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Permanent Forum on Indigenous Issues

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Items 4,5.6 and 8 of the provisional agenda

Implementation of the recommendations of the six mandated areas of the Permanent Forum and on the Millennium Development Goals

Human rights: dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and other special rapporteurs

Half-day discussion on the Pacific

Ongoing priorities and themes and follow-up

Information received from the United Nations system and other intergovernmental organizations

United Nations Institute for Training and Research

Summary

The Programme in Peacemaking and Preventive Diplomacy of the United Nations Institute for Training and Research originated in 1993 in response to an expressed need within the UN system for training in modern techniques of negotiation and mediation. UNITAR has been conducting training for mid and senior level diplomats from around the world and United Nations staff on conflict prevention and resolution since 1993, and for representatives of indigenous peoples since 2000.

The UNITAR Training Programme to Enhance the Conflict Prevention and Peacebuilding Capacities of Indigenous Peoples' Representatives was developed based on the requests of indigenous peoples' representatives from around the world at consultations in Geneva, and on the recommendations of UN Special Rapporteurs, to provide advanced training in conflict analysis and negotiation to representatives of indigenous peoples.

More than 330 indigenous representatives from around the world have been trained in six international programmes and five regional training programmes, including the most recent training programme organized in the Pacific region, focusing on conflict analysis, negotiation and relationship building among stakeholders. In addition, UNITAR contributed to the regional training on conflict resolution and peacebuilding for one hundred indigenous and tribal representatives from Northeast India, Bangladesh, Bhutan, Myanmar and Nepal organized by five UNITAR graduates from the region held in 2007.

As well, UNITAR was asked to organize a seminar for Permanent Forum Members in advance of the first session of the UN Permanent Forum on Indigenous Issues in 2002. The session involved UN staff

from 16 agencies, funds, programmes and departments, the UN High Commissioner for Human Rights and the Special Rapporteur on the human rights and fundamental freedoms of indigenous peoples.

The main objectives of the UNITAR Training Programme to Enhance the Conflict Prevention and Peacebuilding Capacities of Indigenous Peoples' Representatives are: to strengthen participants' capacities to analyze conflict; to identify the needs, fears, concerns and aspirations of all parties to a conflict; and based upon this and engaged in dialogue with partners, to formulate mutually beneficial and sustainable options to address problems. The focus is on the process of analyzing and dealing with conflict in a constructive manner.

With strengthened tools of conflict analysis, negotiation and relationship-building, indigenous representatives are further equipped to engage in dialogue on issues to address the priorities of their communities and to improve the lives of their peoples. The training aims to strengthen indigenous representatives' abilities to negotiate to improve the situations of their peoples in all of the areas under the mandate of the Permanent Forum: health, education, culture, environment, economic and social development, and human rights.

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I. Millennium Development Goals and indigenous peoples

1. In his address to the third session of the Permanent Forum, former Secretary-General Kofi Annan stated that if the 21st Century is to be the “Age of Prevention” indigenous peoples must be actively involved in decisions that affect them. As marginalization and exclusion from political and economic processes lead to alienation and poverty and constitute some of the root causes of conflict, enhancing capacity and opportunities for the meaningful participation of indigenous women and men in decision-making and political processes comprise some concrete mechanisms for the prevention of violent conflict. Inclusive, consultative approaches also enhance understanding of the needs, perspectives, experiences and diverse cultures of indigenous peoples which can assist in the formulation of appropriate policies and programmes that best address their respective needs in a sustainable manner.
2. The UNITAR training focuses on strengthening negotiation skills so that indigenous peoples’ may more effectively negotiate in development and other processes that affect their peoples. Senior indigenous experts, who serve as resource persons for the UNITAR international and regional training programmes, present case studies on conflict and negotiation processes on development and resource issues, as these are key conflictual issues indigenous peoples and States face. UN Special Rapporteurs are also invited to address the group on a range of development issues, policies and programmes relating to land and resources. The Millennium Development Goals and reports, as well as UN reports on dialogue processes over natural resources are provided to each participant as reference materials in their handbook for the training.

3. The programme also examines mechanisms and processes that promote participation of diverse groups in order to counter marginalization and exclusion. Participants then engage in negotiation simulations focusing on resource issues and inclusive political participation processes in order to build on their capacity to satisfactorily negotiate on behalf of their organizations and communities and to develop mutually beneficial, sustainable options.

4. UNITAR contributes to Inter-Agency Support Group and UN efforts to promote the increased involvement of indigenous peoples in development processes at multiple levels.

II. Territories, lands and natural resources

5. The UNITAR Training Programme to Enhance the Conflict Prevention and Peacebuilding Capacities of Indigenous Peoples' Representatives focuses on strengthening the conflict analysis and negotiation skills of indigenous peoples' representatives from around the world.

6. As conflict over land and resource issues, and marginalization from political and economic processes are two of the most challenging areas indigenous peoples continue to face, the majority of cases and negotiation simulations in the training focus on these issues. The training programme reviews both rights-based and problem-solving negotiation processes to strengthen the capacity of indigenous representatives to analyze root causes of conflict and engage in constructive dialogue with Governments, the private sector and other communities to resolve conflict in a mutually beneficial and sustainable manner.

7. In order to strengthen the capacity of indigenous representatives to engage in constructive dialogue processes on the issues of lands, territories and resources, the training programme invites UN Special Rapporteurs and Permanent Forum members and other senior indigenous

experts to conduct sessions on successful negotiation processes on land and resource issues, and on processes to promote and protect land and resource rights. Specific land and resource cases are presented by indigenous experts from different regions highlighting precedent-setting cases and remaining challenges. Initiatives to facilitate dialogue between indigenous representatives, Governments and the private sector are also highlighted.

8. The 2007 regional training programme for indigenous representatives of the Pacific included sessions conducted by the Permanent Forum Member from the Pacific and by a senior indigenous university lecturer from the Pacific examining negotiation processes with extractive industries and other private sectors actors, and negotiations with Governments on land and resource issues.

9. Further, regional organization mechanisms and other dialogue processes are reviewed. Senior indigenous experts and UN system staff members present on UN and international conventions, mechanisms and policies that promote and protect human rights and facilitate dialogue among concerned parties.

10. Extensive documentation including UN reports, guidelines and studies are made available to participants to strengthen their knowledge of conventions and mechanisms for the promotion and protection of their rights.

III. Human Rights

11. To contribute to the recommended dissemination of information and capacity-building efforts in human rights, at each UNITAR training programme, a senior indigenous lawyer and professor conducts several sessions on United Nations and regional mechanisms to promote dialogue and action on human rights and indigenous issues. As well, chapters of the guide

developed by the Office of the High Commissioner for Human Rights on indigenous peoples and human rights are provided to each participant as part of their handbook of readings and reference material. The United Nations Declaration on the Rights of Indigenous Peoples will be disseminated and its implementation a subject of discussion at future international and regional training programmes.

12. At a number of trainings, the UN Special Rapporteur on the human rights and fundamental freedoms of indigenous peoples or his staff member addressed participants on his mandate and activities as well as the process for raising concerns and rights violations. The UN Special Rapporteur on the permanent sovereignty of indigenous peoples over natural resources also presented a session on her mandate and activities to the international training programme. The reports of both Special Rapporteurs are provided in the participant handbook of readings distributed at each training session.

13. The Secretary of the UN Working Group on Indigenous Populations served as a resource person for both regional trainings in Africa and for the international training highlighting opportunities for creating spaces for dialogue in the UN system and outlining a rights-based approach to development. A representative from the Ministry of Justice of the Republic of Congo was invited to share the draft national law on the protection of indigenous peoples' rights at the 2006 Africa regional training. They have carried out an intensive consultation as part of the elaboration of this law with indigenous representatives and experts as well as with OHCHR and the ILO.

14. Staff members of regional organizations are also invited to speak on mandates, mechanisms and opportunities for engaging in the promotion and protection of indigenous

rights at the regional level. Regional representatives from the OAS, the OSCE, two Commissioners from the African Union's African Commission on Human and People's Rights including the Chair of the Working Group, as well as two indigenous expert members of the Working Group on Indigenous Populations/Communities have served as resource persons for the training. Indigenous resource persons serving in government have addressed training participants on successes and challenges in the area of governance.

15. The negotiation training examines traditional negotiation, the rights-based approach to negotiation and then introduces an interest-based model to analyze the concerns of the parties and engage in dialogue to address conflicts in a mutually-beneficial manner.

IV. Indigenous women

16. UNITAR actively seeks referrals of indigenous women for each training programme both as resource persons and as participants. Women compose 40% of training participants with the aim of building on their capacity to analyze sources of conflict, identify the interests and concerns of the various parties involved and affected, and engage in dialogue and negotiation to improve the condition of life for their communities in all sectors. The Participants' Forum session of the training is normally chaired by an indigenous woman and invites representatives working in different sectors, and reflecting a gender and regional balance, to present on initiatives they are undertaking in the areas of environment, development, education, gender, culture, promotion of human rights, peacebuilding, and dialogue with Governments and the private sector on land and resource issues in order to share strategies and remaining challenges.

17. The UNITAR training programme invites indigenous women involved in peacebuilding initiatives to participate in the training to share their experiences and challenges with other

representatives, and to further enhance the capacity of indigenous women in conflict analysis, negotiation, and peacebuilding. At the regional training for indigenous representatives of the Pacific, a senior indigenous participant presented on women building peace in Bougainville highlighting challenges faced and strategies women devised for addressing them.

18. Senior indigenous women are actively sought to serve as resource persons for the training programme to share their strategies, experiences, challenges and insights on a whole range of issues of concern to indigenous women, and to indigenous men and youth. Indigenous women who have served as resource persons for the UNITAR training programme include: a former Government Minister from Vanuatu, a Maori senior university lecturer from New Zealand, the Chairperson of the Permanent Forum on Indigenous Issues, the former Minister of Foreign Affairs of Ecuador who is now a Permanent Forum member, a Counsellor in the Greenland Home Rule Government, the Minister of Culture and Sports of Guatemala who serves as a Permanent Forum member, the previous Permanent Forum member from the Pacific, a Member of Parliament from Burundi, the Vice-Chancellor for a University of an Autonomous Region in Nicaragua, the Chairperson of an indigenous alliance in the Philippines, an Education Officer from the Ministry of Education of Kenya who is also women's representative for an indigenous NGO, and an expert member of the Working Group on Indigenous Populations/Communities of the African Commission on Human and Peoples' Rights.

19. Other women who have served as resource persons for UNITAR trainings include the UN Special Rapporteur on the permanent sovereignty of indigenous peoples over natural resources, the Secretary of the UN Working Group on Indigenous Populations, and other UN agency

representatives. UNITAR will continue to identify and invite top female resource persons and participants who contribute substantively to the excellence of the programme.

V. Challenges

20. As UNITAR receives no funds from the regular UN budget, funds for all programmes and staff salaries must be raised for each training programme through requests to governments and foundations.

VI. Programmes regarding indigenous issues within the Institute

21. The United Nations Institute for Training and Research (UNITAR) was established in 1965 as an autonomous body within the United Nations with the purpose of enhancing the effectiveness of the United Nations through appropriate training and research. UNITAR is governed by a Board of Trustees and is headed by an Executive Director. The Institute is supported by voluntary contributions from governments, inter-governmental organizations, foundations, and other non-governmental sources.

22. The UNITAR Programme in Peacemaking and Preventive Diplomacy was initiated in 1993 to enhance the effectiveness of the United Nation's efforts in conflict prevention and resolution. Since then, the programme has expanded to provide a range of research and training involving mid and senior-level UN staff, diplomats, indigenous peoples' representatives, regional organization staff and civil society representatives.

23. The international UNITAR Training Programme to Enhance the Conflict Prevention and Peacebuilding Capacities of Indigenous Peoples' Representatives has been conducted annually at the time of the UN Working Group on Indigenous Populations held at the United Nations in Geneva (2000, 2001, 2003, 2004, 2005 and 2006). A regional training programme is conducted

in a different part of the world each year. Regional trainings have been held to date in Mexico for indigenous peoples of the Americas (2001); in Thailand for indigenous representatives of the Asia-Pacific (2003); in Tanzania for English-speaking indigenous peoples' representatives of Africa (2004); in Morocco (2006) for French-speaking indigenous representatives of the Great Lakes, Central, North and West Africa; and in Australia (2007) for indigenous peoples' representatives of the Pacific. As well, UNITAR contributed to the regional training on conflict resolution and peacebuilding organized by five former participants for 100 indigenous and tribal representatives of Northeast India, Bangladesh, Bhutan, Nepal and Myanmar held in Assam, India in 2007.

24. Indigenous participants in the UNITAR Training Programme to Enhance Conflict Prevention and Peacebuilding engage in identifying sources of conflict, and examine traditional negotiation, and rights-based negotiation approaches. Participants are then trained in interest-based negotiation and practice this method in a number of simulations. This approach seeks to find a win-win solution to conflict situations by helping parties become more effective at exploring one another's needs, aspirations, fears and concerns, and working from these to create innovative solutions which can address the interests of all concerned.

25. Senior indigenous experts, including members of the UN Permanent Forum on Indigenous Issues, as well as other specialists, the UN Special Rapporteurs on the human rights and fundamental freedoms of indigenous peoples, and on indigenous peoples' permanent sovereignty over natural resources, as well representatives of regional organizations are invited to serve as resource persons for the training programme.

26. For both the international and regional training programmes, UNITAR works actively with Permanent Forum members and other indigenous experts in the design of its training programmes for indigenous peoples and invites members to serve as resource persons to address participants on the mandate and activities of the Permanent Forum, advise on the best ways to interact with the Forum, and consult with participants on their respective areas of concern under the mandate of the Permanent Forum. Eight Permanent Forum members, including the Chairperson, have served as resource persons for UNITAR training programmes in the Americas, in the Asia-Pacific region, in Africa, in the Pacific and in the international programme. Reports of the Permanent Forum Sessions are provided to each training participant in their handbook of reference materials. UNITAR looks forward to continued collaboration with the Permanent Forum and other indigenous experts on the capacity-building of indigenous representatives.

27. A participant handbook is prepared for each training programme which includes papers by indigenous experts, information on international and regional human rights mechanisms, chapters from the *United Nations Guide for Indigenous Peoples*, and other relevant articles. Reports of the UN Special Rapporteurs focusing on indigenous issues, related UN resolutions, information on the Millennium Development Goals, and now the UN Declaration on the Rights of Indigenous Peoples, will be included in the materials provided to each participant as reference materials in their handbook for the training programme.

28. Each training programme concludes with a “Dialogue on a Common Vision for Peace” providing participants the opportunity to highlight key lessons from the training and their mutual exchange, and to articulate next steps towards building a common vision for peace and

development. Feedback from participants from each region indicates they are applying these strategies and enhanced skills in their communities and in dialogue with Governments and other partners at the local level and in international fora.

VII. Regional Training for the Pacific

29. The 2007 Regional Training Programme to Enhance the Conflict Prevention and Peacebuilding Capacities of Indigenous Peoples' Representatives of the Pacific involved 31 indigenous women and men from Melanesia, Micronesia and Polynesia and was held in Canberra, Australia. Participants examined rights-based and interest-based negotiation models and engaged in negotiation simulations reflecting issues faced by their communities. Case studies and presentations were conducted on land and resource issues by senior indigenous experts from the Pacific, including a Member of the Permanent Forum, and by other indigenous experts, as well as on inclusive models for participation and consultation, and constructive dialogue processes. Participants from the region have been organizing meetings and networks to share the knowledge and experience gained from the training with their colleagues, organizations and communities.

30. The 2007 Regional Training Programme to Enhance the Conflict Prevention and Peacebuilding Capacities of Indigenous Peoples' Representatives of the Pacific was funded by the Royal Ministry of Foreign Affairs of Denmark, the Ministry for Foreign Affairs of Finland, the Royal Ministry of Foreign Affairs of Norway, the Ministry for Foreign Affairs of Sweden, and the Agency for Development and Cooperation of Switzerland. UNITAR is grateful for this support which made this much-requested regional programme possible.

VIII. Second International Decade of the World's Indigenous People

31. As noted in General Assembly resolution A/RES/59/174 establishing the Second Decade, indigenous peoples continue to face “precarious economic and social situations” and persistent “grave violations of their human rights.” The UNITAR training programme will continue to focus on building indigenous capacity for the protection and promotion of their human rights and the constructive resolution of conflicts in the development, social, economic, health, human rights, environment, and cultural areas.

32. In the Second Decade, indigenous representatives will be engaged in dialogue and negotiation on more issues of concern than in the First Decade. Intellectual property and traditional knowledge and resources, growing environmental pressures, and strategies to achieve the Millennium Development Goals are just some of the areas of keen interest that can benefit from further indigenous participation. These emerging areas and the continued economic and social marginalization many indigenous peoples face will necessitate constructive approaches to promote and protect their rights, and the further development of mechanisms to engage indigenous peoples in processes and decisions that affect them. With the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, its implementation to improve the quality of life in indigenous communities will continue to be a priority concern.

33. The UNITAR training programme is designed to increase the effectiveness of indigenous representatives to engage in dialogue on decisions that affect them and to contribute to the constructive resolution of problems facing their communities in partnership with other concerned parties.

34. Indigenous experts and former participants are consulted in the design and planning of each UNITAR training to ensure that the programme is addressing key concerns and evolving issues faced by indigenous peoples. They advise on cases to include from respective regions, make recommendations on top resource persons as well as on participants and organizations who could best benefit from and contribute to the programme.

35. UNITAR has been involved in the UN Inter-Agency Support Group on Indigenous Issues since its formation, and has participated in each session of the Permanent Forum.

IX. Focal point on indigenous issues in UNITAR

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X. Planned UNITAR trainings regarding indigenous issues in 2008-2009

Contingent on funding:

- UNITAR 2008 Regional Training Programme to Enhance the Conflict Prevention and Peacebuilding Capacities of Indigenous Peoples' Representatives (region to be finalized)
- UNITAR 2008 International Training Programme to Enhance the Conflict Prevention and Peacebuilding Capacities of Indigenous Peoples' Representatives
- UNITAR 2009 Regional Training Programme to Enhance the Conflict Prevention and Peacebuilding Capacities of Indigenous Peoples' Representatives (region to be determined)
- UNITAR 2009 International Training Programme to Enhance the Conflict Prevention and Peacebuilding Capacities of Indigenous Peoples' Representatives.