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### **Permanent Forum on Indigenous Issues**

**Eighth session**

New York, 18-29 May 2009

Item 4 (a) the provisional agenda

Implementation of the United Nations Declaration on the  
Rights of Indigenous Peoples

### **Report of the international expert group meeting on the role of the United Nations Permanent Forum on Indigenous Issues in the Implementation of Article 42 of the UN Declaration on the Rights of Indigenous Peoples**

#### *Summary*

The present report provides an overview of the issues discussed at the international expert group meeting on the role of the UN Permanent Forum on Indigenous Issues in the implementation of Article 42 of the UN Declaration on the Rights of Indigenous Peoples, held from 14 to 16 January 2009 at United Nations Headquarters in New York.

Following discussions, the expert group recommended, *inter alia*, that the UN Permanent Forum on Indigenous Issues decide to invite participants to the Forum, States in particular, indigenous peoples and UN agencies to submit written reports under Article 42 of the Declaration providing substantive information on the application and implementation of the Declaration at the national and local level; and to appoint a task team consisting of eight members of the Permanent Forum to examine reports and communicate with the submitting parties as may be appropriate. The experts also recommended that the Permanent Forum encourage national human rights institutions and indigenous peoples' institutions to promote respect for and full implementation of the Declaration at the national and local levels.

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## **I. Introduction**

1. In September 2007, the General Assembly adopted the UN Declaration on the Rights of Indigenous Peoples (*hereinafter Declaration*). Article 42 of the Declaration signals a new mandate for the United Nations Permanent Forum on Indigenous Issues.

2. These important responsibilities constitute new functions for the Permanent Forum under its overall human rights mandate, established by resolution 2000/22 of the Economic and Social Council (ECOSOC). At its seventh session, the UNPFII recommended that the Council authorize an international expert group meeting to discuss in greater detail the way in which the Permanent Forum should address its new mandate under article 42 of the UN Declaration. At its regular session in 2008, ECOSOC approved the Forum's recommendation in decision 2008/249.

## **II. Organization of work**

### **A. Attendance**

3. The following invited experts from the seven indigenous sociocultural regions participated in the workshop: Ms. Dalee Sambo (Arctic), Ms. Joan Carling (Asia), Mr. Dmitry Berezhkov (Central and Eastern Europe, Russian Federation, Central Asia and Transcaucasia), Ms. Monica Aleman (Central and South America and the Caribbean), Mr. Wilton Littlechild (North America) and Mr. Les Malezer (Pacific). Naomi Kipuri (Africa) was invited to participate in the meeting as an expert, but was unable to attend.

4. The following members of the Permanent Forum attended the workshop:

Ms. Victoria Tauli-Corpuz, Mr. Bartolome Clavero, Mr. Michael Dodson, Ms. Tonya Gonnella Frichner, Ms. Margaret Lokawua, and Mr. Carlos Mamani.

5. The meeting was also attended by Mr. John Henriksen, Chairperson of the Expert Mechanism on the Rights of Indigenous Peoples. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. James Anaya, was

unable to attend the meeting but submitted a statement, which was shared with participants.<sup>1</sup>

6. The workshop was attended by observers from departments, agencies, funds and programmes of the United Nations system, observers from other intergovernmental organizations, indigenous peoples' organizations and bodies, non-governmental organizations (NGOs) and Member States. The list of participants is contained in annex II.

## **B. Documentation**

7. The participants had before them a draft agenda and programme of work, a background paper and documents prepared by participating experts. In addition, a number of documents were submitted to the meeting by observers. A list of meeting documents appears in Annex III. All listed documents are available on the website of the Secretariat of the Permanent Forum at [http://www.un.org/esa/socdev/unpfii/en/EGM\\_A42.html](http://www.un.org/esa/socdev/unpfii/en/EGM_A42.html).

## **C. Opening of the meeting**

8. At the opening of the meeting, the Acting Director of the Division for Social Policy and Development made an opening statement.

## **D. Election of officers**

9. Ms Victoria Tauli-Corpuz was elected Chairperson of the workshop and Mr Les Malezer was elected Rapporteur.

## **E. Adoption of the recommendations**

10. On 16 January 2009, the workshop adopted, by consensus, the conclusions and recommendations contained in section III below.

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<sup>1</sup> PFII/2009/EGM1/14

## **F. Closure of the workshop**

11. The meeting was closed after the conclusions and recommendations were adopted in the final meeting, held on 16 January 2009.

## **III. Narrative, Conclusions and Recommendations**

### **Introductory Remarks**

12. The Chairperson of the United Nations Permanent Forum on Indigenous Issues (Permanent Forum) introduced the subject of the meeting. She pointed out that the adoption of Declaration marked a major victory for the world's indigenous peoples and an extraordinary achievement in international standard-setting and presents a key opportunity to motivate states to comply with human rights standards, including those it sets forth.

13. Article 42 of the Declaration signals a new mandate for the Permanent Forum establishing that:

*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.*

14. Since its establishment in 2002, the Permanent Forum has integrated human rights into its overall work and has been developing its work in a number of ways.

15. The Permanent Forum has created an open forum to hear statements about the situation of the human rights of indigenous peoples, including a forum for dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, and other human rights rapporteurs. On the basis of the information and reports provided by indigenous peoples, UN agencies and States, and the ensuing debates during its sessions, the Permanent Forum has developed a substantial number of recommendations addressing the human rights of indigenous peoples. Based on the

Forum's recommendations, the Secretariat of the Permanent Forum (SPFII) in cooperation with the Inter-Agency Support Group on Indigenous Peoples' Issues (IASG) promoted the operationalization of the human rights-based approach to development regarding indigenous peoples through the adoption of the UN Development Group Guidelines on Indigenous Peoples' Issues.

16. During the sixth session in 2007, the Permanent Forum appointed two of its members, Ms. Ida Nicolaisen and Mr. Wilton Littlechild, to conduct a "Study on the structures, procedures and mechanisms that presently exist and that might be established to effectively address the human rights situation of indigenous peoples and to arrange for indigenous representation and inclusion in such structures, procedures and mechanism".<sup>2</sup> In their report, the Rapporteurs called upon the Permanent Forum to ensure that the Declaration is integrated into its own recommendations on the six substantive mandated areas of the Forum, as well as its work under the special theme for each session and its ongoing themes and priorities. They also recommended that the Permanent Forum consider the creation of a procedure within the Permanent Forum that would promote a constructive dialogue with States on the challenges, achievements and future action that indigenous issues require in each country under the Declaration. Such dialogue would take place periodically and enlist the participation of indigenous organizations as well as the UN system. It would create an enabling environment of cooperation at national and international level, aiming at practical results on the ground, including through the international development agenda.

### **Application of the Declaration**

17. The experts noted that some UN agencies and the IASG have referred to the Declaration as a non-binding instrument and considered this to be misleading. While it is not binding in the nature of, or to the degree of a treaty, it is binding in character and States can become bound under international law in other ways besides treaty ratification. For instance, this human rights standard does not create new or special rights but

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<sup>2</sup> Study on the structures, procedures and mechanisms that presently exist and that might be established to effectively address the human rights situation of indigenous peoples and to arrange for indigenous representation and inclusion in such structures, procedures and mechanism (2008), E/C.19/2008/2

elaborates upon fundamental human rights of universal application and sets these rights in the cultural, economic, political and social context of the indigenous peoples.

18. Participants noted that there is an emerging consensus that there is no need to reconcile the Declaration with ILO Convention 169. These instruments were negotiated at different time periods by different bodies and therefore diverge in a number of respects. The two instruments represent two different parts of the same body of standards and participants agreed that both instruments should be used as best as possible to protect, promote and fulfill the human rights of indigenous peoples.

19. The General Assembly has adopted Article 42 of the Declaration which calls upon the Permanent Forum to 'promote respect for and full application of the Declaration' and 'to follow up the effectiveness of this Declaration'. The protracted negotiations on the content of the Declaration, connecting States and indigenous peoples perceptions, and the overwhelming support for the Declaration in the General Assembly had built substantial expectations that the Declaration would be implemented. States, as such, had expressed this view during negotiations.

20. The experts agreed a new mandate exists for the UN system, including the Permanent Forum to encourage and assess measures to uphold the Declaration and that discourse with States on the application of human rights as expressed in the Declaration was required. One State expressed the view the Declaration was non-binding and discussion ensued on the aspects of indigenous peoples rights which were binding in character. It was recommended that UN agencies and States be reminded of the binding characteristics of human rights as enshrined in the Declaration.

21. Participants agreed that it was important that the Permanent Forum integrate the Declaration into its own recommendations on the six substantive mandated areas of the Permanent Forum, as well as in its work under the special theme for each session and its ongoing themes and priorities. It was suggested that, in integrating the Declaration into its work, the Permanent Forum consider not only the articles of the Declaration, but also

the preambular paragraphs which give context to the instrument and which are often overlooked. There was also the view that Permanent Forum should integrate the Declaration into future research and selected research topics undertaken by the Permanent Forum including country specific studies, implementation guides, and in the compilations of good practices.

22. Where negotiations with the State do not succeed the Declaration can be a major factor in litigation for rights or in complaints brought before the Human Rights treaty bodies. The Declaration can also help to shift the dynamics of disputes, so that the burden of proof is not always placed on indigenous peoples, but rather on States. Participants referred to examples where the Declaration has already been effectively used in dialogue between Indigenous Peoples and the State.

23. Experts proposed that a priority task should be for the Permanent Forum to elaborate and adopt interpretive statements or general comments on the most important provisions of the Declaration. This task could be conducted on the basis of studies and papers, by members of the Permanent Forum with the assistance of relevant experts. The result would have to be debated and approved by the Permanent Forum. It was proposed that the Permanent Forum make it a goal to adopt a general comment on Article 42 at the 2009 session. The Permanent Forum might also give attention to Article 3, which would be of use to other fora, such as courts that are adjudicating the rights of indigenous peoples.

### **Follow-up on the Effectiveness of the Declaration**

24. Experts agreed on the need to supervise the implementation and effectiveness of the Declaration. There was a proposal for a body similar to the human rights treaty bodies, where states might present reports on their actions with regard to the human rights of indigenous peoples, and where indigenous peoples might appeal for the defense of their rights on the basis of the Declaration.

25. Participants underscored the importance of the jurisprudence of the existing human rights treaty bodies and special procedures in addressing the human rights of indigenous peoples, but also expressed concerns regarding instances where the Declaration was not adequately utilized or indigenous issues were not sufficiently addressed, nor recommendations implemented. This was reportedly the case with regard to the Universal Periodic Review's initial efforts, which were characterized as lacking attention to the human rights and interest of indigenous peoples. Participants recommended that the UN Declaration be used as a framework for review and compliance in the UPR process.

26. The suggestion was made that the Permanent Forum arrange its programme of work to provide dialogue with States in relation to the implementation of the Declaration. This dialogue should be based on good practices regarding the application of the Declaration. Creative ways could be developed for the substantive preparation of dialogues, such as a questionnaire specifically regarding implementation addressed to States prepared by the Permanent Forum. The questionnaire should also be addressed to indigenous peoples' organizations and disseminated to human rights NGOs preferably by electronic means, including via the website of the Permanent Forum. The questionnaire could be completed in cooperation between the government and indigenous peoples.

27. The experts proposed that States be encouraged to report to the Permanent Forum on how they are implementing of the Declaration. To achieve this, the Permanent Forum could create a task team or committee to engage in constructive dialogues with States on challenges, achievements and future action. The dialogue could include information provided by both Governments and indigenous peoples' organizations regarding their national policies and practices relating to, or affecting indigenous peoples.

### **Capacity Development**

28. Successful implementation of the Declaration ultimately depends on the extent to which indigenous peoples themselves understand and utilize the human rights regime, at the local as well as the national levels. States must meet their obligations to implement

the Declaration, and indigenous peoples should be able to articulate and defend their rights and interests in accordance with universally accepted standards on human rights.

29. Capacity building strategies are extremely important. The participants recognized that simplifying the text and developing direct translations of the Declaration into various indigenous languages will not in itself be sufficient without developing other capacity building measures within both the indigenous and non-indigenous communities. The Declaration could provide the necessary framework for bringing together indigenous peoples' organizations at local, national and regional levels to organize for human rights outcomes. Strategies could consider the revitalization and strengthening of indigenous peoples traditional systems and organizations; effective participation of indigenous women and youth; the lobbying and other leadership capacities of indigenous peoples; the formation of alliances and networks; legal reviews and research into indigenous peoples' rights and interests.

30. Any form of education on the Declaration has to address both indigenous and non-indigenous peoples, within a framework of respect for diversity and gender issues. Indigenous women have an important role to play in awareness raising and capacity development.

31. To promote human rights education as a tool for capacity building, dialogue and effective, direct participation by indigenous peoples is necessary, even dialogue on whether such human rights education is needed. Without the inclusion of distinct indigenous perspectives in training and capacity building programmes, it will be difficult for indigenous peoples to achieve equity and mutual understanding with others. In particular the valuable contributions of Indigenous Peoples' organizations who were currently carrying out capacity building and training programs in Indigenous communities, as well as for UN agencies, States and other intentional bodies, was noted. It was recommended that the UNPFII dedicate a section of its web site to post the educational and training materials developed by Indigenous Peoples. These materials can

then be used as a resource for other Indigenous Peoples, states, UN agencies and NGO's to build capacity for understanding and implementing the Declaration.

32. Training programmes with specialized focus on indigenous peoples, such as those undertaken by indigenous peoples' organizations, UN agencies and human rights programmes in universities, already exist. These programmes should also be considered in capacity building strategies as well as strengthening Fellowship programmes and schemes. SPFII should compile a list of training programmes that already exists and could be possible training partners.

33. One expert suggested that Human Rights training needs to happen at ground level, among indigenous communities, with a strong emphasis on human rights education.

34. Training programmes for national parliamentarians, staff within national institutions such as human rights commissions and other agencies could result in the transforming the Declaration into national policies. It was suggested the Permanent Forum should consider seminars and capacity building training with UN Permanent Missions to help promote the importance of the Declaration among the States.

35. An expert cautioned that the Declaration has to be made into audio visual documents due to high rates of illiteracy among indigenous peoples. The expansion of virtual resources and the use of new technologies could also be used in training programmes as well as for guidelines and education kits on the rights of indigenous peoples. Visual documents require time and financial resources, but can be accomplished with political will.

36. One expert recommended the use of new technologies to strengthen networks and disseminate the Declaration among indigenous communities. In this regard, a Chilean NGO research institution organized a virtual seminar as a way to provide input to this

Expert Group Meeting. This experiment was very successful, with 264 people representing 76 indigenous peoples participating from 21 countries.<sup>3</sup>

37. Other awareness raising efforts could include a campaign, coordinated by the SPFII in collaboration with UN bodies and specialized agencies, particularly the Department of Public Information and its field offices, together with non-government organizations and Member States.

38. There is a need to educate UN staff members working at international, regional and national levels. Such training will be done extensively through inter-agency efforts to roll-out the implementation of the UNDG Guidelines on Indigenous Issues. One good example is IFAD, a UN agency that mobilizes indigenous people in Latin American countries and develops important partnerships and networks in the region with indigenous organizations. An expert pointed out that Permanent Forum members could work directly with the UN system in Ecuador to explain the Declaration and its implications. Moreover, the Permanent Forum could consider engaging all UN Country Teams through the use of a questionnaire to assess their work involving indigenous peoples and identifying gaps and challenges.

39. Experts suggested that SPFII and the UN system could provide financial resources to increase the importance of the Declaration.

40. In many instances, extractive industries and financial institutions have direct impact on indigenous people and it is therefore important that training on the Declaration be provided to the private sector.

41. Participants recommended the Permanent Forum on Indigenous Issues should host annual meetings in each of the seven regions of Indigenous Peoples to monitor the application of the Declaration and in accordance the Program of Action for the Second Decade of the World's Indigenous People. Noting Articles 39 and 41 of the Declaration,

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<sup>3</sup> PFII/2009/EGM1/18

the Voluntary Fund for indigenous peoples should be authorized to fund these structures and States should be encouraged to contribute to the Voluntary Fund to build the capacity of Indigenous Peoples to enjoy their human rights.

## **Promotion at State Level**

42. The experts reiterated that States have primary responsibility for the implementation of the Declaration.

43. In considering Article 42, Articles 39 and 41 must also be considered. Article 39 addresses the right to access to technical and financial cooperation from States and Article 41 refers to technical and financial cooperation from UN system and other inter-governmental organizations.

44. Bolivia was proposed as a good example where the Declaration has become national law. On 25 January 2009, a referendum will be held to adopt a new constitution, which incorporates rights and principles from the Declaration -

45. In federated States, a number of provincial legislatures have also supported the Declaration. For example, the North West Territories in Canada passed legislation supporting the Declaration. Similarly, the state governments of Hawaii, Arizona and Maine in the USA have enacted legislation.

46. Implementing the Declaration at the State level involves economic implication and political will, particular in States that recognize their historical injustices towards indigenous peoples. Hence, the need to disseminate and inform indigenous communities of the Declaration is an important development and requires coordination between States and UN agencies.

47. The importance of continuing to engage with States that abstained or voted against the Declaration was emphasized. It was suggested that States that supported the

Declaration host a meeting including States that voted against or abstained from voting on the Declaration.

48. The participants referred to the important function of the High Commissioner and noted the resources available through the Office of the High Commissioner to support and coordinate the human rights work of the special mechanisms, including in the preparation of reports for the Universal Periodic Reviews of States. The application of the Declaration and the status of Indigenous Peoples should be one of the focus points for the Office when dealing with State issues.

49. The experts recognized that the national human rights institutions, especially where they comply with the Paris Principles, are key structures for the promotion and protection of human rights in the State. The Permanent Forum could consider drafting strategies for national human rights institutions to be involved in the application of the Declaration. The Permanent Forum could look at policies country by country and region by region. Special efforts should also be made to educate members of the judiciary on the Declaration as they may be responsible for adjudicating the rights of indigenous peoples. Further, specialized UN agencies could also consider working with the Permanent Forum in drafting strategies for national human rights institutions for incorporating the Declaration into their work.

50. Given the increase in natural disasters and conflicts, it is also important to remind states to incorporate the Declaration into any emergency humanitarian response plan, as indigenous peoples are among the most vulnerable in situations of humanitarian crises.

51. The UN system should continue their work on the Treaties between States and indigenous peoples. Participants suggested a seminar or conference on this subject should be undertaken, hosted by a Tribal Nation or Assembly in North America.

52. It was suggested that the Permanent Forum may facilitate implementation of the Declaration at the national level where requested by States, for example, by undertaking joint missions with UN agencies.

## **Cooperation within the UN System**

53. Participants discussed how, in working toward the implementation of the Declaration, UN agencies and bodies could coordinate their work and ensure maximum complementarity of efforts.

54. The three UN mechanisms with a specific mandates to address indigenous peoples are the Permanent Forum, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, and the Expert Mechanism on the Rights of Indigenous Peoples. It was agreed that that coordination and collaboration was essential.

55. The Special Rapporteur, in a written statement, described the different roles of the Special Rapporteur and the Permanent Forum, observing that these mandates represented distinct parts of a holistic system working together to achieve the effective implementation of the Declaration in accordance with Article 42. He stressed the monitoring aspect that constitutes the thrust of his mandate and his commitment to ensuring complementarity with UNPFII and the Expert Mechanism.

56. The Chairperson of the Expert Mechanism emphasized that there are many ways that the three bodies can coordinate. Cooperation could include participation in one another's events and on concrete issues, including by collaborating or providing inputs on one another's research. It was also agreed that there was a need for meetings on an annual basis between the three mechanisms. A first meeting will take place in Madrid, Spain in February 2009. Finally, it was noted that financial constraints would have to be overcome to ensure regular meetings. The Chairperson of the Expert Mechanism informed the meeting that the Expert Mechanism has decided to include a separate agenda item at its next session entitled "UN Declaration on the Rights of Indigenous Peoples" aimed at

providing an opportunity to discuss possible procedures and mechanism for application of the Declaration at the regional and national levels.

57. It was suggested that the Permanent Forum maintain on-going communication with the human rights treaty bodies on the application of the Declaration. These bodies will include the Human Rights Committee, Committee on Economic, Social and Cultural Rights, Committee on the Elimination of Racial Discrimination, Committee on the Elimination of Discrimination Against Women and Committee on the Rights of the Child. Recommendations must focus on the obligation of states to comply with the provisions of the Declaration whenever indigenous rights are involved. Participants also stressed the importance of the Declaration being utilized by the Human Rights Council, including during its Universal Periodic Review.

58. In addition to naming the Permanent Forum, Article 42 calls upon all UN bodies and specialized agencies to promote and work towards the implementation of the UN Declaration. Participants stressed that, given the tremendous task of implementation; the efforts of all such bodies would be necessary. Several agencies highlighted their efforts to implement the Declaration. These include the translation of the Declaration into many languages, promoting awareness of the Declaration among agency staff, promoting it in their technical services and creating practical guides.

59. The Permanent Forum should engage with UN agencies in joint implementation efforts. It was also recommended that the Permanent Forum compile practical handbooks or advisory papers for the UN system that highlight opportunities for implementing the Declaration. The Permanent Forum could participate with UN agencies in joint missions to countries, which could be an important catalyst for more continuing close cooperation. In this regard it was noted that, following a 2008 recommendation regarding the plight of the Guaraní people in the Chaco regions of Bolivia and Paraguay, the Permanent Forum had been invited by the Governments of both countries to undertake a mission. The mission was being planned in consultation with a number of agencies, including FAO, IFAD and ILO.

60. The work of the inter-agency support group is essential. It was recalled that in 2008, a special meeting of the IASG was held on the promotion of the Declaration and the report was presented. The agencies set out a roadmap for themselves in a cooperative fashion.<sup>4</sup>

61. Some participants mentioned as a good example the activities of ECLAC on improving statistics and analytical data related to indigenous issues and stated that, unfortunately, the work of UN Regional Commissions is uneven in the regions. The Permanent Forum could work with the Regional Commissions to help them to incorporate indigenous issues in their programmes of work.

62. It was also suggested that the Permanent Forum look beyond the UN to regional groups, such as the OAS, ASEAN, African Union, the European Union and Commonwealth and work with them towards implementation.

## **Recommendations**

63. The meeting noted with appreciation the many constructive recommendations, suggestions and ideas presented by the participants on a variety of subjects and highlighted in this report and the papers submitted and brings these to the attention of the Permanent Forum for appropriate action.

64. The meeting recommends the Permanent Forum adopts the following:

Noting the General Assembly adopted the Declaration on the Rights of Indigenous Peoples by resolution A/RES/61/295 of 13 September 2007; and

Recalling Article 42 of the Declaration which states:

*The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall*

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<sup>4</sup> E/C.19/2008/CRP. 7

*promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.*

Having decided to include in future sessions an agenda item titled ‘The Declaration on the Rights of Indigenous Peoples’;

Therefore decides:

to invite participants, including representatives of States, indigenous peoples and UN agencies to submit written reports under this topic; and

to appoint a task team consisting of eight members to examine reports and communicate with the submitting parties as may be appropriate;

**to encourage States in particular to support this procedure and to use it as an opportunity to provide to the Permanent Forum substantive information on the application and implementation of the Declaration at the national and local level and a reliable assessment of the effectiveness of the Declaration at the national and the local level;**

**to encourage national human rights institutions and indigenous peoples’ institutions to promote respect for and full implementation of the Declaration at the national and local levels; and**

**to also encourage States to incorporate adequate information on the implementation of the Declaration in the ‘core report’ to the human rights treaty bodies; and**

**to recommend that States should in the spirit of harmonious and cooperative relationship with the indigenous peoples establish as soon as possible where it does not already exist a national dialogue with indigenous peoples on human rights based on the Declaration .**

65. The meeting recommends the Permanent Forum adopts the following:

***Is aware* that significant financial and other resources are required within the United Nations system to implement Article 42 of the Declaration on the Rights of Indigenous Peoples. The Secretary-General should provide an adequate budget for the purpose of meeting the requirements of Article 42 of the Declaration as it may apply to the Permanent Forum, its Secretariat and relevant actions;**

***Reminds* all agencies of the United Nations to take note of and respond to Article 42 of the Declaration on the Rights of Indigenous Peoples and, as a matter of priority, directly integrate relevant provisions of the Declaration into the respective policies, programs and strategies of each UN agency. Such agencies should respond to the urgent need to promote and increase the capacity of indigenous peoples to exercise and implement their human rights as contained in international human rights instruments, including the Declaration. Furthermore, such agencies should undertake initiatives, within a reasonable timeframe, to ensure indigenous peoples' effective engagement, dialogue and negotiations regarding the exercise of their human rights. Accordingly the Permanent Forum strongly urges UN agencies to review their budgets and ensure that programmes and strategies aptly benefit and are in direct support of Indigenous Peoples;**

***Agrees* that the Trust Fund on Indigenous Issues, including its part under the Second International Decade of the World Indigenous People, should assist indigenous peoples to participate in, and conduct activities consistent with the purposes of Article 42. Donors are urged to increase contributions or, in the case of new contributors, to make donations to the Trust Fund on Indigenous Issues commensurate with the importance of realizing Articles 39 and 42.**

## Annex I

### Programme of work

Wednesday 14 January

*10 am – 10.30am*

#### **Item 1                      Opening of Meeting**

*Opening Presentation*

Ms. Elsa Stamatopoulou

#### **Item 2                      Election of Chairperson and Rapporteur**

*Presentation by the Chairperson*

*10.30 am – 1pm*

#### **Item 3                      Integration of the UN Declaration into the ongoing work of the Permanent Forum**

- How can UNPFII integrate the promotion of the UN Declaration into its ongoing work? For example, how can the Permanent Forum ensure that the UN Declaration is incorporated into its own recommendations on the six substantive mandated areas of the Forum, as well as its work under the special theme for each session and its ongoing themes and priorities?
- How might UNPFII best promote respect for and full application of the UN Declaration, and follow up on its effectiveness through its own research (for example, through its practice of appointing Permanent Forum members as special rapporteurs to conduct selected studies or research)? What types of research would best contribute to the implementation of the UN Declaration (for example, country-specific studies, implementation guides, compilations of best practices)?
- How can UNPFII develop article-specific commentaries on the UN Declaration?
- What resources would be required by UNPFII and SPFII? In this regard, should UNPFII seek to develop relationships with academic institutions that might participate in the development and dissemination of research materials and, in doing so, contribute additional resources to implementation efforts?

*Presentations*

Mr. Bartolomé Clavero

Mr. Mick Dodson

*Discussion on the item*

**3 pm – 4:30 pm**

**Item 4          Capacity development for indigenous and non-indigenous communities and organizations**

- How can the Permanent Forum promote the dissemination of and capacity-building on the UN Declaration for indigenous peoples' organizations and both indigenous and non-indigenous communities?
- How can UNPFII best support indigenous peoples' organizations in their efforts towards the realization of the provisions of the UN Declaration at local, national and regional levels?

*Presentations*

Ms. Monica Aleman  
Ms. Joan Carling  
Ms. Dalee Sambo

*Discussion on the item*

**4:30 pm - 6 pm**

**Item 5          Promotion of respect for and full application of the UN Declaration at the State level**

- Given that the UN Declaration outlines the obligations of States, how can UNPFII best work with States to support their efforts in the implementation of the UN Declaration at local, national and regional levels?
- How can the Permanent Forum promote cooperative solutions to problems between governments and indigenous peoples at the country level within the context of the UN Declaration?
- How can UNPFII encourage States to require private sector actors to also comply with the provisions of the UN Declaration?
- How can the Permanent Forum promote the dissemination of the UN Declaration to key State actors, including government agencies and parliamentarians? How might UNPFII best promote dissemination of the UN Declaration to additional key groups working at the national level, such as judicial officials, lawyers, professors and members of the media?

*Presentations*

Mr. Wilton Littlechild  
Ms. Margaret Lokawua  
Mr. Carlos Mamani

*Discussion on the item*

**Thursday 15 January**

*10 am – 12 pm*

**(continued)**

**Item 5      Promotion of respect for and full application of the UN Declaration at the State level**

*Continued discussion on the item*

*12 pm – 1 pm*

*3 pm – 5 pm*

**Item 6      Dialogue with States regarding respect for and application of the UN Declaration and follow up on its effectiveness**

- During the 2008 ECOSOC, Member States provided voluntary reports regarding their efforts at the country level on the Millennium Development Goals. Taking this practice as an example and, given the participation of States in UNPFII sessions and the voluntary submission of information to UNPFII by numerous Governments, how can UNPFII encourage States to further share promising national practices with regard to indigenous peoples?
- Could the information provided by Governments to UNPFII on their relevant national policies and practices become the basis for constructive dialogues between Governments and UNPFII? What could be the contribution of the UN system and indigenous organizations to such dialogues?
- What methodologies should be followed by UNPFII in promoting and facilitating constructive dialogues with States? When would such meetings be held (for example, before, during or in-between sessions of UNPFII)? How should such dialogues be structured and who should participate? What outcome and follow-up would be expected or sought from such dialogues?
- What resources would be required by UNPFII and SPFII to pursue such dialogues?

*Presentations*

Ms. Tonya Gonnella Frichner

Mr. Les Malezer

*Discussion on the item*

*5 pm – 6 pm*

## **Item 7 Cooperation within the United Nations**

- In carrying out its responsibilities under Article 42, how can the Permanent Forum coordinate its efforts with those of the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people and the Expert Mechanism on the Rights of Indigenous Peoples?
- How can UNPFII promote the integration of the UN Declaration and the inclusion of indigenous peoples into the planning and work of UN country teams?
- How can UNPFII ensure that its members enjoy close and fruitful relationships with UN country teams regarding the UN Declaration?
- How can UNPFII and SPFII best disseminate the UN Declaration and promote the application of its provisions within the UN system?
- How can the UNPFII work together with the ILO to create an operational interpretation that reconciles and strengthens both the UN Declaration and ILO Convention 169?
- How can UNPFII best learn from the experiences of other UN bodies in their promotion of other human rights instruments, such as the Convention on the Rights of the Child?

### *Presentations*

Mr. Dmitry Berezhkov

### *Discussion on the item*

## **Friday 16 January**

*10 am – 1 pm*

*Continued*

## **Item 7 Cooperation within the United Nations**

### *Continued discussion of the item*

*3 pm - 6 pm*

## **Item 8 Adoption of conclusions and recommendations**

## **Annex II List of participants**

### **Invited Experts**

Dalee Sambo (Arctic)

Joan Carling (Asia)

Monica Aleman (Central and South America and the Caribbean)

Dmitry Berezhkov (Eastern Europe, Russian Federation, Central Asia and Transcaucasia)

Wilton Littlechild (North America)

Les Malezer (Pacific)

### **Members of the Forum**

Victoria Tauli-Corpuz

Bartolome Clavero

Michael Dodson

Tonya Gonnella Frichner

Margaret Lokawua

Carlos Mamani

### **Expert Mechanism on the Rights of Indigenous Peoples**

John Henriksen (Chairperson)

### **United Nations System and other Inter-Governmental Organizations**

European Commission

Food and Agricultural Organization of the United Nations

International Labour Organization

International Office on Migration

United Nations Children's Fund

United Nations Department of Economic and Social Affairs/Division for Sustainable Development

United Nations Department of Economic and Social Affairs/UN Forum on Forests Secretariat

United Nations Department of Public Information

[United Nations Development Fund for Women](#)

United Nations Educational, Scientific and Cultural Organization

United Nations Environment Programme

United Nations Human Settlements Programme

United Nations Population Fund

United Nations Regional Commissions, New York Office

United Nations World Food Programme

World Bank

### **Indigenous Peoples' Organizations and Bodies**

Aotearoa Indigenous Rights Trust

Comisión Jurídica de los Pueblos de Integración Tawantinsuyana (COJPITA)

Comunidad Campesina Tauría  
Foundation for Research and support of the indigenous peoples of Crimea  
Gáldu Resource Centre for the Rights of Indigenous Peoples  
Habitat Pro  
International Indian Treaty Council  
Internationale Touareg  
Mohawk Nation at Kahnawake  
Montagnard Foundation  
Navajo Nation Council  
Onondaga Nation  
Organización Indígena Andes Chinchaysuyo del Ecuador  
Organización Regional de la Mujer Indígena  
The Russian Association of Indigenous Peoples of the North (RAIPON)  
Red de Mujeres Indígenas en Biodiversidad, RIMB  
She-Clan of the Yamassee Native American Muurs  
Southern Mongolian Human Rights Information Center  
Tamu Chhojdhi  
United Confederation of Taino People

#### **NGOs**

International Work Group for Indigenous Affairs (IWGIA)  
Tribal Link

#### **States**

Australia  
Bolivia  
Botswana  
Chile  
China  
Colombia  
Ecuador  
Finland  
The Holy See  
Indonesia  
Japan  
Mexico  
Nepal  
New Zealand  
Portugal  
Russian Federation  
Seychelles  
Singapore  
Sweden  
Venezuela  
Vietnam

## **Annex III List of documents**

**PFII/2009/EGM1/1**

Draft agenda

**PFII/2009/EGM1/2**

Background paper

**PFII/2009/EGM1/3**

Draft programme of work

**PFII/2009/EGM1/4**

Cometido del Foro Permanente para las Cuestiones Indígenas a la Luz del Valor Vinculante y con Vistas a la Mayor Eficacia del Derecho Internacional de los Derechos Humanos (Bartolomé Clavero) (Spanish and English versions available)

**PFII/2009/EGM1/5**

Comments on Article 42 as legal basis for a Declaration “treaty body” (Carsten Smith) (Spanish and English versions available)

**PFII/2009/EGM1/6**

Presentation on Capacity development for Indigenous and non-Indigenous Communities and Organizations (Dalee Sambo Dorough)

**PFII/2009/EGM1/7**

Capacity Building Support for Indigenous Peoples: Towards the Realization of the Provisions of the UN Declaration on the Rights of Indigenous Peoples (Joan Carling)

**PFII/2009/EGM1/8**

Presentation to the Expert Group Meeting on Article 42 (Wilton Littlechild)

**PFII/2009/EGM1/9**

UNEP’s Contribution to the International Expert Group Meeting on the role of the United Nations Permanent Forum on Indigenous Issues in the implementation of article 42 of the United Nations Declaration on the Rights of Indigenous Peoples (UNEP)

**PFII/2009/EGM1/10**

Dialogue with States regarding respect for and application of the UN Declaration and follow up on its effectiveness (Les Malezer)

**PFII/2009/EGM1/11**

Opening Remarks of Vicky Tauli-Corpuz, Chairperson, United Nations Permanent Forum on Indigenous Issues

**PFII/2009/EGM1/12**

Presentation on Promotion of respect for and full application of the UN Declaration at the State Level (Margaret Lokawua)

**PFII/2009/EGM1/13**

Implementación del Artículo 42 de la Declaración de las Naciones Unidas sobre los derechos de los pueblos indígenas (Carlos Mamani Condori)

**PFII/2009/EGM1/14**

Statement of S. James Anaya, United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (S. James Anaya)

**PFII/2009/EGM1/15**

FAO's Contribution to the International Expert Group Meeting on the role of the United Nations Permanent Forum on Indigenous Issues in the implementation of article 42 of the United Nations Declaration on the Rights of Indigenous Peoples (FAO)

**PFII/2009/EGM1/16**

The UN Declaration on the Rights of Indigenous Peoples, Treaties and the Right to Free, Prior and Informed Consent: The Framework For a New Mechanism for Reparations, Restitution and Redress (International Indian Treaty Council)

**PFII/2009/EGM1/17**

Informe: Caso de Bolivia en el Marco del Art. 42 de la Declaración de Naciones Unidas sobre los Derechos de los Pueblos Indígenas (Bolivia)

**PFII/2009/EGM1/18**

Reporte y Recomendaciones del Seminario Electrónico Indígena Latinoamericano: El Rol del Foro Permanente en la Implementación del Artículo 42 De la Declaración de Naciones Unidas Sobre los Derechos de los Pueblos Indígenas (Seminario desarrollado en el Campus Virtual del Centro de Políticas Públicas y Derechos Indígenas –CEPPDI – Chile, [www.seminarios.derechosindigenas.org](http://www.seminarios.derechosindigenas.org))