the Highest Attainable Standard of Health, UN Doc. E/2001/22 (2000).
- General Comment 15, *The right to water* (29th session, 2003), UN Doc. E/C.12/2002/ 11 (2002).
- General Comment 18, Article 6: the equal right of men and women to the enjoyment of all economic, social and cultural rights (35th session, 2006), UN Doc. E/C.12/GC/18 (2006).
- General Comment 19, *The right to social security (art. 9)* (39th session, 2007), UN Doc. E/C.12/GC/19 (2008).
- General Comment 21, *The right of everyone to take part in cultural life*, UN Doc. E/C.12/GC/21 (21 December 2009).
- Statement on the obligations of States Parties regarding the corporate sector and economic, social and cultural rights, UN Doc. E/C.12/2011/1 (20 May 2011).

#### UN Committee on the Rights of the Child (CRC) Jurisprudence

CRC General Comment No. 16 (2013) on State obligations regarding the impact of business on children's rights, UN Doc. CRC/C/GC/16.

#### **UN Human Rights Council Resolutions**

Adoption of the text of the United Nations Declaration on the Rights of Indigenous Peoples, Resolution 2/2006 29 June 2006 UN Doc. A/HRC/Res/2006/2.

- Institution-building of the United Nations Human Rights Council, Resolution 5/1 18 June 2007 UN Doc. A/HRC/Res/2007/5/1.
- Human rights and transnational corporations and other business enterprises, Human Rights Council Resolution A/HRC/RES/17/4 (6 July 2011).

## **UN Special Rapporteurs**

### Country Reports of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, Rodolfo Stavenhagen

Mission to Philippines, UN Doc. E/CN.4/2003/90/Add.3 (2003); Mission to Colombia, UN Doc. E/CN.4/2005/88/Add.2 (2004).

## Annual Reports of the Special Rapporteur on the Rights of Indigenous Peoples, James Anaya

UN Doc. A/HRC/9/9 (2008); UN Doc. A/HRC/12/34 (2009); UN Doc. A/HRC/15/37 (2010); UN Doc. A/HRC/18/35 (2011); UN Doc. A/HRC/21/47 (2012); UN Doc. A/HRC/24/41 (2013).

# Country Reports and Statements of the Special Rapporteur on the Rights of Indigenous Peoples, James Anaya

Declaración pública del Relator Especial sobre los derechos humanos y libertades fundamentales de los indígenas, James Anaya, sobre la "Ley del derecho a la consulta previa a los pueblos indígenas u originarios reconocido en el Convenio No. 169 de la Organización Internacional de Trabajo", aprobada por el Congreso de la República del Perú, 7 de julio de 2010. UN Doc. A/HRC/9/9/ Add.1, 15 August 2008, Annex 1.

Statement on the right to participation, EMRIP 3rd Session, 12 July 2010.

- Statement on the situation of the human rights and fundamental freedoms of indigenous people, Ninth Session of the UN Permanent Forum on Indigenous Issues, 22 April 2010.
- Preliminary note on the application of the principle of consultation with indigenous peoples in Guatemala and the case of the Marlin mine. UN Doc. A/HRC/15/37/Add.8 (8 July 2010).
- La situación de los pueblos indígenas afectados por el proyecto hidroeléctrico El Diquís en Costa Rica, UN Doc. A/HRC/18/35/Add.8 (2011).
- Observations on the situation of the indigenous peoples of Guatemala in relation to extractive and other types of industries affecting traditional indigenous territories – with an appendix on the Marlin mine case, UN Doc. A/HRC/18/35/Add.3. (2011).

The situation of indigenous peoples in Canada, UN Doc. A/HRC/27/52/Add.2 (2014).

La situación de los derechos de los pueblos indígenas en Perú, en relación con las industrias extractivas, UN Doc. A/HRC/27/52/Add.3 (2014).

## **Reports of other UN Special Rapporteurs**

- Report of the Special Rapporteur on the Right to Food, Jean Ziegler 24 January 2005 UN Doc E/ CN.4/2005/47.
- Report of the Independent Expert on Minority Issues, Gay McDougall Addendum Mission to Colombia, 25 January 2011, UN Doc. A/HRC/16/45/Add.1.
- Report of the Special Rapporteur on Adequate Housing as a component of the right to an adequate standard of living, UN Doc. A/HRC/4/18 (11 June 2007), Annex 1 Basic Principles and Guidelines on Development based Evictions and Displacement.

# UN Experts Mechanism on the Rights of Indigenous Peoples (EMRIP)

- Follow-up report on indigenous peoples and the right to participate in decision-making, with a focus on extractive industries, UN Doc. A/HRC/EMRIP/2012/2 (2012) and Annex 1: Advice 4.
- Final report of the study on indigenous peoples and the right to participate in decision-making, UN Doc. A/HRC/18/42 (2011) and Annex: Advice no. 2.
- Progress report on the study on indigenous peoples and the right to participate in decision-making, UN Doc. A/HRC/EMRIP/2010/2 (17 May 2010).

## **UN Universal Periodic Review (UPR) Reports**

UPR 12th Session October 2011 (8 December 2011), UN Doc. A/HRC/19/4; UPR 8th Session (May 2010) (17 June 2010), UN Doc. A/HRC/15/8; UPR 5th Session May 2009 (4 June 2009), UN Doc. A/HRC/12/8; UPR 4th Session February 2009 (3 March 2009), UN Doc. A/HRC/11/17.

## **UN General Assembly Reports and Resolutions**

The future we want, General Assembly resolution 66/288 (11 September 2012).

- Declaration on the Rights of Indigenous Peoples, G.A. Res. 61/295, UN Doc. A/RES/47/1 (13 September 2007), 46 ILM 1013 (2007).
- Sixty-first General Assembly Plenary 107th & 108th Meetings General Assembly Adopts Declaration on Rights of Indigenous Peoples UN Doc. GA/10612.

General Assembly 61st Session 2007 UN Doc. A/61/PV.107.

Note verbale dated 2 August 2006 from the Permanent Mission of Australia to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights, UN Doc. A/HRC/2/G/1 (24 August 2006).

Second International Decade of the World's Indigenous People (2005–2014), GAOR 59/174 (20 December 2004).

- Draft Programme of Action for the Second International Decade of the World's Indigenous People, UN Doc. A/60/270 (18 August 2005).
- Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, GA Res 2625 Annex, 25 UN GAOR, Supp. (No. 28), UN Doc. A/5217 at 121 (1970).
- Annotations on the text of the draft International Covenants on Human Rights, UN Doc. A/ 2929 (1955).

Text of Replies to the Ad Hoc Committee on Factors (8 May 1952) UN Doc. A./AC.67/2.

## UN Commission and Sub-Commission on Human Rights Reports and Resolutions

Cristescu, A., The Right to Self-Determination Historical and Current Development on the Basis of United Nations Instruments, E/CN.4/sub.2/404/Rev.1 (1981).

Espiel, H. G., Implementation of United Nations Resolutions Relating the Right of People Under Colonial and Alien Domination to Self-Determination, UN Doc. E/CN.4/Sub.405 (20 June 1978) and UN Doc E/CN.4/Sub.2/405/Rev.1 (1980).

- Study of the Problem of Discrimination Against Indigenous Populations, Final report submitted by the Special Rapporteur, Mr. José Martínez Cobo, UN Doc. E/CN.4/Sub.2/476 & Add. 1–6 (1981); UN Doc. E/CN.4/Sub.2/1982/2 & Add. 1–7 (1982); UN Doc. E/CN.4/ Sub.2/1983/21 & Add. 1–7 (1983).
- Study of the problem of discrimination against indigenous populations. Economic and Social Council Resolution, 1982/34 (7 May 1982).
- Commission on Human Rights resolution 1982/19, 10 March 1982.
- United Nations Study on Treaties, Agreements and Other Constructive Arrangements between States and Indigenous Populations – Second Progress Report, E/CN.4/Sub.2/1995/27.
- Study on Treaties, Agreements and Other Constructive Arrangements Between States and Indigenous Populations, Final report by Miguel Alfonso Martínez, Special Rapporteur, UN Doc. E/ CN.4/Sub.2/1999/20.
- Indigenous peoples and their relationship to land, Final working paper prepared by the Special Rapporteur, Mrs. Erica-Irene A. Daes E/CN.4/Sub.2/2001/21 (11 June 2001).
- Indigenous peoples' permanent sovereignty over natural resources, Final report of the Special Rapporteur, Erica-Irene A. Daes E/CN.4/Sub.2/2004/30 and E/CN.4/Sub.2/2004/30/Add.1 (13 July 2004).
- Report of the seminar on Treaties, Agreements and other Constructive Arrangements between States and Indigenous Peoples, UN Doc. E/CN.4/Sub.2/AC.4/2004/7.
- Conclusions and Recommendations of the Seminar on Treaties, Agreements and Other Constructive Arrangements between States and Indigenous Peoples, UN Doc. E/CN.4/2004/111.

## **UN Initiatives on Business and Human Rights**

- Commentary on the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, UN Doc. E/CN.4/Sub.2/2003/38/Rev.2 (2003).
- Outcome of the second session of the Working Group on the issue of human rights and transnational corporations and other business enterprises, UN Doc. A/HRC/ WG.12/2/1 (2012).
- Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises 'Human rights and transnational corporations and other business enterprises', UN Doc. A/68/279 (6 August 2013).

## Reports of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, John Ruggie

Interim Report UN Doc. E/CN.4/2006/97 (22 February 2006).

- Protect, Respect and Remedy: A Framework for Business and Human Rights, A/HRC/8/5 (7 April 2008).
- Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, UN Doc. A/HRC/17/31 (21 March 2011).
- Principles for responsible contracts: integrating the management of human rights risks into State-investor contract negotiations: guidance for negotiators, UN Doc. A/HRC/17/31/Add.3 (2011).

#### **UN Permanent Forum on Indigenous Issues (UN PFII)**

- Special Theme: Millennium Development Goals Information Received from the United Nations System, UNPFII 4th session, New York, UN Doc. E/C.19/2005/4/Add.13 (28 March 2005).
- International Workshop on FPIC and Indigenous Peoples, Contribution of the ILO (Geneva: ILO, 2005) UN Doc. PFII/2005/WS.2/4.
- Report of the International Workshop on Methodologies regarding Free, Prior and Informed Consent and Indigenous Peoples (New York, 17–19 January 2005), UN Doc. E/C.19/2005/3.
- Information received from non-governmental organizations with ECOSOC consultative status International Work Group for Indigenous Affairs (IWGIA) and Tebtebba Foundation, UN Doc. E/C.19/2007/7 (13 March 2007).
- Report of the Government of Spain to the PFII 6th session, 21 February 2007, UN Doc. E/C.19/2007/4.
- Report of the international expert group meeting on extractive industries, Indigenous Peoples' rights and corporate social responsibility (4 May 2009), UN Doc. E/C.19/2009/CRP. 8 and Annex II: Manila Declaration of the International Conference on Extractive Industries and Indigenous Peoples, 23–25 March 2009 Legend Villas, Metro Manila, the Philippines.
- Report on the UNPFII 8th session, UN Doc. E/C/19/2009/14, Annex, General Comment on Article 42 of the UN Declaration.
- Report on the UNPFII ninth session (19–30 April 2010) Special theme: "Indigenous peoples: development with culture and identity: articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples", UN Doc. E/2010/43-E/C.19/2010/15.
- Indicators of Well-being, Poverty and Sustainability Relevant to Indigenous Peoples, February 2008, UN Doc. E/C.19/2008/9.
- Consolidated report on extractive industries and their impact on indigenous peoples, Permanent Forum on Indigenous Issues Twelth session (20 February 2013) UN Doc. E/C.19/2013/16.

## UN Working Group on Indigenous Populations and UN Working Group on the Draft Declaration on the rights of indigenous peoples

- Report of the Working Group on Indigenous Populations on its first session, (E/CN.4/Sub.2/1982/33) 25 August 1982.
- Standard-Setting Legal Commentary on the Concept of Free, Prior and Informed Consent, Expanded Working Paper, submitted by A. I. Motoc, UN Doc. E/CN.4/Sub.2/AC.4/2005/WP.1, 14 July 2005.
- A Preliminary Working Paper on the Principle of Free, Prior and Informed Consent of Indigenous Peoples in Relation to Development Affecting Their Lands and Natural Resources That Would Serve as a Framework for the Drafting of a Legal Commentary by the Working Group on This Concept, submitted by A. I. Motoc, UN Doc. E/CN.4/Sub.2/AC.4/2004/4 (2004).
- International Workshop on the Draft United Nations Declaration on the Rights of Indigenous Peoples, Patzcuaro, Michoacán, Mexico, 26–30 September 2005, Information provided by the Government of Mexico E/CN.4/2005/WG.15/CRP.1 (29 November 2005).
- Establishment of a Working Group of the Commission on Human Rights to Elaborate a Draft Declaration in Accordance with Paragraph 5 of General Assembly Resolution 49/21, Resolution of the Commission on Human Rights 1995/32, 3 March 1995.

#### 298 Appendix III

- Universal Declaration on Indigenous Rights: A Set of Preambular Paragraphs and Principles, UN Doc. E/CN.4/Sub.2/1988/25.
- Analytical Commentary on the Draft Principles Contained in the First Revised Text of the Draft Declaration on the Rights of Indigenous Peoples, UN Doc. E/CN.4/Sub.2/AC.4/1990/1/Add.1.
- Draft Universal Declaration on the Rights of Indigenous Peoples, August 1993, UN Doc. E/CN.4/ Sub.2/1993/29/Annex I.
- Draft Declaration on the Rights of Indigenous Peoples, UN Doc. E/CN.4/Sub.2/1994/2/ Add.1 (1994).

### Reports of the Working Group on the Draft Declaration on the Rights of Indigenous Peoples group established in accordance with Commission on Human Rights resolution 1995/32 of 3 March 1995

UN Doc. E/CN.4/2006/79; UN Doc. E/CN.4/2005/89; UN Doc. E/CN.4/2003/92;
 UN Doc. E/CN.4/2002/98; UN Doc. E/CN.4/2001/85; UN Doc. E/CN.4/2000/84;
 UN Doc. E/CN.4/1999/82; UN Doc. E/CN.4/1998/106; UN Doc. E/CN.4/1997/102;
 UN Doc. E/CN.4/1996/84; UN Doc. E/CN.4/1996/WG.15/CRP.2.

#### Reports of the Working Group on Indigenous Populations (WGIP)

Report of the 1st session UN Doc. E/CN.4/Sub.2/1982/33, (1982); Report of 4th Session UN Doc. E/CN.4/Sub.2/1985/22, (27 August 1985) Annex III Declaration of Principles; Report of the 5th Session UN Doc. E/CN.4/Sub.2/1987/22 and Annex.5 Declaration of Principles Adopted by the Indigenous Peoples; Report of the 6th session UN Doc. E/CN.4/ Sub.2/1988/24 and Annex II; Report of 7th session UN Doc. E/CN.4/Sub.2/1989/36; Report of 8th Session UN Doc. E/CN.4/Sub.2/1990/42; Report of 10th session UN Doc. E/CN.4/Sub.2/1992/33.

#### **Other United Nations and International Documents**

- Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, GAOR 2625 (XXV) Annex, 25 UN GAOR, Supp. (No. 28), UN Doc. A/5217 (1970).
- Vienna Convention on the Law of Treaties, 1155 UNTS 331, 8 ILM 679, entered into force 27 January 1980.
- Declaration of San Jose, 1982, adopted UNESCO Meeting of Experts on Ethno-Development and Ethnocide in Latin America UNESCO Doc. FS 82/WF.32 (1982).
- Draft articles on the law of treaties between States and international organizations or between international organizations with commentaries, 1982 YB ILC, Vol. II, Part II 1982, UN Doc. A/CN.4/ SER.A/1982/Add.1.
- *Declaration on the Right to Development*, G.A. res. 41/128, annex, 41 U.N. GAOR Supp. (No. 53), 186, UN Doc. A/41/53 (1986).
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, UN Doc. E/CONE.82/15 (1988), reprinted in 28 International Legal Materials (ILM) 493 (1989).
- Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, UN Doc. A/CONF.157/23, 12 July 1993.

- Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, 1998, 224 UNTS 337; C.N.846.2002.
- Annual Report of the UNCHR, The Rights of Indigenous Peoples. UN Doc. A/HRC/9/11 (3 September 2008).
- Draft Declaration on the rights of peasants and other people working in rural areas, UN Doc. A/ HRC/15/1/2 (2013).

## International Court of Justice (ICJ) Jurisprudence

Corfu Channel Case (UK v. Albania) ICJ Reports [1949] 4.

Legal Consequences for States of the continued presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276 (1970) Advisory Opinion of 21 June 1971, ICJ Reports [1971] 78.

Western Sahara, Advisory Opinion, ICJ Reports [1975] 12.

Frontier Dispute (Burkina Faso/Republic of Mali) ICJ Reports [1986].

Land, Island and Maritime Frontier Dispute (El Salvador v. Honduras. Nicaragua intervening) ICJ Reports [1992] 22.

Territorial Dispute (Libyan Arab Jamahiriyai v. Chad) ICJ Reports [1994].

East Timor (Portugal v. Australia) Judgment ICJ Reports [1995] 90.

Gabcíkovo-Nagymaros Project case (Hungary v. Slovakia), ICJ Reports [1997] 7.

Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, ICJ Reports [2004] 136 [Advisory Opinion on the Legal Consequences on the Construction of a Wall in the Occupied Palestinian Territory (2004) 43 ILM 1009].

Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Preliminary Objections, Judgment, ICJ Reports [2008] 412.

Letter from the Ambassador of Ecuador (Appointed) to the Kingdom of the Netherlands to the Registrar of the International Court of Justice Embajada del Ecuador en los Países Bajos No. 4–4-3/08. The Hague, 31 March 2008. 2008 General List No. 138.

Pulp Mills on the River Uruguay (Argentina V. Uruguay) Judgment ICJ Reports [2010] 14.

#### **International Arbitration**

Award on the claims of Great Britain and Portugal to certain territories formerly belonging to the Kings of Tembe and Mapoota, on the eastern coast of Africa, including the islands of Inyack and Elephant (Delagoa Bay or Lorenzo Marques), 24 July 1875 XXVIII.

Cayuga Indians (Great Britain) v. United States, 6 UNRIAA 173 (1926).

Island of Palmas (United States v. Netherlands) 2 UNRIAA 831 (1928).

Trail Smelter Case (US v. Canada) 3 Rep International Law Arbitration 1905, 1965–66 (1949) U.N. Sales No. 1949 v.2.

#### Permanent Court of International Justice (PCIJ)

Legal Status of Eastern Greenland (Denmark v. Norway), 1933 PCIJ (ser. A/B) No. 53 (Apr. 5).

## International Criminal Tribunal for the former Yugoslavia (ICTY)

Prosecutor v. Dragoljub Kunarac Radomir Kovac and Zoran Vukovic Case no: IT-96–23-T& IT-96– 23/1-T Judgement of 22 February 2001.

## International Labour Organization (ILO)

#### **ILO** Conventions and Declarations

Convention concerning Indigenous and Tribal Peoples in Independent Countries (ILO No. 169) 72 ILO Official Bull. 59; 28 ILM 1382 (1989), entered into force 5 September 1991.

Convention concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries C107 – Indigenous and Tribal Populations Convention, 1957 (No. 107) (Entry into force: 2 June 1959) Adoption: Geneva, 40th ILC session (26 June 1957) – Status: Outdated instrument (Technical Convention).

ILO Convention No. 50 on the Recruiting of Indigenous Workers 1936.

ILO Convention No. 64 on Contracts of Employment 1939.

ILO Convention No. 111 Discrimination (Employment and Occupation) Convention 25 June 1958 362 UNTS 31.

ILO Recommendation No. 104, 40th Session, 5 June 1957.

#### **ILO Reports and Observations**

- El Salvador Observation, Discrimination (Employment and Occupation) Convention, 1958 (No. 111) CEACR 2008/79th Session reproduced in Monitoring indigenous and tribal peoples' rights through ILO Conventions A compilation of ILO supervisory bodies' comments 2009–2010 (Geneva: ILO, 2010).
- General observation Indigenous and Tribal Peoples Convention, 1989 (No. 169), Governing Body, 282nd Session, Colombia, GB.282/14/3 (2001). Reproduced in International Labour Conference, 100th Session, 2011 Report of the Committee of Experts on the Application of Conventions and Recommendations Report III (Part 1A).ILC.100/III/1A.
- Observation CEACR 2009/80th Session, Argentina Indigenous and Tribal Peoples Convention, 1989 (No. 169).
- Report of the Committee Set Up to Examine the Representation Alleging Non-Observance by Brazil of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), Union of Engineers of the Federal District (SENGE/DF). (GB.295/17);(GB.304/14/7) [2009].
- Report of the Committee Set Up to Examine the Representation Alleging Non-Observance by Guatemala of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under Article 24 of the ILO Constitution by the Federation of Country and City Workers (FTCC) GB.294/17/1; GB.299/6/1 (2007).
- Report of the Committee Set up to Examine the Representation Alleging Non-Observance by Colombia of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), Central Unitary Workers' Union (CUT) and the Colombian Medical Trade Union Association (GB.277/18/1); (GB.282/14/4) (1999).
- Direct Request (CEACR) Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2010, published 100th ILC session (2011).

## Organisation for Economic Cooperation and Development (OECD) Documents

OECD Guidelines for Multinational Enterprises [2011 Edition]. Paris: OECD, 2011.

- Final Statement by the UK National Contact Point for the OECD Guidelines for Multinational Enterprises Complaint from Survival International against Vedanta Resources plc. London: OECD, 2009.
- Final Statement Complaint from the Future in Our Hands (FIOH) against Intex Resources ASA and the Mindoro Nickel Project, The Norwegian National Contact Point for the OECD Guidelines for Multinational Enterprises. Oslo: OECD, 2011.
- OECD Recommendation of the Council on Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence TAD/ECG(2012)5 (28 June 2012).

## **Convention on Biological Diversity (CBD)**

- Convention on Biological Diversity (1992–06–05) (entry into force 1993–12–29) 1760 UNTS 79; 31 ILM 818 (1992).
- Akwé: Kon Voluntary guidelines for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities (Secretariat of the Convention on Biological Diversity, Geneva, 2004) Decision VII/16 F COP-7, UN Doc. UNEP/CBD/COP/7/21 (13 April 2004).
- 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. Nagoya, 29 October 2010 C.N.782.2010.TREATIES-1 (Depositary Notification).
- Report of the Second Part of the Ninth Meeting of the ad hoc Open-Ended Working Group on Access and Benefit-Sharing, UN Doc. UNEP/CBD/COP/10/5/Add.4 (28 July 2010).

## **Financial Sector Standards**

Asian Development Bank Safeguard Policy Statement (July 2009).

- *European Bank for Reconstruction and Development (EBRD) Environmental and Social Policy* (May 2008). *Equator Principles III* (June 2013) available at: www.equator-principles.com
- IFC Environmental and Social Review Procedures Manual Version 5. Washington, DC: IFC, 2012.
- IFC Guidance Note 7 Indigenous Peoples. Washington, DC: IFC (January 2012).
- IFC Performance Standard 1 Assessment and Management of Environmental and Social Risks and Impacts. Washington, DC: IFC (January 2012).
- IFC Performance Standard 7 Indigenous Peoples. Washington DC: IFC (January 2012).
- IFC-CESI Environmental and Social Review Procedures Manual Financial Intermediary Investments: Early Review and Appraisal, Disclosure and Commitment, & Supervision, Version 4. Washington, DC: IFC (2009).

Inter-American Development Bank 'Operational Policy on Indigenous Peoples' (February 2006). World Bank Operational Policy on Indigenous Peoples no 4.10 (2005).

## **Historical International Documents**

Pope Adrian's Bull "Laudabiliter" And note upon it (1155), reprinted in Appendix 1 of Hull E., (1931) A History of Ireland and Her People. London: G. G. Harrap & Company Ltd. Pope Innocent IV, Commentary on Quod super his (ca. 1245).

Papal Bull of Pope Nicolas V, 1453.

*Treaty between Spain and Portugal concluded at Tordesillas* June 7, 1494 Ratification by Spain, July 2, 1494, ratification by Portugal, 5 September 1494 (Original manuscript National Archives at Lisbon, gav. 17, maco 2, no. 24).

Laws of Burgos (Leyes de Burgos), Promulgated on 27 December 1512.

Treaty of Saragossa, 22 April of 1529.

Papal Bull Sublimis Deus, promulgated, May 1537.

Ordenanzas de Descubrimientos Nueva Población y Pacificación de la Indias 1573, Felipe II, 13 Julio, 1573.

Recopilación de Leyes de los Reinos de las Indias' (Madrid: first published 1681).

The Pacific Islanders Protection Act 1875, 38 & 39 Vict. C. 51.

General Act of the Berlin Conference on West Africa, 26 February 1885.

Privy Council Re Southern Rhodesia (1919) A.C. 211.

Treaty of Peace between the Allied and Associated Powers and Austria; Protocol, Declaration and Special Declaration (St. Germain-en-Laye, 10 September 1919) 16 July 1920 Austrian Treaty Series (1920) No. 3.

Montevideo Convention on the Rights and Duties of States (1933), 49 Stat 3097, TS 881.