

July/August 2013



**Highlights from the Twelfth Session of the
Permanent Forum on Indigenous Issues:
Review Year**

**Permanent Forum Members Appointed
for the Period 2014-2016**

**Global Indigenous Preparatory
Conference for the World Conference on
Indigenous Peoples**

**Sixth Session of the Expert Mechanism on
the Rights of Indigenous Peoples**

**WIPO Intergovernmental Committee on
Intellectual Property and Genetic
Resources, Traditional Knowledge and
Folklore: 25th Session**

**Thematic Debate on Inequality by the UN
General Assembly**

**Indigenous Expert Workshop on
Intellectual Property and Genetic
Resources, Traditional Knowledge and
Traditional Cultural Expressions**

The Message Stick¹ highlights the activities undertaken by the United Nations Permanent Forum on Indigenous Issues (UNPFII) as well as its Secretariat. It is produced by SPFII staff.



¹ A Message Stick is a traditional Australian Aboriginal method of correspondence whereby runners would deliver messages carved in symbols on a piece of wood to inform other indigenous peoples of upcoming events.

**Highlights from the Twelfth Session of the
Permanent Forum on Indigenous Issues
(20 – 31 May 2013) – Review Year**



Grand Chief Ed John hands over the chairmanship of the Permanent Forum to Mr. Paul Kanyinke Sena.
Photo: Broddi Sigurdarson.

The twelfth session of the Permanent Forum came to a conclusion on 31 May 2013. Here are some highlights of the two weeks of deliberations and activities:

Participation: The session was attended by some 70 member states, UN system agencies, funds and programmes, and over 1200 indigenous peoples' delegates and NGOs. A large number of high-level officials/ministers attended, including from Bolivia, Botswana, Brazil, Congo, Denmark/Greenland, Ecuador, Guatemala, Guyana, Mexico, Namibia, Nicaragua, Norway, Paraguay and USA. There were also a significant number of participants representing indigenous women and youth, and indigenous persons with disabilities.





Permanent Forum members with the UN Deputy Secretary-General, Mr. Jan Eliasson. Photo: Broddi Sigurdarson.

Providing an excellent opportunity for sharing good practices, networking and delving into specific topics, more than **60 side events** were held during the two weeks of the session. They were organized by indigenous peoples' organizations, NGOs, member States and UN entities covering a multitude of topics.

The twelfth session was a **review year, focusing on culture, education and health**; three of the six mandated areas of the Forum. In its report of the twelfth session, the Forum states that the health gap between indigenous and non-indigenous peoples is evidence of the discriminatory structures that are in conflict with human rights and indigenous peoples' rights in particular. It demonstrates the need for Governments and UN entities to refocus and redouble their efforts in fulfilling their obligations towards indigenous peoples. In the area of education, the Forum noted that often indigenous peoples receive the poorest quality of education. Access to quality education, including the need to ensure the full and effective participation of indigenous peoples in the development of legislative, regulatory and administrative measures, will better ensure knowledge and skills necessary for improving the well-being of indigenous peoples. Culture has been recognized by indigenous peoples as the fourth pillar of sustainable development. This is because it encompasses profound cultural and spiritual

teachings and traditions that acknowledges humanity's relationship with – and responsibilities for – our earth and for our collective future. As such, indigenous peoples continue to press to have this pillar recognized and accepted in the UN system.

The Permanent Forum held **in-depth dialogues with international financial institutions**, including the World Bank, the International Finance Corporation, the Asian Development Bank, the Inter-American Development Bank and the African Development Bank. The Permanent Forum made 18 recommendations to the international financial institutions. Based on the discussions during this dialogue, the Permanent Forum recommendations included that (i) international financial institutions must adopt and incorporate free, prior and informed consent into all their safeguard policies and project-related instruments; (ii) they unequivocally acknowledge the collective rights of indigenous peoples to their lands, territories and resources in the banks' safeguard policies and in all development projects contexts – and not merely in exceptional circumstances.

On **human rights**, the Permanent Forum held a constructive dialogue with the Chair of the Expert Mechanism on the Rights of Indigenous Peoples, the Special Rapporteur on the Rights of Indigenous and others on the



Ms. Agnes Leina during the cultural event at the session. Photo: Broddi Sigurdarson.



implementation of the Declaration on the Rights of Indigenous Peoples. In this vein, 14 recommendations were made covering issues related to, inter alia, the situation of indigenous persons with disabilities, violence against human rights defenders, and States taking steps to establish truth commissions in situations of human rights violations against indigenous peoples.



Permanent Forum members Ms. Dalee Sambo Dorough and Ms. Megan Davis during the twelfth session.

This year, the **regional focus was on Africa**, with Forum members and the African Commission on Human and Peoples' Rights describing the situation of hunter-gatherers, pastoralist and other indigenous peoples who had nomadic lifestyles. The situation of indigenous women in the region continues to be a major concern as they have low literacy rates and are subjected to many forms of violence. The Government representative of the Republic of the Congo highlighted some

progress in the region, with the passing of [Law No. 5-2011 in 2011](#), which recognizes the rights of indigenous peoples in that country. It was also noted that constitutional progress had been made in the Republic of Kenya and quotas have been set aside for the Batwa peoples in the Parliaments of Burundi and Rwanda.

During the twelfth session, the Forum deliberated on two important ongoing processes:

- **Post-2015 Development Agenda:** The Forum highlighted the need to incorporate indigenous peoples' issues in the process. Among the issues covered were the need for the UN system to conduct a separate consultation with indigenous peoples at the regional and global levels as an integral and critical part of the process; and that indicators and monitoring tools must be developed relating to indigenous peoples in the sustainable development goals and post-2015 development process.
- **World Conference on Indigenous Issues (2014):** an inter-active discussion during the session provided an opportunity for the Permanent Forum to listen carefully to statements and recommendations on the upcoming World Conference from member States, the seven socio-cultural regions, as well as from indigenous women, youth and disability caucuses, UN agencies and inter-governmental



Photo: Broddi Sigurdarson.



organizations as well as NGOs. Based on these discussions, the Permanent Forum prepared 24 recommendations on the World Conference. These cover issues such as the preparatory process leading to the conference and participation of indigenous peoples in the entire process and in the Conference itself. A number of themes have emerged as **priority issues** of concern to all: (i) the right of indigenous peoples to self-determination; (ii) the right of indigenous peoples to lands, territories, and resources, extractive industries, and the related right to free, prior, and informed consent; (iii) the economic, social, and cultural rights of indigenous peoples and; (iv) strengthening of indigenous peoples' participation in, and mechanism of the UN; the need for immediate, effective, and comprehensive implementation of the UNDRIP by member states and the UN system with the full participation of indigenous peoples. The Forum is mindful that dialogue will continue amongst and between indigenous peoples and member states in preparation for the WCIP.

Several **reports and studies** undertaken by Permanent Forum members were submitted to the session highlighting key issues for indigenous peoples. All the reports presented are available for download at: undesadspd.org/IndigenousPeoples/UNPFIISSessions/Twelfth/Documents.aspx.

The **closing of the sessions** was addressed by the UN Deputy Secretary-General, Mr. Jan Eliasson. He emphasized, among other issues, the Permanent Forum session as an opportunity to share experiences and review what is being done – and not least what needs to be done – to secure fundamental rights and greater opportunities for indigenous peoples. “This Forum’s focus on health, education and culture has highlighted a number of issues which require new approaches for public policies.

In particular, enhanced well-being requires a better understanding of indigenous peoples’ backgrounds, living conditions and world views. All this requires involving indigenous people in decision-making”, Mr. Eliasson remarked.

The **Report of the Twelfth Session of the Permanent Forum** is available at www.un.org/Docs/journal/asp/ws.asp?m=E/C.19/2013/25.

A collection of the statements made during the session is available online via doCip at <http://bit.ly/12thSession>.

Permanent Forum Members Appointed for the Period 2014-2016

On 6 May 2013, the President of the Economic and Social Council announced the appointment of eight members of the Permanent Forum on Indigenous Issues for the term 2014-2016, who had been nominated by indigenous peoples’ organizations. Earlier, ECOSOC elected seven members nominated by governments. Their term begins on 1 January 2014 and lasts until 31 December 2016. One seat remains to be filled by a government nomination from the Asia-Pacific region.

Indigenous nominated and appointed by the President of ECOSOC:

- Mariam Wallet Aboubakrine
- Dalee Sambo Dorrough
- Joan Carling
- Raja Devasish Roy
- Kara-Kys Arakchaa
- Maria Eugenia Choque Quispe
- Edward John
- Valmaine Toki

Government nominated and elected by ECOSOC:

- Joseph Goko Mutangah
- Gervais Nzoa
- Mohammad Hassani Nejad Pirkouhi



- Oliver Looide
- Aisa Mukabenova
- Alvaro Esteban Pop Ac
- Megan Davis

**Global Indigenous Preparatory
Conference for the World Conference on
Indigenous Peoples, 10 – 12 June 2013**



Guovdageainnu kulturskuvlla lávlunjoavku
(Kautokeino Culture School Choir) in Alta, Norway.
Photo: Ryan RedCorn.

Indigenous peoples representing the seven global geo-political regions and the indigenous caucuses on women and youth gathered in June 2013 in Alta, Norway. The purpose of the meeting was to present each of the regional Declarations, which formed the basis to develop a common global indigenous position in response to the call by the UN General Assembly for a high-level plenary meeting, to be known as the World Conference on Indigenous Peoples, in 2014. Permanent Forum members - led by the Chairperson, Mr. Paul Kanyinke Sena - and SPFII participated in the event, which was



Mr. Paul Kanyinke Sena, Chairperson of the Permanent Forum at the podium during the preparatory conference in Alta, Norway. Photo: Ben Powless.

concluded with the adoption of the "Alta Outcome Document".

Around 600 delegates and observers attended, including representatives from the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the Rights of Indigenous Peoples. Also present were Ambassador Luis Alfonso de Alba of Mexico, and Mr. John B. Henriksen – the international representative of the Sami Parliament of Norway, who were appointed by the President of the 66th session of the General Assembly to conduct consultations with Member States on his behalf.

The delegates identified four overarching themes they recommend for inclusion in the final outcome document of the World Conference: (i) indigenous peoples' lands, territories and resources; (ii) the United Nations action for the implementation of the rights of indigenous peoples; (iii) the implementation of the rights of indigenous peoples; and (iv) indigenous peoples' priorities for development, including the right to free, prior and informed consent.



Morning plenary of day one, at Alta, Norway. Photo: Ben Powless.



The outcome document of the conference is available at:
<http://undesadspd.org/IndigenousPeoples/WorldConference/IndigenousPeoplesVoicesontheWorldConference.aspx>

For more information, please visit
www.wcip2014.org.

Sixth Session of the Expert Mechanism on the Rights of Indigenous Peoples

(8-12 July 2013) Bringing together representatives of indigenous organizations, member States, UN entities and civil society, the sixth session of the Expert Mechanism on the Rights of Indigenous Peoples was convened to discuss the promotion and advancement of indigenous peoples' rights.

The focus of the discussions was on issues such as the World Conference on Indigenous Peoples (2014), follow up on thematic studies and advice, a study on access to justice in the promotion and protection of the rights of indigenous peoples.

The Chairperson of the Permanent Forum, Mr. Paul Kanyinke Sena, delivered a statement at the opening providing highlights from the twelfth UNPFII session in which he underscored the importance of the UN Declaration on the Rights of Indigenous Peoples as the normative basis for their work. He also provided inputs to the ongoing study on access to justice, which will be presented to the 24th session of the Human Rights Council.

Additionally, the event provided an opportunity to meet and discuss future coordination for the three UN mechanisms – the Permanent Forum, the Expert Mechanism and the Special Rapporteur on the Rights of Indigenous Peoples.

Documentation and statements from the event is available via doCip at <http://bit.ly/EMRIP6>.

WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore: 25th Session

The 25th session of WIPO's Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) was held in Geneva from 15 to 24 July 2013.

The session began with a panel on the theme: "Indigenous peoples' perspectives on intellectual property protection for traditional cultural expressions: beneficiaries, subject matter, rights, and exceptions". Ms. Valmaine Toki, member of the Permanent Forum, made a keynote speech. The Chairperson of the UN Permanent Forum, Mr Kanyinke Sena, also attended the WIPO meeting.

During the plenary session, there was a review of the document WIPO/GRTKF/IC/25/4, "The Protection of Traditional Cultural Expressions: Draft Articles." The IGC established an informal expert group that worked on the core issues, with a view to reducing the number of options and streamlining the text. The group comprised around 38 experts, with up to six experts per region nominated by the member States, as well as two indigenous experts nominated by indigenous peoples participating in the session. In the interest of transparency, other delegates sat in on the work of the group as observers. Indigenous peoples were also able to nominate two observers to follow the negotiations. All other participants were able to follow the expert group's deliberations via audio and video feed, in adjoining rooms.



The IGC concluded its session with a revised draft text of an international legal instrument on intellectual property and traditional cultural expressions. This text will be submitted to the September 2013 session of the WIPO General Assembly. The session's formal decisions, and other documentation, are available on the WIPO website (www.wipo.int/meetings/en/details.jsp?meeting_id=29683).

Thematic Debate on Inequality by UN General Assembly

Convened by the President of the UN General Assembly, a day-long thematic debate on inequality was held on 8 July 2013, as part of the ongoing discussions on the Post-2015 Development Agenda.

As part of an inter-active panel discussion, the Secretariat of the Permanent Forum provided inputs relating to indigenous peoples issues. Here, focus was on the Permanent Forum's concern over the omission of the situation and perspectives of indigenous peoples in the Millennium Development Goals (MDGs), poverty reduction and pursuit of equality. Outlining the outcomes of an online consultation by UNPFII and UNICEF, the Secretariat stressed the importance of including indigenous peoples in the Post-2015 Development Agenda while urging that this process avoid only focussing on minimum social well-being but on ensuring the right to live a decent life.

An overview of the discussions is available at www.worldwewant2015.org/node/360218

Indigenous Expert Workshop on Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions

From 19 to 21 April 2013, the WIPO Secretariat and the Permanent Forum

Secretariat organized an Indigenous Expert Workshop on Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions, taking place at WIPO Headquarters. Seven indigenous experts – one from each of the seven geo-cultural regions recognized by UNPFII – were invited to participate, together with one member of the UNPFII and one member of the UNPFII Secretariat. The workshop aimed to review and analyze the draft texts being negotiated by the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), identify key policy and legal issues relevant for indigenous peoples, and formulate feasible ways, including text proposals, to address the key issues identified.

The report is available at www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_25/wipo_grtkf_ic_25_inf_9.pdf (Annex I).

Secretariat of the Permanent Forum on Indigenous Issues

The Secretariat of the Permanent Forum was established by the UN General Assembly in 2002.

It is based at UN Headquarters in New York in the Division for Social Policy and Development of the UN Department of Economic and Social Affairs (DSPD/DESA).

The Secretariat is now located in the Secretariat Building, Room S-2954

SPFII Staff:

Ms. Nilla Bernardi
Mr. Joshua Del Duca
Mr. Broddi Sigurðarson
Ms. Bertha Bravo
Mr. Arturo Requesens
Ms. Mirian Masaquiza



Mr. Martin Wolf Andersen
Ms. Sonia Smallacombe
Ms. Chandra Roy-Henriksen

Web: www.un.org/indigenous
Email: indigenous_un@un.org

