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*Submission regarding the Implementation of the United Nations System-wide Plan on Indigenous Peoples*

28 April 2017 Morning Session  
- 16<sup>th</sup> Session of the UN Permanent Forum on Indigenous Issues, New York.

**Greetings**

Tēnā koutou i raro i te korowai o Ranginui, i runga i te whāriki o Papatūānuku, i roto i te whare e tū nei, i runga i te mana o tātou ngā Iwi Taketake.

[Translation: Greetings under the cloak of the Skyfather, upon the woven mat of the Earthmother, and in this house within the fraternity and prestige of fellow Indigenous Peoples]

**Indigenous Peoples Participation in the UN - The Zero Draft**

I welcome the very good Zero Draft,<sup>1</sup> but share many of the concerns expressed about the draft. I leave my substantive remarks for next Wednesday. For the moment, I make the comment that the draft employs the phrase “issues, decision making or processes that affects them” (meaning Indigenous Peoples) 17 times.

This changes the language of the Declaration, for example Article 18 that says “decision-making in matters that would affect *their rights*”. It does so again with respect to Article 4 of the Outcome Document using “decision making that affects them” rather than “in no way diminish the *rights* of Indigenous Peoples”.<sup>2</sup> We should be concerned that any removal of the word rights in effect *waters down our rights* and/or opens us to marginalisation by States.

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<sup>1</sup> Sauer, K; Pobe, M. A. A.; Charters, C. and J. Anaya, 21 April 2017, Zero Draft, 21 April 2017, *Clean Version Draft Resolution by the General Assembly on enabling the Participation of Indigenous Peoples' Representatives and Institutions in Meetings of Relevant United Nations Bodies on Issues Affecting Them*.

<sup>2</sup> UN General Assembly, 2014, Resolution 69/2, *Outcome Document of the high-level plenary meeting of the general Assembly known as the World Conference on Indigenous Peoples*, paragraph 4; compare with Zero Draft, Preambular Paragraphs, paragraph 4.

1. The recommendation is that the word *rights* be reinserted in the 10 instances in the draft where these references are not directly citing another document and regarding Article 4 of the Outcome Document.

### **System-wide Action Plan**

I thank the Forum for their very excellent report on the Plan,<sup>3</sup> and congratulate the Forum for prompting so many UN agencies into action. I thank the agencies for their comprehensive responses. Of particular note, those from the International Labour Organisation, the Office of the Special Advisers on the Prevention of Genocide, UN Women, the Inter-agency Support Group on Indigenous Peoples and the UN Indigenous Peoples Partnership.

I have three further recommendations:

1. My experience at the UN has taught me that not all staff are aware of how best to engage with Indigenous Peoples at a person-to-person level. There have been awkward moments. The recommendation is that the Plan be amended to include a professional development package raising the awareness of staff at all levels not only about the Declaration but also about how to engage appropriately with persons from indigenous cultures.
2. Noting several very good reports from different agencies at this session, it is also apparent that they are mainly delivered by non-indigenous persons. Outside of the Forum, and members of the Expert Mechanism on the Rights of Indigenous Peoples, I have not met many other indigenous persons working for the UN; except five very handsome security guards from the Pacific. The recommendation is that the Plan be amended to include; that UN agencies actively recruit suitably qualified indigenous persons into their mainstream staff. This will go some way to increasing awareness and sensitivities around engaging with Indigenous Peoples and normalise our presence within the wider family of the UN.
3. Noting the report from the Secretariat regarding the role of the Forum in the implementation of the Declaration, specifically paragraph 42b: the recommendation is that there is greater clarity in defining the foci and roles of the Permanent Forum, Expert Mechanism and office of the Special Rapporteur on Indigenous Rights.<sup>4</sup>

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<sup>3</sup> Permanent Forum on Indigenous Issues, 2015, *System-wide Action Plan for Ensuring a Coherent Approach to Achieving the Ends of the Declaration on the Rights of Indigenous Peoples*; and 2017, *Implementation of the United Nations System-wide Action Plan*, E/C 19/2017/2.

<sup>4</sup> Secretariat of the Permanent Forum of the Forum, 2017, *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"*, E/C 19/2017/10, paragraph 42b.

### **Update on the implementation of the recommendations of the Permanent Forum**

Finally, I wish to thank the Forum for their report on the implementation of the recommendations of the Permanent Forum, in particular the work on reducing the number of annual recommendations, the application of SMART, the follow up and report back mechanisms and the online database. Given the limited resources of the Forum, not the least of which is a small support staff, this work is of the very highest calibre.<sup>5</sup>

### **Final Words**

Tēnei kia whakahonore ngā wairua tapu o ngā mātua tūpuna, rātou e whai atu i a tātou nei ngā tamariki mokopuna, me rātou ngā toa e tū atu, e taka iho, hei ārai mō tātou ngā Iwi Taketake, kia ora.

[Translation] These words to honour the sacred spirits of our ancestors, and our children and grandchildren; and those who dedicate, and in many instances, give their lives to the advancement of our peoples. Thank you.

Dr Rawiri Taonui

Indigenous subtribes of Te Hikutū, Te Kapotai, Ngāti Rora, Te Aupouri, Ngāti Te Taonui

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<sup>5</sup> Permanent Forum on Indigenous Issues, 2017, *Update on the Implementation of the Recommendations of the Permanent Forum*, E/C 19/2017/3.