

**The Establishment of a United Nations Permanent Forum:
The Positions of Indigenous Peoples
Compiled by Topic**

*A Synthesis of Positions
taken from Indigenous Declarations and Statements, and
the Reports of Workshops and Meetings on a Permanent Forum for
Indigenous Peoples within the United Nations System*

International Organization of Indigenous Resource Development (IOIRD)
Willie Littlechild, Q.C. Legal Counsel
Mónica Castelo, Editor and translator

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Contents

Introduction

List of Meetings, Declarations and Statements on the Establishment of a Permanent Forum

Synthesis of the Positions of Indigenous Peoples on a Permanent Forum

- 1) Mandate: Scope, Terms of Reference, Activities and Competencies
 - 2) Membership and Composition: who will be members / observers, quantity of members, balance, length of term of office, participation, representation, constituency of representatives, election / appointment procedures, secretariat.
 - 3) Financial implications and resources
 - 4) Level: Placement of the Permanent Forum within the UN System
 - 5) Geographical location
 - 6) Relationship of Permanent Forum to UN Working Group on Indigenous Populations
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Introduction

The following compilation is a reference document with the purpose of bringing together verbatim and by topic the positions expressed by Indigenous representatives on the elements required for the establishment of a Permanent Forum. These positions are extracted directly from the reports of previous workshops and meetings held in consultation with Indigenous Peoples, as well as Indigenous declarations and position statements formally presented on the Permanent Forum.

The information here is organised according to the main elements to be decided upon in order to establish a Permanent Forum, as outlined below. These elements are listed taking into account the provisional agenda of the next upcoming meeting, the second session of the "Open-ended inter-sessional ad hoc working group on a permanent forum for indigenous people", to be held in Geneva, Switzerland, 14-23 February 2000, as well as the agendas of previous meetings and the topical outlines of related declarations. Wherever a report or indigenous declaration or statement does not touch upon an element contained in this outline, it is stated: "*This element was not addressed.*" However, this does not exclude the possibility that the topic was discussed during a given meeting, and/or recorded in a document not contained in the official report or declaration.

It should be noted that in the reports of the two official UN workshops on the permanent forum, those of Copenhagen in 1995 and Santiago de Chile in 1998, the discussions are recounted in general terms, with the wording such that indigenous and government or other positions are not distinguished. In this case, efforts were made here to include only those views that are in consonance with objectives expressed by indigenous delegations generally speaking. Furthermore, the report of the Copenhagen workshop contains the official report and an annex that is a declaration by indigenous participants. Quotes from each of these two sections of the report are distinguished under the sub-headings containing the Copenhagen recommendations. In contrast, the report of the UN ad-hoc working group held in Geneva in 1999 does distinguish in its wording indigenous from government representatives when recounting discussions, and this makes it easier to assert and reflect the positions of indigenous delegations contained in this document.

This reference document was prepared with the hope that it may serve as a tool in advancing agreement at the second session of the "Open-ended inter-sessional ad hoc working group on a permanent forum for indigenous people". The reader will find at a glance an objective synthesis of the positions and preferences of Indigenous Peoples according to each element of a future permanent forum as it comes up for further discussion.

The elements of a future permanent forum that are covered here include:

- 1) **Mandate: Scope, Terms of Reference, Activities and Competencies**
- 2) **Membership and Composition: who will be members / observers, quantity of members, balance, length of term of office, participation, representation, constituency of representatives, election / appointment procedures, secretariat.**
- 3) **Financial implications and resources**
- 4) **Level: Placement of the Permanent Forum within the UN System**
- 5) **Geographical location**
- 6) **Relationship of Permanent Forum to UN Working Group on Indigenous Populations**

This document will present each element heading in the order above. Under each element are the extracts in sub-headings of the respective views contained in the texts of the official reports and Indigenous declarations on the permanent forum published to date. Each quotation cites the section and paragraph numbers as they appear in the original documents (whenever possible), for easy reference back to the source. To the extent possible, official translations were used as available when the original language was not in English.

The meetings, workshops, declarations and statements included here, and their respective abbreviations used throughout the document, are presented beginning with the most recent recommendations (i.e., in reverse chronological order) according to the list that follows.

List of Meetings, Declarations and Statements on the Establishment of a Permanent Forum

Meetings organised by Indigenous Peoples:

- **Ukupseni Conference (Ukupseni, Panama, 4-6 March 1998):** "Declaration of the Second International Indigenous Conference on the Permanent Forum for Indigenous Peoples": UN Document No. E/CN.4/1998/11/Add.3.
- **Indore Conference (Indore, Madhya Pradesh, India, 23-25 September 1998):** "Indore Declaration: First Asian Indigenous Peoples' Workshop on a Permanent Forum for Indigenous Peoples in the United Nations": UN Document No. E/CN.4/AC.47/1999/4.
- **Temuco Conference (Temuco, Chile, 6-9 May 1997):** "First International Indigenous Conference on a Permanent Forum in the United Nations system": UN Document No. E/CN.4/1998/11/Add.1.

Indigenous Declarations / Position Statements:

- **Arusha Declaration (presented in Geneva 1999):** "Conference on Indigenous Peoples from Eastern, Central and Southern Africa: The Arusha Declaration on the Permanent Forum for Indigenous Peoples within the United Nations"; 18-22 January 1999, Arusha, Tanzania.
- **Arctic Indigenous Peoples' Declaration (presented in Geneva, 1998):** "Arctic Indigenous Peoples declaration on the establishment of a permanent forum for indigenous peoples": UN Document No. E/CN.4/AC.47/1999/4.
- **Grand Council of the Crees (presented in Santiago de Chile, 1997):** "A concise indigenous perspective submitted by the Grand Council of the Crees to the second workshop on a permanent forum for indigenous peoples within the United Nations system": UN Document No. HR/STGO/SEM/1997/CRP.2.
- **Sami Council (presented in Santiago de Chile, 1997):** "Statement submitted by the Saami Council to the second workshop on a permanent forum for indigenous peoples within the United Nations system": UN Document No. HR/STGO/SEM/1997/CRP.3.
- **New South Wales Aboriginal Land Council (presented in Geneva, 1996):** "New South Wales Aboriginal Land Council consideration of a Permanent Forum for Indigenous Peoples", presented at the United Nations Working Group on Indigenous Populations, 14th session, 29 July-2 August 1996.

Meetings organised by the United Nations:

- **Geneva Working Group (Geneva, Switzerland, 15-19 February 1999):** "Report of the Open-ended inter-sessional ad-hoc working group on a permanent forum for indigenous people" and annexes: UN Document No. E/CN.4/1999/83.
- **Santiago Workshop (Santiago de Chile, 30 June-2 July 1997):** "Report of the second workshop on a permanent forum for indigenous peoples within the United Nations system held in accordance with Commission on Human Rights resolution 1997/30": UN Document No. E/CN.4/1998/11.
- **Copenhagen Workshop (Copenhagen, Denmark, 26-28 June 1995):** "First UN workshop on the possible establishment of a permanent forum for indigenous peoples within the United Nations system held in accordance with Commission resolution 1995/30". Report of the Workshop: UN Document No. E/CN.4/Sub.2/AC.4/1995/7.

Synthesis of the Positions of Indigenous Peoples on a Permanent Forum

1) Mandate: Scope, Terms of Reference, Activities and Competencies

Ukupseni Conference (Ukupseni, Panama, 1998):

1. Mandate

- Promotion of peace and prosperity for indigenous people;
- All matters relating to indigenous people;
- Coordination within the United Nations system of activities relating to indigenous people;
- Guidance and advice to States, specialized agencies and other relevant bodies;
- Dissemination of information on the conditions and needs of indigenous people;
- Promotion of understanding between peoples with a view to facilitating the prevention and peaceful settlement of disputes;
- Formulation of all recommendations on any issue affecting indigenous people;
- Compliance with existing national and international norms;
- Issuing of proposals for harmonizing norms or laws with international law in the area of indigenous issues.

2. Terms of Reference

The permanent forum's terms of reference should include: civil, political and social rights of indigenous people, cultural rights, human rights, lands and territories, environment, health, children, women, development, education, coordination of the activities of United Nations bodies relating or referring to indigenous people, biodiversity, constitutional reform with emphasis on recognition of the cultural diversity of States, conflict prevention, development of national legislation as regards the rights of indigenous people, right to life, impact of disasters caused by human activity on indigenous peoples, promotion of the world view of indigenous people, mechanism for monitoring the implementation of legislation relating to indigenous people, reconstitution of indigenous peoples, indigenous economy, natural resources, training on the United Nations system, examination of the legal diversity of countries where indigenous people live and the effect of this pluralism, the development of language in furtherance of rights of indigenous people instead of customary law or normative systems, the growing use of the death penalty, recovery of indigenous lore, ethnology, indigenous science and technology, indigenous people living in border regions, formulation of proposals for indigenous people living in national border zones to have freedom of movement across border.

Indore Conference (Indore, Madhya Pradesh, India, 1998):

Mandate

The mandate of the permanent forum should be as broad as possible and contain all matters concerning indigenous peoples amongst which should be included civil, political, economic, social, cultural, developmental, environmental, health, education, language, land, resources, territorial, gender and children's rights. In particular it should deal with the following among others:

- To coordinate and monitor all activities of concern to indigenous peoples within and outside the UN system;
- To provide advice and guidance to member states of the UN, specialized agencies of the UN and other relevant bodies;
- To facilitate the establishment of national institutions and mechanisms on the rights of indigenous peoples;
- To conduct research into, and collect, provide and disseminate information on, the conditions and needs of indigenous peoples and on the UN institutions, agencies and related forums which concern indigenous peoples;
- To promote understanding between peoples with the aim of facilitating the prevention, and the peaceful resolution, of conflicts;
- To formulate recommendations on any issues of concern to indigenous peoples;

- To ensure the fulfillment of existing national and international standards with regard to the rights of indigenous peoples;
- To develop international standards on the rights of indigenous peoples;
- To take decisions for intervening effectively on an urgent basis on behalf of indigenous peoples throughout the world.

Temuco Conference (Temuco, Chile, 1997):

We, the indigenous peoples, declare that:

- 3. The mandate of the permanent forum should be sufficiently broad and cover all areas which concern the indigenous peoples of the world, including cultural, civil, political, social and economic rights, health, women, children, development, education, the environment, territories, human rights, the resolution of conflicts and the coordination of activities with the United Nations agencies in which the indigenous peoples are involved.

Arusha Declaration (presented in Geneva 1999):

The mandate of the permanent forum should be broad enough to cover the concerns of indigenous peoples, including cultural, civil, political and economic rights, health issues, the rights of women and children, education, development, the environment, human rights and conflict prevention and resolution....

Arctic Indigenous Peoples' Declaration (presented in Geneva, 1998):

Mandate and Terms of Reference

- 1. The overall goal of the permanent forum should be to promote peace and prosperity in accordance with the Charter of the United Nations, by developing friendly relations among nations and peoples based on respect for the principle of equal rights. It should be a forum for dialogue between Governments, indigenous peoples and the United Nations system on issues affecting indigenous peoples.
- 2. The mandate of the permanent forum should enable it to deal effectively with the full range of issues covered by the mandate of the Economic and Social Council which are of concern to indigenous peoples. The permanent forum should submit proposals, recommendations, and should also be authorized to call in ad hoc working groups in specialized fields or individual experts, if and when necessary.

Grand Council of the Crees (presented in Santiago de Chile, 1997):

- 11. A permanent forum within the United Nations system should be functionally conceived to address the multitude of issues brought forward by the WGIP, the various United Nations seminars on indigenous issues, and the international conferences on human rights, the environment, social and cultural rights, housing, women's and children's rights, and food security.
- 13. The forum should provide formal mechanisms for the lodging of grievances and complaints and have the mandate to bring urgent matters to the immediate attention of the relevant United Nations bodies.
- 14. The forum should also be able to act in an advisory capacity to the Secretary-General and relevant bodies and agencies within the United Nations system on matters where the expertise of indigenous peoples will contribute to the objectives of the United Nations in keeping with the Charter.

Sami Council (presented in Santiago de Chile, 1997):

D. Mandate and Terms of Reference

- 20. The overall goal of the permanent forum should be to promote peace and prosperity in accordance with the Charter of the United Nations, by developing friendly relations among nations and peoples based on respect for the principle and of equal rights. The overall activities of the forum should focus on prevention of conflicts and promotion of understanding among peoples, peace and prosperity in accordance with the Charter of the United Nations.
- 21. It should be a forum for dialogue between Governments, indigenous peoples and United Nations bodies on issues affecting indigenous peoples. Thus, it should be a political forum where Governments and indigenous peoples meet as equal partners to discuss all issues affecting indigenous peoples. It is crucial that the forum be given a mandate which makes it strong and effective, and therefore it should be capable of taking decisions and action to protect the rights of indigenous peoples in addition to providing a permanent mechanism within the United Nations for effective monitoring of the situation of the indigenous peoples.
- 22. The mandate of the permanent forum should enable it to deal effectively with the full range of issues covered by ECOSOC's mandate which are of concern to indigenous peoples. The forum should also have the potential to facilitate other United Nations bodies and specialized agencies in devising coherent and coordinated policies and programmes for the benefit of indigenous peoples which incorporate the indigenous view in their conceptualization and implementation.
- 23. The permanent forum should submit proposals, recommendations and reports to ECOSOC regarding indigenous issues. It should be authorized to call in ad hoc working groups in specialized fields or individual experts with the approval of the President of the Council and the Secretary-General, if and when required.
- 24. The indigenous peoples' statement of mission of a permanent forum made at the Copenhagen workshop, identifies a wide range of possible operation activities for the permanent forum. It was stated that the permanent forum should:
 - (a) be able to make clear decisions and intervene effectively on an urgent basis on behalf of indigenous peoples throughout the world;
 - (b) be involved in and coordinate action for the resolution of conflicts affecting indigenous peoples in any way;
 - (c) oversee the implementation and monitor the effectiveness of international and regional instruments and programmes affecting indigenous peoples;
 - (d) monitor and advise on the implementation and effectiveness of actions of United Nations bodies and Member States in relation to indigenous peoples;
 - (e) provide indigenous peoples with a high-level and public forum so that they can participate in decisions and consider a wide range of matters affecting them in the areas of development, the environment, culture, education, economics, social issues, intellectual property and trade, with particular emphasis on traditional and innovative systems;
 - (f) eliminate racism and discrimination against indigenous peoples;
 - (g) promote and advance world acceptance and understanding of all peoples.

New South Wales Aboriginal Land Council (presented at WGIP, Geneva, 1996):

1. Scope of a Permanent Forum

- NSWALC considers that the Permanent Forum should have a broad scope. We agree with the Danish paper that it should deal in a comprehensive manner with *'all matters that concern Indigenous Peoples and [should] undertake a multitude of different activities. Examples of the areas... [include] Human Rights, the environment, development, health and education as well as cultural integrity and conflict prevention. Indigenous Peoples embrace a comprehensive and holistic view of the world which does not easily divide into mutually exclusive categories'*.
- The Forum, once established, should seek to coordinate the activities of all United Nations agencies which relate to Indigenous issues. NSWALC agrees that the Forum will

benefit from prioritising and structuring, and that in many instances, other agencies such as UNDP, UNEP, WHO and others will be in a position to supply on the ground assistance in relation to implementation measures.

3. Mandate and Terms of Reference

NSWALC considers, as did some of the participants of the Copenhagen Seminar, that the Forum should '*deal in a comprehensive way in all issues affecting Indigenous Peoples*'. It should for example:

- a. monitor the implementation of the Declaration on the Rights of Indigenous Peoples (when adopted), as well as monitor other legal and policy instruments;
- b. coordinate the UN system of activities relating to Indigenous Peoples, and consider reports of the UN specialised agencies in relation to Indigenous issues;
- c. conduct expert studies and other research activities into problems facing Indigenous Peoples, and develop policies;
- d. make recommendations to its Parent Body;
- e. provide guidance and advice to interested Parties through, amongst other things, the development of programs; and
- f. disseminate information on the conditions and needs of Indigenous Peoples.

4. Activities that Might be Undertaken by the Forum

NSWALC agrees with the following suggestions contained in the Danish Paper regarding proposed activities to be undertaken by the Permanent Forum:

- a. dissemination of information
- b. establishing thematic or regional working groups
- c. evaluation activities
- d. urgent action procedures
- e. country visits
- f. the appointment of Special Rapporteurs
- g. holding expert meetings
- h. the elaboration of studies
- i. small-scale projects
- j. technical and expert advice to other United Nations bodies and agencies.

Geneva Working Group (Geneva, Switzerland, 1999):

III. Mandate and Terms of Reference for the Activities to be undertaken by the Forum

- 31. Indigenous as well as many governmental representatives expressed the view that the mandate of the permanent forum should be sufficiently broad to cover all issues affecting indigenous peoples. It was emphasized that it was crucial that the mandate should be broad and comprehensive and that it should go beyond dealing with human rights.
- 34. In arguing in favour of the establishment of a permanent forum, many governmental and indigenous representatives referred to the review of the Secretary-General of existing mechanisms, procedures and programmes within the United Nations concerning indigenous peoples (A/51/493), in which it was stated that there were no mechanisms to ensure regular exchange of information and views between Governments, indigenous peoples and the United Nations system on an ongoing basis.
- 38. Indigenous representatives expressed the view that the overall goal of the permanent forum should be to promote peace and prosperity in accordance with the Charter of the United Nations. In that regard, it was emphasized, the forum would have an important role to play in the development of friendly relations among nations and peoples based on respect for the principle of equal rights.
- 39. Indigenous representatives were of the opinion that the forum should deal effectively with the full range of issues covered by the Economic and Social Council. It was considered that the mandate of the forum should include, but not be limited to, the submission of proposals, recommendations and reports to the Economic and Social Council. Many indigenous representatives emphasized that it was of paramount importance to include conflict prevention and resolution in the mandate of the forum.

- 40. Many indigenous representatives also expressed the view that the forum should be mandated to develop international standards on the rights of indigenous peoples, as well as to ensure implementation of existing international standards pertaining to the rights of indigenous peoples. Furthermore, indigenous and some governmental representatives stated that it was important to ensure that the mandate of the forum also included development strategies and a policy-making element.

VIII. Specific comments by individual delegations

- 84. ...A representative of the Mayan people of Guatemala said that the mandate of the forum should include policy making and conflict resolution. The forum should monitor the human rights situations of indigenous peoples. Moreover, the forum should contribute to the formulation of national public policies affecting indigenous peoples.
- 86. The representative of the Consejo Indio de Sud America (CISA) said that the permanent forum should have decision-making power. In addition, the forum should have a role to play in conflict prevention throughout the world. It should have a broad mandate and be linked to the Economic and Social Council....
- 87. The representative of Comité Intertribal expressed the view that the permanent forum should have a broad mandate and be linked to the Economic and Social Council....
- 88. The representative of Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica (COICA) expressed the view that the permanent forum should be established as a subsidiary body of the Economic and Social Council. Its mandate should be broad and cover all issues affecting indigenous peoples. ...
- 89. The representative of the New South Wales Aboriginal Land Council expressed the view that the forum should have a broad scope and deal with all matters that concerned indigenous peoples, including human rights, the environment, development, health and education, as well as cultural integrity and conflict prevention....
- 90. The representative of the Innu Council of Nitassinan expressed the view that the permanent forum should provide formal mechanisms for the lodging of grievances and complaints by indigenous peoples who were subject to policies of extinguishment of indigenous rights to the land.
- 91. The representative of the Aboriginal Legal Service of Western Australia expressed the view that the mandate of the forum should include cultural, civil, political, social and economic rights, education, and the environment. Furthermore, it should contribute to the resolution of conflicts between indigenous peoples and Governments, oversee the coordination of United Nations activities relating to indigenous peoples and disseminate information on the conditions of indigenous peoples....
- 94. The representative of the National Aboriginal and Torres Strait Islander Legal Services Secretariat (NAILSS) ... proposed that international standard minimum rules for the treatment of indigenous persons by law enforcement agencies and courts of law and tribunals of inquiry should be developed within the framework of the permanent forum.

Santiago Workshop (Santiago de Chile, 1997):

III. Main questions relating to the establishment of a permanent forum for indigenous people; A. Mandate and terms of reference and activities that might be undertaken by the forum

- 20. Some participants expressed the view that there was a link between the mandate of the permanent forum and its level within the United Nations system and that its placement within the system to a large extent would be determined by its mandate.
- 21. Participants expressed the view that the mandate of the forum should be sufficiently broad to cover all issues affecting indigenous peoples, and that its activities should be of such a character and be carried out in a manner which corresponded to the needs of Governments and of indigenous peoples. The mandate of the permanent forum should go beyond dealing with human rights; the permanent forum should act as an interface between Governments, indigenous peoples and the United Nations system. The mandate should cover areas such as cultural, civil, political, social, economic and human rights, health, development, education and the environment. The future permanent forum could contribute to the resolution of conflicts, oversee and coordinate United Nations activities

relating to indigenous peoples, mobilize expertise on indigenous issues, carry out impact assessments of United Nations activities and policies relating to indigenous peoples, disseminate information on the conditions and the needs of indigenous peoples and on the implementation and realization of international standards relating to indigenous peoples' human rights, as well as hear complaints. The mandate of the permanent forum should not duplicate that of existing United Nations bodies or mechanisms.

- 22. Participants referred to the Charter of the United Nations, and said that its provisions could provide guidelines with regard to the mandate of the forum. In this context, it was noted that Article 62 of the Charter states that the Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned. Moreover, it may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all. The permanent forum would be valuable for the Council in its dealing with issues related to indigenous peoples.
- 23. Some participants expressed the view that it was necessary to establish a legal framework for the forum and its mandate. The draft United Nations declaration on the rights of indigenous peoples, once adopted, would constitute an adequate legal basis for the activities of the permanent forum. Other participants stated that since many indigenous rights are already included in various international instruments, the permanent forum could start its work on the basis of those instruments.
- 24. The permanent forum could assist in the follow-up to the programmes of action adopted at high-level conferences as well as other decisions and resolutions on indigenous issues adopted by the United Nations, monitor United Nations activities, play a role in the programmes and projects of the United Nations system and contribute to the well-being of indigenous peoples.

Copenhagen Workshop (Copenhagen, Denmark, 1995):

"Annex: Statement of mission of a permanent forum for indigenous peoples"

- 3. The vision of a permanent forum should encompass at least the following:
 - a) in the spirit of partnership and collaboration launched by the International Year of the World's Indigenous People and embodying the resolution for the International Decade of the World's Indigenous People;
 - b) and recognizing the need for a sincere political effort to achieve a permanent forum for indigenous peoples;...
 - c) and by calling the forum permanent as a matter of urgency to address dimensions of urgency;
 - d) calls for the creation of a body to deal with issues of interest to the world's 350 million indigenous peoples to influence their own future;
 - e) and that the collective rights and freedoms of indigenous peoples be recognized as the most sacred and highest rights;
 - f) and appreciating that humanity has benefitted from culture and lifestyles unique to indigenous peoples.
- 4. Accordingly, a permanent forum for indigenous peoples should keep in mind and undertake a wide range of operational activities including the following:
 - a) be able to make clear decisions and intervene effectively on an urgent basis on behalf of indigenous peoples throughout the world;
 - b) be involved in and coordinate action for the resolution of conflicts affecting indigenous peoples in any way;
 - c) oversee the implementation and monitor the effectiveness of international and regional instruments and programmes affecting indigenous peoples;
 - d) monitor and advise on the implementation and effectiveness of actions of United Nations bodies and Member States in relation to indigenous peoples;
 - e) provide indigenous peoples with a high-level and public forum to participate in decisions and consider a wide range of matters affecting indigenous peoples in the

- areas of development, environment, culture, education, economics, social, intellectual property, trade; with particular emphasis on traditional and innovative systems;
- f) eliminate racism and discrimination against indigenous people;
- g) promote and advance world acceptance and understanding of all peoples.
- The above are but SOME ONLY of the views and desires of indigenous peoples of the world regarding a permanent forum and is the product of the concerns expressed by those representatives of indigenous peoples in attendance at the Copenhagen workshop on the establishment of a permanent forum.

Copenhagen: Report of the Workshop

III. Agenda; A. Scope of a permanent forum

- 12. Some participants were in favour of establishing a permanent forum for indigenous people in the United Nations system to consider issues relating to the ethnic, cultural and social survival of all the world's indigenous people.
- 13. ...Other participants considered that a definition was not a prerequisite to the establishment of a permanent forum.
- 15. Some participants stated their desire to use the term "indigenous peoples" as opposed to "indigenous people"....

III. Agenda; C. Mandate and terms of reference and activities that might be undertaken by the forum

- 22. Some participants, including the independent experts, indicated that the overall goal of the permanent forum should be to promote peace and prosperity in accordance with the Charter of the United Nations.
- 23. Some participants expressed the view that the permanent forum should deal in a comprehensive way with all issues affecting indigenous people, encompassing the functions such as coordination within the United Nations system of activities related to indigenous people, providing guidance and advice to interested parties, disseminating information on the conditions and needs of indigenous people, and promoting understanding among peoples. A suggestion was also made that the mandate of the Trusteeship Council of the United Nations might be changed to allow issues of concern to indigenous peoples to be raised. That body might serve as a future permanent forum.

- 2) Membership and Composition: who will be members / observers, quantity of members, balance, length of term of office, participation, representation, constituency of representatives, election / appointment procedures, secretariat.**

Ukupseni Conference (Ukupseni, Panama, 1998):

3. Composition

- As indigenous people, we have the right to participate fully and actively in the permanent forum as equal partners with Governments. We propose that there should be an equal number of government and indigenous representatives. United Nations specialized agencies, non-governmental organizations and independent experts would have the opportunity to participate in the permanent forum's deliberations as observers without the right to vote.
- The size of the membership should be left open, but we think that there should be between 5 and 10 indigenous representatives.

Indore Conference (Indore, Madhya Pradesh, India, 1998):

Membership, Composition and Participation

- The forum should be composed of an equal number of representatives of indigenous peoples and member states of the UN, acting as full voting members on an equal basis. There should be at least two representatives of indigenous peoples from each of the main geographical regions around the world, to be nominated by indigenous peoples of the respective regions.
- In addition, indigenous peoples and their organizations, member states of the UN, specialized agencies of the UN and non-governmental organizations, should be able to participate in the deliberations of the forum as observers without the right to vote. Indigenous peoples should have the same access to the forum as that in the case of the Working Group on Indigenous Populations.

Secretariat

- A new secretariat should be established for the permanent forum. This secretariat should be adequately staffed by qualified indigenous persons for the preparation and servicing of the permanent forum meetings and the collection and dissemination of information. The secretariat should also assist indigenous peoples in their capacity building efforts.

Temuco Conference (Temuco, Chile, 1997):

We, the indigenous peoples, declare that:

- 2. The indigenous peoples have the right to full and effective participation in the permanent forum on an equal footing with Governments. It is also important that United Nations agencies, non-governmental organizations and independent experts should have the opportunity to take part in the discussions of the permanent forum when the parties so require.

Arusha Declaration (presented in Geneva 1999):

- Indigenous peoples and governments should be members of the permanent forum, with the right to vote. An equal number of indigenous and governmental representatives should be elected as members for a period of four years.
- Indigenous organisations, communities and peoples and governments that are not members of the Forum, should together with non-governmental organisations, United Nations agencies and individual experts be invited to participate as observers at the meetings of the permanent forum....
- A separate secretariat should be created for the permanent forum, staffed by qualified indigenous persons.

Arctic Indigenous Peoples' Declaration (presented in Geneva, 1998):

Membership

- 4. The Forum should be composed of equal number of representatives of indigenous peoples and Government, acting as full voting members on equal basis. Members of the permanent forum should be chosen for a period of four years.

Participation

- 5. Indigenous organizations, non-governmental organizations, United Nations agencies and organs. Indigenous peoples should be able to participate in the work of the permanent forum regardless of consultative status with the Economic and Social Council.

Experts

- 6. Individual experts should be allowed to participate in the work of the permanent forum if or when called upon by the forum.

Secretariat

- 8. A new and separate Secretariat of the Permanent Forum, funded via the regular United Nations Budget, should be established well in advance of the first session of the Forum. The Secretariat should be lead and staffed by indigenous persons.

Grand Council of the Crees (presented in Santiago de Chile, 1997):

12. The forum should allow for direct representation of indigenous peoples, nations and communities, and should provide an 'interface' between communities, States and United Nations agencies.

Sami Council (presented in Santiago de Chile, 1997):

E. Membership

- 25. The Saami Council is of the opinion that indigenous peoples and Governments should be the members of the permanent forum. This means that Governments and indigenous peoples should have equal positions in the permanent forum, for example indigenous peoples should also have the right to vote in this new body. If the permanent forum is established as an inter-governmental body of Member States only, it would lack the necessary legitimacy and credibility.
- 26. The core group (group of members) of the permanent forum should be composed of an equal number of representatives of Governments and indigenous peoples based on the principle of geographical balance. The forum should have between 10 and 25 members, elected for a period of three to four years. Indigenous peoples, represented by their traditional or contemporary political entities, should be eligible for membership in the permanent forum.
- 27. However, indigenous peoples and Member States which are not members of the permanent forum should be invited to participate, without vote, in the deliberations of any matters of particular concern to them. The permanent forum should also make arrangements for representatives of the specialized agencies to participate, without vote. Moreover, non-governmental organizations, indigenous as well as non-indigenous, should also be invited to participate as observers without the right to vote. Independent experts, indigenous as well as non-indigenous, could serve the permanent forum as its special rapporteurs when required or as members of its subsidiary bodies dealing with thematic or technical issues.

F. Indigenous participation

- 28. There should be two categories of participation: a) participation as member, and b) participation as observer. Indigenous peoples, represented by their traditional or contemporary political entities, should either participate as members with the right to vote or as observers when they are not serving as members. Indigenous non-governmental organizations should have the right to participate as observers only.

Individual indigenous experts often possess in-depth knowledge about complex indigenous issues, and they should therefore be invited to contribute to the work of the forum in appropriate ways, e.g., as special rapporteurs or members of expert groups.

- 29. It is extremely important to establish a clear distinction between the participation of 'indigenous peoples and nations' and 'indigenous non-governmental organizations'. Such distinction should be reflected in the structure of the permanent forum. For example, in our case (meaning Saami participation), our publicly elected Saami Parliaments in Finland, Norway and Sweden should be eligible for membership in the permanent forum, while the Saami Council as an organization should be an observer only.

New South Wales Aboriginal Land Council (presented at WGIP, Geneva, 1996):

5. *Participation of Indigenous Peoples*

- NSWALC suggests that a Committee of fifteen be appointed by the Secretary-General, made up of:
 - five Governmental Members, nominated by Governments;
 - five Indigenous representatives; and
 - five independent experts appointed on the basis of nominations made by the international Indigenous Community.
- Each of the three groups of five appointments would be representative of the five geographic regions of the UN. In this regard, we agree with the following comments in the Danish Paper:
- *'It would be necessary to bring Indigenous Peoples together at regional and international conferences in order to discuss the possibilities for establishing a proper procedure [to choose candidates for the Committee]'*.
- NSWALC believes that this proposal will ensure maximum accountability, efficiency and flexibility. There will be a balance between Indigenous and Governmental interests which will enhance the credibility of the Forum in the eyes of the international community generally.
- Indigenous Peoples should have the same access to the Forum as we do to this Working Group.

Geneva Working Group (Geneva, Switzerland, 1999):

IV. *Membership and Participation*

- 46. The working group held two formal meetings on questions relating to membership and participation in the permanent forum. The representative of Denmark and Ms. Tarcila Rivera Lea agreed to act as co-facilitators.
- 47. All participants considered that the principle of full, free and active participation of indigenous peoples in the permanent forum was fundamental. In this regard, some delegations expressed the view that it would not work to copy the rules and procedures of other United Nations bodies and organs as the permanent forum would be a new and unique body of the United Nations.
- 49. Many governmental and indigenous representatives suggested that the permanent forum should have an assembly with a large and open composition and a "core group" or an "executive committee". The core group should have the right to take decisions on matters relating to its agenda and methods of work. Many expressed the view that the core group should take decisions on the basis of consensus.
- 50. Many governmental and indigenous representatives expressed the view that the forum should also be open to observers, including representatives of non-governmental organizations, Governments, United Nations agencies, bodies and organs with the right to speak and to submit proposals. Some were of the opinion that independent experts should be able to participate freely in the forum as observers, while the representatives of some indigenous organizations expressed the view that individual experts should be allowed to participate only if and when called upon by the forum....
- 51. Many governmental and indigenous representatives considered that non-governmental organizations should be able to participate regardless of whether they were in consultative status with the Economic and Social Council.
- 56. Several indigenous representatives stated that there was no reason for having a definition of indigenous peoples. The issue of a definition should not be used to block the establishment of a permanent forum for indigenous peoples.

- 57. Many delegations made statements pertaining to the size of the permanent forum. The numbers that were mentioned as the optimum size for the core group or executive committee ranged between 5 and 30 members. Other delegations did not indicate any preferences regarding the number of members and said that they were flexible in that respect....
- 58. The indigenous and most governmental representatives expressed the view that it was of great importance that indigenous peoples should be given the possibility to elect their own representatives according to their own practices and procedures. It was also emphasized that it was important to take into account a geographical balance. In this respect, several delegations stated that it was important to look at the actual distribution of indigenous peoples throughout the world. According to some delegations, the five existing regions used within the United Nations system did not apply to indigenous peoples. It was said that Asia and the Pacific should be considered as two distinct regions. Furthermore, it was said that the Russian Federation should be considered as a separate region. It was also suggested that representation by language regions could be considered.

Santiago Workshop (Santiago de Chile, 1997):

III. Main questions relating to the establishment of a permanent forum for indigenous people; B. Membership and participation of indigenous people

- 25. Participants considered that the principle of full participation of indigenous peoples in the permanent forum was fundamental to the success of the forum. Participants identified two categories of participation: (a) participation as a member with the right to vote; and (b) participation as observer. It was crucial for the legitimacy and credibility of the forum that the forum be composed of an equal number of governmental and indigenous representatives. Some participants said that indigenous peoples should determine their membership in the forum and that direct indigenous representation should be determinant in this regard....Many participants urged that a forward-looking approach be taken to the questions of indigenous peoples' participation and representation in the permanent forum in the framework of the principle of equality. One indigenous organization stated that its preference was to be recognized as a "nation" by the United Nations General Assembly.
- 26. ...Other participants stressed that indigenous representatives should be nominated by indigenous peoples themselves. Several participants said that the forum should have between 15 and 25 members.
- 27. Some participants referred to the open participation of indigenous people in the United Nations Working Group on Indigenous Populations and suggested that the permanent forum should adopt rules and procedures which enabled it, when it so desired, to apply the same flexibility. One participant said that the rules and procedures of the permanent forum should provide for maximum opportunities for indigenous participation.
- 28. Some participants said that the right to vote in the forum should not be overemphasized because the forum should try to adopt recommendations and decisions by consensus, although all members of the forum should have the right to vote.
- 29. Participants said that United Nations agencies, non-governmental organizations and independent experts should participate in the work of the forum, although some delegations expressed the view that they should only be observers. Several participants expressed their opposition to the notion of "independent experts" on indigenous affairs as indigenous peoples were capable of representing themselves as experts on their own status, conditions and affairs.
- 30. The importance of the forum striking the right balance between legitimacy and effectiveness was identified as a vital element. Many participants referred to the need to respect the decision-making of indigenous peoples with regard to the selection, appointment or election of their representatives through their political institutions. Several participants proposed that in order to ensure an efficient and well-functioning permanent forum an automatic review should be undertaken with regard to its size and mandate after a certain period of time.

Copenhagen Workshop (Copenhagen, Denmark, 1995):

"Annex: Statement of mission of a permanent forum for indigenous peoples"

3. The vision of a permanent forum should encompass at least the following:...
- c) and that this can only happen through a process of dialogue involving all parties on Nation-to-Nation levels;
 - d) and that a need for a permanent forum to ensure indigenous participation in, access to, and a voice in the United Nations system;....

Copenhagen: Report of the Workshop

III. Agenda; D. Membership and participation of indigenous people

- 25. The importance of striking the right balance between legitimacy and effectiveness of a permanent forum was made by some participants.
- 26. Some participants favoured membership of a permanent forum which would include governmental and indigenous representation. Some suggestions were made concerning the size and the exact composition of the permanent forum. Some participants considered that an optimum membership of the permanent forum might be between 10 and 20 with consideration of parity and geographical balance.
- 27. It was suggested that the permanent forum should be open to all indigenous people to attend as observers regardless of whether they had consultative status with the Economic and Social Council.

3) Financial implications and resources

Ukupseni Conference (Ukupseni, Panama, 1998):

This element was not addressed.

Indore Conference (Indore, Madhya Pradesh, India, 1998):

Finance

The funds for the functioning of the forum, its subsidiary bodies, including a secretariat, should be borne by the UN from its regular budget. Additionally, member states of the UN should be encouraged to contribute with voluntary funds and technical assistance.

Temuco Conference (Temuco, Chile, 1997):

This element was not addressed.

Arusha Declaration (presented in Geneva 1999):

The creation of the permanent forum, and its activities, should be funded through the regular budget of the United Nations....

Arctic Indigenous Peoples' Declaration (presented in Geneva, 1998):

Finance

- 7. The permanent forum, including its potential subsidiary bodies, should be financed via the regular budget of the United Nations.

Secretariat

- 8. A new and separate Secretariat of the Permanent Forum, funded via the regular United Nations Budget, should be established well in advance of the first session of the Forum. The Secretariat should be lead and staffed by indigenous persons.

Grand Council of the Crees (presented in Santiago de Chile, 1997):

18. The Grand Council of the Crees rejects as prejudicial to the stated objectives and priorities of the United Nations any objections to the establishment of a permanent forum for indigenous peoples that are premised on financial considerations, as we believe that the United Nations is fully capable of reorganizing its administration within existing constraints to meet this need within the Decade.

Sami Council (presented in Santiago de Chile, 1997):

This element was not addressed.

New South Wales Aboriginal Land Council (presented at WGIP, Geneva, 1996):

7. Financial and Secretariat Implications

- NSWALC considers that the core operating expenses of the Forum, such as its Secretariat and conference costs should be guaranteed from recurrent UN expenditure. Governments should be encouraged to supply extra resources such as staff secondments, technical assistance, and funding for identified positions. As with other UN bodies, Governments should also sponsor seminars, workshops and conferences away from headquarters.
- Other UN agencies could assist with expertise, technical support and the joint funding of projects and conferences.
- A voluntary fund seminar to the already established fund for the Working Group could be established to assist with expertise, technical support and the joint funding of projects and conferences.

Geneva Working Group (Geneva, Switzerland, 1999):

VI. Financial and secretariat implications; location of the forum; and name of forum

68. Useful informal discussions on secretariat, financial, technical and practical matters relating to the permanent forum took place. However, no common proposals and suggestions were elaborated.

Santiago Workshop (Santiago de Chile, 1997):

III. Main Questions relating to the Establishment of a Permanent Forum for Indigenous People: C. United Nations body to which the proposed forum would report and financial and secretariat implications

- 32. Many participants suggested that the forum should be funded from the United Nations regular budget, although some considered that voluntary contributions could be used to finance supplementary activities of the forum.
- 33. ...Other participants stated that the financial difficulties of the United Nations should not be seen as an obstacle to the establishment of the permanent forum....

Copenhagen Workshop (Copenhagen, Denmark, 1995):

"Annex: Statement of mission of a permanent forum for indigenous peoples"

This element was not addressed in this part of the report.

Copenhagen: Report of the Workshop

III. Agenda; F. Financial and secretariat implications and other matters item 1(h) and (i))

- 34. It was recognized by participants that a permanent forum would have financial implications. Some participants felt that these financial requirements could be met from the regular budget and voluntary contributions from Governments. It was also mentioned that indigenous people were ready to contribute financially towards the activities of a permanent forum.

4) Level: Placement of the Permanent Forum within the UN System

Ukupseni Conference (Ukupseni, Panama, 1998):

We, the representatives of the indigenous peoples meeting in Kuna Yala, Panama, from 4 to 6 March 1998,...

Call for the speedy establishment of a permanent forum for indigenous people within the United Nations system, reporting directly to the Economic and Social Council (ECOSOC) and having the following characteristics....

5. We conclude:

...That the establishment of the permanent forum is an important objective as a political organ at the highest level which will permit our broad participation in the United Nations system in areas of concern to us.

Indore Conference (Indore, Madhya Pradesh, India, 1998):

Level:

The permanent forum should be at the highest level and no lower than a body reporting directly to the Economic and Social Council (ECOSOC) of the United Nations.

Temuco Conference (Temuco, Chile, 1997):

We, the indigenous peoples, declare that:

- 1. In accordance with the principle of dialogue between Governments and peoples we call for the rapid establishment of the permanent forum at the highest possible level.

Arusha Declaration (presented in Geneva 1999):

The permanent forum should be established at the highest possible level within the United Nations, and no lower than at the level of the Economic and Social Council.

Arctic Indigenous Peoples' Declaration (presented in Geneva, 1998):

Level

- 3. The permanent forum should report directly to its parent body, the Economic and Social Council.

Grand Council of the Crees (presented in Santiago de Chile, 1997):

- 15. The preferred option of the Grand Council of the Crees is that the permanent forum for indigenous peoples be established at the Council level of the United Nations, perhaps in place of the now largely redundant Trusteeship Council, as suggested by Mr. Noel Brown.
- 16. The Grand Council of the Crees would also endorse the recommendation of the Aboriginal and Torres Strait Islander Commission to establish the forum as a functional commission of ECOSOC. However, we would have difficulty recommending that it be established at the Sub-Commission level because of the very limited scope and mandate that would be imposed by any parent commission.

Sami Council (presented in Santiago de Chile, 1997):

C. United Nations body to which the permanent forum should report

- 15. The Saami Council is of the opinion that the permanent forum should be established as a subsidiary body of the Economic and Social Council (ECOSOC), and with a mandate that embraces the full range of issues under ECOSOC's mandate.

- 16. Article 68 of the Charter of the United Nations provides the necessary legislative foundation for such an establishment: that ECOSOC shall set up commissions in economic and social fields and for the promotion of human rights, and any other commissions as may be required for the performance of its functions. The Charter does not specify the composition or functions of any of the commissions envisaged in Article 68. However, the Saami Council's understanding of the intention of the Charter is that a special commission on indigenous issues is required to enable ECOSOC to perform functions relating to indigenous peoples and to thereby fulfil its obligations under the Charter of the United Nations.
- 17. ECOSOC has four types of subsidiary bodies: a) functional commissions; b) standing committees; c) regional commissions; d) expert bodies. Those bodies are either intergovernmental or expert bodies. Only functional commissions will be further discussed in this paper.
- 18. ECOSOC has nine functional commissions, the most well known for indigenous peoples being the Commission on Human Rights and Commission on Sustainable Development and the Commission on the Status of Women. The different functional commissions are inter-governmental bodies. This means that only Governments are members and have the right to vote in those bodies. United Nations agencies and non-governmental organizations in consultative status can participate as observers, without having the right to vote.
- 19. A possible solution could be to establish a general functional commission on indigenous issues. However, this would only be acceptable to indigenous peoples if they are given the same status as Governments. This means that both Governments and indigenous peoples should be members of the commission with the right to vote. The specialized agencies and indigenous and non-indigenous non-governmental organizations should be given the right to participate as observers. Individual experts, indigenous and non-indigenous persons with special competence, should also have the right to participate in any future subsidiary thematic bodies of the permanent forum.

New South Wales Aboriginal Land Council (presented at WGIP, Geneva, 1996):

2. United Nations Body to Which the Proposed Forum Would Report and its Relationship with the United Nations

- NSWALC considers that the following three options are the most worthy of serious consideration:
 - a) Advisory Body of the UN General Assembly;
 - b) ECOSOC as a Focus for the Forum; or
 - c) Advisory Body to the Secretary-General.
- a) *Advisory Body to the UN General Assembly*
 - The advantage of this option includes that it would raise the profile of Indigenous issues within the Intergovernmental Bodies of the UN. Although doubts exist about the ability to secure broad participation at this level, this could perhaps be dealt with if the Forum was empowered to determine its own rules of procedure in this regard.
 - Having said that, the disadvantage of placing the Permanent Forum within the mechanisms of the General Assembly might be that the Forum's activities would be overshadowed by the complexity and workload of the General Assembly.
 - Nevertheless, NSWALC agrees that placement of the Forum at the General Assembly level would facilitate an enhanced treatment and recognition of the international political dimensions of Indigenous issues, as well as conflict resolution matters.

b) ECOSOC as a Focus for the Forum

- Although this is not our preferred option, because it would not have the status of the General Assembly option, NSWALC sees some merit in having ECOSOC as the focus. We recognise that ECOSOC's role in coordinating agencies covering a wide range of issues would assist the Forum in its coordination role. However, NSWALC is concerned by the fact that ECOSOC is yet to emerge from the latest round of reviews as a reinvigorated body which has a real capacity to undertake the required functions in an effective manner.

c) Advisory Body to the Secretary-General

- The obvious advantage of this includes direct access at the highest Secretariat level. The Secretary-General's coordinating role would be important. However, on the other hand, there would be a lesser profile at the Intergovernmental level.
- Perhaps the advantages of this option could be achieved, to some extent, by having a highly-placed liaison and co-ordination officer representing Indigenous interests in the Secretary-General's 'Inner Office'.

Geneva Working Group (Geneva, Switzerland, 1999):

V. The United Nations body to which the proposed forum would report

- 60. The working group held one formal meeting on questions relating to which United Nations body the proposed forum would report to. The Chairman-Rapporteur encouraged the participants to consider whether it would be acceptable to "establish the permanent forum, in one way or another around the Economic and Social Council". The representative of Bangladesh and Mr. Willie Littlechild agreed to act as co-facilitators.
- 64. Indigenous representatives stated that the forum should be established at the highest possible level within the United Nations and that the level of the Economic and Social Council was the lowest acceptable level. Many indigenous representatives stated that it would not be acceptable to have a forum which reported to the Economic and Social Council through the Commission on Human Rights. It was said that it would not be possible to have a forum with a broad mandate, going beyond human rights, reporting to the Council through the Commission on Human Rights. Moreover, all the subsidiary organs of the Commission on Human Rights, except the Sub-Commission on Prevention of Discrimination and Protection of Minorities, were temporary organs. Therefore, it would not be possible to establish a permanent forum under the Commission on Human Rights.
- 65. Many indigenous representatives expressed the view that the forum should be established as a functional commission of the Economic and Social Council, while other indigenous representatives considered that it should be linked to the Economic and Social Council, in one way or another, although they were not in a position to identify the exact placement in the system at the current time.
- 66. Some indigenous representatives expressed the view that the forum should be directly linked to the General Assembly of the United Nations. Some indigenous representatives also suggested that the forum might, alternatively, be established as an advisory forum for the Office of the Secretary-General of the United Nations.

VII. Specific comments by individual delegations

- 86. The representative of Consejo Indio de Sud America (CISA) said that the permanent forum should...have a broad mandate and be linked to the Economic and Social Council....
- 87. The representative of Comité Intertribal expressed the view that the permanent forum should have a broad mandate and be linked to the Economic and Social Council....
- 88. The representative of Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica (COICA) expressed the view that the permanent forum should be established as a subsidiary body of the Economic and Social Council.
- 89. The representative of the New South Wales Aboriginal Land Council expressed the view that the forum...could be established either as an advisory body to the General Assembly or the Secretary-General, or at the level of the Economic and Social Council.
- 91. The representative of the Aboriginal Legal Service of Western Australia expressed the view that...the forum...should be established as a subsidiary body of the Economic and Social Council or the General Assembly.

- 93. In a joint statement, the Saami Council and the Inuit Circumpolar Conference stated that the forum should be established as a subsidiary body of the Economic and Social Council....
- 94. The representative of the National Aboriginal and Torres Strait Islander Legal Services Secretariat (NAILSS) recalled a proposal contained in the report of the Copenhagen workshop that the permanent forum might be located within the structure of the Trusteeship Council of the United Nations....
- 95. The representative of the Grand Council of the Crees (Eeyou Istchee) expressed the view that the permanent forum...should be attached to the Office of the United Nations Secretary-General....

Santiago Workshop (Santiago de Chile, 1997):

III. Main questions relating to the establishment of a permanent forum for indigenous people

A. Mandate and terms of reference and activities that might be undertaken by the forum

- 20. Some participants expressed the view that there was a link between the mandate of the permanent forum and its level within the United Nations system, and that its placement within the system to a large extent would be determined by its mandate.

C. United Nations body to which the proposed forum would report and financial and secretariat implications

- 31. Many participants considered that the permanent forum should be established at the highest level in the United Nations system, and most appropriately under the Economic and Social Council. Some participants said that the permanent forum should be a functional commission of ECOSOC. Others stated that it should be advisory in its character. Some participants said that the forum could be established as an advisory body to the General Assembly. One participant said that the forum should be linked to the Trusteeship Council, while another delegation proposed that the permanent forum could submit its reports to the Commission on Human Rights. Finally, some participants suggested that the permanent forum should be established as a separate body directly under the Secretary-General. Some participants recommended that in response to the review of the Secretary-General, a post of indigenous adviser should be established immediately within the Office of the Secretary-General, in order to strengthen indigenous issues within the United Nations.

Copenhagen Workshop (Copenhagen, Denmark, 1995):

"Annex: Statement of mission of a permanent forum for indigenous peoples"

- 4. Accordingly, a permanent forum for indigenous peoples should keep in mind and undertake a wide range of operational activities including the following:
 - (e) provide indigenous peoples with a high-level and public forum to participate in decisions and consider a wide range of matters affecting indigenous peoples in the areas of development, environment, culture, education, economics, social, intellectual property, trade; with particular emphasis on traditional and innovative systems.

Copenhagen: Report of the Workshop

III. Agenda; B. United Nations body to which proposed forum would report and its relationship with the United Nations (item 1 (b))

- 16. It was suggested by some participants that the permanent forum should be established at a high level of the United Nations. They considered that it would be appropriate for the forum to report to the Economic and Social Council, and that this would be essential if the forum were to consider issues other than human rights such as health, development, environment, education and culture.

5) Geographical location

Ukupseni Conference (Ukupseni, Panama, 1998):

This element was not addressed.

Indore Conference (Indore, Madhya Pradesh, India, 1998):

This element was not addressed.

Temuco Conference (Temuco, Chile, 1997):

This element was not addressed.

Arusha Declaration (presented in Geneva 1999):

This element was not addressed.

Arctic Indigenous Peoples' Declaration (presented in Geneva, 1998):

This element was not addressed.

Grand Council of the Crees (presented in Santiago de Chile, 1997):

This element was not addressed.

Sami Council (presented in Santiago de Chile, 1997):

This element was not addressed.

New South Wales Aboriginal Land Council (presented at WGIP, Geneva, 1996):

8. Other Matters such as the Forum Location

- The location of the Core Secretariat and principal meeting place of the Forum should not preclude many of the Forum's activities taking place in different locations around the world, especially in areas of particular interest to Indigenous Peoples.
- NSWALC believes, on balance, that the Forum's headquarters should be in New York, to maximise the Forum's role in coordinating and developing UN agencies' roles in Indigenous matters. We consider that the ECOSOC precedent of alternating meetings between New York and Geneva does not demonstrate any significant advantages. It should be noted however, that proximity to the Geneva-based Centre for Human Rights would give some benefits to Indigenous issues.
- Although we recognise that locating the Forum in New York could pose some disadvantages and difficulties. For instance it is known that the institutional and bureaucratic culture of the New York headquarters is not as user friendly for Indigenous Peoples as Geneva or other smaller capitals. However, on balance, NSWALC believes that the Forum can best engage and deal with these particular problems by ensuring an effective permanent presence within the UN Headquarters.

Geneva Working Group (Geneva, Switzerland, 1999):

VIII. Specific comments by individual delegations

- 86. The representative of Consejo Indio de Sud America (CISA) said that the permanent forum...should have a permanent secretariat in Geneva.
- 88. The representative of Coordinadora de las Organizaciones Indigenas de la Cuenca Amazonica (COICA) expressed the view that....the forum and its secretariat should be established in New York....

- 92. In a joint statement, the National Aboriginal and Torres Strait Islander Legal Services Secretariat, the Aboriginal and Torres Strait Islander Commission and the Aboriginal Legal Service of Western Australia stated that....With regard to the location, it [the forum] should be based in Geneva.

Santiago Workshop (Santiago de Chile, 1997):

This element was not addressed.

Copenhagen Workshop (Copenhagen, Denmark, 1995):

"Annex: Statement of mission of a permanent forum for indigenous peoples"

This element was not addressed in this part of the report.

Copenhagen: Report of the Workshop

III. Agenda; F. Financial and secretariat implications and other matters

- 36. Some participants considered that it was premature to discuss the question of the location of a permanent forum.
- 37. Some participants mentioned New York or Geneva as possible locations for the forum. Other participants pointed to the desirability of meeting away from Headquarters or other United Nations centres.

6) Relationship of Permanent Forum to UN Working Group on Indigenous Populations

Ukupseni Conference (Ukupseni, Panama, 1998):

4. The relationship between the permanent forum and the Working Group on Indigenous Populations

We consider:

- That the existing Working Group on Indigenous Populations has unique characteristics as regards the participation of indigenous people, unlike any other body within the system;
- That the achievements of the Working Group on Indigenous Populations and the inter-sessional Working Group of the Commission on Human Rights have been, and are, fundamental to the indigenous movement and should therefore be taken into account in the discussion on the permanent forum;
- That they are two different bodies of vital importance; they should therefore complement each other and one should not substitute for the other, which could result in strategies at variance with the indigenous movement;
- That the Working Group on Indigenous Populations is a technical body, whereas the permanent forum is a political body, and therefore they are not in conflict with each other;
- That the role of the Working Group is confined to the formulation of international norms for the protection of the human rights of indigenous people, while the role of the permanent forum is much broader, encompassing human rights among other matters;
- That in the United Nations system there are examples of bodies which deal with the same issues such as the Committee on the Elimination of Discrimination against Women and the Committee against Torture. Therefore, the establishment of the forum and the simultaneous existence of the Working Group are not incompatible....

5. We conclude:

- That the permanent forum and the Working Group are necessary and important platforms for our participation in the United Nations system, in order to apply the international provisions relating to our rights as indigenous people;
- ...That there should be a close relationship between the permanent forum and the fulfilment of the Working Group's mandate for the approval of the United Nations

Declaration on the Rights of Indigenous Peoples and other issues of relevance to us as indigenous people;

- That once the forum is established and its mandate and terms of reference decided, the mandate of the Working Group should be reviewed so that the latter complements the mandate of the permanent forum;
- That in pursuance of the Working Group's mandate, we as indigenous peoples should consolidate its effectiveness in the discussion of the topics of the United Nations Declaration on the Rights of Indigenous Peoples and ensure that the Group's work is relevant to the new needs of indigenous people;
- That it is necessary to strengthen our participation in the Working Group in order to ensure the approval of the United Nations Declaration on the Rights of Indigenous People and the establishment of a permanent forum within the framework of the Decade;
- That the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights should continue to entrust to the Working Group normative tasks and specific actions for the promotion and protection of the rights of indigenous people.

Indore Conference (Indore, Madhya Pradesh, India, 1998):

This element was not addressed.

Temuco Conference (Temuco, Chile, 1997):

This element was not addressed.

Arusha Declaration (presented in Geneva 1999):

This element was not addressed.

Arctic Indigenous Peoples' Declaration (presented in Geneva, 1998):

This element was not addressed.

Grand Council of the Crees (presented in Santiago de Chile, 1997):

17. The Grand Council of the Crees takes special note of the need to continue the mandate of the WGIP in the field of human rights, and that the consideration of a permanent forum for indigenous peoples should not affect the mandate of the WGIP.

Sami Council (presented in Santiago de Chile, 1997):

G. Relationship to the Working Group on Indigenous Populations

- 30. The Working Group on Indigenous Populations is open to indigenous participation regardless of consultative status with ECOSOC. In this way the Working Group is unlike all other United Nations bodies, in which normally only NGOs in consultative status are allowed to participate. The possibility of indigenous participation regardless of ECOSOC status is very important, especially since at present only 15 indigenous organizations have the necessary consultative status.
- 31. Despite being at the lowest possible level within the United Nations system and reporting to the Sub-Commission only, the Working Group on Indigenous Populations has over the years considered a number of important issues. These include standard-setting activities, review of developments, special studies on indigenous issues, and a number of other issues.
- 32. The work of the Working Group is important for the promotion and protection of indigenous rights, and it should therefore continue to do its work. Until the permanent forum is established, the Working Group should continue as it has done since its establishment in 1982. Depending on the establishment of the permanent forum and its mandate, the terms of reference of the Working Group may need to be reviewed in the

future. However, it should be clear that the permanent forum should not replace the Working Group on Indigenous Populations; it should be an additional entity established at a higher level within the United Nations system.

New South Wales Aboriginal Land Council (presented at WGIP, Geneva, 1996):

6. Relationship with the Working Group on Indigenous Populations

- We consider that the Working Group on Indigenous Peoples must have an on-going role. NSWALC strongly agrees with the proposition contained in the Danish Paper that:
- *'Rather than change the mandate of the Working Group, it should be perfectly possible to support and strengthen its continuing contribution to the recognition of Indigenous Rights'.*

Geneva Working Group (Geneva, Switzerland, 1999):

VIII. Specific comments by individual delegations

- 84. The representative of the Tukum Uman Council expressed support for the continued existence of the Working Group on Indigenous Populations....
- 89. The representative of the New South Wales Aboriginal Land Council expressed the view that....With regard to the future role of the Working Group on Indigenous Populations, it should continue to have a role to play in the field of indigenous rights.
- 95. The representative of the Grand Council of the Crees (Eeyou Istchee) expressed the view that....With regard to the future role of the Working Group on Indigenous Populations, it was apparent that the World Conference on Human Rights had not intended to make the permanent forum and the Working Group on Indigenous Populations mutually exclusive. Moreover, it was contemplated that the two bodies would exist in the future: one an expert body nominated by Governments with a human rights mandate; the other a permanent forum, with a much larger scope.

Santiago Workshop (Santiago de Chile, 1997):

This element was not addressed.

Copenhagen Workshop (Copenhagen, Denmark, 1995):

"Annex: Statement of mission of a permanent forum for indigenous peoples"

This element was not addressed in this part of the report.

Copenhagen: Report of the Workshop

III. Agenda; E. Relationship with Working Group on Indigenous Populations

- 30. Some participants underlined the importance of the Working Group on Indigenous Populations and the quality of its work and procedures. They also believed that until a permanent forum was established, the Working Group on Indigenous Populations should continue to do its work. Some participants also held the view that depending on the outcome of the permanent forum, the terms of reference of the Working Group on Indigenous Populations might need to be reviewed.
- 31. It was suggested that the focus of the Working Group on Indigenous Populations should remain on human rights and that a permanent forum could concentrate on development questions and coordination of indigenous issues in the United Nations system.