

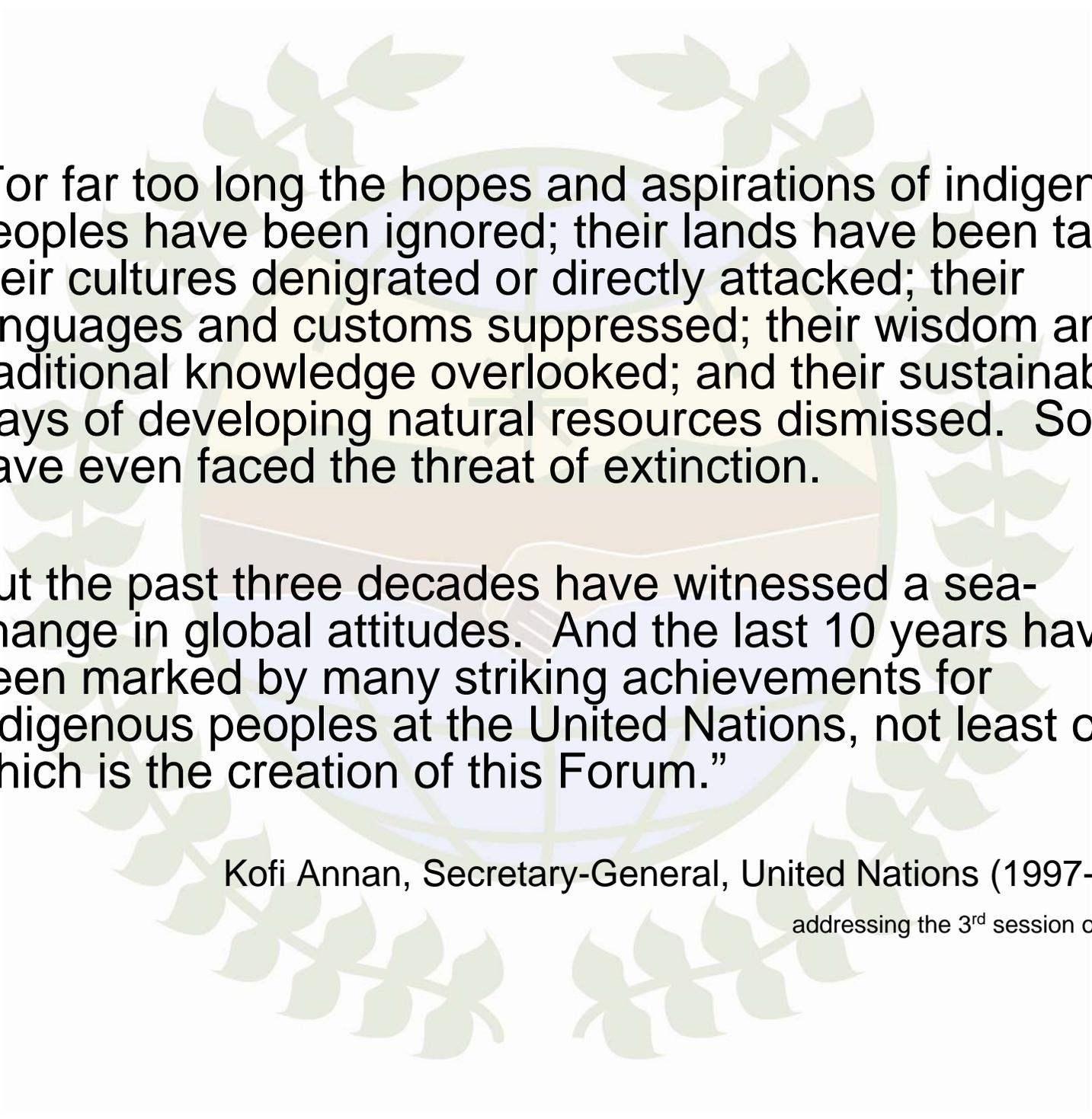
Indigenous Peoples and the United Nations

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“For far too long the hopes and aspirations of indigenous peoples have been ignored; their lands have been taken; their cultures denigrated or directly attacked; their languages and customs suppressed; their wisdom and traditional knowledge overlooked; and their sustainable ways of developing natural resources dismissed. Some have even faced the threat of extinction.

But the past three decades have witnessed a sea-change in global attitudes. And the last 10 years have been marked by many striking achievements for indigenous peoples at the United Nations, not least of which is the creation of this Forum.”

Kofi Annan, Secretary-General, United Nations (1997-2006)

addressing the 3rd session of UNPFII

From the UN human rights agenda to the Permanent Forum

- I. Why an ECOSOC body that specifically deals with indigenous issues?
- II. International responses to indigenous peoples
- III. Who are indigenous peoples and where do they live?
- IV. The UN Permanent Forum on Indigenous Issues (UNPFII) and its mandate
- V. How does the UNPFII work?

I. Why an ECOSOC body that specifically deals with indigenous issues within the UN?

- “A success story”, but a long story of some 40 years partnership between indigenous peoples and the United Nations.
- League of Nations (1923-1924)
 - Cayuga Chief Deskaheh’s travel to Geneva, representing 6 Iroquois Nations
 - The Maori religious leader, T.W. Ratana, after having been denied access a meeting with King George, traveled to Geneva. (the breaking of the Treaty of Waitnagi of 1840 which guaranteed the Maori ownership of their lands).

Some Facts



- Economically and socially among the poorest and marginalized (IPs are 5% of the world's populations, but 15% of the world's poor)
- Politically excluded from decision-making processes
- Culture and languages suppressed, identity denied
- Facing discrimination, poverty, social exclusion
- Facing high infant mortality and malnutrition, high rate of drop out of primary schools due to culturally inappropriate educational systems...

Some more Facts

The background of the slide features a large, faint watermark. It consists of a globe with a grid of latitude and longitude lines, surrounded by a laurel wreath. In the center of the globe, there is a stylized illustration of a hand holding a plant, symbolizing environmental stewardship or genetic resources.

- Traditional knowledge been patented or exploited without their agreement
- Genetic resources and pharmaceutical use of plants/animals pirated, then patented by multinational firms
- Militarization of indigenous areas
- Human rights abuses.....

II. International responses to indigenous peoples demands

- The ILO Convention No.107 concerning indigenous peoples was adopted in 1957, later replaced by the Indigenous and Tribal Peoples Convention No. 169)
 - First international instrument that explicitly addresses the protection of the rights of indigenous peoples. (to date, 19 countries have ratified the Convention 169)

Human rights mechanisms and indigenous peoples

- Study on the problem of discrimination against indigenous populations, commissioned by the Sub-Commission of the Protection and Promotion of Human Rights (1971 to 1982, Martinez-Cobo Study)
- The Working Group on Indigenous Populations of the Sub-Commission (established in 1982). The mandates: reviewing developments pertaining to indigenous people and standard-setting
- The International Year of the World's Indigenous People (1993, Vienna Conference on Human Rights) followed by the first International Decade on the World's Indigenous People (proposal of establishment of the Permanent Forum within the Decade)

Human rights mechanisms and indigenous peoples

- The First International Decade of the World's Indigenous People (1995-2004)
“Indigenous people: partnership in Action”
- The Second International Decade of the World's Indigenous People (2005-2015)
“A Decade for Action and Dignity”

Second International Decade of the World's Indigenous People (2005-2015)

- Proclaimed by the GA (A/RES/59/174)
- Plan of Action launched on 15 May 2006, at the fifth session of the Forum
- Coordinator: Mr. Sha Zukang, USG for Economic and Social Affairs

Five objectives of the Second Decade

- **Promoting non-discrimination and inclusion of indigenous peoples,**
- **Promoting full and effective participation of indigenous peoples;**
- **Development with identity and culture**
- **Targeted policies, programmes, projects and budgets for the development of indigenous peoples,**
- **Strong monitoring mechanisms and enhancing accountability at the international, regional and particularly the national level.**

Human rights mechanisms and indigenous peoples

- The appointment of the Special Rapporteur on the Human Rights and Fundamental Freedoms of Indigenous People (2001) by the Commission on Human Rights
 - Mr. James Anaya. Mandates: monitoring human rights situation of indigenous people through public statements, reports to the CHR, country visits, communications with NGOs, indigenous peoples and governments....

The Declaration on the Rights of Indigenous Peoples

- Adopted by the General Assembly, 13 September 2007
 - For: 144
 - Abstain: 11
 - Against: 4
- “The 13th of September 2007 will be remembered as an international human rights day for the Indigenous Peoples of the world, a day that the United Nations and its Member States, together with Indigenous Peoples, reconciled with past painful histories and decided to march into the future on the path of human rights.”

Victoria Tauli-Corpuz, Chairperson, UNPFII

The Declaration on the Rights of Indigenous Peoples

- A landmark in the struggle of the international indigenous movement and a confirmation of the international community's commitment to the promotion and protection of indigenous people's rights
- Represents reconciliation between indigenous peoples and states
- The Declaration does not establish any new rights, but...
- ...it consolidates the rights of indigenous peoples from various international human rights instruments of global adherence

Declaration ctd.

- Recognizes collective and individual rights of indigenous peoples
- 9 preambular and 15 operative paragraphs deal with consultation, partnership and participation of indigenous peoples in a democratic polity
- 17 of the 45 articles deal with indigenous cultures and how to protect and promote them
- reflects the commitment of states to move in certain directions, abiding by principles that respect the human rights of indigenous peoples

Declaration – central issues of debate

- Understanding of the term of “indigenous”
- The right to self determination
- Natural resources and land



III. Who are indigenous peoples and where do they live?

- Elements of common understanding:
 - Martinez Cobo's study (1981-1984)

"...those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems".

ILO Working Definition

(Convention 169)

- 1(a) Tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or in part by their own customs or traditions or by special laws or regulations;
- (b) Peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of colonisation or the establishment of present State boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural or political institutions.
- 2. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.

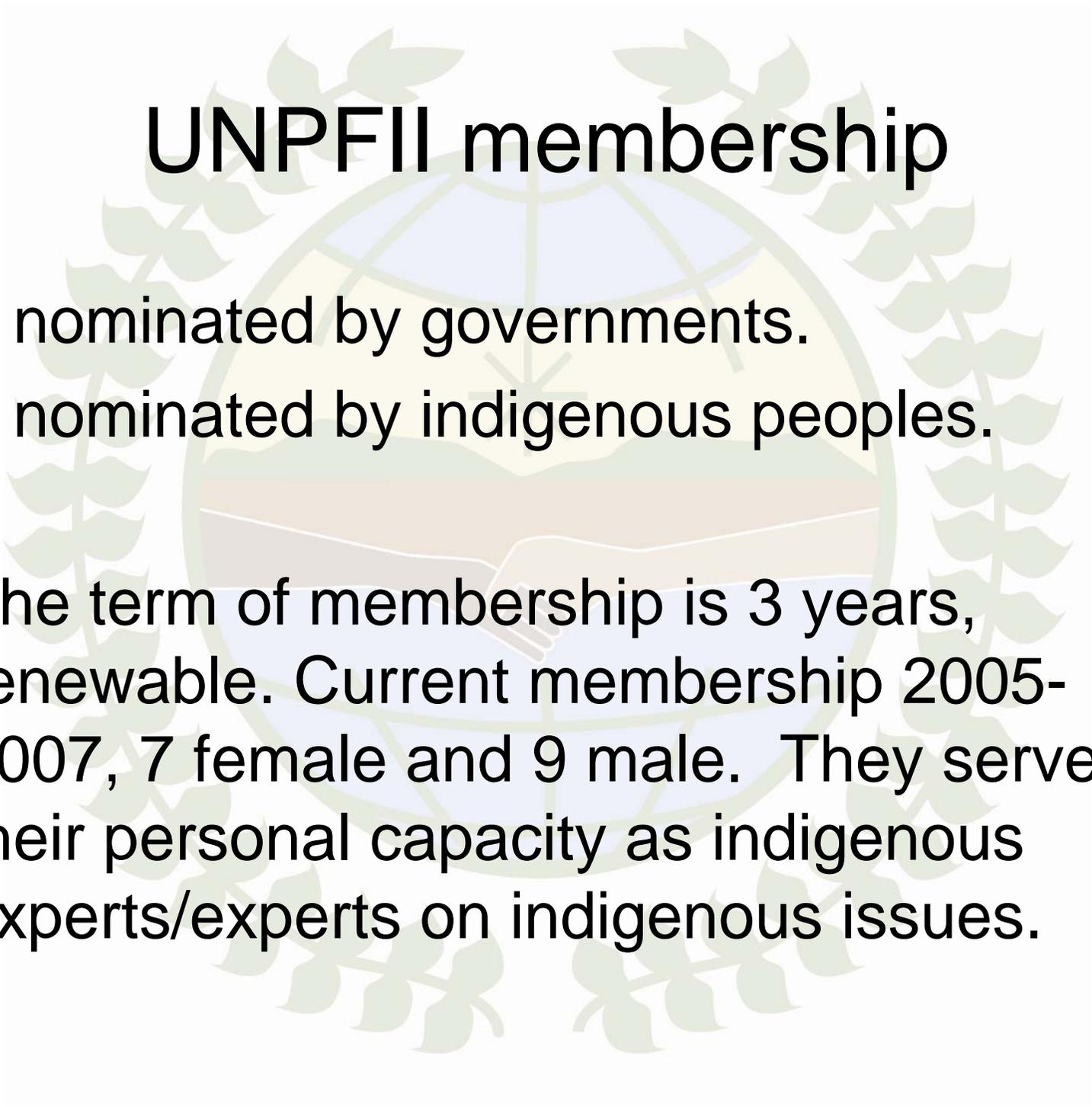
Where and how do indigenous peoples live?

- Over 370 million in some 90 countries
- Speak over 4000 languages (800 in Papua New Guinea, for example)
- Linguistic diversity and biological diversity (complexity of indigenous languages in botany, zoology, medical and pharmaceutical knowledge, agricultural farming system, traditional hunter-gather way of life...)
- Contribution to the world's cultural diversity and creativity
- Contribution to nation-building processes throughout the history, during the decolonization and beyond..

IV. The United Nations Permanent Forum on Indigenous Issues (UNPFII)

- The UNPFII is an advisory body established by ECOSOC decision (2000/22), reports to Economic and Social Council of the United Nations.
- The UNPFII has held its annual sessions since 2002, is attended by over 1700 participants from governments, indigenous peoples' organizations, other inter-governmental organizations, UN agencies, non governmental organizations, academia....

UNPFII membership



- 8 nominated by governments.
- 8 nominated by indigenous peoples.
- The term of membership is 3 years, renewable. Current membership 2005-2007, 7 female and 9 male. They serve in their personal capacity as indigenous experts/experts on indigenous issues.

Current members of the Permanent Forum

- Mr. Andrey A. Nikiforov, Russian Federation
- Mr. Bartolomé Clavero Spain
- Mr. Carlos Mamani Condori Aymara, Bolivia
- Mr. Carsten Smith, Norway
- Ms. Elisa Canqui Mollo, Aymara, Bolivia
- Mr. Hassan Id Balkassm, Amazigh, Morocco
- Mr. Lars Anders-Baer Saami, Sweden
- Ms. Liliane Muzangi Mbela, D.R.C.
- Ms. Margaret Lokawua, Uganda
- Mr. Michael Dodson, Yawuru, Australia
- Ms. Paimaneh Hastehe, Iran
- Mr. Pavel Sulyandziga, Udege, Russian Federation
- Mr. Simeon Adewale Adekanye, Nigeria
- Ms. Tonya Gonella Frichner, Onondaga, United States
- Ms. Victoria Tauli-Corpuz, Igorot, Philippines
- Ms. Xiaomei Qin, China

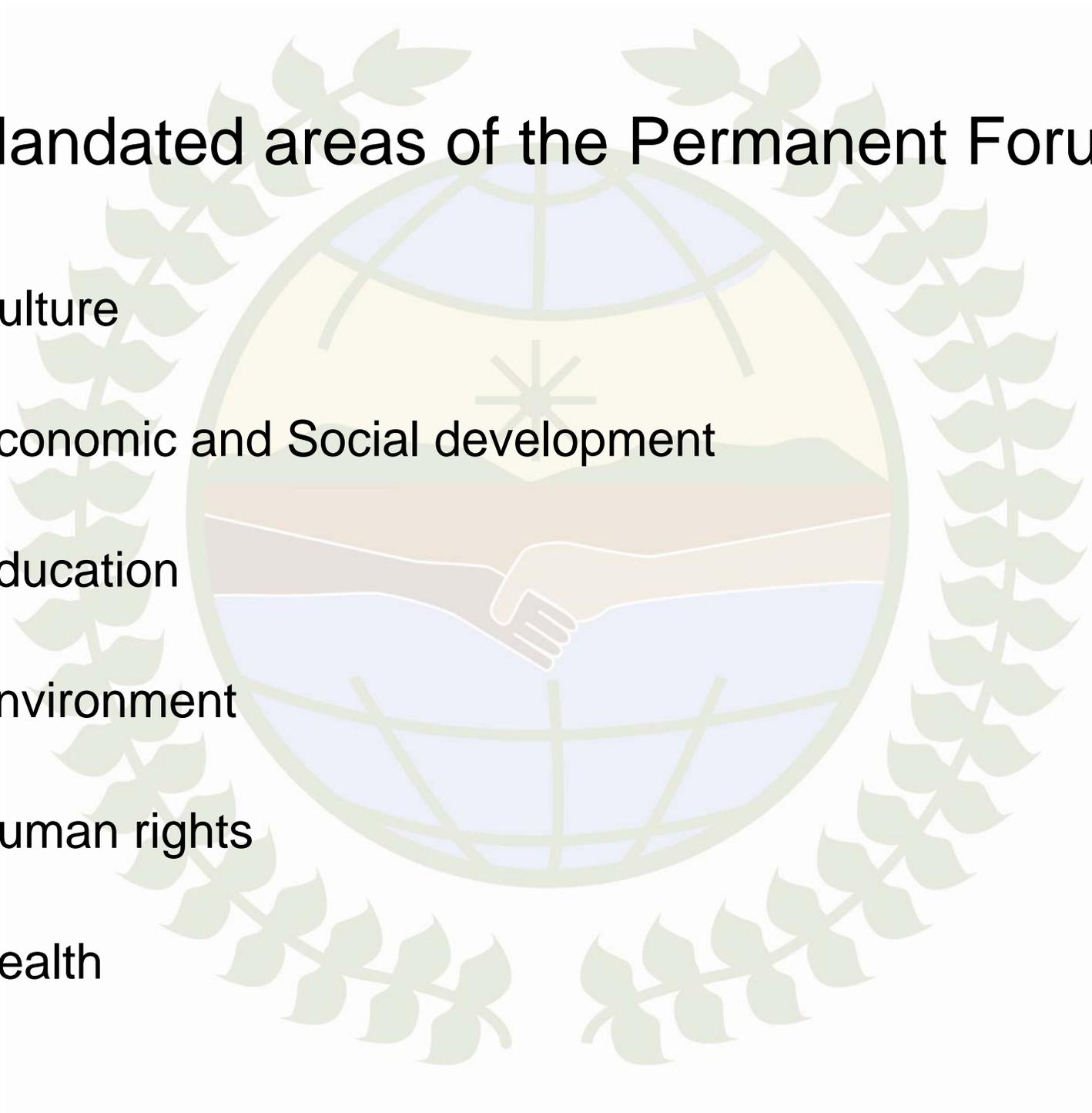
Mandate of the Permanent Forum



- To discuss indigenous issues within the ECOSOC's mandate, including economic and social development, culture, environment, education, health and human rights.
- To provide expert advice and recommendations to the Council and to programmes, funds and agencies of the UN, and
- To raise awareness about indigenous issues,
- To integrate and coordinate activities in the UN system and
- To produce materials on indigenous issues.

Mandated areas of the Permanent Forum

- Culture
- Economic and Social development
- Education
- Environment
- Human rights
- Health



V. How does the Permanent Forum work?

- Special themes of the sessions: Indigenous children and youth, 2003
 - Indigenous women, 2004
 - MDGs and indigenous peoples, 2005 and 2006
 - Territories, lands and natural resources, 2007
 - Climate change, bio-cultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges, 2008
- Major international conferences (Beijing+10, UNDG, WSIS, MDGs, Migration)
- Expert group meetings and technical workshops
 - Data collection and disaggregation
 - Free, prior and informed consent and IPs,
 - MDGs indigenous participation and good governance
 - CBD's international regime on access and benefit-sharing and indigenous peoples' rights
 - Indigenous Languages
- Interactive sessions between indigenous peoples, States, UN agencies, development funds/programmes and Special Rapporteur on the fundamental rights and freedoms of indigenous peoples.

Inter-agency Support Group on Indigenous Issues (IASG)

- Over 30 agencies and others
- Integrate indigenous issues in policy-development, programmes and budgets
- Support to the Permanent Forum on substance

During the session

- The Forum meets for 10 days each year in May (or April) in New York, (or a location to be chosen by the Forum)
- The recommendations are adopted by consensus and submitted to Economic and Social Council
- Recommendations are policy-making oriented in the form of advice and they are action-oriented for the implementation and follow up of the intergovernmental system, governments, indigenous and other organizations and the private sector.

During the session



- Ideas for recommendations may come from various agencies, indigenous caucuses, governments and of course the Forum members.
- Recommendations cover the mandated areas of the Permanent Forum,
- Recommendations can be addressed exclusively to a particular UN agency or to the whole UN system.

Who participates in the Forum sessions?

- Indigenous Peoples Organizations
- Member States
- UN and other intergovernmental entities,
- Non governmental organizations with ECOSOC consultative status.
- Academic institutions

What happens before the session?

- Various consultations and preparatory meetings take place among indigenous network and caucuses on particular themes or issues
- Prepare documentation based on contribution of agencies and governments on the implementation of the Forum's recommendations
- UN agencies and governments pursue the implementation of the recommendations of the Forum on indigenous issues in various areas, prepare reports/contribution to the UNPFII

What happens before the session?

- Governments adopt or review legislation with a view to recognizing indigenous peoples' rights, adopt other measures, prepare reports for the UNPFI,
- Many other initiatives (indigenous mayors' network in Latin America, fellowship for indigenous students to access higher education, develop culturally appropriate education tools....)
- the Secretariat of UNPFII advocates implementation of the Forum's recommendations, networks, promotes awareness, prepares documentation for the Forum, directs projects, manages the small grants programme under the Second Decade etc.

VI. Contributions from Member States

- Participate in the deliberations of the Forum
- Review/adopt policy with regard to indigenous peoples
- Develop programmes and projects addressing specific issues related to indigenous peoples
- Pursue implementation of the recommendations of the UNPFII
- Contribute to the Trust Fund on Indigenous Issues



“Recently, the international community has grown increasingly aware of the need to support indigenous peoples -- by establishing and promoting international standards; vigilantly upholding respect for their human rights; integrating the international development agenda, including the Millennium Development Goals, in policies, programmes and country-level projects; and reinforcing indigenous peoples’ special stewardship on issues related to the environment and climate change.”

Ban Ki-moon, Secretary General, United Nations

Message on the International Day of Indigenous People, 9 August 2007