

Preparation for the 13th Session of the Permanent Forum on Indigenous Issues*

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Table of Contents

Special theme of the 13 th session.....	2
Brief history of the forum.....	2
Difference between the theme for the 13 th session and 11 th session.....	2
Definition of “Indigenous”	4
Key issues that Indigenous Peoples face.....	4
Major issues addressed in the 12 th session.....	5
Recommendations from the 12 th session.....	6
Laura’s expectations for the 13 th session.....	10
Reasons that Indigenous issues have not been emphasized in the MDG’s.....	10
Helpful links.....	11

*according to the United Nations website, more information about the forum will be available in early 2014

1. Special Theme of the 13th Session of the Permanent Forum on Indigenous Issues

The 13th Session of the Permanent Forum on Indigenous Issues will be held at the United Nations Headquarters in New York from May 12th-23rd, 2014. The special theme is “Principles of good governance consistent with the United Nations Declaration on the Rights of Indigenous Peoples: articles 3 to 6 and 46 (3)”.

2. Brief History of the Forum

- 370 million indigenous peoples living in 90 countries (DESA News, May 2013).
- UN Declaration on the Rights of Indigenous People was enacted in 2007, but the need for a broader and more encompassing forum led the way to the creation of the UN Permanent Forum on Indigenous Issues (DESA News, May 2013).
- Doctrine of Discovery- old doctrine that allows state actors to assert a sovereign dominant authority over indigenous peoples, ultimately resulting in the violation of their human rights; this was the issue as the main theme for its 11th session (DESA News, May 2013).
- In 2009 The General Convention repudiated and denounced the Doctrine of Discovery as fundamentally opposed to the teachings of Jesus Christ and as a violation of the inherent human rights that all individual and peoples have received from God.
- The forum has six mandated areas: Economic and Social Development, Culture, Environment, Education, Health, & Human Rights.
- The forum has six cross-cutting issues: Gender and Indigenous Women, Children and Youth, MDG's, & Data and Indicators.

3. What is the difference between the theme for the 13th session and the 11th session of the Permanent Forum?

11th Session of the Permanent Forum: Special Theme: The Doctrine of Discovery: its enduring impact on indigenous peoples and the right to redress for past conquests; articles 28 and 37 of the United Nations Declaration on the Rights of Indigenous Peoples

13th Session of the Permanent Forum: Special theme: “Principles of good governance consistent with the United Nations Declaration on the Rights of Indigenous Peoples: articles 3 to 6 and 46 (3).”

My understanding is that the 11th session focused on the rights of Indigenous Peoples to redress past conquests and oppression, especially concerning land, territories, and resources.

The 13th session will focus on the rights of Indigenous Peoples to be autonomous, self-govern, and have a nationality. This session will probably focus on the right of Indigenous Peoples to maintain their distinct political, legal, economic, social and cultural institutions.

11th Session: Doctrine of Discovery; Articles 28 & 37

Article 28:

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 37:

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

13th Session: Principles of good governance; Articles 3-6, and 46(3)

Article 3:

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4:

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5:

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6:

Every indigenous individual has the right to a nationality.

Article 46 (3):

The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

4. Definition of “Indigenous”

An official definition of "indigenous" has not been adopted by the UN system due to the diversity of the world's indigenous peoples. Instead, a modern and inclusive understanding of "indigenous" has been developed and includes peoples who:

- Identify themselves and are recognized and accepted by their community as indigenous.
- Demonstrate historical continuity with pre-colonial and/or pre-settler societies.
- Have strong links to territories and surrounding natural resources.
- Have distinct social, economic or political systems.
- Maintain distinct languages, cultures and beliefs.
- Form non-dominant groups of society.
- Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities (World Health Organization, 2013).

5. Key Issues that indigenous peoples face:

- 1) One of the most marginalized group of people: poorer, less educated, die at a younger age, are most likely to commit suicide, and are generally in worse health than the rest of the population (Source: The Indigenous World 2006, International Working Group on Indigenous Affairs (IWGIA), ECOSOC Consultative Status, p. 10)
- 2) Poverty, geography and language barriers limit the amount of assistance that indigenous peoples receive from the government such as healthcare, education, and other social services

- 3) Limited data highlighting the inequalities that indigenous people face

6. Major Issues addressed during the 12th Permanent Forum:

- 1) Health
 - a. Right to health services including sexual health services
 - b. Women's health and gender sensitive services
 - c. Suicides among youth
- 2) Education
 - a. Ensure that there is curriculum relevant to indigenous peoples
 - b. Education in the mother tongue and bilingual education
 - c. Ability for Indigenous Peoples to establish their own education system and institutions
 - d. Focus on those with disabilities
 - e. Support and encourage use of indigenous languages
- 3) Culture
 - a. Forum recognizes culture and the fourth pillar of sustainable development
 - b. Allow indigenous peoples to decide if they want their culture to be displayed for tourism purposes
 - c. Protect traditional knowledge
- 4) Half day discussion on African Region
- 5) Human Rights
 - a. Protect those with disabilities
 - b. Address violence against indigenous peoples including assassinations and rapes
 - c. Especially concerned with women and children
 - d. Recent publication of the adolescent friendly version of the United Nations Declarations on the Rights of Indigenous peoples
- 6) Comprehensive dialogue with the United Nations agencies and funds
- 7) Discussion on the World Conference on Indigenous Peoples

7. Recommendations from the 12th session:

- 1) In light of the MDG's, member states and the United Nations system make use of the experiences and lessons learned and capture the priorities for development and well-being of indigenous peoples and include indigenous peoples in the implementation, monitoring and evaluation of the goals. (91)
- 2) Forum welcomes efforts of UNDP to endorse the political participation of indigenous peoples in Latin America and the Caribbean and its support in the preparation of the report on democracy and indigenous peoples in the region (92)
- 3) Forum recommends that practices such as the evaluation of the United Nations Declaration on the Rights of Indigenous Peoples that took place in Guatemala continue to be implemented (93)
- 4) Forum welcomes the outcome of the online consultation on indigenous peoples and inequality, co-moderated by the secretariat of the forum and UNICEF (94)
- 5) Forum welcomes the outcome of the consultation entitled "Realizing the future we want in Latin America and the Caribbean towards a post-2015 development agenda" (95).
- 6) Forum recommends to member states that the development agenda beyond 2015 adopt a human rights-based approach to development that takes into account issues of equity and sustainability and that incorporates an indigenous holistic concept of development with culture and identity (96)
- 7) The Permanent Forum recommends to Member States that the development agenda beyond 2015 recognize indigenous peoples' right to self-determination, autonomy and self-governance, together with their right to determine their own priorities for their development, to participate in governance and policy decision making processes at the local, national, regional and international levels and to develop mechanisms for consultation and participation of indigenous peoples, building on the fundamental right to free, prior and informed consent and full participation in the development process (97).
- 8) The Permanent Forum also recommends to Member States that the development agenda beyond 2015 recognize, protect and strengthen indigenous peoples' collective rights, in particular the right to land, territories and natural resources (98)
- 9) For the post-2015 dialogue and outcomes to accomplish a sea change and paradigm shift away from a North-South dialogue to one of universally addressing the post-2015 objectives in order to improve the lives of all, including indigenous peoples in developed countries, the Forum recommends that efforts must be made to guarantee the direct participation of indigenous peoples from the world's most developed and

- affluent countries in all thematic consultations, conclusions and recommendations so that their voices and concerns can be heard (99).
- 10) The Permanent Forum recommends that Member States and the United Nations system involved in the processes leading to the development agenda beyond 2015 make concerted and targeted efforts to reach out to, and engage in a truly inclusive process with, indigenous peoples, including indigenous women, youth and persons with disabilities, to ensure that their rights and priorities are included in all processes relating to the definition of the themes and priorities for the post 2015 development agenda and of the sustainable development goals (100).
 - 11) The Permanent Forum recommends that the United Nations system conduct a separate consultation with indigenous peoples at the regional and global levels as an integral and critical part of the processes relating to the post-2015 development agenda (101).
 - 12) The Permanent Forum recommends that Member States, the Open Working Group on Sustainable Development Goals and the United Nations system ensure that the processes relating to the definition of the development agenda beyond 2015 are formulated in accordance with the objectives of sustainable development, as defined in the Indigenous Peoples' International Declaration on Sustainable Development and Self-Determination, adopted by the Indigenous Peoples' International Conference on Sustainable Development and Self-Determination, held in Rio de Janeiro, Brazil, in 2012, and also recommends that culture be affirmed as the fourth pillar of sustainable development (102).
 - 13) In this regard, the Permanent Forum recommends that Member States and the United Nations system take due account of the outcome document and the conclusions of the World Conference on Indigenous Peoples, to be held in September 2014, given that this process is deeply interrelated with the post-2015 process and will set the context for future work on indigenous peoples' issues (103).
 - 14) The Permanent Forum recommends that the Open Working Group on Sustainable Development Goals and the United Nations system ensure the inclusion and meaningful participation of indigenous peoples in all processes relating to the elaboration of the sustainable development goals. In this regard, the Forum recommends that indigenous peoples and their organizations and representatives participate in the dialogues between Member States and civil society during meetings of the Group (104)
 - 15) The Permanent Forum recommends that the co-chairs of the Open Working Group on Sustainable Development Goals invite members of the Forum and representatives of indigenous peoples, including indigenous women, youth and persons with disabilities, to participate in the dedicated meeting that the co-chairs intend to convene later in 2013 in order to have a comprehensive dialogue and interaction with indigenous peoples (105).

- 16) The Permanent Forum recommends that the summary and outcome of the discussion on the post-2015 process held during the twelfth session of the Forum and the outcome of the consultations held with indigenous peoples in preparation for the post-2015 development agenda be transmitted as background documents to the Open Working Group on Sustainable Development Goals (106)
- 17) The Permanent Forum recommends that the United Nations Development Group, UNDP, UN-Women, UNICEF, UNFPA, WHO, UNESCO and the Department of Economic and Social Affairs provide technical and logistical support to enable the participation of indigenous peoples in processes relating to the sustainable development goals, including in conducting research, collecting good practices and replicating and promoting the contribution of indigenous peoples to sustainable and equitable development (107).
- 18) The Permanent Forum endorses and recognizes a global working group of indigenous peoples on the post-2015 sustainable development goals to continue the work of the Indigenous Peoples' Global Coordinating Committee for the United Nations Conference on Sustainable Development and to ensure continuing engagement in this vital process that will have profound and direct impacts on indigenous peoples and communities in all regions (108).
- 19) The Permanent Forum recommends the development and inclusion of clear indicators and monitoring tools relating to indigenous peoples in the sustainable development goals and post-2015 development process, to be developed jointly with indigenous peoples (109)
- 20) The Permanent Forum recommends that the Statistical Commission and the United Nations Statistics Division use the System of Environmental-Economic Accounts in the development of a coherent and integrated set of indicators for monitoring the situation and well-being of indigenous peoples and the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (110).
- 21) The Permanent Forum recommends that FAO, in 2014, the International Year of Family Farming, organize and host an expert seminar on culture, food sovereignty and traditional livelihoods to feed into the post-2015 process. The seminar should include the participation of an elder, an adult and a young person from each of the seven sociocultural regions of the Forum (111).
- 22) The Permanent Forum urges increased dialogue among Governments, institutions and indigenous peoples concerning the identification, incorporation and value of indigenous knowledge in all disaster risk reduction projects and programmes at the national and regional levels. The Forum recommends that the United Nations Office for Disaster Risk Reduction take into consideration the study on engaging indigenous peoples more inclusively in the disaster risk reduction process (E/C.19/2013/14) as part of the official documentation of the third World Conference on Disaster Reduction, to be held in 2015 (112).

- 23) The Permanent Forum reviewed its recommendations on health, education, culture and the Inter-Agency Support Group on Indigenous Peoples' Issues and deemed them to be outdated (113).
- 24) The Permanent Forum takes note of the final report of the three-day international expert group meeting on the theme "Indigenous youth: identity, challenges and hope: articles 14, 17, 21 and 25 of the United Nations Declaration on the Rights of Indigenous Peoples" (E/C.19/2013/3) and endorses its recommendations (114).
- 25) The Permanent Forum recommends that all Member States and intergovernmental agencies ensure that efficient programming is developed in order for the positive transformation of social problems stemming from the weak and inadequate implementation of articles 7, 17, 21 and 22 of the United Nations Declaration on the Rights of Indigenous Peoples. This programming has to be targeted at indigenous youth for fundamental change (115).
- 26) The Permanent Forum recommends that relevant United Nations agencies dealing with indigenous peoples' issues should take action on the inclusion of indigenous persons with disabilities in all their activities, make their website accessible to persons with disabilities, promote the increased participation of indigenous persons with disabilities in their annual sessions and consider having expert sessions on indigenous persons with disabilities (116).
- 27) The Permanent Forum reiterates the call, made at its fifth and eleventh sessions, upon United Nations agencies and funds to conduct and support regional and international human rights training programmes aimed at building the capacity and advocacy skills of indigenous youth. The Forum further recommends the use of youth forums, social media and other popular cultural forms of communication to disseminate information and training material on the rights of indigenous youth and to facilitate consultation processes at the national and international levels (117).
- 28) The Permanent Forum recommends that Governments and United Nations agencies assign resources for communication activities, strengthen access to information and draw greater attention to the issues of indigenous peoples in the media, using various forms of media outreach, in order to complement the activities of the Department of Public Information (118).
- 29) The Permanent Forum recommends that all United Nations agencies concerned with water, including UNESCO and the International Hydrological Programme, UNICEF, WHO, UNDP, the United Nations Environment Programme and FAO, give full support to the planning, development and implementation of an indigenous world forum on water in order to give voice to the indigenous peoples' perspective of protection and access to all sources of water and its sacred role in the indigenous context (119).

- 30) The Permanent Forum urges UN-Women, UNDP, other relevant United Nations agencies and Governments to support the political participation of indigenous women by assigning resources to training and exchange programmes and strengthening organization and networks of indigenous women (120).
- 31) The Permanent Forum urges the Economic and Social Council to decide that the report of the twelfth session should be presented to it by the Chair, or a designate thereof, of the Forum (121).
- 32) During the United Nations Conference on Sustainable Development, the members of the Permanent Forum were not able to register as United Nations experts. Forum members attend many United Nations meetings where their specific status is not recognized. The Forum therefore recommends that Member States include Forum members as United Nations experts, not as part of major groups, in United Nations accreditation processes (122).

8. What we expect to see at the 13th session

- In light of the theme, I expect that the 13th session will focus on the right of Indigenous Peoples to maintain their distinct political, legal, economic, social, and cultural institutions.
- Post 2015 Agenda and the Role of Indigenous Issues
- Accountability established to ensure that mechanisms are in place that guarantee that indigenous peoples' rights are met
- Emphasis on attendance, but also on the participation of indigenous peoples whose voices may have been silenced in the past
- Continued emphasis on the importance of nature and protecting the environment

9. Reasons that indigenous issues may not have been emphasized in the Millennium Development Goals:

- Insufficient Data regarding the inequalities that exist
- Relatively small group of people
- Many Indigenous people do not have their own governance/country, so are not sufficiently represented at the United Nations

- Poverty, geography and language barriers limit the amount of assistance and attention that indigenous peoples receive from the government, such as healthcare, education, and other social services

10. Helpful links:

United Nations Permanent Forum Website:

<http://undesadspd.org/IndigenousPeoples.aspx>

Notes on closing session of the 12th forum:

<http://www.un.org/News/Press/docs/2013/hr5142.doc.htm>

Video showing the highlights of the 12th Forum:

<http://webtv.un.org/watch/representatives-of-indigenous-peoples-press-conference/2421449834001/>

Newsletter about the work of the Forum:

<http://undesadspd.org/IndigenousPeoples/Newsletter.aspx>

The United Nations Declaration on the Rights of Indigenous Peoples:

http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf