

Methods of Work of the UN Permanent Forum on Indigenous Issues

Background

The Permanent Forum has decided to review its own methods of work in order to become a more effective mechanism within the UN system. In order for the Permanent Forum to be more responsive to its mandate which includes economic and social development, culture, the environment, education, health and the promotion and protection of the human rights of indigenous peoples within the UN system, there must be an examination of and reform in the way the Forum conducts its work. Such a reform initiative must involve all aspects of the Permanent Forum, ranging from its annual sessions, the role of the Expert Members and their inter-sessional work, the secretariat, and engagement with indigenous peoples, NGOs, UN agencies, member states and others.

The need for an evaluation of its methods of work is not new. During the 4th session, the Permanent Forum appointed two members, Mr. Yuri Boychenko and Mr. Parshuram Tamang, to prepare a working paper on practices and methods of work to be submitted at the fifth session of the Permanent Forum. The report titled “*Current Practices and methods of work of the Permanent Forum on Indigenous Issues.*” (E.C.19/2006/10) provided an overview of the Forum’s functions and covered many issues including but not limited to: decisions and recommendations of the Forum; participation of the Chairperson or designated members at subsidiary bodies of ECOSOC; the importance of having a Bureau of the Permanent Forum and; Forum member visits to various agencies.

Relevant UN resolutions

Consistent with its authorizing resolution [E/2000/22], the Permanent Forum is an advisory body to the Economic and Social Council with a mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights. According to its mandate, the Permanent Forum will:

- Provide expert advice and recommendations on indigenous issues to the Council, as well as to programmes, funds and agencies of the United Nations, through the Council;
- Raise awareness and promote the integration and coordination of activities related to indigenous issues within the UN system; and
- Prepare and disseminate information on indigenous issues

Furthermore, according to E/2002/68, the Inter-Agency Support Group on Indigenous Issues [paras. 49-58] was established with a view to ensuring that the Forum received concerted and coordinated assistance from the United Nations system. In addition, consistent with a series of decisions made by the first meeting of the Permanent Forum on Indigenous Issues, the General Assembly requested the Secretary General “To appoint a secretariat unit...within the Department of Economic and Social Affairs of the United Nations secretariat in New York, to assist the Forum in carrying out its mandate, as defined in paragraph 2 of Economic and Social Council resolution 2000/22.”¹

¹ Under the terms of operative paragraph 1 of draft resolution A/C.3/57/L.7, the General Assembly would request the Secretary-General, in connection with draft decisions I to IV recommended by the Permanent Forum on Indigenous Issues at its first session (see E/2002/43 (Part I)-E/CN.19/2002/3 (Part I), chap. I, sect. A).

Given these respective authoritative UN resolutions, the current Permanent Forum has chosen to focus upon three areas for reform: expanding and strengthening the work of the independent Expert Members of the Forum; increasing the effectiveness of the secretariat of the Forum; and enhancing the various inter-sessional activities and work of the Permanent Forum Expert Members, including their relationship with UN agencies through the IASG for the Forum. Finally, there is the need to ensure close coordination with the other Indigenous specific UN mechanisms [UN Voluntary Fund for Indigenous Peoples; Expert Mechanism on the Rights of Indigenous Peoples; and the Special Rapporteur on the Rights of Indigenous Peoples] to avoid duplication and where possible and to seize upon opportunities to advance urgent agenda items collectively within the UN system.

Role of Permanent Forum Expert Members

To date, the Permanent Forum has identified various ways to invigorate the role of each Permanent Forum Members and enhance the contributions that they can make to indigenous peoples globally and within their respective regions. At present, Permanent Forum Members do not have the resources to undertake consultations in their own regions or beyond. There is a constant need for additional funds to be raised to allow for more concrete, action-oriented work to be done by all sixteen members in order to effectively fulfil their mandate, and thereby ensure greater effectiveness of the Forum as a UN mechanism.

There is an additional need for the Expert Members of the Permanent Forum to meet amongst themselves in order to identify priorities for its annual program of work and to strategize as to the best ways to achieve objectives and priorities identified in line with its mandate. Furthermore, the PFII expert members are exploring all potential dimensions of their responsibilities and rights, as part of the process of invigorating the role of each PF member.

Annual Sessions of the Permanent Forum

The organization of work for the Permanent Forum includes the annual sessions, which presently encompasses discussions on special themes or from the six mandated areas of the Forum; high-level panels on specific issues; dialogue with UN Agencies; and a regional focus. In addition, a large number of side-events are organized during the annual sessions by Governments, UN Agencies, Indigenous Peoples and others on a wide range of issues that are relevant to indigenous peoples.

In regard to reform of its annual sessions, the Forum has identified the following options to improve its methods of work:

1. Identify specific issues/ themes to be explored in a more comprehensive fashion at the annual sessions. This entails advance notice to all participants by posting brief concept notes on the Permanent Forum website and requesting participants to focus upon these issues and the corresponding questions set out in the concept notes.
2. Dividing the two-weeks of the annual session. One option is to hold open sessions for all the participants to the Permanent Forum in the first week and dedicate the second week to interactive sessions with each group, e.g. one day with member states, two days with UN agencies, funds and programmes, and two days as closed door meetings of the Forum to deliberate on its report and other urgent matters.

3. Sharpening focus on and limiting the number of recommendations that the Permanent Forum adopts as well as limit the number of studies to be concluded by the members. This would involve creating clear and strict criteria for the adoption of recommendations. For example, they should be time bound, actionable, and with specific targets. This would streamline interventions and produce recommendations that avoid repetition and duplication. In addition, this would require a cultural change in the conduct of the session. A change in conference room dynamics also requires participants to limit their interventions and recommendations.
4. Urge indigenous peoples, member states, and interested UN agencies, NGOs, etc. to hold regional preparatory meetings (and national meetings, if possible) or thematic indigenous caucuses.
5. Explore the potential of such regional meetings to be held during times when the Permanent Forum members are in closed session in order for regional groups to dialogue and potentially reach consensus on recommendations for joint interventions (see paras 26 -29 of E.C.19/2006/10).
6. Ensuring equity in relation to indigenous peoples present at the annual session to have the opportunity to speak.
7. Improve upon the ways and means that the Permanent Forum report is adopted.

Inter-sessional work of the PFII

Inter-agency Support Group on Indigenous Issues

The Permanent Forum seeks to strengthen its coordination with UN agencies, including through the Inter-Agency Support Group on Indigenous Issues (IASG), in order to ensure that their work is responsive to indigenous peoples at the international, national and local levels. The Permanent Forum seeks to improve dialogue with respective UN agency representatives under the so-called “portfolio” system. More time is required for working meetings between the Permanent Forum members and UN agency representatives as well as collective Forum meetings with the IASG. At the same time, the Permanent Forum members must be fully aware of the particular mandate of the agency/ies they are working with, including on their respective policies and programmes relating to indigenous peoples.

As more and more dialogue takes place in relation to the Sustainable Development Goals and other matters of concern to indigenous peoples and their relationship to UN agencies, there is a growing concern that the work of UN agencies is largely limited to assisting indigenous peoples in developing countries. The Permanent Forum has in the past called upon the Executive Heads of United Nations agencies, funds and programmes to expand their scope of work to include indigenous peoples in developed countries, adopt policies on indigenous peoples and to designate focal points to address indigenous issues relevant to their respective mandates (E/2004/43, para 121). The Permanent Forum also aims to encourage UN agencies, funds and programmes to adopt an indigenous peoples’ policy, if they have not yet done so, with a corresponding budget, and appoint a contact person to address indigenous peoples’ rights in a sustained manner at the institutional level.

Inter-sessional engagement with Member States

The Forum could play a greater role in improving conditions for indigenous peoples at the international level through the Economic and Social Council, which may have a positive impact upon conditions at the national or domestic level. Hence there is a need to explore the potential for future sessions to include working meetings between indigenous peoples and States on a regional basis, in order to identify and agree upon issues of crucial concern that can be effectively addressed by the UN, especially at the regional and country levels.

Indigenous Development Index

The Permanent Forum is exploring the possibility of a special project focused on the development of an Indigenous Development Index to measure the implementation of the human rights standards affirmed in the UN Declaration on the Rights of Indigenous Peoples. Similar to the Human Development Index, a set of indicators that embraces the distinct legal and political status and rights of indigenous peoples as well as their unique economic, social and cultural context will provide guidance and complement the work undertaken in this regard. Though a number of UN agencies have or are presently developing indicators for their respective work, a universal set of indicators guided by the UN Declaration that can be aligned to the Sustainable Development Goals (SDG) in relation to indigenous peoples may provide advice and suggestions on this matter.

Questions for participants to consider

In response to these questions, the Permanent Forum welcomes concrete/ specific proposals and recommendations. In particular, the Forum appreciates any response, comments and feedback in relation to the proposed options mentioned above, as well as responses to the questions below.

- How can the role and mandate of the Permanent Forum be made more effective both at the annual sessions and inter-sessionally, especially in light of the explicit reference to the Permanent Forum in Article 42 of the UN Declaration?
- What concrete actions can the UN system and member states undertake to ensure sustained support for the Permanent Forum for enhanced inter-sessional work on behalf of indigenous peoples?
- What practical steps and actions can be taken to improve the annual sessions of the Permanent Forum?
- What can be done to ensure equitable speaking time for statements at the annual sessions?
- In light of the overwhelming number of recommendations that the Permanent Forum hears each year at its session, what are some of the procedural and substantive matters that should be instituted to improve implementation of the recommendations to address this situation?
- What institutional and structural changes can be suggested to ensure indigenous peoples' participation in the work of UN agencies to better promote and protect the rights and welfare of indigenous peoples?
- What can be done to improve engagement and dialogue with member states during the annual sessions and inter-sessionally?