

# Questionnaire on Indigenous Issues / PFII

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## Questionnaire to Indigenous Peoples' Organizations

The United Nations Permanent Forum on Indigenous Issues was established by Economic and Social Council (ECOSOC) Resolution 2000/22. The Permanent Forum is mandated to provide expert advice and recommendations on indigenous issues to ECOSOC and through the Council to United Nations agencies, funds and programmes; to raise awareness and promote the integration and coordination of activities related to indigenous issues with the UN system; and to prepare and disseminate information on indigenous issues.

The Permanent Forum's report of the fifteenth session of 2016 includes a number of recommendations within its mandated areas, some of which are addressed to indigenous peoples' organizations and institutions (attached).

The report can be found at : <https://www.un.org/development/desa/indigenouspeoples/unpfi-sessions-2/unpfi-fifteenth-session.html>

The secretariat of the Permanent Forum on Indigenous Issues invites Indigenous Peoples' Organizations and institutions to complete the attached questionnaire on any action taken or planned related to the recommendations of the Permanent Forum on Indigenous Issues, implementation of the UN Declaration on the Rights of Indigenous Peoples and the 2030 Agenda for Sustainable Development.

The responses will be compiled into one report for the sixteenth session of the Permanent Forum which will take place from 24 April to 5 May 2017. Responses will be placed on the UN's website at <https://www.un.org/development/desa/indigenouspeoples>

Please submit your completed questionnaire by **1 January 2017** to:

Secretariat of the Permanent Forum on Indigenous Issues  
Division for Social Policy and Development  
Department of Economic and Social Affairs  
Room: S- 2955  
United Nations Headquarters  
New York, USA 10017  
Telephone : 917-367-5100; fax : 917- 367-5102  
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The sixteenth session of the Permanent Forum on Indigenous Issues will be held at United Nations Headquarters from **24 April to 5 May 2017**.

## Draft Agenda

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Follow-up to the recommendations of the Permanent Forum:
  - (a) Empowerment of indigenous women;
  - (b) Indigenous youth.
4. Implementation of the six mandated areas of the Permanent Forum with reference to the United Nations Declaration on the Rights of Indigenous Peoples.
5. Dialogue with indigenous peoples.
6. Dialogue with Member States.
7. Dialogue with the funds, programmes and specialized agencies of the United Nations system.
8. Discussion on the theme “Tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples: measures taken to implement the Declaration”.
9. 2030 Agenda for Sustainable Development.
10. Dialogue with the Special Rapporteur on the rights of indigenous peoples and the Chair of the Expert Mechanism on the Rights of Indigenous Peoples with regard to indigenous human rights defenders.
11. Follow-up to the outcome document of the World Conference on Indigenous Peoples:
  - (a) Implementation of national action plans, strategies or other measures;
  - (b) Ways to enhance the participation of indigenous peoples at the United Nations;
  - (c) Implementation of the United Nations system-wide action plan on indigenous peoples.
12. Future work of the Permanent Forum, including issues considered by the Economic and Social Council, and emerging issues.
13. Provisional agenda for the seventeenth session.
14. Adoption of the report of the Permanent Forum on its sixteenth session

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## Questionnaire to Indigenous Peoples' Organizations

### A. General information and background on your organization/institution

1. Please provide the name of your organization/entity and where it is based. Please also provide details on the objectives and goals of your organization.

The Indian Law Resource Center is a non-profit law and advocacy organization that provides legal assistance to tribes and indigenous communities throughout the Americas regarding environmental protection, land recovery, cultural preservation, and human rights protection. The Center seeks to overcome the grave problems that threaten Native peoples by advancing the rule of law, by establishing national and international legal standards that preserve their human rights and dignity, and by challenging the governments of the world to accord justice and equality before the law to all indigenous peoples of the Americas. Our principal goal is the preservation and well-being of Indian and other Native nations and tribes. The Center is based in Helena, MT, and has an additional office in Washington, DC, in the United States.

2. What is the total number of indigenous peoples in your country? Please also include official sources/references.

Indigenous Peoples (total figures)		
Indigenous Peoples (please provide the names of different groups)	Country	Total indigenous population (Indicate source)
567 federally-recognized tribes see the Federal Register's Listing of "Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs")	United States	5.4 million, according to the United States Census Bureau 2010 data.

3. Which indigenous peoples/communities does your organization represent and/or work with?

Indigenous Peoples (represented by your organization)			
Indigenous Peoples	Country	Region and areas	Total indigenous population represented
We provide legal assistance to Indian and Alaska Native nations in the United States and to indigenous communities throughout the	35 countries of the Americas.	North, Central, and South America, and Mexico.	We do not represent indigenous peoples; we only provide them with legal assistance.

Americas.			
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4. Has your organization/institution participated in any sessions of the Permanent Forum on Indigenous Issues? If yes, please indicate the year(s).

Yes, the Indian Law Resource Center has participated in almost every session of the Permanent Forum between 2011-2016.

**B. Recommendations of the UN Permanent Forum on Indigenous Issues**

5. Has the work of the Permanent Forum supported indigenous peoples? Please provide details with specific examples.

*At the 2017 session, the Permanent Forum will focus on the follow-up of its recommendations on: a) Empowerment of indigenous women; and b) Indigenous youth. In this context, and regarding the situation in your country:*

Yes, the Permanent Forum, as an advisory body to the Economic and Social Council, serves as an important UN body to prepare and disseminate information and recommendations on indigenous issues through the Council to United Nations agencies, funds and programmes, and to raise awareness and promote the integration and coordination of activities related to indigenous issues with the UN system. The Permanent Forum, with its annual report and recommendations to ECOSOC, provides an important platform for indigenous peoples' representatives and institutions to provide information to the UN. The annual sessions of the Permanent Forum also provide important opportunities to exchange information among indigenous peoples' representatives and with member states and UN officials.

Importantly, the Permanent Forum has provided positive opportunities to advance decisions of the World Conference on Indigenous Peoples, particularly in regards to creation of an implementing and monitoring body for the UN Declaration on the Rights of Indigenous Peoples, the establishment of rules to enable the permanent participation of indigenous governments at the United Nations, and actions to address the epidemic of violence against indigenous women. The 2015<sup>1</sup> and 2016<sup>2</sup> reports and recommendations of the Permanent Forum reflected its commitment to implementing the World Conference Outcome Document.

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6. The Permanent Forum recommends that States, indigenous peoples and United Nations agencies, funds and programmes immediately engage in a consultative process focused on the full and effective implementation of the outcome document at the local, national, regional and international levels. It also recommends that the Under-Secretary-General for Economic and Social Affairs outline and provide his vision of a procedure to guarantee the direct participation of representatives of indigenous peoples, including the expert members of the Forum, in the preparation and coordination of the system-wide action plan, with the objective of promoting and protecting the human rights of indigenous peoples and to enhance and increase the coherence of the activities of the United Nations system in that regard. The Forum invites the Under-Secretary-General for Economic and Social Affairs to inform the Forum on the progress at its fifteenth session.

7. The Permanent Forum recommends that the General Assembly consider establishing a new procedure, in collaboration with indigenous peoples, to guarantee the effective participation of representatives of indigenous peoples and, in particular, indigenous governance institutions, in the seventieth session of the Assembly, including a corresponding accreditation mechanism.

43. The Permanent Forum recommends that the Commission on the Status of Women consider the empowerment of indigenous women as a priority theme of its sixty-first session, in 2017, on the occasion of the tenth anniversary of the adoption of the United Nations Declaration

The decision of the Permanent Forum in 2016 to hold an 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) will provide an important moment for reflection and opportunity to further develop, promote, and advance the rights of indigenous peoples recognized in the UN Declaration.

6. Please provide information on any measures your organization has taken to strengthen the role and rights of indigenous women. Please also include information on any steps to address sexual and gender-based violence against indigenous women and girls, in particular in conflict situations (para. 57 of 2016 Report).

The Indian Law Resource Center has a project dedicated to combating violence against indigenous women and children – the Safe Women, Strong Nations project. Our project: raises awareness to gain strong federal action to end violence against Native women and children; provides legal advice to Native women’s organizations and Indian nations on ways to restore tribal criminal authority; and helps Indian and Alaska Native nations and Native women’s organizations increase their capacity to prevent violence and to hold perpetrators of violence on their lands accountable.

In 2016, the Safe Women, Strong Nations project focused on implementation of the UN Declaration on the Rights of Indigenous Peoples and the World Conference Outcome Document by participating in the Commission on the Status of Women, the Permanent Forum’s Session, and the Human Rights Council’s 32<sup>nd</sup> and 33<sup>rd</sup> Sessions.

At the Commission, the Center partnered with Native women’s organizations from Canada, the United States, and Alaska, to coordinate a parallel event, “Together We Are Stronger: Indigenous Women’s Movements to End Violence Against American Indian, Alaska Native, and Aboriginal Women,” an event intended to recognize, strengthen, and honor the growing global movement to end the human rights crisis of violence against indigenous women and girls. While at the CSW, participants also met with key UN officials and member states to advocate for inclusion of the empowerment of indigenous women as a key theme at the 2017 session of the CSW. It has since been decided that the empowerment of indigenous women will be a focus area on the third day of the CSW 2017, and this focus area will include several dozens of indigenous women as speakers during the first (high level) week.

At the Human Rights Council, the Center, with the support of seven indigenous nations and organizations, filed several written statements, and introduced several oral statements addressing the Council’s two panels on violence against indigenous women, participated in strengthening the annual resolution on accelerating efforts to end violence against women and girls, including indigenous women and girls, in June and the annual resolution on the rights of indigenous peoples in September, and called for the Council to establish an implementing and

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36. The Permanent Forum welcomes the intention of the Commission on the Status of Women to make the issue of the empowerment of indigenous women a focus area of its sixty-first session, to be held in 2017. The Forum invites the Bureau of the Commission to consider organizing a half-day session on the issue. The Forum calls upon the Commission to consider the empowerment of indigenous women as a theme in future sessions, pursuant to paragraph 19 of General Assembly resolution 69/2.

37. The Permanent Forum recommends that the United Nations Entity for Gender Equality and the Empowerment of Women prepare a specific report on the situation of indigenous women’s empowerment, in collaboration with the Forum and indigenous women’s organizations, for submission to the Forum at its seventeenth session.

68. The Permanent Forum welcomes the appointment by the President of the General Assembly of James Anaya (United States of America), Claire Charters (Aotearoa/New Zealand), the Permanent Representative of Finland to the United Nations, Kai Sauer, and the Permanent Representative of Ghana to the United Nations, Martha Ama Akyaa Pobee, as his advisers and fully supports their efforts to identify ways to enable the participation of indigenous peoples’ representatives and institutions in meetings of relevant United Nations bodies on issues affecting them. The expert members of the Forum look forward to focused discussion and fruitful collaboration with them as they endeavour to finalize their mandate.

monitoring body for the UN Declaration to effectively eliminate all forms of violence and discrimination against indigenous women and children around the world, including American Indian and Alaska Native women.

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7. Please provide information on any projects or programmes your organization has taken to support indigenous youth. Please also provide information on any action taken to (i) prevent self-harm and suicide; and (ii) facilitate the inter-generational transfer of traditional knowledge and histories among your peoples/communities.

The Indian Law Resource Center does not have any specific projects or programmes that focus on youth, but all of our work seeks to empower indigenous nations and communities, including their youth, to implement and exercise their fundamental rights under international law.

### C. UN Declaration on the Rights of Indigenous Peoples

*The UN Declaration on the Rights of Indigenous Peoples was adopted in 2007. To mark the ten year anniversary, and assess gains and achievements, the theme of the Permanent Forum's 2017 annual session will be: **Tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples: measures taken to implement the Declaration.***

8. How has the situation of the indigenous peoples in your country evolved since the adoption of the UN Declaration in 2007? Has the adoption of the UN Declaration made a difference? Please include information in the matrix below:

	Better	Worse	No change	Comments & details
<b>Culture</b>	✓			
<b>Education</b>	✓			
<b>Environment</b>	✓			
<b>Health</b>	✓			
<b>Human Rights</b>	✓			
<b>Socio-economic Development</b>	✓			
<b>Lands, territories &amp; Resources</b>	✓			
<b>Participation in decision-making</b>	✓			
<b>Law and Policy</b>	✓			
<b>Other</b>				

9. Do you have any examples of good/best practice in implementing the UN Declaration? If so, please provide details.

Several tribes have translated the UN Declaration into their own indigenous language and several have embraced the UN Declaration as tribal law, either by adopting a tribal council resolution incorporating it into their existing laws or policies or to use it as a guiding principle for good governance.

Several tribes and their attorneys have cited the Declaration in their legal and policy work and have used it to craft legal arguments in courts of the United States and in the Inter-American Human Rights System.

The Center has held several workshops with indigenous nations throughout the Americas about implementing the UN Declaration, and these have been very helpful to bridge the gap between the domestic situation and the exercise of their human rights under international law.

**10.** What are the major successes as well as the remaining obstacles for the implementation of the UN Declaration on the Rights of Indigenous Peoples in your country?

United States President Barack Obama announced the United States' support of the Declaration on December 16, 2010. Since that historic announcement, tribes and individuals have, among other ways, used the Declaration to negotiate a cultural easement, to protect sacred places, to protect sacred remains, to combat violence against Native American and Alaska Native women, to educate and lobby Congress, and as a human rights standard by which tribal nations are holding themselves accountable.

In 2011, the Yocha Dehe and Cortina Band of Wintun Indians in California relied on the Declaration to negotiate a conservation and cultural easement with the City of Vallejo, to provide access to, authority over, and protection of an off-reservation sacred site in perpetuity. Others like the Navajo Nation are using the Declaration to augment their legal arguments to protect the San Francisco Peaks in United States courts and in the Inter-American Commission on Human Rights. And in at least one instance, the Shinnecock Indian Nation used the Declaration in seeking redress for the unlawful taking of Indian lands in New York. The Declaration is also consistently cited in amicus briefs in federal Indian law cases.

In seeking implementation of the Declaration in the United States, several tribal leaders have called upon the Obama Administration to issue an executive order that would require agencies and departments to review their existing laws and policies for compliance with the Declaration. Several tribes have themselves adopted tribal laws endorsing or supporting the Declaration, such as the Pit River Tribe of California, the Lenape Tribe of Pennsylvania, the Seminole Nation of Oklahoma, and the Gila River Tribe of Arizona.

In response, a number of federal agencies and departments have included the Declaration in their policies relating to tribal governments and indigenous peoples. In 2013, the Advisory Council on Historic Preservation became the first federal agency to issue a plan to support the Declaration. Other federal agencies have been determining how better to incorporate the standards of the Declaration into their work. The 2014 Attorney General's Guidelines Stating Principles for Working with Federally Recognized Tribes, by the Department of Justice, commits to promoting and pursuing the objectives of the Declaration. In the Environmental Protection Agency's Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples, the Agency recognizes the importance of the Declaration and the principles that are consistent with the mission and authorities of the Agency. In 2016, the federal Fish and Wildlife Service released its updated Native American Policy, which provides a framework for government-to-government relationships, "adopted in the spirit of the UN Declaration on the Rights of Indigenous Peoples."

#### **D. World Conference on Indigenous Peoples**

*In 2014, at the World Conference on Indigenous Peoples (A/RES/69/2), Member States committed to taking a number of measures to achieve the ends of the Declaration.*

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**11.** Has your organization been involved in any legislative, policy and/or administrative measures taken by the Government to implement the UN Declaration on the Rights of Indigenous Peoples? Please provide details.

The Center was at the helm of coordinating meetings with the United States State Department and the White House and tribal leaders to discuss how to reverse the 2007 “no” vote of the United States against the UN Declaration. Over time, and with much advocacy and letters of support, these efforts were successful and the United States reversed its position and issued its statement of support for the UN Declaration on December 16, 2010. Since then, the Center has been working diligently to increase awareness and understanding of the UN Declaration among all levels of state and federal government.

**12.** Have any steps been taken or are planned to develop a national action plan or strategy on indigenous peoples? Please also include information on information sharing and capacity building to strengthen awareness and action to implement the UN Declaration.

No action plan or strategy has been developed as yet. The Center and many tribal leaders support the idea that the United States should issue an Executive Order requesting all federal departments and agencies to conduct a thorough review of their programs, regulations, policies, and activities to determine whether they are in compliance with the Declaration and if not, how they will be brought into compliance.

**13.** The UN has recently developed a system wide action plan to promote improved support to Member States as well as indigenous peoples themselves to achieve the UN Declaration on the Rights of Indigenous Peoples (SWAP-Indigenous Peoples). Please provide information on the involvement of your organization/peoples in any projects, activities/dialogues and/or events of the UN in your country to advance rights and opportunities for indigenous peoples.

The Center frequently speaks and addresses gatherings of tribal leaders and indigenous nations and communities about the importance of implementing the UN Declaration and realizing their rights.

The Center participates twice yearly in discussions at the National Congress of American Indians – the largest gathering of tribal leaders in the United States – about implementing the UN Declaration.

At the request of tribal and indigenous nations, the Center travels to their communities and provides workshops and briefings about international human rights law and opportunities to implement the UN Declaration.

### **D. 2030 Agenda for Sustainable Development**

*The 2030 Agenda for Sustainable Development sets the framework for global development efforts until 2030.* The Permanent Forum on Indigenous Issues will address the follow up and review of the 2030 Agenda. Please provide information on the following

**14.** Has your government consulted you in the national level implementation, review and follow-up to the 2030 Agenda?

No.

**15.** Which goal/s of the 2030 Agenda are most important for your work and how you will engage in the implementation? Please describe any 2030 Agenda programmes, activities or

other initiatives your organization is involved in at the community, national, regional or global level

The Center has no programmatic work involving or addressing the 2030 Agenda.

**16.** Is your organization involved in the collection and dissemination of disaggregated data or culturally relevant data on indigenous peoples? Please mention if and how you work with National Statistical Offices to integrate the data in official reports for review of the 2030 Agenda?

No.