



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined sixteenth and seventeenth periodic reports of Mexico

Addendum

Information received from Mexico on follow-up to the concluding observations* **

[22 November 2013]

A. Introduction

1. This follow-up report is submitted in response to a request from the Committee on the Elimination of Racial Discrimination for the Government of Mexico to provide it with additional information on two specific topics: (a) the recognition of the Afro-descendant population as an ethnic group, including the adoption of programmes to promote their rights (CERD/MEX/CO/16-17, para. 10); and (b) indigenous peoples' right to consultation (para. 17).
2. An inter-agency working group, established through the National Council for the Prevention of Discrimination (CONAPRED), the National Commission for the Development of Indigenous Peoples (CDI) and the Ministry of Foreign Affairs, has pursued a joint strategy to ensure implementation of the Committee's recommendations.
3. The Working Group on Implementation of the Recommendations of the Committee on the Elimination of All Forms of Racial Discrimination is composed of 17 agencies of the various branches and levels of government, as well as certain states of the Mexican Republic.¹ To date, the Working Group has held four coordination meetings and one

* The present document is being issued without formal editing.

** The annexes are available in the files of the Committee secretariat.

¹ The National Commission for the Development of Indigenous Peoples, National Council for Culture and the Arts, National Council for the Prevention of Discrimination, National Anthropology and History Institute, National Institute of Indigenous Languages, National Institute for Migration, National Institute of Statistics and Geography, National Institute for Women, Office of the Agrarian Affairs Advocate, Office of the Attorney General of the Republic, Ministry of Social Development,



informal meeting with the chairperson of the Committee, the latter in conjunction with the 2012 National Forum on People of African Descent in Mexico.

4. This report highlights the progress made and the challenges encountered in implementing these recommendations.

B. Follow-up to the recommendation concerning people of African descent in Mexico

1. Information on people of African descent, who make up a small and vulnerable minority and therefore need all the protections established in the Convention

5. The Government of Mexico recognizes that one of the main problems regarding people of African descent in the country is the lack of statistical information and data on their socioeconomic situation. The Government consequently reiterates its plans to generate these data, which will help to determine more precisely the public policies needed to promote the development of Afro-Mexicans and to ensure the realization of their rights.

6. In 2012, with the help of the National Commission for the Development of Indigenous Peoples, a series of consultations for the identification of Afro-descendant communities in Mexico were held in various states of the Mexican Republic. Their purpose was to determine the main characteristics of the Afro-descendant communities and where in the country those communities were located.

7. The main strategic aims of the consultations were:

- (a) To facilitate the self-identification of people of African descent;
- (b) To determine the geographic location of communities with Afro-descendant populations;
- (c) To further sociocultural understanding of people of African descent in Mexico;
- (d) To promote the participation of people of African descent in official, economic, cultural and political issues affecting them;
- (e) To create the conditions necessary to achieve legal recognition of people of African descent.

8. In 2012, 10 information meetings, 9 consultation workshops, 2 awareness-raising campaigns and 3 meetings for the submission of local results were carried out. In total, people belonging to 32 municipalities were consulted.

9. Twenty-seven Afro-descendant communities, which described themselves as such, were identified in the following states and municipalities: Coahuila (Melchor Múzquiz); Guerrero (San Marcos, Florencio Villareal, Cuautepec, Copala, Marquelia, Juchitán, Azoyú, Iguala, Ometepe and Cuajinicuilapa); Oaxaca (Santa María Cortijo, San José Estancia Grande, Santiago Llano Grande, Pinotepa Nacional, Tututepec, Villa de Tututepec de Melchor Ocampo, San Pedro Mixtepec, Santo Domingo Armenta, Santiago Jamiltepec, Santa María Huazonotitlán, Mártires de Tacubaya, Santiago Tapextla and San Juan Bautista lo de Soto); and Veracruz (Actopan, Cuitláhuac and Yanga).

Ministry of the Interior, Ministry of Education, Ministry of Foreign Affairs, National System for the Comprehensive Development of the Family and Ministry of Health.

10. Notable efforts were made by several federal agencies and states, such as the State of Oaxaca, in which the vast majority of the respondent population identified itself as “black Afro-Mexican”. With a view to increasing the visibility of this population group, Afro-Mexicans in 11 municipalities in the Costa de Oaxaca region were issued identification cards designating them as such. In the State of Oaxaca, 19 October was declared Black Afro-Mexican Day.

11. In order to support efforts to identify the Afro-descendant population in Oaxaca, the National Institute for Statistics and Geography (INEGI) constructed a sociodemographic profile of localities in Oaxaca with an Afro-Mexican presence based on the results of the 2010 Population and Housing Census. The profile showed that, in the State of Oaxaca, there were 106 localities in 17 municipalities where 74,525 persons were living in 18,575 private homes.

12. In addition, researchers identified seven communities that recognized that people of African descent formed part of their history as a community. However, no standard self-description was defined. The process was undertaken in conjunction with communities in the following states: Chiapas (Acapetahua and Tonalá); Michoacán (Coahuayana, Nocupétaro, Carácuaro and Huetamo); and Veracruz (Tamiahua).

13. As an initial step in producing the statistics needed to assess the situation of the Afro-descendant population in the country, the Government of Mexico, through the National Institute for Statistics and Geography, set up a working group to coordinate efforts aimed at identifying this population by means of a census survey. Included in the working group is the Network for the Constitutional Recognition of Black People of Mexico, which is composed of 13 organizations² that have supported institutional efforts to incorporate people of African descent into the population and housing census. The following are among the criteria to be used in the planning phase: (a) the question should be addressed to the entire population; (b) consideration should be given to issues relating to identity and self-recognition; and (c) reference should be made to descent from the Black or African community. The challenge will be to incorporate the self-identification question for people of African descent into the extended question of the 2015 Population and Housing Census with a view to obtaining accurate population figures and formulating public policies.

14. The extensiveness of these consultations, together with the self-identification of the Afro-descendant communities, will enable the Government of Mexico to build, or as the case may be, reinforce safeguards for the rights of the Afro-descendant population in our country.

15. As a follow-up to the consultations, the National Forum on People of African Descent in Mexico was organized on 26 September 2012 with the participation of various federal institutions, civil society organizations, academics and representatives of national and international Afro-descendant communities. The outcome of the Forum was a statement entitled “Minimum actions to be carried out for the inclusion and social well-being of people of African descent in all areas of public life”, most notable among which are: (a) to include an ethnic/racial variable in population and housing censuses and administrative statistical instruments; (b) to begin a process aimed at recognizing and raising awareness of the history, identity and rights of people of African descent; (c) to

² AFRICA A.C., PUMC-UNAM-Oaxaca (“Multicultural Mexico” University Programme-National Autonomous University of Mexico at Oaxaca), Púrpura A.C., Consejera Afrodescendiente de la S.A.I., SOCPINDA A.C., Asociación Cultural XQUENDA, Los Negros y sus Fandangos A.C., Radio Cimarrón, Sociedad Cooperativa de Producción Pesquera “Santa Quilama”, Grupo Cultural Costa Chica A.C., Grupo las Florecitas, Ébano-Mujeres Artesanas Afros and Unión de Cooperativas Pesqueras de Corralero Pinotepa Nacional.

formulate policies and programmes in the areas of education, health, nutrition, housing and political representation; and (d) to monitor the media with a view to eliminating stigmas, prejudices, stereotypes and myths surrounding people of African descent.

16. In conjunction with the foregoing, in 2012, Mexico developed the “Guide to public action: Saying no to discrimination and saying yes to promoting equality and the inclusion of people of African descent in Mexico”. The Guide proposes the adoption of specific measures to give effect to the right of non-discrimination from the perspective of human rights and cultural diversity. It represents the first step in a long process involving the formulation of the public policies and actions needed to prevent discrimination and to promote and guarantee equality of opportunity in all areas.

17. In the period from March 2012 to March 2013, the National Council for the Prevention of Discrimination received four complaints and three claims arising from alleged acts of discrimination against people of African descent. Some of the cases are still being processed and others have been finalized, owing to a variety of factors, including: settlement of the complaint or claim in the course of proceedings; settlement of the complaint by means of a conciliation procedure; lack of evidence or elements to substantiate the incident or act of discrimination; failure to submit to the conciliation procedure; lack of jurisdiction on the part of the Council; or the petitioner’s or alleged victim’s lack of interest in pursuing the procedure. The most relevant aspect of these procedures is that they reveal situations commonly experienced by this population group with regard to exercising their rights.

2. Recognition of people of African descent as an ethnic group

18. The National Forum on People of African Descent in Mexico provided an opportunity for open and transparent dialogue with representatives of the Afro-descendant community in Mexico and abroad. As a result of this forum, similar public discussions are being held in the states of Oaxaca and Guerrero and the legislative branch has taken an interest in the topic.

19. In coordination with various institutions, the National Council for the Prevention of Discrimination (CONAPRED) designed a study entitled “Legislating without discrimination”. Its aim is to provide analysis mechanisms that facilitate the incorporation of a non-discrimination perspective into the texts of legislative proposals and reform initiatives targeting legal systems at the federal and local levels. In addition to providing general legislative components, the study includes a contents analysis and proposal, which promote non-discrimination in particular spheres of activity and represent valuable inputs for the work of future legislatures that are in line with national and international human rights standards from the perspective of equality and non-discrimination.

3. Adoption of programmes to promote the rights of people of African descent

Action at the federal level

20. The Government of Mexico oversees implementation of the National Programme for the Prevention and Elimination of Discrimination, whose aim is the promotion of a series of measures and actions designed to ensure that the principles of equality and non-discrimination are applied to particular groups, which include people of African descent.

21. It also oversees implementation of the Cultural Development Programme for Target Audiences and the Special Programme of the Directorate General of Popular Cultures of the National Council for Culture and the Arts (CONACULTA). Both programmes provide a frame of reference for activities geared towards the recognition and promotion of the Afro-descendant culture in Mexico.

22. With regard to dissemination through the media, the following may be highlighted:
- (a) The television series entitled “Us and them. The mirror of discrimination”, produced by Channel 22 and CONAPRED (2011 to date);
 - (b) The photography contest entitled “The cultural abundance and legacy of African descendants in Mexico”, produced in response to the designation of 2011 as the International Year for People of African Descent;
 - (c) Projection of films with an Afro-descendant theme, as part of the International Film Sampler and the International Cinema Forum (2012);
 - (d) Workshops on non-discrimination for young people, sponsored by the Youth Cultural Development Fund (2012).
23. Sponsored jointly by TV Mexico Channel 11 of the National Polytechnic Institute (IPN) and CONAPRED, on 3 October 2012, the children’s series “Kipatla: Treating us the same” premiered on the children’s channel. The series is aimed at boys and girls between the ages of 7 and 12; its objective is to address the topic of discrimination through stories that appeal to children’s experiences, thus prompting them to think about their own behaviour. Chapter 11, entitled “Ndaku for Yaro” is about people of African descent and migrants.
24. Under the direction of the Ministry of Education, curriculum frameworks have been developed with the primary aim of focusing attention on diversity. Although these were originally designed to highlight indigenous cultures and languages, their teaching standards and instructions can be applied to people of African descent. This requires the integration of anthropological factors with pedagogical and methodological approaches that facilitate an understanding of the educational experience of any ethnic or social group. In other words, the contextualization and diversification of the curriculum provide a means for addressing the cultural and linguistic diversity of Mexico.
25. On 21 May 2012, the National Movement to Promote the Cultural Diversity of Mexico, representing 15 institutions, repeated its pledge to promote, protect and respect the cultural diversity of Mexico through a Statement of Commitment to pursuing actions aimed at recognizing cultural diversity.
26. The above-mentioned actions and the 2010 National Survey on Discrimination, which reflects levels of discrimination towards people of African descent primarily in Guerrero, Oaxaca, Tabasco and Veracruz, are used by the Government of Mexico to identify the main characteristics and needs of this population group.

Actions at the local level

27. With a view to achieving constitutional recognition for people of African descent, the government of the State of Oaxaca concluded an agreement between its executive and legislative branches and the National Commission for the Development of Indigenous Peoples to engage in a process of consultation with the indigenous and black Afro-Mexican peoples of Oaxaca. As part of the agreement, 24 regional forums and one state forum were organized. In addition, various meetings of the Advisory Council of the Ministry of Indigenous Affairs and the Committee of Experts were held in order to consolidate the criteria that served as the basis for the constitutional reform initiative, which is aimed at achieving recognition of the black Afro-Mexican people and strengthening indigenous rights (see annex 1: Basic criteria for constitutional and legal reform of the rights of the indigenous and Afro-Mexican peoples of Oaxaca. Materials used in regional consultation forums).

28. As part of its activities, the government of the State of Oaxaca plans to carry out a programme to foster community values and a culture of democracy, paying special attention to communities and municipalities with a black Afro-Mexican population. In 2012, 10 workshops were organized (6 to raise awareness among public servants in urban areas and 4 in communities, 2 of which were specifically aimed at the identification of community values together with black Afro-Mexicans). As of May 2013, 3 workshops have been held, and 15 more are planned (7 to raise awareness among public servants in urban areas and 8 in communities).

29. The government of the Federal District, through the Department of Rural Development and Equity for Communities (SEDEREC), established the Comprehensive Programme for Rural Development and Equity for Communities of the Federal District 2013–2018 for the benefit of the Afro-descendant population. Its aim is to promote the visibility of the African and Afro-descendant communities living in the Federal District. The following programmes and actions were carried out with the same aim: (a) the Equity for Indigenous Peoples programme; (b) the “Yucca roots” project; (c) the project sponsored by the Casa Hankili Africa; and (d) the Dissemination of Human Rights project, in connection with which 1,000 copies of the book *Cuentos y leyendas de personajes del mundo* (Stories and legends of world personalities) were printed.

30. In keeping with the 2013 edition of the International Day for the Elimination of Racial Discrimination (celebrated on 21 March), the radio programme “Sin Remitente” (No sender), which is sponsored by the Human Rights Commission of the State of Hidalgo, was devoted to the topic of racial discrimination and included a segment on Afro-descendant communities in Mexico. As to education and training activities, between February 2012 and May 2013, 28 training workshops were carried out with a total of 718 participants. The workshops included a specific module on non-discrimination, which dealt with vulnerable groups, including the Afro-descendant and indigenous populations.

31. Lastly, although progress has been made in obtaining recognition for people of African descent in Mexico, more efforts are needed to promote awareness and recognition of this population group in Mexico.

C. Follow-up to the recommendation concerning the indigenous peoples’ right to be consulted

1. Consultations at each stage of the process with communities likely to be affected by projects to develop and exploit natural resources, with the aim of obtaining their free, prior and informed consent, particularly in the case of mining projects; expedition of the process to adopt a law on the subject

32. Mexico promotes respect for and the exercise of indigenous peoples’ right to consultation and to prior, free and informed consent, which extends not only to the use of natural resources but to any measure that might affect these communities directly.

33. In this regard, it has made considerable progress in establishing an institutional framework for conducting consultation processes. This has been carried out with due consideration for the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the United Nations Declaration on the Rights of Indigenous Peoples.

34. Mexico has a system for consultations with indigenous peoples that was set up within the Advisory Council of the National Commission for the Development of Indigenous Peoples and in which 140 councillors from among the 68 indigenous peoples participate. The system responds to the needs of the indigenous population and allows for

differentiated, targeted consultations, which facilitate the adoption of agreements or the attainment of free, prior and informed consent, and is consequently not restricted solely to consultations for obtaining views.

35. The Commission for Dialogue with the Indigenous Peoples of Mexico, which was set up in February 2013, seeks to arrive at the necessary understandings for ensuring unconditional respect for the human rights of the indigenous peoples of Mexico and providing adequate attention to their needs. The Commission also seeks to encourage the preservation of indigenous peoples' social, economic, cultural and political institutions. Until now, it has focused its efforts on promoting dialogue between the various stakeholders in the country concerned with indigenous peoples' affairs and has participated in various consultation processes with indigenous peoples.

36. Mexico recognizes that there are still a number of challenges to be met before this right is guaranteed fully, such as the enactment of a law on the consultation of indigenous peoples. However, it is also important to recognize that progress has been made in promoting this right through various legal instruments, as well as through specific policies and protocols — which are constantly being improved — for conducting free, prior and informed consultations.

Actions at the local level

37. In terms of progress made at the state level, under the coordination of the government of the Federal District, on 2 August 2012, approval was granted for a general methodology to be used for consulting indigenous peoples concerning the adoption of a law on consultation. It calls for the participation of the Legislative Assembly of the Federal District, the Ministry of the Interior, the Department of Rural Development and Equity for the Communities, the Council of the Native Peoples and Neighbourhoods of the Federal District and the Human Rights Commission of the Federal District. In addition, discussion is currently under way in the State of Oaxaca on a constitutional amendment relating to the rights of indigenous peoples and black Afro-Mexicans.

2. Promote forums where government representatives can participate in different discussion groups with indigenous peoples, ensuring that these lead to concrete, viable and verifiable agreements that are properly implemented; alternative dispute-settlement methods in line with international standards in the field of human rights and the rights of indigenous peoples

Actions at the federal level

38. In addition to the Indigenous Consultation System, on 24 February 2013, a protocol for carrying out consultations with the indigenous peoples and communities was approved. Using the protocol as a basis, the National Commission for the Development of Indigenous Peoples organized working sessions with various institutions of the Federal Public Administration that take part in decisions concerning concessions or permits (Ministry of Communications and Transport, Ministry of Environment and Natural Resources, Interministerial Commission on Biosafety of Genetically Modified Organisms, National Commission on Protected Natural Areas and Federal Electricity Commission) in order to develop specific protocols for consultation with indigenous peoples and communities that are tailored to the mandates of each institution.

39. On 9 May 2013, as a result of work carried out jointly with the Ministry of Environment and Natural Resources, the environmental sector submitted its general guidelines for conducting consultations with indigenous peoples and communities in the environmental sector. These are aimed at ensuring that consultations held in territories where indigenous peoples live are always in conformity with international standards and

respect indigenous peoples' and communities' rights to consultation and to free, prior and informed consent.

40. Other activities carried out by Mexico along these lines include the following:

- The design of a study entitled "Legislate without discrimination", which discusses various sources of international law and presents an analysis of comparative law and the factors involved in exercising the right to consultation on the basis of international instruments. The study also analyses the current legal framework with regard to the right to consultation, starting with the provisions of the Federal Constitution and various laws related to the exercise of this right. Lastly, it includes an assessment aimed at generating proposals and recommendations for specific legislative changes needed to guarantee the exercise of the right to consultation at the national level;
- The Ministry of Energy is developing a strategy to disseminate the concept of prior consultation and free and informed consent among private sector energy producers and is evaluating best international practices in this area. Its objective is to strengthen proposals concerning the criteria and protocols for the design and implementation of indigenous consultation processes and for the necessary interagency and intergovernmental coordination mechanisms to make such processes binding.

Actions within the judicial system and indigenous peoples' access to justice

41. Mexico recognizes that, despite the institutional and legislative advances made, its indigenous population remains highly vulnerable. In order to reduce this vulnerability, it has developed a number of mechanisms to promote indigenous people's access to justice, which include: the Procedural Protocol for Justice Administrators in Cases concerning the Rights of Indigenous Persons, Peoples and Communities; Indigenous Prisoner Release Programme; Programme for the Promotion of Agreements on Issues of Justice; and training for interpreters and judges to ensure that cultural and linguistic considerations specific to indigenous peoples are taken into account in court proceedings.

42. Programmes for the release of indigenous prisoners and those aimed at promoting justice agreements are intended, respectively, to review the cases of indigenous prisoners and to grant support to social organizations and agrarian settlements for the implementation of projects on access to justice. It should be noted that, under the programme for the release of indigenous prisoners, 4,535 indigenous persons were released between 2009 and 2013, and the goal is to double the budget for this programme in 2014.

43. In the area of training, notable efforts have been carried out by the Federal Public Defender Institute, the National Institute of Indigenous Languages and the National Commission for the Development of Indigenous Peoples. These bodies have concluded agreements and organized training programmes to train and certify bilingual indigenous defenders and translators of indigenous languages. They have also created the National Roster of Interpreters and Translators in Indigenous Languages (PANITLI). To date, there are 120 certified interpreters in 16 different indigenous languages,³ and more than 2 million indigenous people have received services in connection with this court interpretation scheme.

³ Tzeltal (western region), Tzeltal (northern region), Ch'ol (northwestern region), Zoque (northern highlands), Zoque (eastern region), Tzotzil (eastern highlands), Tzotzil (northeastern region), Maya, Totonac (coastal region), Nahuatl (Gulf region of Veracruz), Otomi (Mezquital valley), Nahuatl (Gulf region of Hidalgo), Tepehuan, Chinamecan (western central highlands) and Purépecha.

44. Similarly, with the aim of promoting access to justice by indigenous women, six editions of the Indigenous Women's Access to Justice Forum have been organized to date. Sponsored by the Ministry of Foreign Affairs with the support of the National Institute for Women, the National Institute of Indigenous Languages and the National Commission for the Development of Indigenous Peoples, this initiative is one of several concrete actions to promote fulfilment at the national level of international laws and standards in the areas of human rights and gender equality. As a result of these forums, a commitment letter was signed that involves local authorities and the relevant federal agencies and that identifies specific measures for ensuring the recognition of indigenous peoples' and communities' rights, with a focus on women's access to justice and the promotion of gender equality.

45. In June 2013, the National Supreme Court published the Procedural Protocol for Justice Administrators in Cases concerning the Rights of Indigenous Persons, Peoples and Communities. It is intended to serve as a tool for assisting judges in dispensing justice to indigenous persons in Mexico and is consistent with the highest national and international standards, as set forth in article 1 of the Constitution of the United Mexican States. Developed from an intercultural perspective, the Protocol seeks, as part of a renewed approach, to make a practical contribution to certain legal phenomena arising from the recognition of specific rights. These include the right of indigenous peoples, communities and individuals — who are part of the ethnic diversity of the country — to consultation and to free, prior and informed consent (see annex 2: Procedural Protocol for Justice Administrators in Cases concerning the Rights of Indigenous Persons, Peoples and Communities).

The Supreme Court of Justice and the right to consultation

46. The Court has enforced the right to consultation through its decisions, and has even gone so far as to order the suspension of economic activities after finding the latter to be in violation of the rights of the indigenous communities and peoples.

47. Between February 2012 and May 2013, the National Supreme Court, in its capacity as the highest interpreter of the Constitution, issued decisions in two petitions for review involving the right of indigenous peoples to prior consultation. The first of these (Petition for review No. 781/2011)⁴ was settled by the Second Division of the Court on 14 March

⁴ Indigenous communities. The failure to establish the Regional Advisory Council referred to in Decree No. 409/96 IPO, published in the Official Gazette of Chihuahua on 10 January 1997, violates the principle of legality and those of participation and consultation recognized as applying to the indigenous communities. Article 2, paragraph B, sections I and IX, of the Constitution of the United Mexican States, sets forth the obligation of the authorities of the three branches of government to promote the regional development of indigenous areas, with a view to strengthening local economies and improving the living conditions of their people, with the indigenous communities' participation and their right to be consulted in formulating national, state and municipal development plans. In addition, the second transitional article of Decree No. 409/96 IPO, which authorizes the governor of the state to sign the Trust Agreement "Barrancas del Cobre", sets as a condition of the validity of such authorization the establishment, by means of coordination agreement between the branches of the federal, state and municipal governments established within the area of influence of the "Barrancas del Cobre" Trust, of a Regional Advisory Council in which the indigenous communities in the area of influence of the "Barrancas del Cobre" Trust must be allowed to participate. The failure of the authorities to establish such a Council violates the principle of legality set forth in article 16 of the Constitution and those of participation and consultation recognized as applying to the indigenous communities under article 2, paragraph B, sections I and IX, of the Constitution of the Republic. Second Division, Petition for review No. 781/2011. María Monarca Lázaro et al., 14 March 2012. Five votes; José Fernando Franco González Salas and Sergio A. Valls Hernández voted with reservations. Rapporteur: Sergio Salvador Aguirre Anguiano. Secretary: Erika Francesca Luce Carral.

2012. The second matter (Petition for review No. 631/2012) was settled by the First Division of the Court on 8 May 2013. It refers to the Environmental Impact Decision issued on 23 February 2011 by the Ministry of Environment and Natural Resources, which authorizes the construction of a project entitled “Independence Aqueduct” in the municipalities of Hermosillo, Mazatán, Villa Pesqueira, Ures and Soyopa, in the State of Sonora. The decision grants the petition of the Yaqui People of the village of Vícam, Sonora.

48. In accordance with the National Supreme Court ruling on the construction of Independence Aqueduct, the Ministry of Environment and Natural Resources, in coordination with the National Commission for the Development of Indigenous Peoples and the Commission for Dialogue with the Indigenous Peoples of Mexico, formulated and submitted a Protocol for Consultation with the Yaqui Tribe on the Operation of Independence Aqueduct in the Municipality of Soyopa, Sonora. The Protocol is based on the United Nations Declaration on the Rights of Indigenous Peoples and on ILO Convention No. 169, as well as on the provisions of the Constitution of Mexico that concern human rights and indigenous peoples. The Protocol calls for a prior agreement phase, an information phase, a deliberation phase and a consultation phase. In addition to national institutions, observer organizations of the United Nations system, such as the Office of the United Nations High Commissioner for Human Rights, also participate in the process.
