BACKGROUND NOTE FOR THE DEVELOPMENT OF A SYSTEM WIDE ACTION PLAN TO ENSURE A COHERENT APPROACH TO ACHIEVING THE ENDS OF THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

Background Note 1

**The Second International Decade of the World's Indigenous Peoples: An evaluation of challenges and facilitating factors for implementation of the United Nations Declaration on the Rights of Indigenous Peoples**

**Introduction**

On 31 December 2015, the Second International Decade of the World's Indigenous Peoples concluded. An evaluation of the progress made as well as challenges encountered during the Second International Decade of the World's Indigenous Peoples (2005-2014) is contained in two separate Reports of the Secretary General:

a) A Midterm assessment of the progress made in the achievement of the goal and objectives of the Second International Decade of the World's Indigenous People (A/65/166);

b) A final report on the Achievement of the goal and objectives of the Second International Decade of the World's Indigenous People (A/69/271).

Previously the first International Decade of the World's Indigenous People, covering the period 1995-2004, produced a number of significant achievements towards strengthening international cooperation to address some of the challenges faced by indigenous peoples. Those achievements included the establishment of the United Nations Permanent Forum on Indigenous Issues, the appointment of the Special Rapporteur on the Rights of Indigenous Peoples[1] , the formation of the Inter-Agency Support Group on Indigenous Peoples' Issues, the annual observance of the International Day of the World's Indigenous People on 9 August, the establishment of the Indigenous Fellowship Programme at the Office of the United Nations High Commissioner for Human Rights.(see E/CN.4/2005/87)

At the end of the first Decade it was generally found that, while indigenous peoples had been effective in utilizing the United Nations system for dialogue and awareness-raising, they had achieved only sporadic impact on the policies of United Nations agencies and affiliated institutions and on the actual implementation of programmes and projects.

# I.  Midterm assessment of the progress made in the achievement of the goal and objectives of the second international decade of the world's indigenous people

The midterm assessment concludes that substantive advances have been made towards achievement of the goal and objectives of the Decade, in particular the adoption, in 2007 of the United Nations Declaration on the Rights of Indigenous Peoples and the role it has had in the consolidation of a human rights-based approach to indigenous peoples' issues at the intergovernmental and national levels. However, a substantial gap is identified between intentions at the policy level and the actual implementation of specific objectives of the Second Decade. It is stressed that further efforts must be made to transform initiatives at the policy level into effective action for and with indigenous peoples

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[1] Initially the Special Rapporteur was known as the *Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people.*

## A. Challenges in implementing the United Nations Declaration on the Rights of Indigenous Peoples

a) In many States, indigenous peoples and particularly indigenous women still face a lack of official recognition and direct political participation.

b) There is still a substantial lack of systematic mainstream engagement and mechanisms for direct participation within international institutions, development programmes and project-related activities in areas or on issues relating to indigenous peoples and relatively few international institutions have developed guidelines, institutional policies or safeguard policies on engagement with indigenous peoples.

c) There is lack of financial resources of both Government and United Nations agencies.

d) There is a lack of awareness regarding indigenous peoples' issues in general with a strong negative impact, particularly on women's issues.

e) Besides ILO, with Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and the institutional framework for its promotion, and the United Nations bodies and mechanisms mandated specifically to work on indigenous peoples' issues, only a few international organizations, among others IFAD, identify indigenous peoples' issues as a priority area.

f) In country and regional reports on the status of human development and the progress made in achieving the Millennium Development Goals, as well as in common country assessment and United Nations Development Assistance Framework reports, indigenous peoples have low visibility.[2]

g) In general, indigenous peoples are not explicitly mentioned in those reports and there is a general lack of disaggregated data concerning them. Any reference to the state of indigenous peoples' development is normally absorbed into a general aggregation of socially vulnerable groups of the population.

## B. Recommendation to the United Nations

a) Creation of strong monitoring mechanisms and accountability, in particular with regard to the documentation of well-being and the assessment of the impact of targeted and other interventions, and of compliance with the human rights of indigenous peoples.

b) Continuing efforts should be made by the United Nations system, Member States and indigenous peoples worldwide for the full application and operationalization of the United Nations Declaration on the Rights of Indigenous Peoples.

## C. Recommendations to Member States

a) Establish national legislative frameworks for indigenous peoples' rights, individual as well as collective;

b) Develop institutional policies and mechanisms so as to engage effectively on indigenous peoples' issues, taking as a point of reference the provisions of the United Nations Declaration on the Rights of Indigenous Peoples.

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[2] Desk reviews of selected Millennium Development Goal and common country assessment and United Nations Development Assistance Framework reports are available on Forum publications site at www.un.org/esa/socdev/unpfii/en/publications.html.

## II. Final report on the achievement of the goal and objectives of the Second International Decade of the World's Indigenous People (2005-2015)

### D. Challenges in implementing the United Nations Declaration on the Rights of Indigenous Peoples

a) Lack of recognition of indigenous peoples' own forms of governance by Member States. Indigenous peoples continue to face difficulties when it comes to influencing public policy, while indigenous women face even greater barriers in participating in policy decisions.

b) The existence of discriminatory practices at every level of society, from the family and community level to the level of State institutions. This only exacerbates marginalization and economic exclusion.

c) Lack of respect to the rights of indigenous peoples to land, territories and resources in accordance with relevant international instruments, in particular the United Nations Declaration on the Rights of Indigenous Peoples.

d) At country level, even in States where legislative measures on indigenous peoples' rights and issues have been established, there is still a lack of effective implementation of the Declaration on the Rights of Indigenous Peoples, due to lack of knowledge, capacity and operationalization of policies.

e) Lack of disaggregated data on ethnic origin, agricultural practices, language, rural/urban areas and, most importantly, indigenous/non-indigenous identity.

### A. Recommendations to the United Nations

a) The United Nations system should enhance coordination towards a more coherent, comprehensive and integrated approach to the rights of indigenous peoples.

b) In accordance with articles 41 and 42 of the Declaration, there is a need to institutionalize mechanisms for international coordination and cooperation on issues relating to indigenous peoples, such as the Inter-Agency Support Group on Indigenous Peoples' Issues, which can be replicated at the regional and national levels.

c) In recognition of the crucial role of United Nations country teams, ensure the full and effective application in programming of the United Nations Development Group guidelines on indigenous peoples' issues, adopted in February 2007, so that the priorities of indigenous peoples are included in common country assessments/United Nations development assistance frameworks and in future monitoring and reporting tools on the post-2015 development agenda.

d) Establish a United Nations system-wide action plan to promote the rights of indigenous peoples and their development priorities and needs, to be included among the priorities for the five-year action agenda of the Secretary-General.

e) Establish mechanisms to ensure the effective participation of indigenous peoples at all levels of the United Nations that take into account the distinct identity of indigenous peoples through their governance bodies, including indigenous parliaments, assemblies, councils or other bodies representing the indigenous peoples concerned.

## B. Recommendations to Member States

a) Establish a third international decade of the world's indigenous people, in pursuance of the goal of fully and effectively implementing the United Nations Declaration on the Rights of Indigenous Peoples.
b) Recognize indigenous peoples as distinct peoples and not as marginalized and vulnerable groups in both the sustainable development goals and the post-2015 development agenda and develop appropriate goals and targets that specifically recognize the rights and priorities of indigenous peoples.
c) Recognize and strengthen indigenous peoples' own forms of governance and representatives in order to establish constructive dialogue and engagement with international and national authorities, public officials, the private sector and transnational corporations, through participatory mechanisms that uphold the right to free, prior and informed consent.