

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 3

**Information provided by United Nations Agencies, Funds and
Programmes to the United Nations Permanent Forum on
Indigenous Issues through annual questionnaires (2011-2015):**

An evaluation of challenges and facilitating factors for
implementation of the Forum's recommendations and the United
Nations Declaration on the Rights of Indigenous Peoples

Prepared by the Secretariat of the United Nations Permanent Forum on Indigenous Peoples
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Introduction

In its resolution 2000/22 of 28 July 2000, the Economic and Social Council decided to establish the Permanent Forum on Indigenous Issues with the mandate to discuss indigenous issues relating to economic and social development, culture, the environment, education, health and human rights. In particular, the Permanent Forum is asked to 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, to raise awareness and promote the integration and coordination of activities relating to indigenous issues within the United Nations system, and to prepare and disseminate information on indigenous issues.¹

In light of the Council decision, representatives of the United Nations system met on numerous occasions during 2001 to consider the implications of the establishment of the Permanent Forum for their activities. The representatives included staff from United Nations departments, organizations, funds and programmes, specialized agencies and international financial institutions. In the first place, representatives welcomed the creation of the new body. They decided to consider ways in which the institutions they represented could contribute to the success of the Forum. The Permanent Forum is mandated by the Economic and Social Council to 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. That meant that the United Nations system had an interest in ensuring that the advice that might be provided would contribute to the goals set out in the resolution: to promote integration and coordination of activities relating to indigenous issues within the United Nations system.²

Each year, the secretariat of the UN Permanent Forum on Indigenous Issues circulates a questionnaire to the United Nations system. In the questionnaire, UN agencies, funds and programmes are requested to provide information on obstacles encountered and factors that facilitate implementation of the UN Permanent Forum's recommendations.

I. Challenges encountered in the implementation of the United Nations Declaration on the Rights of Indigenous peoples

United Nations agencies, funds and programmes have identified some important obstacles that hinder the implementation of the UN Declaration. These include:

- a) The lack of recognition of indigenous peoples in many countries;
- b) The lack of standardized data-collection methodologies to support countries in collecting data on appropriate indicators;
- c) Indigenous peoples are not included in development priorities of a country;

¹ E/CN.19/2002/2 para 1

² E/CN.19/2002/para 2

- d) The need to review United Nations Agency Guidelines and Policies to ensure specific reference is made to indigenous peoples and that they are not simply included under “marginalized and vulnerable groups”;
- e) The lack of evidence on the most effective development practices that benefit indigenous peoples as primary beneficiaries;
- f) The lack of knowledge and dissemination of the Permanent Forum’s recommendations within UN system as well as among Member States;
- g) The lack of knowledge and expertise on indigenous peoples’ rights within UN system as well as among Member States;
- h) Limited financial resources to meet the multiple needs of indigenous communities and the high costs related to the difficulty in accessing remote indigenous communities;
- i) Institutional weakness and dispersion of indigenous organizations;
- j) The lack of coordination of actions at national level and lack of coordination and cooperation with local indigenous authorities.
- k) There is often no systematic reference of UN instruments relating to indigenous peoples. For example, there is no reference to the fact that ILO Convention No. 169 on Indigenous and Tribal Peoples and the United Nations Declaration on the Rights of Indigenous Peoples could be mutually reinforcing instruments. The silo approach often does not facilitate the implementation efforts by countries that have endorsed both instruments. Further, the extensive and consistent observations and comments by ILO supervisory bodies on indigenous peoples are not systematically used and referred to within the United Nations systems. This wealth of materials pertaining to real situations of indigenous peoples at country level is thereby not effectively used.

II. Factors that facilitate the implementation of Permanent Forum recommendations and the provisions of the United Nations Declaration on the Rights of Indigenous Peoples

The factors that facilitate UN agencies, funds and programmes’ implementation of the recommendations of the Permanent Forum include:

- a) The importance of United Nations agencies having a framework or policy on indigenous peoples;
- b) Technical capacity and resources to serve indigenous peoples in areas where the national government has made projects related to the development of indigenous peoples a priority;
- c) The establishment of a task force to serve as a liaison mechanism between UN Headquarters and focal points on indigenous issues at the country level as it serves as an important internal coordination mechanism for strengthening strategic work with indigenous peoples across all thematic areas and engagement with relevant UN mechanisms such as the Special Rapporteur on the Rights of Indigenous Peoples, the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) and the UNPFII.

- d) Political will;
- e) Country visits and recommendations by the Special Rapporteur on the rights of indigenous peoples;
- f) Inclusion of indigenous issues in regional and national fora;
- g) National consultation frameworks that facilitate the convening of key stakeholders;
- h) Expanded strategic partnerships among UN agencies under the authority of the Resident Coordinator;
- i) Joint UN programmes;
- j) Catalytic funding for indigenous peoples' access to essential services;
- k) Progress in legislation and regulations, such as constitutional reforms, institutions that are committed to the compliance with indigenous peoples' rights;
- l) Documentation of evidence as credible advocacy base;
- m) Incorporating Free, Prior and Informed Consent as a pre-condition for any activity affecting indigenous peoples.

III. Concluding Comments

The major factor identified as an obstacles to implementing the UN Declaration on the Rights of Indigenous Peoples is a lack of recognition of indigenous peoples at the country level. As a result, there is no disaggregated data and no specific programmes for indigenous peoples. Where indigenous peoples are visible at country level, there is often a lack of coordination between UN Agencies and their cooperation with indigenous peoples. Further, there is no systematic reference of UN instruments relating to indigenous peoples. As stated above, there is no reference to the fact that ILO Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples could be mutually reinforcing instruments. The silo approach of UN Agencies does not facilitate the implementation efforts especially in countries that have endorsed both instruments.

There are a number of important proposals for overcoming obstacles to implementing the UN Declaration on the Rights of Indigenous Peoples United Nations agencies having a framework or policy on indigenous peoples. The establishment of a task force to serve as a liaison mechanism between UN Headquarters and focal points on indigenous issues at the country level within UN Agencies is also considered an important internal coordination mechanism for strengthening strategic work with indigenous peoples across all thematic areas. Other factors include partnerships among UN Agencies under the authority of Resident Coordinator.

Finally, Article 42 of the UN Declaration on the Rights of Indigenous Peoples states “the United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this

Declaration.” The provision of this Article infers that the UN system should produce decisions that are consistent with the UN Declaration.