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Report on the Implementation of Recommendations

INTRODUCTION

In her closing statement of the previous, 14th, session of UNPFII, our then Chair, Megan Davis, publicly committed to a reform in the Forum's work methods, which included a more pro-active role of Expert Members in monitoring the implementation of the Forum's recommendations. Key objective of the reform was to lead to a more effective implementation of our recommendations, and to strengthen the level of the Forum's accountability for them.

In this statement, I would like to give you a short overview of our process of working with the recommendations in a new, reformed way, focusing on key results from last year – as well as some reflections on the way forward and suggestions to you all on how you can best contribute to the recommendations of this 15th session.

PROCESS OVERVIEW

The work process that Forum Members adopted was as follows:

1. First, we selected from among 40 official recommendations 20 such that actually had a structure of a recommendations (there was a clear recipient and reasonably concrete recommended action).
2. We then assigned these 20 recommendations to 15 Members so that, on average, each member was responsible for following up on 1-2 recommendations. Members were then paired with a designated staff member of the Secretariat who was ready to provide administrative and substantive support to Members. I thank the Secretariat for this valuable support.
3. Between January and April, Forum Members were tasked with following up on their assigned recommendations. Based on their individual reports, as well as additional inputs, the Secretariat compiled an aggregated report on the implementation of 14th session recommendations.

RESULTS – GENERAL

Firstly, I would like to acknowledge my fellow Forum Members for supporting this process and accepting additional tasks between the annual sessions.

Based on our current information we have seen some progress in at least 15 of the 20, ie 75% of the recommendations that were selected for monitoring. However, we realize that in several cases this progress cannot be directly linked to a UNPFII recommendation - it would have happened with or without UNPFII.

What is more interesting and relevant to report on are the recommendations which have been partially or fully implemented – and which can be directly linked to UNPFII (in conjunction with the Secretariat). Our current analysis indicates that this is the case with at least 10 of 20 selected recommendations, ie 50%. These 10 recommendations can in turn be grouped into 6 themes that I will now elaborate on.

RESULTS – DETAILED

The following 6 themes relate to last year's recommendations in which tangible progress was made AND where we believe that UNPFII can take at least part of the credit for it. This being a result of 1)

simply adopting the recommendation, 2) following up on it after adoption, or (as in most of these cases) both of these.

1) USG report to UNPFII15 (Rec 6)

Let me begin with a simple one. In Recommendation 6, the Forum invited the Under-Secretary General for Economic and Social Affairs to inform the Forum on the progress with guaranteeing indigenous participation in the preparation and coordination of the SWAP, at its 15th session. This was done today, and we thank Mr. Wu for his time and contribution.

2) Repatriation of ceremonial objects (rec 8)

Let me move on to recommendation 8 according to which „The Forum /.../ recommends that States and indigenous peoples establish a working group to prepare a manual of good practice with regard to the repatriation of ceremonial objects and human remains, with the support of UNESCO and other United Nations entities, and submit a progress report to the Forum at its fifteenth session“. As holder of the Forum's Culture portfolio I am particularly glad to report that substantial progress has been made on implementing this recommendation:

- a. An informal meeting co-hosted by the International Indian Treaty Council (IITC) was held on this topic in January 2016 at the United States of America Permanent Mission to the UN in New York. This meeting, which effectively established an ad-hoc working group, and was attended by indigenous peoples' representatives, Members of the Permanent Forum, EMRIP, representatives of UNESCO and 11 Member States.
- b. As a follow up to this meeting, IITC is organizing a Consultation on International Repatriation to be held on Friday 13 May during the 15th session of UNPFII, including with the participation of UNESCO, UNPFII, EMRIP, States and indigenous peoples from several regions. My expectation is that after this session the working group will acquire a more global character by engaging Indigenous Peoples, organizations and States from all regions and identifying key priorities and next steps.
- c. As a result of recent contacts with UNPFII members and Secretariat staff, UNESCO has confirmed their willingness to participate in the further process, including by providing further information about existing legal instruments under UNESCO, share case stories and attend the Consultation event during the PFII Session. We look forward to working more with UNESCO on this.
- d. In addition, PFII members have proactively supported concrete indigenous initiatives to address the issue of repatriating ceremonial objects and human remains. I am cautiously optimistic that already during this 15th session IITC will be able to report concrete progress with one long-standing dispute in this area.

3) 2030 Agenda on Sustainable Development (rec 10, 11, 31 and 40)

The 14th Session report had 4 recommendations related to the 2030 Agenda for Sustainable Development such as ensuring indigenous peoples' participation in last year's multilateral negotiation process (rec 31), the inclusion of indigenous priorities in the final Declaration text (rec 10) and the inclusion of key indigenous indicators in the global indicator list (rec 11 and 40). We have good reason to believe that the final outcome of these negotiations – a Declaration that refers 6 times to indigenous peoples directly and includes several of the indicators and priorities brought forward by indigenous peoples – was informed by the active advocacy of PFII members and other indigenous peoples. The final list of global indicators, adopted by the Statistical Commission on 8-11 March, included two land rights indicators

with a collective dimension and by type of tenure. These are indicators which UNPFFI members had been lobbying for through letters to Member States, coalition building with other stakeholders and participation at different meetings of the so-called Inter Agency Expert Group on SDGs, responsible for developing the list. The 2015 Third Committee Resolution on the Rights of Indigenous Peoples (A/RES/70/232) also picked up on some of the issues in the recommendations made by the PFII, including on data disaggregation and reporting and on implementation of 2030 Agenda with respect to indigenous peoples' rights.

While these are positive developments, it falls short to the commitments made by states in the WCIP in relation to the SDGs, as well as ensuring its alignment with the UNDRIP. Thus, some of the SDG Goals and targets such as Goal 7 on affordable and clean energy and Goal 8 on decent work and economic growth may in fact lead to the violation of indigenous peoples rights if not implemented in accordance to UNDRIP. It is thus critical for indigenous peoples to have effective participation and representation in the development of the SDG national action plan and in the follow up and review processes from the local, national, regional and global levels.

4) Youth Self-harm and suicide (rec 15-17)

Recommendations 15-17 addressing youth self-harm and suicide. Central part of this was Rec 15:

The Permanent Forum /.../ urges the World Health Organization to develop a strategy and programme to tackle self-harm and suicide among indigenous children and young people at the global level. /.../ As a first step, the Forum suggests that the World Health Organization gather evidence and initiate research on the prevalence of self-harm and suicide among indigenous children and young people at the global level and prepare a compilation of good practices on prevention of self-harm and suicide among indigenous young people, publishing its findings by 1 January 2017.

While this recommendation has not been implemented yet, we have seen notable developments.

In particular, the General Assembly Third Committee in its 2015 resolution A/RES/70/232, entitled "Rights of Indigenous Peoples" took the particular recommendation of PFII forward in paragraph 18, stating that the General Assembly

"Encourages the World Health Organization, the United Nations Children's Fund and other relevant United Nations agencies, funds and programmes, in accordance with their mandates, to carry out research and evidence-gathering on the prevalence of suicide among indigenous youth and children and good practices on its prevention and to consider developing, as appropriate, strategies or policies, consistent with national priorities, in cooperation with Member States, to tackle it, including through consultation with indigenous peoples, in particular indigenous youth organizations"

When comparing these two texts it is quite evident that core input for this text was UNPFI rec number 15. To my knowledge, this was the first time that the Third Committee used a Forum recommendation in such a direct way as input for its resolution. Which is not to say that WHO has heeded the call.

A letter dated on 2 November 2015 from the Under-Secretary-General of Economic and Social Affairs (DESA) was sent to WHO Director drawing attention to the Report of the UNPFI at its 14th session in 2015. In addition, UNPFI Members have been approaching WHO on the same issue. However, to our

knowledge WHO has not properly responded to these enquiries yet. As Forum Members we remain hopeful that WHO will prioritize the issue of indigenous youth self-harm and suicide given the growing pressure from the UN system and indigenous peoples for it to do so. Specifically, we ask WHO to designate a focal point for working with UNPFII on this issue. In this regard, I would like to emphasise that PAHO, as a WHO Regional Office, has been working on activities aimed at improving the mental health of indigenous peoples and youth – and that they will also have a side event during the session to share their experiences and good practices in this regard.

On the other hand, I am glad to report full progress with implementation of a related recommendation, No. 17, according to which Forum recommended that „the Envoy of the Secretary-General on Youth, in cooperation with indigenous young people, urgently address self-harm and suicide among indigenous young people and invites him to inform the Forum on progress in that regard at its fifteenth session“. Based on an invitation from the Chair of PFII, the Secretary-General's Envoy on Youth has accepted and confirmed his participation at the 15th PFII Session on Wednesday 11 May, where he will give an update on his work on indigenous issues. The Secretariat of PFII has been in regular contact with the Envoy's office as well as the Global Indigenous Youth Caucus. The Envoy has also attended a meeting with the Global Indigenous Youth Caucus on the 8 May to discuss ways to address self-harm and suicide – as well as other concerns of indigenous youth. /CONFIRM on May 9 this actually happened/. On behalf of Members I thank the Envoy for his responsiveness to this important and acute issue.

5) Recommendation 31 related to three major multilateral negotiations

This recommendation requested Member States to ensure indigenous peoples' rights to participate in decision-making, in particular in the three major multilateral negotiations in 2015 (2030 Agenda, Climate Change and Financing for Development) and to ensure that indigenous peoples' issues were reflected in those. PFII members and other indigenous peoples' organisations were indeed present and very visible in the negotiations. Even though UNPFII recommendations called for more specific recognition of indigenous priorities and there has been some disappointment that our priorities were not stronger reflected in the resolutions, it is still notable that all three outcome documents refer explicitly to indigenous peoples and emphasize some indigenous priorities, such as traditional knowledge, land rights and inequality. This is a step forward compared to for instance the Millennium Development Goals.

Concerning the COP meeting in Paris, two members of the UNPFII along with many indigenous peoples representatives actively participated in it and were able to influence the outcome of the negotiations known as the Paris Agreement which included a reference to indigenous peoples rights and traditional knowledge. In particular, Forum Members actively engaged with their states with some degree of success. However, in spite of the sustained engagements with states and with the broad support of civil society organisations, the explicit reference to human rights including the UNDRIP as part of the framework of the agreement were not included. This demonstrates the lack of consistency of states in ensuring the harmonisation of their commitments and obligations on human rights across UN global processes.

6) Recommendation 43 on indigenous women:

According to this Recommendation,

„The Permanent Forum recommends that the Commission on the Status of Women consider the empowerment of indigenous women as a priority theme of its sixty-first session, in 2017, on the occasion of the tenth anniversary of the adoption of the United Nations Declaration.“

This is a recommendation where we have seen significant progress, largely thanks to the proactive attitude of some Forum Members and Secretariat staff.

The 60th Commission on the Status of Women (CSW60), held in March 2016, included a preambular paragraph in its draft resolution on its multi-year programme of work “Recalling the invitation to the Commission on the Status of Women to consider the issue of the empowerment of indigenous women at a future session, as stated in paragraph 19 of General Assembly resolution 69/2 of 22 September 2014, and acknowledging the intention to place this issue as a focus area of its sixty-first session”, the latter being a direct reference to UNPFII recommendation 43. In addition, CSW60 adopted Agreed Conclusions that make direct reference to indigenous women and recognize the distinct and important contribution of indigenous women and girls to sustainable development.

This achievement came about based on close cooperation between the Chair of UNPFII, indigenous women’s organizations, UN Women and others with the support of SPFII – and especially due to a strong commitment from the CSW Bureau to the recommendations. The UNPFII recommendation was helpful in this process, as it specified a World Conference paragraph and in fact made it more “SMART”, including by providing a specific time perspective and a concrete aim (priority theme).

It should also be noted that CSW60 resolutions are still drafts and need to be adopted by ECOSOC. Permanent Forum is hopeful that through concerted efforts of ECOSOC, CSW Bureau and its Secretariat in UN Women the resolution will be adopted so that the theme of empowerment of indigenous women will receive the attention at a future CSW session that it deserves.

With this I conclude the detailed part of my report on the implementation of last year’s recommendations. Progress was made also on several other recommendations. You can access the full report in a matrix format as Annex to this narrative report on www.un.org/indigenous as well as in PaperSmart as an annex to my statement.

EVALUATING RESULTS

How to evaluate the effectiveness of this initiative of more focused monitoring / follow-up of Forum recommendations? On the positive side we saw that there actually are examples of Forum recommendations being implemented and, hopefully eventually making some positive difference for indigenous peoples concerned. Specifically, it seems that recommendations corresponding to SMART criteria (specific, measurable, actionable, relevant, time-bound) AND subsequently championed by committed Forum Members as well as Secretariat staff (working in tandem) have the best chances of being implemented. On the other hand, generic recommendations with unclear recipients like „Member States“, wrapped in bureaucratic language and leaving readers perplexed are doomed to inaction even before they are formally adopted. The goal going forward, for both this and next composition of UNPFII, is to build on this experience, including to further improve the process of monitoring recommendations’ implementation, but also to improve the quality of underlying recommendations. Which leads me to the final section of this report – expectations and some words of advice to participants of the current UNPFII session.

LOOKING AHEAD / 15th SESSION

It is becoming increasingly clear that the effectiveness of implementing a Forum recommendation depends on the quality underlying recommendations. Between Forum members we have agreed on the following changes to improve the quality recommendations:


- Corresponding to SMART criteria (specific, measurable, actionable, relevant, time-bound)
- Further reducing the number of recommendations for greater focus and quality of individual recommendations and to facilitate monitoring / follow-up.
- Using more natural and less bureaucratic language in our recommendations, with the objective of calling for, and inspiring action by relevant stakeholders
- Improving transparency of the process whereby recommendations are submitted for Forum Members' consideration. Let me briefly elaborate on this one.

Since I first attended the Forum in 2012 as an activist, it has been my understanding that Forum recommendations should adequately reflect key themes discussed on the floor during the two weeks of the session, in particular concerns and aspirations of indigenous peoples. This is not to say that indigenous peoples' organizations can expect their suggestions to automatically become Forum recommendations, but that there has to be a strong link between those two. Key and recurring messages from the statements from the floor must be at least considered by Members as an input of the final recommendations.

However it has been my experience, both as activist and Forum Member, that this link is, at best, weak. More generally, the process of how and which ideas become Forum recommendations has not been sufficiently transparent and clear, not even for Forum Members themselves. There are many structural reasons for this which merit a separate discussion. But this year Forum Members are making an effort to make that process more transparent for everybody. Key element of that effort include setting up a system whereby only those draft recommendations that are explicitly supported (championed) by at least one Forum Member can be discussed among all Members in closed sessions and have a chance of being adopted as Forum recommendations. All draft recommendations will include a tag of the championing Member(s) until they are adopted by the Forum at which time they become collective Forum recommendations. This means that everybody – including indigenous peoples' organizations, UN agencies and Member States must lobby and work directly with Forum Members in order for their suggestions to have a chance of being considered by the Forum. There are no shortcuts or „back doors“.

The extent to which we manage to improve the quality of Forum recommendations partly depends also on all of you, and especially indigenous peoples whom we as Forum members are here to serve.

Let me be quite frank with you. I have heard some cynical people call these sessions „forums of complaints“. While I disagree with this as a generalization, there is also a grain of truth in it. Often we hear critical statements from this floor, but it is less clear what is the suggested course of action, including what is the key message to the Forum. Without such constructive element in your statements, it is difficult/impossible for Members to act on them. Assuming that one of the objectives of your statement actually is for it to be considered by Forum Members as input for a Forum recommendation – with a concrete impact –, I therefore kindly ask you the following:

- Make your statements easy to follow by Forum Members structuring your statement in a clear and logical way, and by providing necessary background information (context) for those Members who may not be experts in your region and issues.
 - Make your statements memorable, through the use of language and any other, including creative techniques at your disposal. Don't be boring.
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- Most importantly, be sure to clearly formulate the **constructive part** of your statement which contains the key input for Forum recommendations. You could even suggest concrete language for a recommendation, which preferably should be following the SMART criteria discussed above. It should have a length of 1-2 sentences and should be highlighted in your written submission (e.g., in bold).
- Finally, complement your statement by interacting directly with Forum Member(s) most likely to respond positively, ie Members with regional or subject matter expertise on your issue. Inform yourself, e.g., via Secretariat, about which Members are responsible for which thematic and agency portfolios and approach those for whom your concern most relevant. This is the only way how your suggestion has a chance of being considered by the Forum.

We look forward to receiving your inputs to be able to make better recommendations with more concrete impact over the next year. Thank you for your attention and I wish you a productive 15th UNPFII session.

Oliver Loode