

OLIVER LOODE'S INTRO STATEMENT ON METHODS OF WORK (4/22, agenda item 8)

- By “methods of work” of UNPFII we do not mean simply house rules of the the Forum’s work, but a topic that is directly linked to the **impact** of the Forum’s work, ie how well the Forum meets its original ECOSOC mandate, and more broadly, of what benefit the Forum is to the world’s indigenous peoples.
- I believe that by now it is clear to all Forum members (but also many member states, IP representatives, etc.) that the working methods of the Forum require a reform, in order for it to be more **effective** (ie, achieve more with a given set of resources/inputs), but also more **efficient**, ie achieve any given results with fewer resources (money, time, etc.).
- My own perspectives about the reforms needed for the Forum are informed by a view that one does not necessarily solve problems by handing out more money. What is often even more important is to optimize and streamline (work) processes. As for the Permanent Forum, now that it has gone “PaperSmart”, the time has come for it to also go “Process Smart”.
- The planned reform of Forum’s working methods has many aspects, several of which have been discussed in the concept paper with some level of generalization. Right now I will focus and elaborate on those aspects of the work methods reform that I consider most important.
- Independence of Forum members
 - In the concept note, under section: “Role of Permanent Forum Expert Members” it reads: “Permanent Forum has identified various ways to **invigorate** the role of each Permanent Forum Members and enhance the contributions that they can make to indigenous peoples globally and within their respective regions”
 - While “invigorating the role” has many meanings, incl “empowerment”, the one that I am most concerned is about independence of members. Why is this so important?
 - Original ECOSOC resolution 2000/22 reads: “sixteen members of the Permanent Forum serve “in their personal capacity as **independent** experts on indigenous issues”. However, not only because of that.
 - Independence of its members (incl from member states, UN agencies) - in addition to their subject matter expertise - is what should give the Forum credibility and weight in the eyes of its stakeholders, including IPs.
 - On the other hand, the moment that there is reason to believe that a member or group of members act based on instructions from one or several states (and/or UN agency), the integrity/credibility of the entire institution (not just PF, indirectly entire UN system) suffers.
 - Independence of members is particularly important given that, according to its founding resolution, the Forum makes decisions based on a consensus. In other words, it is enough for one member to block a recommendation or decision. Therefore, the consensus principles places high responsibility on the judgement of every single PF member. This is why independence and integrity of each and every PF member matters.
 - As a result, I suggest additional measures that would reaffirm the independence of Forum members:
 - For the UN to formally acknowledge PF members as UN “experts on mission” as outline in “Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission” (UN document ST/SGB/2002/9) issued by UN Secretary-General Kofi Annan in July 2002.

- The status of “expert on mission” carries with itself several expectations / responsibilities that are highly relevant for Forum members.
 - “Hold not national but exclusively international responsibilities” – essentially, affirmation of independence from member states
 - Make the following written declaration witnessed by Secretary-General or an authorized representative:
“I solemnly declare and promise to exercise in all loyalty, discretion and conscience the functions entrusted to me by the United Nations, to discharge these functions and regulate my conduct with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or other source external to the Organization”
 - While it would in itself not **guarantee** independence, it will force member to enter into a kind of a moral contract with oneself, colleagues, UN system.
- Re-engineering of recommendations development process
 - Recommendations constitute the key intended output of Forum’s work, and certainly of its annual sessions. It is therefore important to ensure that the process that leads recommendations is effective, efficient, inclusive and fair. Indeed making the recommendations development process more effective and efficient may be the central aspect of any reform of the Forum’s work.
 - Currently I see many problems with this process:
 - **It ends up with too many, incl too many vague recommendations.** Makes it difficult to manage, implement. Objective to reduce number of recs. In the internal document: max 15 recs. (comparison: in 2014, approx. 70 recommendations were adopted).
 - **Process is insufficiently inclusive.** (Unfair) advantage for IPs whose representatives can physically participate at UNPFII sessions. How about others who cannot make it to the Forum’s sessions? I suggest that all IPs have a realistic opportunity to voice their concerns / ideas for recs to the Forum well in advance of the annual session (4-6 months) so that Forum members can consider them. E.g., send their ideas via structured online forms.
 - **Insufficiently transparent and traceable.** Not so clear which statements end up as recommendations and which don’t, and why? May be that UN insiders have an unfair advantage. Personal experience from 2012 in an “activist” capacity is that there are lots of unwritten rules how to get the point across and for first-timers it may be really frustrating. There is a level of ambiguity about recommendations process that serves no particular purpose. My suggestion is to develop clear/official guidelines for IPs about the recommendations process that they can use (explain how an idea CAN evolve into a recommendation).
- Systematic / focused implementation of recommendations
 - Rationale / Why is important: If indeed recommendations are the key output of Forum’s work, great care must be taken in order for them to be acted upon, ie implemented. **In my view, it’s in the extent/nature of implementation of its recommendations, that UNPFII justifies its existence.**

- Insufficient implementation of recommendations may currently in fact be the weakest link of Forum’s work. Some examples:
 - Number of recommendations with “Ongoing” status on the database: 561.
 - We had an agenda item 3: Follow-up to recommendations. In 2014, about 70 recommendations were adopted. Implementation of how many of those was reported? None. Nor do I recall an item-by-item review of 2013 recommendations last year. But this is the only review that is useful.
 - So, this kind of review is simply not happening, not part of the Forum’s culture. If the Forum does not consider these recs important enough for reporting back to **ourselves** (and forum participants), why should we think that member states, other UN agencies should take them more seriously?
 - The primary reason why following up on recommendations, facilitating their implementation and reporting on their implementation is not happening, has to do with the sheer volume of recommendations as compared to the resources of the Forum. Simply not realistic.
 - Smaller number of recs would allow to assign strategic responsibility for their implementation to Forum Members (e.g., consistent with their expertise, portfolio, involvement in rec development) with administrative/technical assistance from SPFI. However reducing recs not enough. Cannot shrink to greatness. Need to strengthen commitment to implement those recommendations that remain.
 - Together, Member + Secretariat rep would develop implementation plan for each rec (who does what, which agency will be contacted, etc.)
 - This would also allow to review implementation of all recs during the next year’s session (should be possible within 1-2 hours, maximum half-a day), preferably on Day 1 of the Forum. Such accountability loop could create an interesting dynamic where both UN agencies and member states would treat recs more seriously knowing that “the moment of truth” will arrive where their response to the rec will be publicly discussed.
 - These steps would lead to both individual recs but also entire UNPFII to be taken more seriously. Better undertake less but implement what has been identified as priorities.
- Suggestions for IPs, states, etc:
 - Very interested in your suggestions
 - Expect good amount of criticism / perhaps some frustration with the process. Critical analysis welcome, but be constructive. Looking forward to a fruitful discussion and will keenly listen to your suggestions.