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### **Permanent Forum on Indigenous Issues**

#### **Fifth session**

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Item 4 of the provisional agenda

#### **Ongoing priorities and themes**

#### **Note by the Secretariat**

### **Analysis of the Recommendations and state of implementation from the first three sessions of the UN Permanent Forum on Indigenous Issues and state of implementation**

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#### **Summary**

This paper provides an analysis of the recommendations which emerged from the first three sessions of the UN Permanent Forum on Indigenous Issues (2002-2004) to see which of these are implemented and to identify facilitating factors as well as obstacles to implementation. The aim of this exercise is to help the Forum to more effectively implement its mandates which are:

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\* The present document was submitted late in order to ensure the inclusion of the most recent information.

a) to provide expert advice and recommendations on indigenous issues to the Economic and Social Council as well as to programmes, funds and agencies of the UN through the Council; b) raise awareness and promote integration and coordination of activities relating to indigenous issues with the UN system; and c) to prepare and disseminate information on indigenous issues. The paper suggests how to rationalize recommendations and ensure better implementation considering the context on which the various UN bodies, agencies and funds and the Council are operating.

## **Introduction**

1. In the past three sessions of the Forum, the total number of recommendations reached 294. The first set, called “Draft decisions recommended by the Forum for adoption by the Council”, has 17 recommendations. (1<sup>st</sup> session -5, 2<sup>nd</sup> session – 7 and 3<sup>rd</sup> session - 5). The second set called “Matters brought to the attention of the Council” has 277 recommendations (1<sup>st</sup> – 32; 2<sup>nd</sup>-131; 3<sup>rd</sup> -114) and many of these have sub-items. The first set are those which have to be discussed and decided by the Council as these have programme budget implications. The second set are sent to the Council for its attention and for it to take note of them. It is the option of the individual member states to take action on these in terms of implementation at the national level or influencing decisions in governing bodies of UN agencies, funds or bodies of which they are members.
2. There is another set of recommendations which arose from the international expert workshops held on specific especially demanding issues following decisions of the

Forum. For the period under review this includes the Workshop on Data Collection and Disaggregation and the Workshop on Free, Prior and Informed Consent. It is important to also see how the recommendations from the workshops can be implemented. These are presented in reports to the Forum. While discussions at the Forum on these recommendations are brief, the Forum chooses to adopt some of these recommendations as its own.

### **Review of developments**

3. This report will build upon the reports and assessment of the Secretariat of the Forum and the Inter-Agency Support Group (IASG) on Indigenous Issues on how and which of the recommendations have been implemented. So it will not repeat what has been said already. What it will do is to cluster the recommendations according to their characteristics and make an observation on what has been implemented, what were the factors which influenced the implementation or non-implementation. The concluding part will include recommendations on how to proceed to ensure more widespread and effective implementation.
  
4. The Secretariat of the Forum has come up with a report on the outcomes achieved in relation to the recommendations of the first session (E/C.19/2003/3) and a database on the recommendations which is found in the website ([www.un.org/esa/socdev/unpfii](http://www.un.org/esa/socdev/unpfii)). This is very much appreciated by the Forum and the IASG for its usefulness as a

working tool. For the second session the Secretariat prepared an overview of developments on mandated areas and ongoing priorities and themes (E/C.19/2004/10) and for the third session another such review was issued (E/C.19/2005/8). These reports cover the following areas.

- a. Overview of contributions of the United Nations system which covers contributions by individual agencies and those by the Inter-Agency Support Group on Indigenous Issues.
  - b. Activities of the members of the Permanent Forum
  - c. Activities of the Secretariat in support of the mandate of the Forum and this includes follow-up to the recommendations.
5. The members of the Inter-Agency Support Group on Indigenous Issues have also come up with their own views on how to strengthen the work of the Forum with the United Nations system which includes suggestions on how to increase possibilities of implementing the recommendations.
6. The written submissions of the various UN bodies, agencies and funds and governments to the Forum describe their policies, programs and projects related to indigenous peoples' issues and how they have implemented recommendations from the Forum which are addressed to them specifically or those which are related to what they are doing. The table below shows how the submissions from the UN system and other

intergovernmental bodies has increased through the years. This is a good indication of increasing qualitative and quantitative engagement of the UN system and other intergovernmental bodies with the Forum. The low number of submissions from governments and indigenous NGOs is compensated by their active participation in the sessions.

Entities	Ist Session	2 <sup>nd</sup> Session	3 <sup>rd</sup> Session
UN system and Other Intergovernmental Bodies	9	13	15
Governments	3	6	3
NGOs including Indigenous Peoples' Organizations	2	5	2
Total	14	24	20

### **Analysis of Recommendations**

7. Recommendations are adopted by the Forum under mandated areas of the Forum, the methods of work and around the special themes and cross-cutting issues.

Notwithstanding the headings used we observed that recommendations can be clustered along the following areas;

**a. Information and knowledge generation, management and dissemination.**

These recommendations relate to generation of information and knowledge on situations and issues of indigenous peoples; studies, policies and programs done by intergovernmental bodies and governments and the disclosure and management of such. These include activities like workshop-seminars, research projects and analytical work, preparing reports (e.g. report on implementation of Agenda 21), data-collection and disaggregation, establishing websites and databases, publications and use of multi-media to project indigenous issues.

Examples of these are recommendations for the Working Group on Indigenous Populations to undertake a study on genocidal and ethnocidal practices perpetrated on indigenous peoples (#81 - 2<sup>nd</sup> Session) WHO to do a study on prevalence and causes of suicide among indigenous youth (#82 – 2<sup>nd</sup> Session), WIPO to undertake a study on use of indigenous knowledge relating to medicinal plants and resources, use of such knowledge and benefits of indigenous peoples (#59 – 2<sup>nd</sup> Session).

**b. Increased and effective participation of indigenous peoples in various global, regional and national processes and mechanisms.**

These refer to enhancing the participation of indigenous peoples in processes and mechanisms of the UN (UN Conventions like the CBD, UNFCCC, HABITAT, ECOSOC, etc.) or those of other intergovernmental bodies. Activities include sending invitations to the members of the Permanent Forum , the creation of an ad-hoc intersessional working group of indigenous peoples (UNFCCC), establishment of voluntary funds to bring more indigenous peoples to participate in UN processes (WIPO, CBD,etc.) and inviting indigenous persons to be members of advisory bodies. The pre-occupation with the need to obtain the free, prior and informed consent of indigenous peoples before development projects are brought in or undertaken in indigenous territories, is one way of enhancing participation of indigenous peoples.

**c. Capacity-building and awareness-raising for indigenous peoples, personnel and governing bodies of UN agencies, programmes and funds and also of government officials and politicians.**

These are recommendations which urge governments and the UN system to allocate resources to build capacities and raise awareness of indigenous peoples on their rights, the existence and use of mechanisms to protect their rights, and also their capacities to effectively participate in government and intergovernmental bodies, processes and mechanisms. The other aspect of capacity building is for government and inter-governmental personnel and senior

management as well as governing bodies to have a better understanding of the issues, concerns and rights of indigenous peoples and the appointment of focal points or establishment of units on indigenous issues. Special attention to indigenous women, children and youth is always part of such recommendations. Activities suggested, range from training-seminar workshops, fellowships, visits of Forum members and other indigenous leaders to UN agencies, funds and programmes and their participation in key activities, appointing focal points or setting up units dedicated to indigenous issues, etc.

**d. Development, popularization and dissemination of education and awareness-raising materials, toolkits and guidelines**

There are several recommendations asking UN bodies to develop, in partnership with indigenous peoples, education and training materials or kits on various topics, including human rights instruments. These include translating existing materials to local languages, using guidelines or tools which integrate indigenous peoples concerns (e.g. Akwe Kon guidelines, participatory poverty assessment, etc.), using translated and contextualized education materials to further develop and strengthen bilingual and inter-cultural education,

**e. Shifts in paradigms, discourse and ways of doing development, formulation of conceptual frameworks, policies, guidelines and setting up of projects which reflect these shifts.**

Some recommendations revolve around the need to articulate and integrate indigenous peoples' worldviews, perspectives and practice especially on development related issues. Many of these are consistent with the human-rights-based approach to development and the demand-driven approach. Challenging the dominant development paradigm and developing and implementing alternatives is no mean feat. Proposed activities include the development of more wholistic strategies, programmes and projects, establishing indigenous peoples-sensitive indicators, holding dialogues or workshop-seminars on how to implement indigenous peoples' development with identity and culture, data disaggregation, ensuring effective participation of indigenous peoples in various processes and activities of states and intergovernmental bodies, operationalization of the human rights based approach to development, analysis and implementation of MDGs through the lens of indigenous peoples, setting up and replicating model projects and good practices, etc.

8. The recommendations which emerged from the 2 expert workshop-seminars identified specific activities which the UN system, governments and indigenous peoples can do. Many of these still revolve around generation of data and knowledge on indigenous

peoples and ensuring their effective participation in decisions and processes which impact on them. These also include development of toolkits and guides. For instance, the Workshop on Free, Prior and Informed Consent recommended that a handbook on indigenous issues including methodologies and elements of a common understanding on free, prior and informed consent by the UN system be developed. The Workshop on Data Collection and Disaggregation proposed that Intergovernmental bodies, funds and programs launch a coordinated data collection exercise in one or more countries.

#### **Status and description of implementation of recommendations.**

9. Almost all the recommendations which fall under Set 1 are implemented. The main reason for this is that these are funded through the regular budget. These include the establishment of the Secretariat and the holding of two international expert workshops. Some of those not implemented from this set are the recommendations at the First Session that a 5-day intersessional meeting of the Members be convened and the provision of summary records for the public meetings of the Forum (Draft Decision 11, 2002). The lack of resources to carry these out is the major reason cited why these are not implemented.
  
10. Some of what were reported as being implemented are finished, planned or ongoing activities of intergovernmental organizations and governments even before the Forum was established. An example of these are workshops undertaken by the Office of the

High Commissioner on Human Rights which had been planned and funded from the regular budget or the Voluntary Fund for the first International Decade of the World's Indigenous People. Another example are the activities of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. While these cannot be credited to the recommendations from the Forum, it is still important that these are reported because of the need to inform the Forum of programs and activities of the whole UN system to improve complementarity and also to be used for awareness raising purposes.

11. In terms of generating data and information, there are many new initiatives undertaken in response to these clusters of recommendations of the Forum. For instance, UN-HABITAT did a research project on Indigenous Peoples and the Rights to Adequate Housing. Poverty studies of indigenous peoples were done in 5 Latin American countries by the World Bank. The ILO did an Ethnic Review of in 14 countries. The written submissions of UN agencies, programmes and funds to the sessions of the Forum were additional sources of information on what these bodies are doing to address indigenous peoples' issues. There are still several recommendations for studies which are not done by the agencies or bodies being addressed. This is understandable as it is not realistic to expect that when a recommendation for a study is made a UN body can just undertake this without going through the internal decision-making processes. If these have budget implications, the governing councils or executive bodies of the agencies will have to agree that the recommended study be done.

12. There are many recommendations, especially those that require short and medium-term time frames, which are implemented. The adoption of the theme “indigenous children” during the Committee on the Rights of the Child Day of Discussion, the numerous and increasing invitations extended to the Permanent Forum members to visit the various UN programmes, agencies and funds and the financial support given by IFAD for the two regional indigenous women’s conferences. These are just a few of what we implemented. The data-base of the Secretariat and their reports, as well as the *Message Stick*, the quarterly newsletter, are excellent sources to get more detailed information on what recommendations have been implemented and which have not been implemented.
13. Even in with these sources, however, some activities were missed. The source of the information on the reports and the data-base are mainly the written submissions. The oral presentations from the floor during the plenary meetings of the Forum have not been included yet. For instance, if we see the governments who made written submissions these are only from 3 to 9 countries. The ones that made written submissions in all 3 sessions are Canada, Finland and the Russian Federation. Norway, New Zealand, Guatemala, Mexico, Ecuador and Venezuela made occasional submissions. Considering that almost all the members states of the Economic and Social Council are present in the plenary meetings of the Forum, and some of them made statements it may be worthwhile looking into the daily press releases issued by DPI on the Forum’s debates to see what others have said.

14. Some of the recommendations on enhancing indigenous peoples' participation in intergovernmental and governmental processes are being implemented. The numerous invitations to members of the Forum by UN agencies, programs and funds, including an invitation to be observers in the general assembly of the IFAD Governing Council and the inclusion of indigenous persons in advisory bodies of agencies (UNDP CSO Committee, UNIPACK – UN Indigenous Peoples' Advisory Committee-Kenya). The establishment of additional voluntary funds to have indigenous persons participate in the various intergovernmental processes has taken place in WIPO and the CBD.
15. In relation to capacity-building processes some agencies undertook training sessions for their staff and other interested parties.

### **Facilitating Factors**

16. Some factors which have facilitated implementation are the following;
- a. Some UN agencies, programmes and funds, are already implementing programs specifically targeted for indigenous peoples and some have written policies on indigenous peoples. The recommendations from the Forum provided more justification for continuing, expanding or replicating the activities.

- b. The Forum's clear mandate to provide expert advice and facilitate coordination and integration gives more weight to the recommendations emerging from its sessions. Some of these recommendations were stated already in several processes like the Working Group on Indigenous Populations or in the Article 8 (j) Working Group of the CBD. However, these do not have mandates similar to that of the Forum. Since it is expected that UN bodies will be present at the subsequent sessions of the Forum, it is good practice for them to make reports stating which recommendations have been implemented and for those which were not, an explanation on why this is so.
  
- c. The role that the Secretariat of the Forum plays in terms of providing the agencies with the final reports and recommendations specifically addressed to each agency, following them up, and providing support, especially if these entail secretariat work for joint activities, have contributed in the implementation of several recommendations.
  
- d. Active engagement and commitment of the focal point in each agency to pursue the implementation of the recommendations assigned to her/his agency and partnerships created between the UNPFII and others are key factors to facilitate the implementation of programmes and projects.

- e. If additional resources are needed for implementation, some UN bodies allot some money to ensure the implementation of recommendations considered important. The combination of the tenacity of the focal point to ensure the recommendations will be implemented and the active engagement of some Permanent Forum members to provide advice and support allowed for successful implementation.
- f. The moral and financial support coming from members of the Inter-Agency Support Group, especially if two or more members collaborate to implement a recommendation, is another facilitating factor.
- g. Issues of indigenous peoples are cutting-edge issues which challenge dominant paradigms and thus are found challenging in terms of developing new discourses and in implementing development and human rights work in non-traditional ways. Some UN personnel and also those in governments find fulfillment in facing these challenges.
- h. There are indigenous leaders or non-indigenous advocates, whether members of the Forum or not, who work closely with some UN bodies who have engaged them to provide advice and support in implementing recommendations.

### **Constraints or obstacles**

17. Some constraints or obstacles are the following;

- a. Some recommendations require substantial financial resources which are not within the budget of agencies, programmes and funds so these remain unimplemented.
- b. Many of the recommendations which call for studies to be undertaken have not been implemented yet. The lack of money and personnel within these agencies to carry out such projects are the likely reasons for non-implementation.
- c. Lack of awareness on indigenous peoples and their issues among staff, Senior Management officials or Governing bodies which are the ones who make the final decisions can be a constraint.
- d. Indigenous peoples' issues remain as a low priority within many UN bodies, agencies and funds and also within governments.
- e. Lack of capacity to implement on the part of some bodies. Most of the times the focal persons are carrying this load on top of other responsibilities. Because of this, recommendations addressed to their institutions remain unimplemented.

- f. Indigenous peoples' issues challenge dominant thinking and ways of doing things, which is a source of great discomfort for some UN staff and also for government officials.

## **Conclusions**

**18. While there are recommendations which are not yet implemented it is safe to conclude that there is a significant number of important recommendations which were implemented or are still in the process of implementation. Some of these include the holding of the workshops on some of the most critical issues for indigenous peoples (data collection and free,prior and informed consent); holding of meetings with key people within the UN programmes, agencies and funds; the holding of training sessions for UN personnel to understand better indigenous issues; inclusion of indigenous issues in various publications prepared by the UN system (Innocenti Digest, IFAD publications, ILO Publications,etc.); the ethnic audit and review of PRSPs and MDG reports to assess how these are addressing indigenous peoples, among others.**

**19. The Permanent Forum is able to carry out its mandate by identifying priority recommendations which should be implemented and also special themes for the 2<sup>nd</sup> and 3<sup>rd</sup> sessions. The task of choosing which expert workshops to hold which will enjoy support from the regular budget is not easy. This is a fine balancing act**

**which has to consider the interests of indigenous peoples, the UN programmes, agencies and funds and that of member states. The active participation of many representatives of UN programmes, agencies and funds, government and indigenous peoples' representatives in the two workshops is an indication of the interest of all parties to come up with constructive solutions to address these issues.**

**20. In the past three years there has been a noticeable increase in the participation of UN agencies, programmes and funds and other intergovernmental bodies in the sessions and expert-workshop seminars held by the Forum. The participation of treaty bodies like the Committee on the Rights of the Child is important as this links the work done by treaty bodies, with funds like UNICEF and all other agencies dealing with children's issues. The participation of the European Council and ECLAC provides more regional perspectives which the Forum needs to understand better as its influence has to reach down to the regional, national and local levels.**

**21. The choice of special themes, indigenous children and youth and indigenous women, were crucial decisions. Starting with the most vulnerable sectors among indigenous peoples gave the right signal for all actors, governments, UN system and indigenous peoples. The recommendations which emerged from the processes undertaken to highlight these special themes resonated with the priorities of these**

**actors. This has contributed to the positive atmosphere which prevails in the sessions of the Forum.**

**22. The active involvement of some UN agencies, programmes and funds in implementing recommendations addressed to them and even bringing the implementation down to the regional, national and local levels is giving a good example to the others. An example of this are the recommendations around indigenous children and youth which have been pursued not only by UNICEF, but also by the Committee on the Rights of the Child, the ILO and the Secretariat of the Forum. There are activities on indigenous children which are now being carried out at the country level, the regional level (Latin America) and at the global level.**

**23. The role played by the Inter-agency Support Group for Indigenous Issues in terms of pursuing further discussions on how to implement the recommendations and how to strengthen the relationships between the Forum and the IASG contributed very positively to the work of the Forum. The substantial contributions from the group in elaborating and disseminating more widely the issues being discussed helped in pushing further the implementation of recommendations.**

**24. The non-implementation of some important recommendations remains a concern. For example the recommendation for the creation of a working group on free, prior and informed consent which came out from all the three sessions has to have an**

**explanation. While the workshop on this is fine the follow-up to recommendations of the workshop has not been sustained in a satisfactory manner. While there are many recommendations for studies to be done, there has not been much progress on these yet.**

**25. The importance of awareness-raising and capacity-building of indigenous peoples, UN staff, senior management and governing bodies, of government officials and politicians on indigenous peoples' rights and their issues should not be underestimated. It is observed that where processes on this took place, there is a more favorable attitude and response to the recommendations.**

**26. It has been observed that there is still some resistance to suggestions that 3 or more UN programmes, agencies and funds should work together on joint projects in specific areas so that more positive experiences in terms of complementarity and building synergies can be seen. This is to ensure that the indigenous peoples do not get sacrificed by the turf wars between development agencies.**

**27. The studies prepared by the World Bank on the poverty situation of indigenous peoples in 5 Latin American countries, the ethnic audits of the ILO of PRSPs and the reviews done by the Forum's Secretariat on MDG reports are important contributions. The World Bank study shows the concrete picture of poverty amidst indigenous peoples in countries where the indigenous peoples compose a very**

**significant number of the total population. The reviews on the reports, on the other hand, show that indigenous peoples are still invisible in most of these.**

### **Recommendations**

- 28. The Secretariat's efforts prepare overview reports, the Message Stick, i.e., the quarterly newsletter, and the database on the implementation of recommendations should be sustained. The Secretariat should also look into the oral interventions delivered during the sessions and include references to implementation of recommendations from these and not be limited only to the written submissions.**
- 29. The IASG should continue to play the role of analyzing the recommendations and making suggestions on how best to have these implemented by their respective institutions. This should include proposals on how the recommendations should be packaged and information which indigenous peoples can use to influence decisions within the UN system.**
- 30. Considering the big number of recommendations which emerged just from the first 3 sessions alone, not to speak of what came out of the fourth session, it maybe worthwhile to rationalize these. There are similar recommendations said in different ways which can be collapsed into one. Clustering recommendations under the headings used in this paper can be one approach. The way the Forum members**

**do not repeat those which have already been mentioned in earlier sessions should continue.**

**31. Good practices in terms of the implementation of recommendations should be written in popular forms and disseminated more widely so that they can provide examples for indigenous peoples, the UN system, governments and others.**

**32. More governments and indigenous peoples' organizations should be encouraged to submit written reports of how they have implemented some recommendations addressed to them which can include a description and analysis of facilitating and hindering factors linked with recommendations on how to address obstacles.**

**33. Indigenous peoples' organizations should be encouraged to engage in their own monitoring of the implementation of the Forum's recommendations to the UN system and others at the local and country level, as well as regional level. Reports can be sent to the Forum by indigenous peoples' organizations to inform the Forum's understanding of the level of implementation of its recommendations.**

**34. More discussions should take place to address the obstacles mentioned in this paper.**

**35. Developing more effective partnerships between indigenous peoples and other development actors is one way of ensuring better implementation of recommendations. Recommendations from the recent workshop on partnership building which was held in Nuuk, Greenland in February 2006 should be used to guide the efforts on this.**

**36. In terms of furthering the discourse and practice on what is a holistic self-determined development for indigenous peoples, there should be more dialogues between indigenous peoples and between them and intergovernmental and governmental bodies to refine further the concepts and to reach agreements on how these can be implemented.**