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Permanent Forum on Indigenous Issues

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Item 6 of the provisional agenda*

Comprehensive dialogue with United Nations agencies and funds

Information received from the United Nations System and other intergovernmental organizations

Note by the Secretariat

Summary:

The following is a summary of the 14 reports submitted by the United Nations system and other intergovernmental organizations to the Permanent Forum on Indigenous Issues on the progress of implementation of recommendations of the Permanent Forum. The full reports are available on the Permanent Forum website (http://un.org/esa/socdev/unpfii/session_tenth.html).

* E/C.19/2011/1.

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I. Introduction

1. In October 2010 the Secretariat of the Permanent Forum on Indigenous Issues sent a questionnaire to UN agencies and other intergovernmental organizations about their activities in relation to indigenous peoples' issues. Responses were submitted in written form by: the Department of Political Affairs, the Department of Public Information, the Food and Agricultural Organization, the International Fund for Agricultural Development, the International Organization for Migration, the United Nations Fund for Population, World Intellectual Property Organization, World Health Organization, Secretariat of the Convention on Biological Diversity, United Nations Framework Convention on Climate Change, United Nations Children's Fund, Joint United Nations Programme on HIV/AIDS, the International Labour Organization and the World Food Programme. The full reports are available on the Permanent Forum website (http://un.org/esa/socdev/unpfii/session_tenth.html). The following is a brief compilation of the responses.

II. United Nations Department of Political Affairs

2. The Department of Political Affairs (DPA) is the lead department within the UN for political analysis, peacemaking and preventive diplomacy. It is often called upon to assist governments to address political or institutional crises, social tensions or controversies with neighboring States. As part of its policy on mediation, DPA has incorporated the UNDG Guidelines on Indigenous Peoples' Issues into the information package for Special Envoys and mediators.

3. DPA has hired an expert on indigenous peoples' land issues to support the work of the Mediation Support Unit's Stand-by team of experts to develop guidance material and make an inventory of possible upcoming needs for technical support. In December 2010 DPA helped the Conflict Prevention and Peace Forum to organize a one-day meeting on the situation of indigenous peoples in Latin America.

III. United Nations Department of Public Information

4. The Department of Public Information (DPI) worked in close cooperation with the Secretariat of the Permanent Forum on Indigenous Issues for three major events in 2010. In January 2010, DPI promoted the launch of the *State of the World's Indigenous Peoples* publication, producing a press kit in English, French, Russian and Spanish. UN Information Centers throughout the world organized media launches. DPI also published a multi-language press kit for the ninth session of the Permanent Forum; conducted media outreach; and supported the promotion and organization of a screening of the film *Avatar* during the ninth session. DPI also supported SPFII in showcasing indigenous film makers at the observance of the International Day of the World's Indigenous People (9 August) at UN Headquarters.

5. DPI highlighted indigenous issues by placing the meetings of the Permanent Forum on UN Webcast, and through the production of programming for UN Television and UN Radio. The UN News Centre produced close to 100 stories on indigenous peoples in English and French in 2010. In addition to activities at UN Headquarters, DPI has field offices in all seven UNPFII regions. In 2010, activities were organized in over 20 UNICs (UN Information Centres) throughout the world to promote indigenous peoples' issues,

including UNIC Bogota's support of the Permanent Forum's visit to Colombia in July 2010.

IV. United Nations Population Fund

6. The activities of the UN Population Fund have focused on promoting indigenous peoples' rights, including reproductive rights. This has been through supporting increased access of indigenous peoples to enhance quality "intercultural" reproductive health services, with emphasis on pertinent policies, norms and improved services, largely aimed at addressing maternal mortality among indigenous women. UNFPA has also worked on supporting indigenous youth and has contributed to advancing gender equality and empowerment among indigenous women and their organizations, while also targeting adolescents and youth. Through research studies and data collection, dissemination and usage promotion, UNFPA has contributed to increasing the knowledge base on the situation of indigenous peoples, particularly women in Latin America, Asia and Africa.

7. UNFPA is in the process of adopting a corporate strategy on indigenous issues. This strategy is grounded on the *Universal Declaration of Human Rights*, the *United Nations Declaration of the Rights of Indigenous Peoples*, and other international human rights instruments. The goals of the resulting strategy are two-fold: 1) To identify strategic priorities forming the core of UNFPA's programming efforts with indigenous peoples; and 2) To lay out the principal elements of an operational plan for implementation and follow up of the framework, with emphasis on creating an enabling environment for indigenous peoples and networks, as well as capacity development and partnership. The

intention is to create a practical framework and establish a set of unified criteria for UNFPA programming and policy-making.

8. The UNFPA report on follow up to the recommendations of the Permanent Forum contains an overview of the Fund's activities and programmes regarding indigenous peoples' issues in some 20 countries, in Latin America and the Caribbean, Asia and Africa. See full report for details.

V. International Fund for Agricultural Development

9. The International Fund for Agricultural Development (IFAD) approved twelve new projects supporting indigenous and tribal peoples, ethnic minorities and pastoralists, and 3 small grants specifically formulated in support of indigenous peoples, for a total amount of about US\$ 106.5 million. Ten other small grants approved by the IFAD, targeted indigenous peoples as part of a larger beneficiary group of rural people living in poverty.

10. IFAD also maintained its active role within the IASG and continued its strong partnership with the United Nations Permanent Forum on Indigenous Issues (UNPFII). IFAD's Policy of Engagement with Indigenous Peoples provides that the principle of free, prior and informed consent be systematically applied in all of IFAD's operations. In its work with indigenous peoples' communities, IFAD often goes beyond mere "consent", particularly in community-driven projects. Participation and inclusion of indigenous peoples often take the form of co-creation and co-management, where communities decide their own priorities in a demand-driven approach.

11. At its ninth session, the Permanent Forum recommended that IFAD establish an indigenous peoples' forum as part of implementation of IFAD's policy on indigenous peoples. In 2010 the Fund initiated a process leading towards the establishment of this indigenous peoples' forum. The first step towards establishing this Forum was a two day workshop organized at IFAD headquarters on 17-18 February 2011. The overall aim of the indigenous peoples forum is to advance the participation of indigenous peoples in IFAD discussions and programmes that have an impact on them. IFAD also carried out a number of activities in support of indigenous women, including supporting the first Global Gathering of Pastoralist Women in Gujarat, India in November 2010.

VI. World Intellectual Property Organization

12. Negotiations are currently taking place regarding an international legal instrument(s) for the effective protection of Genetic Resources (GR), Traditional Knowledge (TK) and Traditional Cultural Expressions (TCs) in the framework of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). The IGC is to submit to the 2011 WIPO General Assembly the text (or texts) of an international legal instrument(s) which would ensure the effective protection of GRs, TK and TCEs.

13. Member States of WIPO have stressed the priority attached to facilitating and enhancing the participation and direct involvement of the Permanent Forum and indigenous representatives in the work of WIPO and its IGC. Accordingly, WIPO has extended a formal invitation to the Permanent Forum to take part in sessions of the IGC. A fast track accreditation procedure for all non-governmental organizations, including

indigenous organizations, has been in place since the first session of the IGC in 2001. Then, in 2005 The WIPO General Assembly established the WIPO Voluntary Fund for Accredited Indigenous and Local Communities in order to enhance participation in the sessions of the IGC. As of December 2010, funding had been provided in 99 instances. A replenishment campaign has been launched in order to ensure the continuity of the Fund at least until the end of the present 2010 - 2011 mandate.

VII. World Health Organization

14. The World Health Organization (WHO) organized and hosted the annual meeting of the Inter-Agency Support Group on Indigenous Peoples Issues at WHO Headquarters on 16-17 September 2010, addressing the link between indigenous peoples' health and economics and social development in a broader context. WHO also hosted a visit of Members of the Permanent Forum to WHO Headquarters on 15 September 2010, which strengthened the involvement of a number of WHO Departments.

15. Although WHO does not have a specific policy on indigenous peoples' issues, a number of World Health Assembly resolutions mandate the Organization to address indigenous peoples' health specifically. Accordingly, WHO is involved in a number of projects and research initiatives in cooperation with indigenous peoples, including the STOP TB Initiative which has enjoyed the support of the Permanent Forum. The full report from WHO¹ contains information about a number of other activities conducted by WHO at both headquarters level as well as the regional level.

¹Available online at http://www.un.org/esa/socdev/unpfii/en/session_tenth.html

VIII. Secretariat of the Convention on Biological Diversity

16. A major accomplishment at the tenth Conference of Parties of the Convention on Biological Diversity (COP 10) was the adoption of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from the Utilization of Genetic Resources. Indigenous and local communities participated, including those on government delegations, throughout the negotiations. The purpose of the Protocol is to effectively implement one of the three core objectives of the Convention: the fair and equitable sharing of benefits arising from the utilization of genetic resources. It builds on the access and benefit-sharing provisions of the Convention.

17. Regarding article 8(j) and related provisions, the Conference of the Parties requested the Secretariat to continue its work on sui generis systems by collating and analyzing information including evidence about the effectiveness of sui generis measures that have been taken at the local, sub-national, national, or regional levels. An essential element of sui generis systems is prior and informed consent.

18. At its tenth meeting, the COP also finalized the negotiation of, and adopted the Code of Ethical Conduct on Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities Relevant for the Conservation and Sustainable Use of Biological Diversity (“the Tkarihwaié:ri code of ethical conduct) and invited Parties and Governments to make use of its elements to guide the developments of models of codes of ethical conduct for research, access to, use, exchange and management of information concerning traditional knowledge. The code provides for Prior informed consent and/or approval and involvement

19. The COP also adopted a revised multi-year programme of work for Article 8(j) including the initiation of new tasks related to the recently adopted Nagoya Protocol and its implementation, including: (i) guidelines for benefit sharing and obtaining prior informed consent from indigenous and local communities, (ii) the identification of obligations of provider and user countries, and (iii) guidelines for the national implementation of Article 8(j) and related provisions and standards and guidelines for the reporting and prevention of unlawful appropriation of traditional knowledge and related genetic resources. The COP also decided to initiate work on the development of guidelines for the repatriation of information, including cultural property.

20. The COP also adopted two additional indicators for traditional knowledge to complement the already adopted indicator on status and trends in traditional languages. They are: (i) status and trends in land-use and land tenure in the traditional territories of indigenous and (ii) local communities and status and trends in practice of traditional occupations. Future indicators work will consider indicators for customary sustainable use (Article 10(c)).

IX. International Organization for Migration

21. Fifty-six projects were implemented by the International Organization for Migration (IOM) in Colombia and Ecuador with respect to indigenous peoples' issues in the past year. Projects directed to assist indigenous peoples' communities implemented by IOM in 2010 aimed at improving food security conditions, access to education, enhancing income generation and promoting institutional strengthening. Under IOM's Internally Displaced Population Programme in Colombia, a total of 24 projects were targeted to improve living conditions within indigenous communities, through to September 2010. Under the Programme to Support Child Ex-combatants and Prevent Recruitment of Children by Illegal Armed Groups, IOM implemented in 2010 a total of 20 projects in Colombia, aimed towards preventing recruitment of indigenous children by illegal armed groups. IOM has also worked with a local organization to mitigate the effects of violence and forced displacement on indigenous families under IOM-Colombia's Disarmament Demobilization and Reintegration and Reparation Programme.

IOM's Land Protection Programme has worked with indigenous communities in Colombia since 2005. In 2010 the programme published a Guide for the Protection of Indigenous Peoples' Rights over Lands. A training plan was also targeted towards governmental institutions in charge of the protection of indigenous territories. This project designed a methodology to process the applications to secure indigenous peoples' rights over their territories. In Ecuador, IOM projects have focused on access to potable water and sanitation. The full report from IOM contains more detailed information on these and other activities.

X. World Food Programme

22. The World Food Programme's (WFP) assistance is based on food insecurity and not strictly on the social or ethnic/ cultural status of an individual. As such, at global level, WFP does not have specific programmes for indigenous peoples, unless they are food-insecure. In the Republic of Congo the WFP is currently providing assistance to Pygmies, many of whom are refugees from the Democratic Republic of Congo (DRC). Recognizing their marginalized and vulnerable situation, the WFP has considered different measures to avoid discrimination of the Pygmies during food distributions to refugees. Other efforts are aimed at supporting the Government's new law on the protection and promotion of the rights of indigenous peoples in the Republic of Congo. Meanwhile in the DRC, similar efforts have been made by WFP to ensure that its assistance reaches the Pygmy peoples, despite their marginalized status.

XI. United Nations Framework Convention on Climate Change

23. The Secretariat of the United Nations Framework Convention on Climate Change (UNFCCC) reports that the implementation of recommendations of the Permanent Forum is guided primarily by the mandate given by State Parties, as well as the commitment by the President of the Conference of Parties (COP). At its ninth Session, the Permanent Forum had made a recommendation to the Ad-Hoc Working Group on long-term Cooperative Action under the Convention. Progress has been made on this front in the form of many references to indigenous peoples' issues in the decision *Outcome of the work of the Ad-Hoc Working Group on long-term Cooperative Action under the Convention*. COP 16/CMP 6 also adopted a decision titled *Progress in and ways to*

enhance, the implementation of the amended New Delhi work programme on Article 6 of the Convention according to which Parties are invited to undertake a number of actions, including the fostering the participation of indigenous peoples in decision making on climate change at the national level and their attendance at intergovernmental meetings.

XII. Food and Agricultural Organization of the United Nations

24. In August 2010 the Food and Agricultural Organization of the United Nations (FAO) took a major step forward in its work with indigenous peoples when it adopted its Policy on Indigenous and Tribal Peoples. The policy was prepared through a collaborative and global effort involving FAO's inter-departmental working group on indigenous issues, in close consultation with indigenous representatives, the UN Permanent Forum on Indigenous Issues, FAO management and staff, other UN agencies, and numerous individual experts such as the former UN Special Rapporteur on the Rights of Indigenous Peoples. It is based on international legal instruments, including the UN Declaration on the Rights of Indigenous Peoples, and guides FAO's work where indigenous peoples are concerned.

25. FAO's engagement on indigenous issues has been increasing in recent years, motivated by the growing affirmation of indigenous rights around the world, and in response to strengthened commitments on the part of national authorities. Implementation of the Permanent Forum recommendations is taken very seriously. Most of them have been taken up through the years, while others are being carried out through projects and activities that are ongoing. Projects are implemented in many countries with which FAO has an ongoing collaboration and where indigenous communities live. Many FAO

projects build on skills, knowledge, capacities and institutions which people already have and which can be the basis of greater and more secure food production and/or income-generating activity.

26. Many FAO projects which relate to indigenous peoples and the environment do so in their promotion of biological and cultural diversity as the underpinnings of food and livelihood security *as well as* quality of life. The most exemplary of these is the ongoing Globally Important Agricultural Heritage Systems (GIAHS) project. This initiative aims to reinforce the underlying ecological and socio-cultural features that have sustained these systems throughout history. The full report from FAO contains detailed information on the Organization's activities in relation to indigenous peoples' issues.

XIII. United Nations Children's Fund

27. The United Nations Children's Fund (UNICEF) is actively engaged with the Permanent Forum and is an integral member of the Inter-Agency Support Group for Indigenous Peoples' Issues (IASG). Guided by the Convention on the Rights of the Child as well as the Convention on the Elimination of All forms of Discrimination Against Women, UNICEF is very active at the national level. UNICEF's field presence places the organisation in a strategic position to promote and protect the rights of marginalised and excluded children and women, including those of indigenous backgrounds.

28. Despite widespread efforts with and for indigenous children, UNICEF's action currently lacks a specific organizational policy, defining the organisation's position with respect to indigenous issues, the nature of its commitment and the specific processes that guide its work. A strategic framework on indigenous children will help convey

UNICEF's commitment to working with indigenous peoples, give visibility to its activities, and provide a framework for stronger support. UNICEF's priority in 2011 will be the development of a programme strategy on indigenous and minority issues to guide country offices in programming in this field.

29. UNICEF is implementing a number of recommendations of the Permanent Forum on issues such as migration, climate change, adolescent suicide, reproductive health services, intercultural bilingual education, data collection and birth registration. UNICEF will be participating in an in-depth dialogue with the Permanent Forum at its tenth session, and has prepared an overview of its activities, contained in document E/C.19/2011/7.

XIV. Joint United Nations Programme on HIV/AIDS

31. Indigenous peoples constitute a population that is often stigmatized, subject to discrimination and difficult to reach with programmes and services. This reality partly explains why there is little data on how HIV affects indigenous peoples, and why incidence among them is often higher than among non-indigenous people. In an effort to more systematically track HIV related vulnerability and programming for indigenous peoples, this year's survey of Joint United Nations Programme on HIV/AIDS (UNADIS) Country Coordinators includes questions on how countries are providing HIV prevention, care, support and treatment services to reach indigenous peoples, and the role of the United Nations in supporting those efforts.

32. Since its inception, UNAIDS has assisted countries to put in place a human rights based approach to the epidemic. UNAIDS is also guided by the principle of *Know your Epidemic, Know your Response* which informs action and investment in HIV prevention,

treatment care and support. The analysis of the 2010 survey of UNAIDS Country Coordinators will inform future decisions about possible capacity building programmes on indigenous peoples' issues for UNAIDS headquarters and country staff.

XV. International Labour Organization

33. The ILO, the OHCHR and UNDP established a joint initiative called the United Nations Indigenous Peoples' Partnership (UNIPP) in 2010. This inter-agency initiative will focus on joint programmes at the country level, with strategic interventions at regional and international levels. In the spirit of *Delivering as One*, UNIPP will be open to other UN Agencies, and UN Resident Coordinators will have a strategic role in providing support, leadership and ensuring coordination within the UN Country Teams as well as inclusion into CCA/UNDAFs. The three initiating agencies have also established a Multi-Donor Trust Fund to mobilise and manage resources, which will be used under the guidance of a Policy Board comprising, among others, indigenous experts in consultation with the Permanent Forum, the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the Rights of Indigenous Peoples. UNIPP is expected to be fully operational early 2012.

34. In response to a recommendation of the Permanent Forum, the ILO has invested time and resources in the preparation of a draft report on indigenous experts employed within the United Nations system, which is in the process of being finalised and will be submitted to a future session of the UNPFII.

35. The ILO has a specific normative mandate in the area of indigenous peoples' rights, through its responsibility for IL Convention 107 on Indigenous and Tribal Populations

Convention, 1957 (No. 107) and the Indigenous and Tribal Peoples Convention, 1989 (No. 169). A number of other ILO instruments are indirectly related to the protection of the rights of indigenous peoples, including the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Forced Labour Convention, 1930 (No. 29); the Abolition of Forced Labour Convention, 1957 (No. 105); the Minimum Age Convention, 1973 (No. 138); and the Worst Forms of Child Labour Convention, 1999 (No. 182). These instruments are among the ILO's fundamental Conventions, and as such they are of relevance to indigenous peoples. Moreover, these Conventions are generally very broadly ratified by the ILO's member States, and therefore can be used by indigenous peoples as tools for the protection of their rights in countries that have not yet ratified Convention No. 169, which is to date ratified by 22 countries following the latest ratifications in August 2010 by Nicaragua and Central African Republic. It should be stressed that the latter constitutes the first ratification of Convention No. 169 in Africa.