

The role of the Permanent Forum on Indigenous Issues in advancing indigenous peoples rights

It is a privilege to be here with you all today.

I will briefly highlight the Permanent Forum on Indigenous Issues role in advancing indigenous peoples rights inline with UNDRIP.

The Permanent Forum was established by the Economic and Social Council in 2000. The Forum's legal framework is determined by the Council's Resolution 2000/22 as well as the UN Declaration on the Rights of Indigenous Peoples.

According to ECOSOC Resolution 2000/22 that established the Permanent Forum, the Forum has a threefold mandate:

- To provide expert advice and recommendations on indigenous issues
- To raise awareness and promote the integration and coordination of activities related to indigenous issues within the UN system.
- To prepare and disseminate information on indigenous issues.

In addition, Article 42 of the UN Declaration on the Rights of Indigenous Peoples, that was adopted seven years after the establishment of the Forum, states that the Permanent Forum shall promote respect for and full application of the provisions of the Declaration and follow its effectiveness.

In its first twelve sessions, the Permanent Forum has been quite good at producing recommendations. So far we have made roughly 1000

recommendations to Member States, the UN system and to indigenous peoples' organizations. Since the adoption of the Declaration, the Forum has taken great care to integrate the Declarations into its recommendations. To be honest, the Forum has not been as effective in following up on the implementation of these recommendations, as it has been in producing them.

There are many reasons for this, including a lack of resources and capacity to effectively push for implementation. One reason for the lack of implementation of the Forum's recommendations is the fact that they are only recommendations. They have no legally binding character and Governments and UN agencies have no obligation to report to the Forum on their activities.

Often we simply do not know to what degree our recommendations have or have not been implemented. If Member States, UN agencies and indigenous peoples' organizations do not inform us of their activities in relation to the promotion of indigenous peoples' rights, then we cannot know. In recent years, we have seen a fall in the number of reports submitted to the Forum by States and to be blunt about it – we very rarely receive reports from indigenous organizations.

There has been some success in making and implementing recommendations to the UN system. This is in no small measure due to the work of the Inter-Agency Support Group as well as how the recommendations to the UN are

formulated – they are often drafted in close cooperation with the UN colleagues from the relevant UN agency and the Forum recommendations facilitate their important work with indigenous peoples. It should be noted thought, that we are often reliant on the efforts of dedicated individuals within those organizations and there is a lack of institutionalized support, which we see when those dedicated individuals move to other positions or when they retire. All in all, the Forum has done a decent job of getting the UN involved. It's not perfect, but the UN is more involved now than ever before.

At the eighth session, the Permanent Forum considered how it could go about fulfilling the obligations contained in Article 42 of the Declaration. Article 42 states that the Permanent Forum shall promote respect for and full application of the provisions of the Declaration and follow its effectiveness.

The Forum is the only UN body expressly mentioned in Article 42, although it should be noted that this language was drafted prior to the establishment of EMRIP. The declaration provides the legal framework of the Forum along with ECOSOC resolution 2000/22. *At the eighth session, the Forum discussed the possibility of arranging dialogues with States regarding application of the Declaration, and to follow up on its effectiveness by making conclusions relating to each State's behaviour in the context of the Declaration, containing criticism on implementation gaps and demands for reforms. These dialogues should have information provided by Governments on their national policies and practices as a principal basis. Information*

from indigenous peoples organizations, from various non-governmental organizations and from Forum members must also be included as important supplementary material. The aim would be to organize a formally structured and substantially constructive dialogue followed by concluding remarks from the Forum.

The Forum has not yet arranged such dialogues. With the World Conference coming up in just over a year, now is the right time to consider different approaches for the Forum as well as for the Expert Mechanism on how we can better promote the implementation of the Declaration and ultimately promote the rights of indigenous peoples and their well-being.