The Message Stick

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Special Issue

This special issue of the Message Stick contains a brief overview of the history of indigenous peoples' issues at the United Nations as well as a more detailed description of the work of the Permanent Forum on Indigenous Issues and its secretariat.

Indigenous peoples have always looked towards the international community to protect their rights even though the doors were not always open to them. For example, in 1923, Cayuga Chief Deskaheh of the Six Nations (Haudenosaunee Confederacy) traveled to Geneva to address the League of Nations about the right of his people to live freely on their own lands, practice their own religion and follow their own laws. Sadly, the door was shut by what he called "cruel indifference."



Chief Deskaheh in Geneva, 1923

A similar journey was made by Maori religious leader T.W Ratana to protest breaching the Treaty of Waitangi which was concluded with the Maori peoples of Aotearoa (New Zealand) in 1840 which recognized Maori ownership of their lands. Ratana initially traveled to London with a large delegation to petition King George but was denied redress. He later sent a part of his delegation to the League of Nations in Geneva and traveled there himself in 1925, but was also denied access.²

The world's more than 370 million indigenous peoples are often the most marginalized and disadvantaged in their countries and their situation is exacerbated by the fact that they are often the minority group living under national laws that do not address their unique circumstances. The International Labour Organization was the first global institution to specifically address indigenous peoples' issues in 1957 when it adopted the Indigenous and Tribal **Populations** Convention. However. limitations still remained until 1977 when indigenous peoples in the Americas were first allowed to directly address the United Nations on the situation of indigenous peoples in the Americas.³

<u>p20.asp</u>



¹ Toensing, Gale C. Indian Country Today, 21 September 2007.

² "The World Should hear more about Indigenous Peoples: Living in Voluntary Isolation" *UN Chronicle Online Edition*

 $[\]frac{http://www.un.org/Pubs/chronicle/2004/issue2/0204}{p18.asp}$

³ Biko Nagara "Opening the First Door to the UN" *UN Chronicle Online Edition* http://www.un.org/Pubs/chronicle/2003/issue4/0403

A study of the problem of discrimination against indigenous peoples was conducted in the 1970s and early 1880s by the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, under the auspices of the United Nations Commission on Human Rights, and led to the creation of the Working Group on Indigenous Populations.

The Working Group on Indigenous Populations, was launched in 1982 by a decision of the United Nations Economic and Social Council to work under the Sub-Commission on Prevention Discrimination Protection and of Minorities. It was mandated to hear developments on the human rights of indigenous peoples develop and international standards to improve the lives and situations of indigenous peoples. By 1993, the Working Group on Indigenous Populations had completed a draft of the Declaration on the Rights of Indigenous Peoples and had managed to bring together the concerns of a vast range of indigenous peoples and their organizations.



From the seventh session of the Permanent Forum.

In 2000, the United Nations Economic and Social Council (ECOSOC) decided to establish the Permanent Forum on Indigenous Issues (UNPFII). This process was initiated in 1993, when the proposal for such a Forum, stemming from indigenous

peoples, found its way into the final document of the World Conference on Human Rights, in Vienna. The purpose of the Permanent Forum is to serve as an advisory body to ECOSOC with a mandate to discuss indigenous issues relating to economic and social development, culture, the environment, education, health and human rights, make recommendations to the United Nations system, raise awareness about indigenous issues, promote the integration and coordination of indigenous issues in the United Nations system and produce relevant material. The Permanent Forum consists of sixteen members. Eight members are nominated by Governments and elected by ECOSOC, while the other eight members are appointed by the President **ECOSOC** of following consultations with the Bureau and the regional groups In addition States, United Nations bodies and organs, intergovernmental organizations, indigenous peoples' organizations and nongovernmental organizations in consultative status with the Council may participate in the work of the Permanent Forum as observers.4

The Permanent Forum is unique in at least two ways. First, both States and indigenous experts sit alongside each other in the deliberations. This is regarded as quite innovative since traditionally the United Nations has been a forum reserved only for or State-nominated Secondly, the process allows indigenous peoples to highlight issues that exist in their countries and affect their lives as well as make policy recommendations on how to address many challenges. These recommendations eventually transform themselves into policy recommendations of the UNPFII.

⁴ ECOSOC resolution 2000/22, 28 July 2000.

In a historic decision on 13 September 2007, the General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples, a seminal document in the struggles of indigenous peoples for social justice and human rights and a tangible proof of their partnership with the United Nations. Article 42 explicitly mentions the United Nations Permanent Forum, thus creating a new mandate for the Forum:

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.

Two other institutions within the United Nations human rights system deal with indigenous issues: the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people⁵ and the newly established Expert Mechanism on the Rights of Indigenous Peoples of the Human Rights Council 6. The Special Rapporteur examines allegations of human rights violations indigenous against peoples through fieldwork and direct communication with indigenous peoples, governments and other related bodies and reports to the Human Rights Council. The Expert Mechanism on the Rights of Indigenous Peoples replaces the Working Group on Indigenous Populations and its mandate is to assist the Human Rights Council in the implementation of its role, as well as provide the Council with thematic expertise

on the rights of indigenous peoples in the manner and form requested by the Council.



The current and former Special Rapporteurs: S. James Anaya and Rodolfo Stavenhagen.

In an effort to create further awareness of and galvanize action on indigenous peoples' issues, the United Nations General Assembly has also proclaimed two international decades: The first International Decade of the World's Indigenous People (1994-2004) and the Second International Decade of World's Indigenous People (2005-2015). The goal of the Second Decade is strengthening international cooperation for the solution of problems faced by indigenous people in the areas of culture, education, health, human rights, environment and social and economic development. The five objectives of the Decade -which also reflect fundamental approaches in the Permanent Forum's policy recommendations—are:

- (i) Promoting non-discrimination and inclusion of indigenous peoples in the design, implementation and evaluation of international, regional and national processes regarding laws, policies, resources, programmes and projects;
- (ii) Promoting full and effective participation of indigenous peoples in decisions which directly or indirectly affect their lifestyles, traditional lands and territories, their cultural integrity as indigenous peoples with collective

⁵ See <u>HRC Resolution 6/12</u> on the mandate of the Special Rapporteur

⁶ The Expert Mechanism was established by <u>HRC</u> Resolution 6/36

- rights or any other aspect of their lives, considering the principle of free, prior and informed consent:
- (iii) Redefining development policies that depart from a vision of equity and that are culturally appropriate, including respect for the cultural and linguistic diversity of indigenous peoples;
- (iv) Adopting targeted policies, programmes, projects and budgets for the development of indigenous peoples, including concrete benchmarks, and particular emphasis on indigenous women, children and youth;
- (iv) Developing strong monitoring mechanisms and enhancing accountability at the international, regional and particularly the national level, regarding the implementation of policy legal, and operational frameworks for the protection of indigenous peoples the and improvement of their lives.⁷



UNPFII member Margaret Lokawua and Mary Simat at the seventh session of the Permanent Forum.

The special theme of the Second Decade is "Partnership for action and dignity". The Under-Secretary General on Economic and Social Affairs, Mr Sha Zukang, is the Coordinator of the Second Decade and the Secretariat of the UNPFII supports the Coordinator in his mandate.

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The International Day of the World's Indigenous People was established by the General Assembly since the launch of the first Decade and continues throughout the Second Decade. The Day is celebrated annually on the 9th of August. On the same day, in 1982, the Working Group on Indigenous Populations held its first meeting.

recognition of the challenge of indigenous representatives to travel to the United Nations to present their cause, the General Assembly established, in 1985, the Voluntary Fund for Indigenous Populations, which is serviced by the Office of the High Commissioner for Human Rights. During the first Decade and the Second Decade, the Assembly established a fund to support projects proposed by indigenous organizations on the ground, and in 2002 the Assembly established a trust fund to support the United Nations Permanent Forum on Indigenous Issues. The Trust Fund on Indigenous Issues, as it is now called, supports the UNPFII and the Second Decade small grants programme and is serviced by the Secretariat of the UNPFII.

The Secretariat of the Permanent Forum on Indigenous Issues

The first session of the Permanent Forum on Indigenous Issues in May 2002 was seen as a milestone in the advancement of the aspirations and rights of indigenous peoples worldwide. This session was serviced by the Office of the United Nations High Commissioner for Human Rights.

In 2003, the General Assembly decided that a secretariat unit be established to assist the newly inaugurated Permanent Forum on Indigenous Issues in carrying out its mandate. The Secretariat of the Permanent Forum on Indigenous Issues (SPFII) has been based, since February 2003, at United

⁷ Excerpt from the UN document A/60/270

Nations Headquarters in New York, in the Division for Social Policy and Development of the United Nations Department of Economic and Social Affairs. In early 2010 the staffing of the Secretariat comprises nine regular budget positions.



UNPFII and SPFII, from the third session of the Permanent Forum.

SPFII works year-round to prepare the annual sessions of the United Nations Permanent Forum on Indigenous Issues (UNPFII) and provide support to the Members of the UNPFII throughout the year. SPFII advocates for, facilitates and promotes the implementation within the United **Nations** system of recommendations that emerge from each annual UNPFII session and promotes awareness of indigenous issues within the United Nations system, governments, nongovernment organizations and the broader public.

While supporting the Permanent Forum, SPFII:

- Promotes the integration at international and national level of United Nations policies on indigenous peoples' issues in the areas of economic and social development, environment, health, human rights, education and culture.
- Promotes coordination of activities on indigenous peoples' issues within the United Nations system and other inter-

governmental organizations; provides the substantive secretariat of the Inter-Agency Support Group on Indigenous Peoples' Issues (currently composed of 32 UN system and other inter-governmental entities).

- Promotes awareness of indigenous issues at all levels of civil society, the media and academia. Promotes networking, capacity-building and research with indigenous and non-indigenous organizations, the inter-governmental system, states and academia.
- Prepares analytical papers, publications and other material, promoting the United Nation's work on indigenous issues and catalyzing policies, programmes and projects in this area.
- Oversees and promotes work under the Second International Decade of the World's Indigenous People (2005-2015).
- Provides substantive support to the Trust Fund on Indigenous Issues, including the small grants programme under the Second International Decade of the World's Indigenous People.
- Directs pilot projects on indigenous issues in the field.



President Evo Morales of Bolivia was the first Head of State to address the Permanent Forum, at its seventh session in 2008.

In preparation for the Permanent Forum's annual sessions, SPFII solicits and prepares documentation to help the Permanent Forum monitor the implementation of its recommendations: some 35 documents are

produced annually for the Forum's session. This documentation also includes desk reviews conducted by SPFII on whether and how the UN system includes indigenous peoples and their issues in their development work in various countries around the world, as well as on whether and how countries do so in their efforts towards achieving the Millennium Development Goals⁸. In December 2009, the Secretariat published the first ever State of the World's Indigenous Peoples.

The Secretariat also coordinates the preregistration of more than 2,000 attendees of the annual sessions of the Permanent Forum.



UNPFII Member, Pavel Sulyandziga at the Seventh Session.

The Secretariat arranges logistics for the Forum's session, which is one of the two largest meetings United **Nations** at Headquarters annually. This means coordinating with various services and including departments, Conference Services, Security and the Department of Public Information, so as to achieve an effective running of the session and a welcoming, facilitating environment for the participants.

Coordination of the multitude of special events during the session (some 60 such

events taking place during the sessions), is another task of the Secretariat, including cultural events. This involves contacts with the states, agencies, indigenous and other organizations and academic institutions that sponsor the events, as well as contacts and coordination with the artists that participate in exhibits and cultural events and the Department of Public Information.

As it prepares the session, the Secretariat sends a number of strategic mass communications to indigenous organizations as well as through its website that provide information on the substance and logistics for the organizations attending the session⁹.

The Secretariat communicates and consults with the Forum and its Bureau throughout the year to assist the Forum members' participation at important UN and other international meetings, to support the members' official visits to UN agencies and the preparation of special papers by the members, as well as other issues of importance for the Forum's mandate.

SPFII also collects and disseminates reports from UN agencies, States and others on the implementation of the Permanent Forum's recommendations that are studied and used by Members as an important part of their dialogue with the UN system and member states.

SPFII prepares and services pre-sessional meetings of the Permanent Forum devoted to the preparation of the sessions; such meetings were held twice in New York and four times in various countries at the invitation of the respective Governments (Denmark and Greenland, China, Spain and Norway).

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⁸ The desk reviews of Common Country Assessment (CCAs) and UN Development Assistance Framework (UNDAFs), MDG Reports and Human Development Reports are <u>avaliable online</u>.

⁹ Handbook for participants to the UN Permanent Forum on Indigenous Issues sessions at http://www.un.org/esa/socdev/unpfii/en/publications.html; this useful guide has been produced in French, English, Russian and Spanish.

The Secretariat also prepares the meetings of the Permanent Forum's Bureau, which acts as the Advisory Body for the Trust Fund regarding the Second Decade of the World's Indigenous People—and follows up on decisions regarding the grants. This complex work involves among other things, corresponding with organizations proposing projects for funding, analyzing proposals for presentation to the Forum's Bureau, assisting in preparing the required agreements with the grantees, following up with the processing of these within the United Nations as well as with the grantee organizations in terms of implementation. The Secretariat conducts this work in four languages (English, French, Russian, Spanish).

Every year, the UNPFII decides, with the support of ECOSOC, to hold international expert group meeting on an issue of particular complexity, so that the results of the meeting can inform the annual session of the Forum and lead to useful recommendations. The Secretariat therefore has organized these meetings, in January each year, by consulting with Forum members, agencies, indigenous experts and states, and preparing the meeting's report to the Forum. Subjects of these expert meetings until now include, data collection and disaggregation; free, prior and informed consent, indigenous languages and development with culture and identity

It has also become a practice that various governments, UN agencies or indigenous organizations, with the support and recommendation of the UNPFII, invite the Forum to expert specialized meetings in various countries. This means that the Secretariat of the Forum is the co-organizer of these special meeting together with the hosting government or organization. For example in 2007, four such meetings were held. One meeting was devoted to Urban

Indigenous Peoples and Migration and took place in March at the seat of the Economic Commission for Latin America (ECLAC) in Santiago, Chile and SPFII cooperated with UN-HABITAT, the Office of the High Commissioner for Human Rights, ECLAC and the Government of Canada. The results of the meeting fed into the 2007 session of the Forum which adopted a number of policy recommendations in this field.



Wilton Littlechild and Joan Carling at the International Expert Group Meeting on implementing article 42 of the UN Declaration on the Rights of Indigenous Peoples.

The Forum was invited to hold an expert meeting on "Perspectives of Relations between Indigenous Peoples and Industrial Corporations" in Salekhard, Yamal Nenets Autonomous Region in the Russian Federation, in July, 2007 An expert meeting on "Indigenous Peoples and the Environment" that mainly focused on pollution was held in Khabarovsk Krai, in the Russian Federation in August, 2007 For these two meetings SPFII cooperated closely with the Regional Governments, the Russian Association of Indigenous Peoples of the North, Siberia and the Far East (RAIPON) and the Government of the Russian Federation. In 2008, cooperated with the United Nations University and the North Australian Indigenous Land and Sea Management Alliance on an expert meeting on climate change in Darwin, Australia. SPFII also worked with the Tebtebba Foundation in organizing an expert workshop

indigenous peoples' rights, corporate accountability and the extractive industries, held in Mandaluyong City Philippines.

In January each year, the SPFII prepares its report to the Permanent Forum which outlines developments in the mandated areas and ongoing priorities/themes of the Permanent Forum. This overview is designed to provide input into the work of the Permanent Forum's annual session. Additionally SPFII facilitates the flow of information, both among Members, and between the Permanent Forum, the UN system, governments and the civil society more broadly. Communication is facilitated among other things by fielding public queries, maintaining an active website and issuing a quarterly newsletter called Message Stick and other information for circulation. An awareness-raising film on Indigenous Peoples and the United Nations has also been produced.

SPFII takes advantage of its permanent presence at United Nations Headquarters to advocate for implementation of Permanent Forum's recommendations during the whole year at a high level of UN agencies and departments, international media, and state representatives at the General Assembly and ECOSOC. SPFII also advocates for indigenous issues through its substantive support participation in the United Nations Inter-Agency Support Group on Indigenous Peoples' Issues as well as through convening relevant task forces. SPFII staff members maintain an active circuit during the year of attendance at relevant indigenous issues meetings and workshops, usually in concert with Members of the Permanent Forum. SPFII actively promotes the integration of indigenous issues in the United Nations system by participating in a variety of inter-agency mechanisms, and the UNDG as well as other bodies.



Carol Pollack and Juan Fernando Nuñez of SPFII at the seventh session of the Permanent Forum

The Inter-Agency Support Group on Indigenous Peoples' Issues (IASG) was established in 2002 and has reached considerable visibility within the United Nations and the SPFII has worked hard in that direction. From fewer than members in 2002, the IASG now numbers members among United Nations agencies and other intergovernmental organizations. The IASG is recognized as a positive initiative in playing a key role in the implementation of the mandate of the UNPFII and in its efforts to mainstream indigenous issues throughout the United Nations system. SPFII seeks support from United Nations agencies, funds and programmes, to cooperate that indigenous peoples are involved more closely in the planning, implementation and evaluation of projects. For example, a major achievement in 2008 is that, the United Nations Development Programme adopted Guidelines for Indigenous Peoples' Issues that serve as framework for the United Nations programmes and projects at country level¹⁰.

The UNPFII and its Secretariat are aware of the immense capacity-building needs at all levels, governments, agencies and indigenous peoples. Given its very limited

¹⁰ www.undg.org and www.un.org/desa/socdev/unpfii

human and other resources, SPFII has been able to organize one training course annually for delegates of Member States at UN Headquarters; it has cooperated with non-governmental organizations and academia that organize training courses for indigenous delegates who participate at the annual sessions of the UNPFII; and has cooperated with indigenous organizations and others for ad hoc training courses during the year.

Within the framework of the Action Plan to roll out the UNDG Guidelines on Indigenous Peoples' Issues, SPFII organized in 2009 a training of trainers on indigenous peoples' issues at the ILO Training Center in Turin, Italy. In addition, SPFII organized training courses for the UN country teams in Nepal, the Philippines and Ecuador. A course was also organized of Government officials in Ecuador.

Given the Permanent Forum's broad mandate and constituency as well as high visibility, the work of the Permanent Forum and of the SPFII continues to expand. The reasons for this expansion are linked to the rising international political profile and core relevance of indigenous issues for Member States, including those who do not have indigenous peoples in their territories, for the private sector and for civil society at large. The adoption of the United Nations Declaration on the Rights of Indigenous Peoples on 13 September 2007 is a seminal achievement of the United Nations and testimony of the importance of indigenous issues for the international community. In addition, indigenous peoples' level of organization and advocacy has increased at national and international level, thus making the United Nations a nodal point of consultation, policy-making, partnership and action with the expectation of solutions.



Celebrating the adoption of the Declaration at the General Assembly in 2007

The role of the Permanent Forum under the United Nations Declaration on the Rights of Indigenous Peoples¹¹ is set out in Article 42 of the Declaration which states that the Permanent Forum shall promote respect for and full application of the provisions of the Declaration and follow up the effectiveness of the Declaration. Given the central development and human rights aspects of the Declaration and the Permanent Forum's broad mandate, the Forum is expected to play a pivotal role in harnessing further cooperation between states, indigenous peoples and the United Nations system. At its eighth session in 2009 the Forum decided on the ways in which it will discharge its new mandate, as can be seen in the Annex to the Report on the Eighth Session.

Challenges

The Permanent Forum has identified a number of challenges, which its secretariat is also confronted with in its work, including:

- Insufficient human and financial resources for indigenous issues in the United Nations system.
- Lack of flexibility in national programmes; wide diversity and geographical dispersion of indigenous

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¹¹ Adopted by General Assembly resolution 61/295

peoples, and the ensuing difficulties of defining common programme strategies.

- Governmental perception that the needs and rights of indigenous peoples are already included in public laws and policies and/or insufficient governmental commitment.
- Political sensitivity of the issue, including the publication of data.
- The great number of the Permanent Forum's recommendations and the need for their progressive realization, based on longer-term processes.
- Within the Permanent Forum, there is a need to further strengthen the monitoring system on the implementation of recommendations in cooperation with indigenous peoples, governments and agencies,
- The situation of indigenous peoples in countries in armed conflict and post-conflict situations needs more attention.
- Issues of security are hampering humanitarian assistance to indigenous peoples in conflict situations.
- Indigenous peoples in developed countries lack access to the United Nations and other international development assistance systems at national and local level.
- There is need for positive engagement between the private sector and indigenous peoples.
- The Millennium Development Goals related actions lack adequate inclusion of indigenous peoples and their issues.
- United Nations programming process at country level lacks adequate inclusion of indigenous peoples.
- The Permanent Forum's special rapporteurs and overall research functions of the Permanent Forum require resources which are currently unavailable.
- Barriers still exist in certain United Nations environmental fora in terms of indigenous peoples' participation

• In regards to indigenous languages, there are resource constraints for implementing bilingual education by governments; there is also lack of adequate awareness among governments, including donors, of the importance of bilingual education.



From the Seventh Session of the Permanent Forum

The lack of adequate resources and other concerns including the lack of opportunity for indigenous peoples to be recruited into the United Nations requires ongoing consideration.

Achievements

In terms of the positive contribution of the Permanent Forum and the SPFII, it is apparent that governments and the international community are increasingly acknowledging the rights of indigenous peoples, in response to the advocacy by indigenous peoples themselves and the support of the United Nations. Some of the achievements identified by the Permanent Forum, which its secretariat is also observing in its work include:

- UNPFII has considerably increased the visibility of indigenous issues at the international level and is a nodal point for catalytic action at the international level;
- UNPFII is the foremost body for dialogue between indigenous peoples, UN agencies and States.

- UNPFII has contributed to raising indigenous views in a global context on climate change and on the development paradigm,
- UNPFII has promoted and encouraged the creation of new indigenous organizations in numerous countries and their active involvement at national and international levels,
- UNPFII has promoted the development of indigenous-related policies by intergovernmental organizations, including international financial institutions.
- The Inter-Agency Support Group on Indigenous Issues has solidified its position, expanded its membership and provided substantive input to UNPFII.
- UNPFII has managed through its advocacy to increasingly mainstream indigenous issues
- UNPFII is increasingly represented at international, regional and national meetings of importance within its mandate and has promoted and increased indigenous peoples' participation at inter-governmental meetings.
- UNPFII has created a space for cooperation with the UN system through its comprehensive recommendations in all the areas of its mandate.
- UNPFII has established a system of visits to agencies to promote indigenous issues.
- UNPFII-mandated expert meetings are hosted by the UN and other intergovernmental organizations as well as governments and make significant contributions to indigenous issues.
- UNPFII is a platform and catalyst for challenging and emerging issues including:
- Data collection and disaggregation
- Free, prior and informed consent
- The Millennium Development Goals
- Indicators of well-being and poverty

- UNPFII promotes integration of indigenous issues in the UN's operational activities in the field.
- UNPFII promotes the collection and sharing of best practices.
- UNPFII promotes increased engagement at the regional level (includes regional focus at its annual sessions).



From the eighth session of the Permanent Forum

The current members of the United Nations Permanent Forum are:

Mr. Simeon Adewale Adekanye (Nigeria)

Mr. Lars Anders **Baer** (Saami, Sweden)

Mr. Hassan **Id Balkassm** (Amazingh, Morocco)

Ms. Elisa **Canqui Mollo** (Aymara, Bolivia)

Mr. Michael **Dodson** (Yawuru, Australia)

Ms. Tonya Gonnella **Frichner** (Onondaga, USA)

Ms. Paimaneh **Hasteh** (Iran)

Mr. Eugenio A. **Insigne** (Philippines)

Ms. Margaret Lokawua (Karimojong, Uganda)

Ms. Liliane **Muzangi Mbela** (Democratic Republic of Congo)

Mr. Carlos **Mamani Condori** (Aymara, Bolivia)

Mr. Andrei A. **Nikiforov** (Russian Federation)

Mr. Bartolomé Clavero Salvador (Spain)

Mr. Carsten **Smith** (Norway)

Mr. Pavel **Sulyandziga** (Udege, Russian Federation)

Ms. Victoria **Tauli-Corpuz** (Igorot, Philippines)