

STATEMENT

By Prof. Dr. ERICA –IRENE A . D A E S

**Chairperson –Rapporteur of the Working Group
on Indigenous Populations**

**First session of the Permanent Forum on
Indigenous Issues**

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Mr. Chairperson,

Honorable High Commissioner for Human Rights,

Distinguished Expert Members of the Permanent Forum on
Indigenous Issues,

Distinguished Representatives of the Observer Governments,

United Nations agencies, organs and bodies and Non-

Governmental Organizations.

And Above all my dear friends for many years the Elders, Grand

Chiefs, Chiefs and Representatives of Indigenous Nations and

Peoples,

At the outset, I should like to express my warmest
congratulations to you Mr. Chairman and to the other members of
the Bureau on your well deserved election. Also, I should like to
congratulate the other members of the Permanent Forum on their

environmental degradation, not to mention the continued scourge of racism, discrimination, repression, and, in many cases, abuses of State power. The entire UN system can only spend about one dollar per year per person on the poor of the world – and part of that dollar is spent on administration, and deciding where that dollar will go. Very little real change can be achieved, unless the limited resources of the UN system are focused where they can do the most good on problems that are urgent, and will respond to what the UN can do.

The UN system is faced with very painful choices in this regard. The quantity of misery and suffering in the world today is unbearably great. But Member States have simply not given the UN system adequate resources to be able to give concrete assistance to every human being that is in need. By far, the largest share of the work continues to be done by States themselves and by NGOs. The UN can play an important catalytic as well as symbolic role, that it must focus its efforts carefully. The UN must focus on the issue where it has the greatest expertise to offer and target issues and groups that have historically been disregarded or under-served. I would like to suggest that the UN system must also be very conscious of “*windows of opportunity*” – that is, moments

in the history of countries when a small amount of extra support can make a large difference in the long term.

Indigenous peoples are good examples of groups that have historically been disregarded or under-served. Indigenous Peoples still receive very little direct assistance. The UN has devoted much more energy and resources to international policy meetings on indigenous issues, than it has provided to indigenous communities directly. Indigenous Peoples also receive less State assistance and have less access to public services than other social groups in most of the countries in which they live. Governments began to take serious interest in improving the social conditions of indigenous peoples at about the same time that international aid flows were decreasing sharply, furthermore. Decreased aid flows have put pressure on the lands and natural resources of Indigenous Peoples to pay for national economic growth and development as well as for meeting their own needs.

With respect to specialized expertise, the UN has focused a great deal of recent effort on studying the traditional knowledge of indigenous peoples: in particular, studying the application of traditional knowledge to sustainable development. However, this involves borrowing expertise from Indigenous Peoples. What expertise can the UN system offer to Indigenous Peoples? In my

opinion, this question deserves very careful consideration by the Forum, in close cooperation with the competent agencies of the UN system, other organizations and mainly Indigenous Peoples. As Chairperson of the Working Group on Indigenous Populations, I was most frequently asked about the UN itself, how it works, and what it can do to legitimize the struggles of Indigenous Peoples for land, national resources and autonomy. Indigenous Peoples have repeatedly told the UN that the expertise they want the most, is the expertise of other indigenous peoples around the world, The U N system and in particular the Forum can certainly facilitate such exchanges.

Now, I should like to make some brief comments about finding "windows of opportunity." Indigenous Peoples are advocating new forms of social inclusion and democracy, they are seeking nothing less than major transformations of the States in which they live. In Latin America, if I may be very specific, there are many countries where the very future of democracy depends on whether indigenous peoples achieve physical security and genuine political inclusion. This is an ambitious project, involving a complex balance of political forces and economic power. Some States have made commitments to change, and must deliver on their promises to keep the trust of Indigenous Peoples. The UN

must help States ensure that these promises are kept. There is no room for delay or halfway measures, once there is an opening for change. The UN should seize upon these opportunities and mobilize all possible international support for them.

Identifying windows of opportunity, and mobilizing effective support for States and Indigenous Peoples in those instances, requires very thorough, accurate and up-to-date knowledge of political circumstances at the national level, as well as the particularities of the situations of Indigenous Peoples in different countries. General policies and theories are not enough.

3. The Permanent Forum as watchdog and entrepreneur.

As a link between the human rights side of the UN and its operational side, the Forum will be in a position to help UN agencies share information, and design more collaborative multi-agency projects for Indigenous Peoples. However, I would like to suggest that facilitating inter-agency cooperation is only the beginning of the story. The Forum should also serve as a watchdog of the UN agencies' impacts on indigenous communities, and as an entrepreneur to help UN agencies find additional resources for Indigenous projects.

Indigenous peoples must truly benefit from existing UN aid programs. and not to be injured or prejudiced in any way by

activities of the UN itself. It seems so obvious , yet there is no systematic or transparent evaluation of the activities that the UN carries out at the community level. One reason for this is the fact that most UN sponsored projects are often designed at the national level in consultations between UN personnel and State officials, and reviewed as a part of the national program planning process. But Indigenous peoples have not been included in that process, even when they have been beneficiaries of UN projects. Furthermore, the decentralized nature of program planning and review limits the ability of UN Headquarters bodies to learn from experience and do more strategic budgeting and deployment of scarce resources.

This means that the Forum itself must have the ability to evaluate UN projects, in cooperation with the Indigenous communities affected, and make an independent determination of what works , and what does not work, under different national conditions. The objective of this exercise is not to criticize United Nations operational bodies and agencies , but to help them do their jobs better, at least insofar as they are executing projects in Indigenous communities.

At the same time , the Permanent Forum must also help UN operational bodies and agencies to increase their resources for

indigenous projects. The current level of effort is only about five cents per indigenous person per year, and even if the total UN expenditure on Indigenous Peoples were concentrated in a small number of countries, it would be very little. It is unrealistic to look for reallocations of resources from the regular UN budget at tlrast at the present time. Indigenous Peoples will not get a fair share of international resources unless the Forum assumes an entrepreneurial role and raises more money.

The Forum can help competent bodies and services of the UN system design better projects that are more likely to win the interest and support of donors. The Forum should also seek external financial support directly. If the Forum has money of its own that it can share with UN agencies , it will have much greater influence on the ways that UN resources are used, and how UN agencies treat Indigenous peoples.

The Permanent Forum is not only a link between the operational and human rights sides of the UN, but also a link between the operational side of the UN and Indigenous Peoples. To be effective , the Forum must ensure that Indigenous Peoples themselves know what the UN is doing in their countries and communities, and know how to ask the UN for expertise and

resources. The Forum must also be able to solicit information for project evaluations directly from indigenous communities.

Evaluation information from the community level is very important to ensure that UN agencies are working with communities in appropriate ways, and achieving goals that communities themselves consider important. There is also an urgent need for more general statistical measures of progress at the national, regional and global levels. The UN does not currently have reliable statistics on the social or economic conditions of Indigenous Peoples, from which any inference can be made about national trends. The Forum will need to know whether the conditions of Indigenous Peoples are improving or worsening in different countries, as a basis for mobilizing and targeting UN assistance and for evaluating the effectiveness of UN aid and State legal measures. I regard this as a very basic necessity. The Forum should consider to recommend to meet twice every year and to prepare an annual comprehensive report on its work and the conditions, needs and activities of the world's Indigenous Peoples.

4. An independent Permanent Forum Secretariat is indispensable.

The Permanent Forum has a great deal of challenging work to do, and it needs a very strong professional secretariat unit of its

own. The small unit already established within the Office of the High Commissioner for Human Rights at Geneva has barely been able to keep up with the growing needs of the Working Group on Indigenous Populations. In this respect , I should like to stress in particular the valuable assistance, provided by certain Indigenous persons , including young Indigenous interns.

The Permanent Forum has nearly doubled the workload of the Geneva unit, simply in terms of convening certain public meetings. If the Forum does more than convene an or two annual meetings –if the Forum assumes a significant operational role , as its mandate prescribes, the workload will increase further and require additional technical and managerial skills. The independent secretariat of the Forum will need to engage in year-round coordination meetings with a large number of UN operational bodies, services and agencies, in particular at the regional and international levels, and with Government officials and Indigenous leaders at the national level. Research will become essential, from projects evaluations to global statistical reports.

In my view it is plain that the Forum will need the same kind of secretariat unit as for example, the UN Committee for Development Policy , which served as a model for the structure of the Forum. The Committee for Development Policy has a special

administrative and within the Department of Economic and Social Affairs. *T* has its own director and a number of economists and statisticians. The Forum also needs an independent research group with technical experts, who can work directly with UN agencies. The main difference should be an effort to recruit indigenous professionals for all of the new technical posts. I do not consider that to be unrealistic, in view of the high levels of expertise I have seen over the years among Indigenous People attending UN meetings.

In this connection, I would like to underscore the fact that thee Forum itself is a body of sixteen independent experts. This does not mean that you, distinguished members of the Forum, are expected to know about every Indigenous nation or community in the world, of course. You will need a full-time unit to research and maintain global databases, to conduct fact-finding missions and to keep you informed of UN activities. But you are members of the Forum because the ECOSOC is confident that you are exceptionally capable of interpreting the global realities and experiences of Indigenous Peoples, and giving the UN operational system sound advise. [You hold a position of special trust and professional responsibility] because your views will carry considerable weight with UN operational bodies, services and

agencies, that actually do things in Indigenous communities. The Forum was not designed only for talk, but for serious and significant constructive activities.

For this reason, it is extremely important that you , distinguished members of the Forum, not only hear from Indigenous Peoples and from Governments . It is important that you provide yourselves with time to hear from each other. Expert bodies are “sovereign” in the UN system. You make the rules. You may be limited by the terms of your mandate and by your financial resource, but you are free to adopt whatever working methods you deem best to achieve your goals. At the end of these two weeks, you must adopt a substantive inter-sessional program of work for the next months , and develop a plan to obtain the necessary staff and financial resources from the ECOSOC, other competent Financial bodies and services of the UN system , donor States and possible private sector.

Based on my experience as Chairperson of the Working Group on Indigenous Populations and as an independent expert member of the Sub-Commission on the Promotion and Protection of Human Rights, I can say to you, with complete confidence that nothing will happen between now and your second session unless you take the initiative and do it yourselves as the expert members

appointment and to wish to all of you great success in your deliberations of the first session of the Permanent Forum on Indigenous Issues.

Further, I should like to express my grateful thanks to the Honorable High Commissioner of Human Rights for her kind words referred to my participation in the first session of the Permanent Forum and to my humble work.

Mr. Chairman,

It is indeed a great privilege to be with all of you here today to celebrate this historic first annual session of the Permanent Forum on indigenous issues.

I have watched the international movement of Indigenous peoples grow for more than quarter of a century, and I have watched the United Nations assume greater leadership on the issue of indigenous peoples' rights in response to the appeals of indigenous peoples' representatives.

I began my long career in the United Nations , among others, as a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, at the time when the Special Rapporteur , Mr. Jose Martinez Cobo, was still preparing his very famous Report on the Problem of Discrimination Against Indigenous Populations. Sitting here today in the presence of such

You are the expert members, and the Permanent Forum will be whatever you make of it.

Fortunately, you are not alone. Today, you are surrounded by hundreds of Indigenous Peoples, representing the Indigenous Peoples of the world community, and who are here to see the UN begin to move from talk to action on Indigenous Peoples' rights and responsibilities. I have seen many of these Indigenous Peoples before, and I know that many of them have been working patiently, in certain cases together with some of us, for the establishment of the Forum since it was first proposed almost ten years ago. Their nations and communities representatives have been telling their stories at the United Nations and asking for something more than talk for many years. They know what they need from the United Nations family to strengthen them in their struggles at home. Your difficult and multifaceted but very important task is to begin to see that finally the world's Indigenous Peoples get what they need and deserve.

I thank you very warmly for your kind attention, and wish you constructive deliberations and successful completion of the work that is before you.

ERICA –IRENE A. DAES

a large and distinguished assembly of indigenous peoples, you may find it difficult to believe that there was a great deal of political opposition to the Martinez Cobo study. Many Governments and even independent experts argued that there was no need for such a study , some even argued that the study was offensive to countries that have given the benefits of the so called civilization to indigenous peoples. One of my first acts as an independent expert was to fight for the completion and publication of this study.

That was many, many years ago. Today, indigenous people finally sit as members of an official United Nations body entrusted with the promotion and protection of their rights, interests and their welfare. And this new United Nations body meets here in New York , at a place Native Americans called "Turtle Bay " on Turtle Island, in the House of Mica foreseen by the well-known Hopi prophesy. A great circle of historic events has been completed, and I am confident that a new and more powerful circle of events is about to begin. We have gathered together here these two weeks to ensure that the Permanent Forum , this important new mechanism, begins its life with strength of purpose, with clear minds and good hearts, and with the all of the tools it will need to

act effectively as a voice of indigenous peoples in the international community.

I would like to make the following four points in the way of sharing what I learned from my experience as Chairperson-Rapporteur of the UN Working Group on Indigenous Populations for most of 20 –year history. :

- 1. The permanent Forum has a different mandate than the Working Group on Indigenous Populations.**
- 2. The Permanent Forum must focus international support on States that are already taken steps to recognize Indigenous rights.**
- 3. The Permanent Forum must be a watchdog on behalf of Indigenous peoples, as well as an entrepreneur .**
- 4. The Permanent Forum cannot succeed without the establishment of an independent professional secretariat.**

In this respect, I would like to present a brief analysis of each of the aforesaid four points and to emphasize that they are not new issues, but issues discussed carefully and at great length during the preparatory work and negotiations in which I was privileged to

propose and to participate. This preparatory work, including the relevant studies and negotiations on this important subject led to the creation of the present Permanent Forum.

First point: The Permanent Forum and the Working Group on Indigenous Population.

When the Working Group was established 20 years ago, it was given a two-part mandate: to review developments concerning indigenous peoples, and to recommend international standards for the protection of the rights indigenous peoples.

The standard-setting activity of the Working Group culminated in the completion , in 1993, of a draft UN Declaration on the Rights of Indigenous Peoples. The draft declaration was submitted to the Commission on Human Rights, where it has been under review and revision ever since. Meanwhile individual members of the Working Group have been entrusted with more specialized legal studies relating to standard setting : for example the study on Treaties, prepared by Professor Alfonso Martinez and my own studies and working papers , including the studies on : a) the Protection of the Heritage of Indigenous Peoples and b) the Indigenous Peoples and their Relationship to Land. This kind of work continues.

The Working Group also continues to review developments relating to indigenous peoples in all parts of the world . In part, this work follows a thematic approach. Last year , for example, the Working Group focused on the extent to which indigenous peoples enjoy their of vital importance right to development. **At the same time the Working Group has always remained open to Indigenous Peoples to share information of any kind that they feel should be considered by the United Nations system. This openness, flexibility and the constructive and liberal dialogue developed between all parties concerned, has made the Working roup the largest and most important annual gathering of indigenous people in the world for 2o years.**

But the Working Group cannot do everything that Indigenous Peoples may wish it to do, in support of their struggles. As a subsidiary body of the Sub-Commission on the Promotion and Protection of Human Rights and the Commission on Human Rights, the Working Group is essentially a policy body. It is charged , among others, with the study of the legal status of the Word's Indigenous Peoples, and the definition , elaboration and protection of the rights of Indigenous Peoples. The Working Group has no judicial authority. It cannot received complains about violations of human rights or hold Governments responsible for

violations. This is, *the work inter alia*, of the human rights , treaty bodies , such as the Committee on the Elimination of Racial Discrimination (CERD) as well as the Committee established by the International Covenant of Civil and Political Rights. Both of these Committees have adopted very high standards, and have been very probing and critical of certain Governments . Indigenous peoples also now have a UN Special Rapporteur, Professor Rodolfo Stavenhagen , who has been given a broad investigative mandate by the Commission on Human Rights, in the field of Indigenous peoples' rights.

The Working Group further lacks any authority over the operational side of the UN system: which is to say, the important role of the United Nations as a conduit of international financial resources and technical assistance for development and for international peace and security. In budget terms, the operational side of the UN system is nearly one hundred times larger than its human rights programs. The UN has operational offices in 132 countries, as well as many regional offices and programs. Operational activities reach the grassroots, and deal with basic issues of survival, physical security, and well being. The human rights side of the UN sets minimum standards for human decency

and dignity, while the operational side of the UN helps individual Governments meet those standards.

In this way , the human rights side of the UN and the operational side of the UN are complimentary. They need to work together. However, that has often proved difficult to achieve in practice. Operational agencies have their own governing bodies and set their own priorities. The UN system is so complex that it is quite possible` for different programs and agencies to be working at cross-purposes.

This is where the Permanent Forum comes in. The most important function of the Permanent Forum is to ensure that the operational side of the UN stays focused on the rights and priorities of Indigenous Peoples, as they have been articulated over the years in the Working Group, the Sub-Commission on the Promotion and Protection of Human Rights and the Commission on Human Rights. The Forum is supposed to be the link between what the United Nations says about the basic rights and the fundamental freedoms of Indigenous peoples , and what the United Nations does when it encounters Indigenous Peoples at both the national and grassroots levels.

2. The Permanent Forum should go where positive change is possible.

As I stated earlier, the Permanent Forum is not a human rights body, and does not have a mandate to punish States for violations of human rights . Other international bodies have been entrusted with the tasks of monitoring States' compliance with their treaty obligations in the field of human rights, and of acting on individual complaints. By comparison, the Forum has been given a mandate that focuses mainly on the financial and technical assistance that States receive from the United Nations system.

The primary role of the Forum should be, in my opinion, to bring Indigenous Peoples into a real partnership for development with other sectors of national society. Indigenous Peoples must no longer be victims of development, but contributors to development, with their own special talents, deep knowledge and long expertise.

Although the Un system spends hundreds of millions of dollars every year on financial and technical assistance, its resources are very small when compared with the problems faced by most of the world's peoples : war and refugee flows, hunger, extreme poverty, illiteracy, inadequate shelter, unsafe water, and