



DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS
Division for Social Policy and Development
Secretariat of the Permanent Forum on Indigenous Issues

**International Expert Group Meeting on the theme
Implementation of the United Nations Declaration on the Rights of Indigenous Peoples:
The role of the Permanent Forum on Indigenous Issues and other indigenous specific
mechanisms (article 42)**

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THE MAIN ACHIEVEMENTS AND CHALLENGES IN THE IMPLEMENTATION OF THE UNDRIP IN AFRICA

All African countries officially supported the UN Declaration on the Rights of Indigenous Peoples and a lot of them decided to implement domestic legislation and policies to operationalize the decision. Thanks to an important mobilization of Indigenous Peoples' communities, representatives and civil society organizations, progress have been made toward the implementation of the UNDRIP.

Progress made toward implementation of UNDRIP in Africa

In Africa, various States commit to implement the UNDRIP at the national level through the adoption of domestic laws, legislations and policies include:

- The Republic of Congo Brazzaville - Establishment of Indigenous Peoples law, which provides the provision for the respect and promotion of the rights of indigenous peoples
- The Central African Republic - Ratified ILO Convention 169 (the only African country that have ratified the Convention)
- The Democratic Republic of Congo – has a draft law on the right of indigenous peoples
- Kenya has in its new constitution recognized the rights of indigenous peoples
- The Kingdom of Morocco recognized the Amazir indigenous language as an official language of the country
- The Republic of Niger and the Republic of Chad have developed pastoral Code (laws)
- Institution have been created in Chad for the education and health of nomadic, island and hard-to-reach children
- Most of African countries where there are Indigenous Peoples celebrate the International Day of Indigenous Peoples

At the regional level, The FIPAC (International Forum of Indigenous Peoples of Central Africa has been held since 2010 every year) gathers 11 countries of Central Africa including some West African Countries.

In 2013, in its 3rd edition, FIPAC organised a discussion on the green economy and Indigenous Peoples' Traditional Knowledges to prepare the World Summit of Indigenous Peoples. The Forum gathers different actors and stakeholders who work with Indigenous Peoples and was opened officially by multiple Heads of State (Benin, Republic of Congo Brazzaville and Republic of Chad). During this forum, 11 ministers from these countries met with indigenous peoples to work on indigenous peoples and traditional knowledge and led to the adoption of a ministerial declaration.

Challenges to strengthen implementation of UNDRIP in Africa

At the national level:

- In most countries, Indigenous Peoples still face problem related to poor implementation of laws and policies. Legislative implementation texts (decrees) and budget allocations are still missing. This leads to miss-recognition of indigenous peoples' identity
- Difficulties of indigenous peoples' participation in law enforcement mechanisms
- Implementation at the local level is mainly based on indigenous peoples, and involves too little local partners and support (local governments for example)
- Lack of national and international direct funding to Indigenous Peoples

- Extend the number of States incorporating the provisions of the United Nations Declaration on the Rights of Indigenous Peoples into their national legislation

At the regional level:

- Better collaboration between regional and bilateral development banks active in the region and IPs organizations could help to address the rights of indigenous peoples and traditional knowledge in development programs
- Follow-up by regional organizations (such as the African Union, or ECCAS Economic Commission for Central African States) on the implementation of the UNDRIP provisions could encourage countries to accelerate the implementation of the provisions of the Declaration. Indicators could be developed to monitor policies for indigenous peoples and respect for their rights
- Indigenous Peoples organizations support the organization of a new forum of indigenous people of central Africa (FIPAC) in 2017, to take stock of recent decisions, but also to incorporate recent developments in international law and the 2030 Agenda for Sustainable Development (SDGs).

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Thematic challenges:

- Frequent and repeated violation of the rights of human rights defenders, in particular around land grabbing in many countries
- Increasing influence of the private and financial sector on the financial question, which raises concerns that principles such as free, prior and informed consent are threatened
- Weakness of judicial institutions and systems of legal protection of indigenous peoples which hampers compliance with the implementation of the Declaration

The role of Indigenous Representatives in the implementation of UNDRIP in Africa

Indigenous Peoples' participation to the UNDRIP implementation in Africa have led to the improvement of representative organizations of indigenous peoples in many countries and at regional level, for example by strengthening REPALEAC (Network of Indigenous and Local Populations for the Management of Forest Ecosystems in Central Africa). Collaboration between the different indigenous peoples' organizations and network (IPACC, MPIDO) is also strengthened, and many operational programs have been set up by community organizations. Indigenous Peoples organizations plays a critical role in supporting local community for capacity building on IPs rights enforcement, but also to develop development programs that respect the principles of UNDRIP.

PROGRESS IN RECOGNITION OF INDIGENOUS ISSUES IN THE MULTILATERAL PROCESSES

In the last years, thanks to extensive dialogue with Indigenous Peoples' representative, most international institutions have policies or Principals on Indigenous Peoples such as the World Bank, UNDP, IFAD, GEF, etc.

Progress reached in the multilateral process

The SDGs and the 2030 agenda

After RIO+20, the inclusive active participation of Indigenous Peoples in the negotiation of the sustainable development agenda (Open end ad hoc WG) allowed great progress in integrating many Indigenous Peoples' issues in the outcomes document of the SDGs. Indigenous Peoples' constituency representing seven (7) regions (Africa, Asia, Arctic, Pacific, North America, Latin American and Caribbean, Easter Europe and Russian) of Indigenous Peoples, participated in most of the key meetings, including with ministers and ambassadors in charge of the process, the UN General Assemblies and the High Level Political Forum HLPF.

The 2030 Agenda includes several explicit references to Indigenous Peoples:

- para 23: recognition of the importance of empowerment of vulnerable populations, including indigenous peoples
- para 25: importance of education, highlighting once again indigenous peoples
- Target 2.3 (under Goal 2 on zero-hunger): *by 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, Knowledge, financial services, markets and opportunities for value addition and non-farm employment*
- Target 4.5 (under Goal 4 on Education): *By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations*
- Para 79 related to follow-up and review at national level calls for the contributions of indigenous peoples: *We also encourage Member States to conduct regular and inclusive reviews of progress at the national and subnational levels which are country-led and countrydriven. Such reviews should draw on contributions from indigenous peoples, civil society, the private sector and other stakeholders, in line with national circumstances, policies and priorities. National parliaments as well as other institutions can also support these processes.*

More broadly, Agenda 2030 recognizes the importance of many themes important to Indigenous peoples. Some of the examples

- Objective 2 on Food: The importance of protecting the environment and respecting ecosystems, biodiversity for food security, and the importance of equal access to land
- The importance of the natural and cultural heritage of mankind
- Objective 13 on climate: recognition of the importance of capacity-building for marginalized communities
- Objective 14 on oceans: will strengthen the protection of coastal and marine ecosystems essential for certain indigenous communities
- Objective 15 on Forests, desertification and terrestrial ecosystems: sets targets for combating deforestation and desertification, and strengthens the international community 's support for

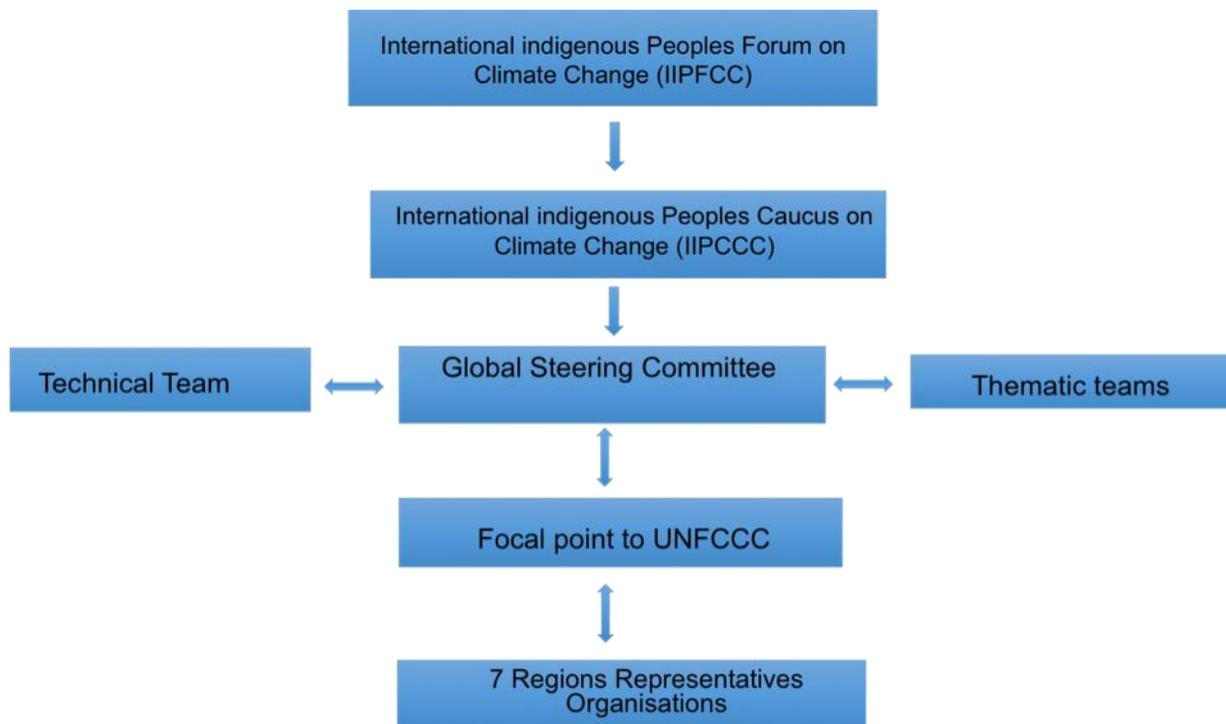
essential ecosystems for many indigenous communities, Importance of sharing benefits for the use of genetic resources

- Strengthen dialogue with companies and states on their action on the ground to reduce greenhouse gas emissions in forests in the implementation of the new partnership for sustainable development

The climate change negotiations

Indigenous Peoples' Constituency is also one of the nine ((9) major group of the United Nation Framework to Combat Climate Change (UNFCCC). Indigenous peoples' groups have been organized around the International Indigenous Peoples' Forum on Climate Change (IIPFCC) since 2008, as the Caucus for Indigenous Peoples participating in the UNFCCC processes. The IIPFCC represents the Indigenous Peoples' Caucus members who are present/attending the official UNFCCC Conference of Parties (COP) and the intercessional sessions of the SBSTA/SBI bodies in between COPs. Its mandate is to come into agreement specifically on what Indigenous Peoples will be negotiating for in specific UNFCCC processes. Indigenous Peoples' representatives attending the meetings have their own organizations at regional, national and global levels, which have their own agenda, priorities and own proposals that they may carry and push for during the Indigenous Peoples' Caucus meetings. The consensus is the way of agreement in this case. All the 7 regions of Indigenous Peoples (Africa, Asia, Arctic, Pacific, Latin America and Caribbean, North America, Eastern Europe and Russian) are represented.

Figure 1: The informal structure of Global Indigenous Peoples Coordination under the IIPFCC



The IIPFCC organized its work under two-work streams:

- A political work stream based on
 - o Dialogue between States and Indigenous Peoples at National level
 - o Regional consultation for Indigenous Peoples' political position paper
 - o Dialogue between Indigenous Peoples and UNFCCC States prior to each COP
 - o Publication of a political position of indigenous peoples for each COP
 - o Organization of a regular dialogue with the COP presidencies to ensure that indigenous issues are taken into account in the negotiations
 - o High level meeting (e.g. with the French President, EU Ministers)
 - o Strategy of rapprochement with other major groups for the integration of the rights and knowledge of indigenous peoples and the involvement of special reporters on the environment and on the rights of indigenous peoples and collaboration with the Geneva institutions on human rights

- A technical work stream base on:
 - o A Technical team of indigenous volunteers and NGOs working with indigenous peoples
 - o Respect for different languages to encourage the participation of each region
 - o Creation of a pavilion of indigenous peoples on the COP site since Lima to ensure the participation of others Indigenous Peoples without access to the negotiation zone and to allow outside gathering.

The results of Indigenous Peoples' representatives' participation to the UNFCCC process are the following, five references in total in the Paris Agreement:

- In the preamble to the Paris Agreement -> recognition of the rights of indigenous peoples
- Article 7.5 Recognition of the importance of traditional knowledge for adaptation
- In decision 1 / CP21
 - o - Preamble: recognition of the importance of indigenous peoples in implementing of the Paris Agreement and rights of Indigenous Peoples
 - o Art 135 -> creation of Indigenous Peoples traditional knowledge sharing platform

Focus on the indigenous peoples' traditional knowledge platform at the COP22 in Morocco

It is essential to respect the Indigenous Peoples' traditional knowledge because we bring knowledge and experience on how to address causes, adaptation, mitigations, and solutions to climate change. Indigenous Peoples are committed to protect, use and apply their traditional knowledge and practices to implement solutions and ways to adapt to climate change within Indigenous Peoples' Nations and communities. Climate change solutions cannot be limited to Western scientific knowledge, but must include indigenous peoples' traditional knowledge, innovations and practices, which have historically contributed to the efforts of conservation of ecosystems and biodiversity.

During COP22, after days of negotiation and active diplomatic work by IIPFCC, parties adopted a decision of the COP to initiate a joint process between the SBSTA and the Permanent Forum of Indigenous Peoples on Climate to enable the implementation of the indigenous Peoples' Traditional Knowledge Platform. This process of negotiation with full and effective voice of Indigenous Peoples never happened in the history of the Convention before. The outcome was achieved with the

decision to operationalize the platform for local communities and indigenous peoples at the session. It was decided:

- *To adopt an incremental approach to developing the local communities and indigenous peoples platform, referred to in decision 1/CP.21 paragraph 135, with a view to ensuring its effective operationalization;*
- *To request the Chair of the SBSTA to initiate the process to develop the local communities and indigenous peoples' platform, which will include convening an open multi-stakeholder dialogue at SBSTA 46 on the operationalization of the platform to be co-moderated by the Chair of the SBSTA and a representative of indigenous peoples organizations;*
- *To invite Parties and other stakeholders to submit, by 31 March 2017, their views on the purpose, content and structure of the platform in order to inform the multi-stakeholder dialogue;*
- *To request the secretariat to prepare a report on the multi-stakeholder dialogue, which should also draw on the submissions;*
- *To also request the SBSTA to consider the report at SBSTA 47 under a new agenda item "local communities and indigenous peoples platform" and conclude its consideration at SBSTA 47 by forwarding recommendations for operationalization of the platform to COP23*

IP participation in other international forums:

In other forums (CBD, GEF, UNCCD, WB, GCF etc.) we have seen indigenous peoples' rights being addressed such as for example:

- Extensive exchanges to progress in the respect for the rights of indigenous peoples in the international regime for the protection of the environment
- UNCCD: continuation of actions to engage all actors to respect free, prior and informed consent in the implementation of the Convention and create synergy of best practise with the UNFCCC model
- UNCCDB: Further mobilization for the entry into force of the Nagoya Protocol and its provisions in favour of
- European Union: a commitment to strengthen the inclusion of indigenous peoples' participation in the implementation of European development cooperation policies. Policies on the indigenous peoples rights have been establish on 2015
- Work with multilateral environmental protection funds (GCF, GEF) and development banks (World Bank) to facilitate access by indigenous peoples to direct funding mechanism and financing to implement key provisions of UNDRIP (land issues, Capacity building, protection of ecosystems, involvement of Indigenous peoples and them communities, etc.) in the implementation of the three Rio conventions and the SDGs
- FAO: Establishment of a structure for indigenous peoples to participate in decision-making, Development of FAO voluntary guidelines to protect vulnerable communities, including indigenous peoples on land issues.

Remaining challenges and the way forward

Despite the progress described above, challenges remain in ensuring the full enjoyment of the rights of indigenous peoples as guaranteed in the UN Declaration on the Rights of Indigenous Peoples. Some concrete suggestions for the way forward in this regards are:

- 1) Implementation of Sustainable Development Goals
 - Involve indigenous peoples in national decisions and implementation of SDGs

- Ensure the coherence of the different objectives in the implementation so as not to leave aside certain subjects like environment or human rights
- 2) The Paris Agreement
- Operationalization of the platform on indigenous Knowledge
 - A special report on respect for the rights of indigenous peoples in the implementation of the Paris Agreement and national contributions could help to strengthen the respect of IP rights
 - Ensure the follow-up and respect of the different key principles (such as *Free Prior Informed consent* (FPIC)) in the implementation by companies of the Paris agreement under the agenda for climate action
 - Strengthening IIPFCC politically and technically and direct access to finance