

Effective and Meaningful Participation in the UN Permanent Forum on Indigenous Issues

By

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Introduction

There are three different body, mechanism and special procedure that explicitly address Indigenous peoples' rights, issues and concerns within the United Nations system. They are: (1) the UN Permanent Forum on Indigenous Issues (UNPFII), (2) the UN Special Rapporteur on the situation of human rights and fundamental freedom of indigenous people (SR on Ips) and (3) the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP). They have different mandates but supplement and complement each others. The UNPFII was established as a subsidiary body to the UN Economic, Social and Cultural Council (ECOSOC) in accordance with resolution 2000/22, July 2002 of ECOSOC. The first session of the UNPFII was convened in 2002, so that 2010 will be its 9th session. Almost one thousand representatives from Indigenous organizations and communities, governments, UN agencies, non-governmental organizations, and institutions participate in each session.

THE UNPFII and its session

In fact, sessions of the UNPFII are intended for the members of the UNPFII who meet and discuss concerned issues among themselves. However, representatives from Indigenous organizations and communities, governments and NGOs are also allowed to attend the meeting as observers. The UNPFII session is organized over ten working days. In general, there are 4 main events during the session:

1. Plenary session
2. Closed door meetings
3. Side events
4. Caucuses

Plenary session

The plenary session allows the participation of not only members of the UNPFII but also of observers. During the plenary session, observers can also make interventions in accordance with the agenda items. According to the provisional agenda, there will be the opportunity for observers to make interventions in the following agenda items:

- Agenda Item 3: Discussion on the Special theme of the year, "Indigenous Peoples: Development with Culture and Identity: Article 3 and 32 of the UNDRIP.

- Agenda Item 4 (a): Implementation of the UNDRIP (Human Rights).
- Agenda Item 4 (b): Dialogue with the SR on the situation of human rights and fundamental freedom of indigenous people.
- Agenda Item 5: Discussion on North America (Half day).
- Agenda Item 6: Comprehensive dialogue with six UN agencies.
- Agenda Item 7: Future Work of the UNPFII (in particular for the special theme of the year).

Agenda Item (3): Special Theme of the year: Development with Culture and Identity

This agenda item will be discussed during the first week of the session and will last 2-3 days. Many participants, members and observers, will make interventions on this agenda item. The agenda item makes clear reference to the UNDRIP article 3 and 32, which articles state that :

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#32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Note: article#23 can also be quoted for the intervention.

In this agenda item, the intervention should focus on the identification of Indigenous concepts of development, which may or may not be in conformity with states' definitions. It also needs to include issues and challenges that Indigenous peoples face due to development projects and conclude with recommendations and suggestions to States, UN agencies, regional and sub-regional organizations, NGOs and Indigenous peoples' organizations and institutions, in order to meet the requirements and challenges. It is important to bear in mind that the UNPFII is not a forum to raise complaints; therefore the intervention has to provide advice and suggestions to the UN system. At the same time, it should remind the UN bodies, the UN agencies, including the special agencies and States, of their obligations to fulfill UNDRIP in accordance with article 41 and 42.

Suggested readings on this agenda item:

- (1) E/C.19/2010/14 Report of the International Expert Group Meeting on Indigenous Peoples: Development with Culture and Identity Articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples
- (2) E/C.19/2010/10 Information received from NGOs in consultative status with ECOSOC (IWGIA)

- (3) E/C.19/2010/17 Indigenous peoples development with culture and identity in light of the UN Declaration on the rights of indigenous peoples. A reflection paper of the Inter-Agency Support Group on Indigenous Peoples' Issues consolidated by UNESCO
- (4) E/C.19/2010/9 Note of the the UNPFII Special Rapporteurs appointed to conduct a study on indigenous peoples and corporations
- (5) E C.19 2010 CRP.1 Report on Corporations and Indigenous Peoples

Note: these documents are so far submitted as official documents; others may be added later on when they are submitted to the Secretariat.

Agenda Item 4 (a): Implementation of the UNDRIP

All of us are aware that the UN Declaration on the Rights of Indigenous Peoples was adopted in September 2007 by the UNGA. One of the uniqueness of the Declaration is the inclusion of its implementation in the Declaration itself. Since the last session of the UNPFII, the implementation of UNDRIP has become a permanent agenda item of the UNPFII's sessions. Under this agenda item, the interventions should concentrate on measures taken by your states, UN agencies in country level, NGOs and Indigenous organizations for the full realization and implementation of the UNDRIP, as well as on issues and challenges, before concluding with suggestions and recommendations for the future.

Suggested readings on this agenda item:

- (1) Report of the 8th session of the UNPFII, particularly to paragraph 79-100
- (2) A/HRC/12/33 Report of EMRIP on Indigenous Peoples' Right to Education

Agenda Item 4 (b): Dialogue with the Special Rapporteur on the situation of human rights and fundamental freedom of indigenous people

Under this agenda item, the Special Rapporteur shares his current activities including his country visits and annual report. Many participants make a confusion and think they can directly address complaints on violations of human rights in their communities. In fact, the discussion will mainly focus on the Special Rapporteur's annual report. Last year, Sr. James Anaya presented "his analysis of the duty of States to consult with indigenous peoples on matters affecting them, with the hope of offering insight into how this core issue may be addressed in the future by Governments, indigenous peoples, the United Nations system, and other stakeholders, and offers various recommendations in this regard".

Suggested readings on this agenda item:

- (1) Report of the 8th session of The UNPFII particularly to paragraph 79-99
- (2) A/HRC/12/34 (Report to Human Rights Council)
- (3) A/64/338 (Report to UNGA)

Note: information on report of current activities of SR. may be added if available

Agenda Item 5: Half day discussion on North America

Under this agenda item, the discussion will explicitly focus on the "situation of indigenous peoples" in North America. Many participants consider that this agenda item is only for indigenous peoples of this region. But in fact, any participant can make interventions. The intervention should concentrate on the situation of the Indigenous peoples in North America, on measures taken by States, UN agencies and others for the promotion and the realization of the rights of Indigenous peoples in this region; it should conclude with recommendations and suggestions for future work.

Suggested readings on this agenda item:

- (1) ST/ESA/328 "State of the World's Indigenous Peoples by Department of Economic and Social Affairs"
- (2) Report of the 8th session of The UNPFII Para 42-67 as example

Agenda Item 6: Comprehensive dialogue with six UN agencies

Mention has been made above on the responsibility of the UN bodies and agencies, including special agencies, to contribute to the full realization of the provisions of UNDRIP through the mobilization, inter alia, of financial cooperation and technical assistance. It also mentions that they shall establish ways and means of ensuring participation of Indigenous peoples on issues affecting them in accordance with article 41 of UNDRIP. This agenda item was introduced in the 8th session of the UNPFII in order to share what the UN agencies have done in conformity with the provisions of the UNDRIP. First, the concerned UN agencies present their reports, then members and observers make comments, suggestions and finally present their questions. In last year's session, dialogues and presentations were made by the representatives of the Office of the United Nations High Commissioner on Human Rights; the Food and Agricultural Organization of the United Nations; the International Fund for Agricultural Development; the United Nations Development Programme; the United Nations Population Fund; and the Department of Economic and Social Affairs. This year, ILO and UNESCO will make presentations (Note: other 4 agencies will be added after the information is available).

Suggested readings on this agenda item:

- (1) Information received from ILO
- (2) Information received from UNESCO
- (3) E C.19 2010 8 Report of the meeting of the Inter-Agency Support Group on Indigenous Peoples' Issues
- (4) E/C.19/2010/3/Add.1 Reports received from the UN system - Note by the secretariat
- (5) E C.19 2010 CRP.2 ANNEX TO FINAL REPORT OF THE UNITED NATIONS INTER-AGENCY SUPPORT GROUP ON INDIGENOUS PEOPLES' ISSUES

Note: other documents will be identified later when information will be available on the other 4 UN agencies that will present their reports.

Agenda Item 7: Future Work of the UNPFII

This agenda item focuses on how the UNPFII will work in the future. It includes suggestions and advice on how the UNPFII will cooperate and coordinate with States, UN agencies, intergovernmental organizations, regional and sub-regional organizations and others. The intervention can also include suggestions to the UNPFII on the "special theme for next year or the future session" to be discussed. In accordance with unofficial information, the UNPFII will continue to focus on the same theme for next year's session as the topic is very vast and needs more time for thorough discussion.

Suggested readings on this agenda item:

- (1) Report of the 8th session of the UNPFII Para 68-78

Making Statement to the UNPFII

There are close to one thousand participants in the annual session of the UNPFII and almost everyone would like to make an intervention in the session. Therefore, it is important to ensure that you know and follow the correct procedure to make a statement. Otherwise, you may not have the opportunity to make your statement or may be interrupted by the Chairperson.

Process:

- (a) Register with the secretariat and tell them the agenda item you want to make a statement on; register as soon as the secretariat opens the speakers' list; you will have to provide the name of your organization and the agenda item. Make sure that you bring your badge when you register.
- (b) Wait for the speakers' list and check out where your name is placed; it will indicate when you will be called for speaking.
- (c) Copy your statement and give it to the interpreters and secretariat (15 copies).
- (d) Be seated near a microphone and wait for your name to be called.
- (e) When your name is called, raise your hand, put ON the microphone in front of you and read out your statement.
- (f) Note that the time allowance is 3 minutes; therefore, make sure that your statement will be read out fully in the allotted time.

Content of the statements:

- (a) Name, organization and agenda item.
- (b) Salutation/greeting as introduction.
- (c) Brief situation/update/highlight on your issues/concerns related to the particular agenda item.
- (d) Make **CONCRETE RECOMMENDATIONS** to the UNPFII, UN agencies, Governments, and Indigenous peoples organizations and others.
- (e) Length of the statement should be 1-1 1/2 pages for a presentation of 3 minutes; a longer version can also be prepared and submitted in writing.

(f) Avoid abusive language and use official terms of country names.

Guidelines for making a statement and presentation:

- (1) Collective statements are given priority; so it is better to include your issues and recommendations in collective statements, ie of the Asia caucus. You can request that your issue/concern and recommendations are included in the collective statement.
- (2) Statements should be brief and should include CONCRETE RECOMMENDATIONS. All statements presented will be officially recorded by the UNPFII secretariat and become part of the UN documents which are open to public access.
- (3) The representatives of the concerned governments normally respond or give their comments to the presentations made by IPs. Make sure the information included in your statement is accurate and that you can “defend” it. Use diplomatic language as much as possible to avoid unnecessary “confrontation”.
- (4) When reading, read slowly and clearly. As your guide, put marks like comma or salutations to the Chairperson at the start of every paragraph, etc. on the copy you are reading.
- (5) Make sure that your statement will be read fully in the allocated time so that you will not be warned/ stopped by the Chairperson.
- (6) Make extra copies of your statement to distribute to other participants, acquirists, etc. If you wish to share it with non English speaking Indigenous delegates, you can give it to doCip Technical Secretariat for translation into French, Spanish, Russian or Portuguese.

Please note that all statements are posted on doCip’s website every day during the session. To consult doCip’s database, please go to www.docip.org – Documentation – Online documentation – Easy access to online documentation - Conferences – Permanent Forum on Indigenous Issues – 2010.

Closed door meeting

Closed door meetings are held during the session. These meetings are intended to the members of the UNPFII only, to discuss internal issues.

Side Events

- Events are organized by governments, Intergovernmental organizations, UN agencies, Indigenous peoples organizations and others; participants are recommended to attend these side events to learn and raise their voices during the events.
- Meetings with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples are organized. Appointment shall be made in advance.

- Dialogue with UN agencies can also be arranged during the session.
- Other special events allow participants to build networks for collective actions, policy advocacy and campaign.

Caucuses

There are two kind of caucuses for indigenous peoples' representatives; namely a global caucus and several regional caucuses. In the caucuses' meetings, common statements and recommendations to the session, as well as other matters, are discussed.