

## **Draft report**

*Rapporteur:* Mr. Brian Keane

### **Chapter I** **Matters calling for action by the Economic and Social Council or brought to its attention**

#### **B. Matters brought to the attention of the Council**

##### **Recommendations of the Permanent Forum**

#### **Agenda Item 5. Dialogue with indigenous peoples.**

#### **Agenda Item 6. Dialogue with Member States.**

#### **Agenda Item 7. Dialogue with the funds, programmes and specialized agencies of the United Nations system.**

The Permanent Forum conducted three focused, interactive dialogue sessions with indigenous peoples, Member States and the funds, programmes and specialized agencies of the United Nations system. The Forum welcomes such dialogues as an opportunity to better understand the concerns of indigenous peoples and Member States and the mandates and activities of the funds, programmes and specialized agencies. Such dialogues also provide an opportunity to focus on specific issues and identify ways to increase the effectiveness of the work of the Permanent Forum. The Forum finds these dialogues to be of great value and will continue to conduct them at future sessions.

The dialogues included discussions on the criminalization of indigenous human rights defenders, the lack of consultations to obtain indigenous peoples' free, prior and informed consent; the need for effective engagement of indigenous peoples in the 2030 Agenda, violence and discrimination against indigenous women, children, youth, older persons and persons with disabilities and the urgent need to revitalize indigenous languages. Indigenous peoples also requested to the Forum to discuss in future session the need to establish an autonomous court as a judicial institution whose purpose will be the application and interpretation of the UN Declaration on the Rights of Indigenous Peoples.

The Permanent Forum congratulates IFAD for its ongoing work with indigenous peoples, including the operationalization of free, prior and informed consent in its funded projects, support for national policy dialogues among indigenous peoples, governments and United Nations country teams and for adopting data disaggregation for indigenous peoples in its revised Results and Impact Management System

(EC2017/96/W.P.7)<sup>1</sup>. The Permanent Forum further encourages the Fund to develop specific indicators on the well-being of indigenous peoples to be applied in its funded projects. The UNPFII urges IFAD to ensure that its high standards and safeguards are applied to its co-funded projects initiated by institutions that invest in large infrastructure.

The Permanent Forum requests that United Nations entities, Agencies, Funds and Programmes allocate relevant financial and human resources to carry out commitments to indigenous peoples, as per the SWAP and respective Strategic Plans and programmes and to provide information to the Permanent Forum about the allocation of such resources at its annual sessions.

The Permanent Forum welcomes UN-Women's Strategy of Inclusion and Visibility of Indigenous Women that responds to the System-wide action plan on indigenous peoples and the recommendation of the Permanent Forum (E/2014/43-E/C.19/2014/11, para 35) on including indigenous women's priorities in global, regional and national programmes. The Permanent Forum encourages Member States to allocate sufficient funding for the implementation of the strategy. The Permanent Forum encourages UN-Women to emphasize enhancing participation and capacities of indigenous young women and girls and report on progress at the eighteenth session of the Permanent Forum.

The Permanent Forum urges UNICEF to adopt a policy on indigenous peoples in consultation with indigenous peoples.

### **Agenda Item 9 2030 Development Agenda**

The 2030 Agenda is now on its third year of implementation. At least 17 countries, where indigenous peoples live, will conduct their Voluntary National Review (VNR) in the High Level Political Forum (HLPF) this year. The Permanent Forum takes note of some progress in the participation and inclusion of indigenous peoples in the VNR process in 2017, including the conduct of dialogues between indigenous peoples and their respective States during the HLPF. At the same time, the majority of indigenous peoples in many countries are still not aware of the SDGs and are invisible in a number of national action plans and strategies for the implementation of the SDGs. The Permanent Forum encourages the President of the General Assembly at the High Level Political Forum at the General Assembly in 2019, to remind Member States that achieving the SDGs and 2030 dev agenda is impossible without the full and effective engagement of indigenous peoples.

Many development projects are being implemented without the consent of indigenous peoples and are violation to their rights to their lands, territories and resources. In order to secure the land and resource rights of indigenous peoples as included in the target for ending poverty (Goal 1) empowerment of women (Goal 5), the Permanent Forum recommends to the Inter-Agency Expert Group on SDG indicators that the development of the methodology and metadata of the indicator on land (1.4.2), as tasked to a group of custodians to this indicator, shall ensure the inclusion of customary land tenure, and also calls for the Inter-Agency Support Group on indigenous issues to support this.

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<sup>1</sup> <https://webapps.ifad.org/members/ec/96/docs/EC-2017-96-W-P-7.pdf>

Further, the implementation of the SDG on access to affordable and modern energy for all (Goal 7) is posing threats to the protection of the rights of indigenous peoples including their rights to their lands and resources in the production of energy including clean or renewable energy such as large dams, massive windmills among others. At the same time, indigenous peoples without access to energy will now have the opportunity to gain access to energy. In this context, the PF encourages States to work with indigenous peoples to develop guidelines for responsible renewable energy development. The Permanent Forum recommends that states, UN agencies, development actors including the private sector become active members of this innovative partnerships led by indigenous peoples in the context of leaving no one behind.

Recalling recommendations made in last year's report, the Forum invites United Nations country teams to report to the Forum at its next session on actions taken to ensure the full and effective participation of indigenous peoples, including indigenous women and youth, in the preparation of the United Nations Development Assistance Frameworks and country programme action plans.

### **Agenda Item 12 Future Work**

The Permanent Forum welcomes publication of Local Biodiversity Outlooks, as a collaborative effort of the International Indigenous Forum on Biodiversity (IIFB), Forest Peoples Programme and the Secretariat of the Convention on Biological Diversity and looks forward to its second edition to be published in 2020.

The Permanent Forum supports the strengthening and further application of community-based mapping, monitoring and information systems (CBMIS) as complementary evidence bases for assessment and monitoring of the 2030 Sustainable Development Agenda, the Paris Climate Agreement and the post-2020 biodiversity Framework, as well as being tools for community governance and self-determined development.

The Permanent Forum on Indigenous Issues urges governments and donors to support community-based monitoring and information systems, citizen science and the democratization of information technologies, as complementary to national and global statistical and information systems, and to prioritise capacity-building and funding and for such initiatives.

The UN Permanent Forum welcomes the approval of the 'approach for working with indigenous and local knowledge' at the 5th plenary of IPBES in 2017 and the establishment of a participatory mechanism for indigenous peoples and local communities in the work of IPBES. The UNPFII urges identification of appropriate procedures and methodologies for effective implementation of the approach and participatory mechanism, in partnership with indigenous peoples.

The Permanent Forum congratulates FAO for its work to assist indigenous peoples and States in the implementation of the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests*, the issuance of a technical guide on commons and communal lands and resources continue enhancing the implementation of the Voluntary Guidelines with tailored capacity development for indigenous peoples.

The Permanent Forum also recommends that FAO create a technical working group on indigenous peoples' collective rights to lands, territories and resources to provide technical outputs and publications informing indigenous peoples and the Permanent Forum.

The Permanent Forum, recognizing the centrality of agriculture, forestry and fisheries in the context of indigenous peoples' collective rights to land, territories and resources, requests FAO to enhance the participation of indigenous peoples and representatives from the Permanent Forum to the Committee on Agriculture (COAG), the Committee on Forestry (COFO); the Committee on Fisheries (COFI), the Committee on World Food Security (CFS), and the Commission on Genetic Resources.

The UNPFII welcomes the opportunity to provide views on possible elements of work of relevance to indigenous peoples in a fully integrated programme of work in the Post 2020 Biodiversity Framework, as well as institutional arrangements concerning the participation of indigenous peoples in the Post 2020 Convention on Biological Diversity. To that end the Permanent Forum shall send views by the end of July 2018, to the Secretariat of the Convention, and encourages indigenous peoples to do the same, for them to be considered at the fourteenth meeting of the Conference of the Parties, in Egypt in November, 2018.

The Permanent Forum welcomes the adoption of the Indigenous Peoples Policy and Environmental and Social Policy as well as establishment of the Indigenous Peoples Advisory Group by the Green Climate Fund and encourages the Fund to support specific capacity-building programs for indigenous peoples as part of Readiness and Preparatory programme to ensure their full and effective engagement with GCF at all levels and in all activities.

### **Thematic discussion on conservation and the rights of indigenous peoples**

The Permanent Forum expresses concerns that conservation programmes based on the concept of excluding human beings from the environment nature have caused negative consequences on the rights of indigenous peoples through forced evictions and other harms while their natural custodianship of the environment and ecosystems has been unrecognized.

The Permanent Forum urges the International Union on Conservation of Nature and the Secretariat of the Convention on Biological Diversity to undertake, in collaboration with indigenous peoples, a study on indigenous peoples' contributions to management of ecosystems and protection of biodiversity, and submit a report by to the nineteenth session of the Permanent Forum.

The Permanent Forum recommends that the Convention on Biological Diversity and the World Conservation Union (IUCN) actively engage with indigenous organizations, relevant UN entities, non-governmental organizations and other actors to develop a set of actions and commitments in relation to conservation and human rights in the context of the post-2020 biodiversity framework and the next World Conservation Congress.

The Permanent Forum requests Global Environment Facility, as well as other funding mechanisms to prioritize support for indigenous-led or co-managed conservation approaches.

The Permanent Forum calls on States to enter into discussions with indigenous peoples whose traditional lands are now incorporated in Protected Areas, with a view to reaching binding agreements that will acknowledge the legitimate interests of wildlife conservation but also recognize and guarantee the communities' rights under Articles 8(2), 18, 19, 26, and 32 of the UN Declaration on the Rights of Indigenous Peoples.

The Permanent Forum calls on international donors to engage in dialogue with indigenous peoples with the aim of developing an approach to conservation based on recognition of, and respect for, the rights of indigenous peoples.

The Permanent Forum invites the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the Rights of Indigenous Peoples, strengthen collaboration in charting ways forward in this promoting conservation models that recognize and respect the rights of indigenous peoples.

The Permanent Forum invites the Expert Mechanism on the Rights of Indigenous Peoples, at its forthcoming meeting on transitional justice, to examine opportunities for restitution in the context of historic conservation related evictions and other harms.

The Permanent Forum urges Member States to reform agreements of intergovernmental conservation organizations to comply with the principles of the UN Declaration on Rights of Indigenous Peoples, such as the North Atlantic Salmon Conservation Organization (NASCO).

Advance unedited