

SUMMARY NOTES ON THE 21ST SESSION OF THE UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES

April 25 to May 6, 2022, New York City

The summary notes are reports of the most important UN meetings on indigenous rights and are issued twice a year. They are only available in an electronic version and sent by email.



Information and Methodology

This summary is based on the notes taken during the conference and the statements collected by Docip services, available [here](#). The discussions summarized in this document relate to all sessions open to the public. (The closed meetings, whose content is not covered in this document, were those of the mornings of: Wednesday, April 27; Friday, April 29; Tuesday, May 3; Friday, May 6; and the afternoon of Thursday, May 5.)

The complete list of the current Permanent Forum Experts is available in Annex I, and the list of abbreviations used in this document is available in Annex II.

1. Executive Summary

The theme chosen for the twenty-first session of the United Nations Permanent Forum on Indigenous Issues (UNPFII) was: “Indigenous peoples, business, autonomy and the human rights principles of due diligence, including free, prior and informed consent”. The format of this year’s session was hybrid. The discussions took place in Conference Room IV for in-person participants and via a zoom platform for online participants, whose oral statements were broadcast in Room IV in real time. The first week was dedicated to plenary sessions, including interactive dialogues, to give delegates more space to explain their situations on the ground. The second week included regional dialogues so that the Experts of the Permanent Forum could provide more specific and precise recommendations. Each session of this year’s forum was scheduled to last 2 hours, instead of the traditional 3 hours of prior forums.

The discussion that raised the most interest was discussion agenda item 3 on the theme “Indigenous peoples, business, autonomy and the human rights principles of due diligence, including free, prior and informed consent”. The statements denounced the human rights violations (land eviction, killings of human rights defenders, sexual violence, criminalization, etc.) faced by Indigenous Peoples, due to the presence of extractive industries in their territories. In light of this, they recommended the full implementation of UNDRIP, the UNGPs and adherence to their FPIC. The dialogue over agenda item 5(d) on the theme, “Human rights dialogue with the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples”, also raised a lot of interest. The interventions highlighted several problems faced by indigenous communities, including environmental injustices that have led to the pollution of their waters, for example, and the appropriation of their territories by extractive industries. Recommendations have been made to UN agencies, CBD and IUCN to include indigenous traditional knowledge in the development of legally-binding treaties.

2. Details

Monday, 25 April

- Opening of the session, election of officers, adoption of the agenda and organization of work

At the opening of the session, **Ms. Maria-Francesca Spatolisano, Assistant Secretary-General for Policy Coordination and Inter-Agency Affairs**, welcomed all the participants and invited **Mr. Katsenhaianton Lazare, Bear Clan, Mohawk of the Haudenosaunee**, to deliver a traditional message, which recognized nature in its diversity, as it summoned a generation of traditional ancestors whose knowledge is still very valuable to societies. Then, at the request of Ms. Spatolisano, **Ms. Lourdes Tibán Guala and Mr. Geoffrey Scott Roth, Experts of the Permanent Forum**, nominated **Mr. Darío José Mejía Montalvo** as the Chair of the Permanent Forum on Indigenous Issues for its twenty-first session.

H.E. Abdulla Shahid, President of the 76th session of the General Assembly, stressed the importance of preserving, promoting and revitalizing Indigenous Peoples' languages. He added the need to learn from them, as they have been, for centuries, stewards of the environment, in order to achieve the 2030 Agenda and the SDGs. **H.E. Collen Vixen Kelapile, President of the Economic and Social Council**, expressed his wish for the Permanent Forum to return to its normal format by 2023. He also underlined the inequalities still present among indigenous communities and highlighted the need to achieve the SDGs, especially as five of them will be examined in July during the upcoming session of the High-Level Political Forum¹.

Experts of the Permanent Forum **Mr. Sven-Erik Soosaar and Mr. Vital Bambanze** then elected **Mr. Phoolman Chaudhary, Ms. Hindou Oumarou Ibrahim, Ms. Anne Nuorgam, Mr. Aleksei Tsykarev and Mr. Geoffrey Scott Roth** as **Vice-Chairs**, and **Ms. Tove Søvndahl Gant** as **Rapporteur**, of the twenty-first session by acclamation.

The session continued with a statement by the **Chair of the Permanent Forum**. He explained why the theme of the twenty-first session is crucial for Indigenous Peoples. He said that they have a holistic relationship with their environment, which allows them to protect nature, land and natural resources. However, this link is weakened by corporate activities on indigenous territories across the globe. Among the negative consequences, he cited climate change, which is why he called on Member States to include and respect the FPIC of Indigenous Peoples. Moving on to the topic of indigenous languages, he highlighted the urgency of their preservation, promotion and revitalization, especially as 2022 marks the start of the International Decade of Indigenous Languages.

Ms. Maria-Francesca Spatolisano, Assistant Secretary-General for Policy Coordination and Inter-Agency Affairs, delivered a message on behalf of **Mr. Liu Zhenmin, Under-Secretary-General for Economic and Social Affairs**. He denounced the numerous killings of indigenous leaders, who protect their lands from corporate activities. However, he reassured the Forum that measures are being taken at the UN level to protect them. Furthermore, he thanked the Member States, which contributed to the fund that allows the Permanent Forum to be held.

- Discussion on the theme, "International Decade of Indigenous Languages 2022 – 2032"

Mr. Darío José Mejía Montalvo, Chair, opened the session by explaining its modalities. **Ms. Irma Pineda Santiago, UNPFII Expert**, opened the thematic dialogue by reading a poem in Zapoteca language. Afterwards, **Ms. Irmgarda Kasinskaite-Buddeberg, UNESCO**, introduced the document entitled "International Decade of Indigenous Languages, 2022-2032: Global Action Plan". As she explained, the Global Action Plan establishes the terms for joint action, defines major steps, provides guidance on implementation, monitoring and governance structures, and proposes measures to be taken by UN entities, governments, Indigenous Peoples' institutions and organizations, to achieve the main objectives of the Decade. **Mr. Sven-Erik Soosaar, UNPFII Expert**, introduced the study entitled, "Use of Indigenous Languages in Formal Education Systems in Latin America, Southern Africa and Northern Eurasia". It provides analysis of

¹ <https://sdgs.un.org/basic-page/global-online-consultation-sdgs-under-review-2022-high-level-political-forum-sustainable>

the use of indigenous languages in the education systems in Latin America, Southern Africa, Latvia and the Russian Federation. In each country large numbers of Indigenous People were selected for particular case studies.

States took the floor to express their views under this agenda item. **Canada** explained how the Government has worked with First Nations, Inuit and Métis to develop a plan that prioritizes the urgent need to promote, preserve and revitalize indigenous languages. **Denmark** shared that the Greenlandic language “Kalaallisut” was established as the official language in Greenland in 2009. **The Bolivarian Republic of Venezuela** highlighted the discrimination suffered by Indigenous Peoples due to colonial policies, which has led to the disappearance of indigenous languages. **Ukraine** denounced the atrocities perpetrated in the country by the Russian Federation, which endanger the lives of Crimean Tatars. **The GoFIP** called on UNESCO to work with Member States and indigenous communities to identify tech companies that would be willing to use technologies for digital empowerment. **The EU** shared its support for the Global Action Plan, as a key element in the revitalization of indigenous languages. **Finland (on behalf of Denmark, Sweden, Greenland, Iceland and Finland)** highlighted how new technologies can help to protect, promote and revitalize indigenous languages in all countries. **Peru** explained how a National Plan of Activities for the Decade has been developed in order to meet the expectations of its indigenous communities with regard to their languages. **Mexico** stressed how the decade should be used as a platform to develop regional and international initiatives for Member States, and it cited the development of a university for indigenous languages in the country as an example. **New Zealand** explained how this year celebrates the fiftieth anniversary of the “Māori Language Petition”, which is fundamental to the language landscape. The Government also reiterated its willingness to work to revitalize the language. **Guyana** shared that the Ministry of the Amerindian Affairs has a Language Revival Programme, which emphasizes the importance of language as a transmitter of culture, traditions and knowledge. **Bolivia** talked about the establishment of an education system that includes indigenous languages. The representative also underlined the need to support programmes such as the “Instituto Iberoamericano de Lenguas Indígenas” (Ibero-American Institute of Indigenous Languages).

The following **indigenous organizations** made statements: a representative of the **Cherokee Nation** said that his community is building a language centre with 14 programmes to advance the Cherokee language. **The Global Home for Indigenous Peoples** denounced how indigenous languages have been excluded from the education system in Nepal, demonstrating a failure of the government to comply with UNDRIP. **The Global Indigenous Youth Caucus** explained how the loss of indigenous languages is intrinsically linked to the loss of traditional knowledge, which is why Member States were urged to put in place education systems that include indigenous languages. **Tebtebba** recommended States to adopt legislations that recognize the knowledge of Indigenous Peoples, including their languages and their contributions to national development. **The Assembly of First Nations** denounced how genocidal policies across Turtle Island have contributed to the disappearance of indigenous languages. For this reason, the representative stressed the need to support the Global Action Plan to rebuild these languages. **FILAC** called on Member States to contribute financially to the “Instituto Iberoamericano de Lenguas Indígenas”, a centre created in Latin America to promote, preserve and revitalize indigenous languages. **RAIPON** explained how indigenous communities in the Russian Federation have managed to establish an education system that includes indigenous languages. **The Congress of Aboriginal Peoples** urged governments to work with indigenous organizations such as theirs as representatives of off-reserve Indigenous Peoples and their needs, in order to ensure that their interests are taken into account. **The United Confederation of Taino People** announced that the first dictionary and grammar guide in Taino will be launched this year, which will help to increase the visibility of Indigenous Peoples in the Caribbean region. **Confederación Nacional de Mujeres Indígenas Originarias de Bolivia** spoke about the 2019 coup against Evo Morales, who did a lot for the rights of Indigenous Peoples in Bolivia, and they added that democracy has returned thanks to them, ensuring respect for their rights. **The Native Youth Alliance** spoke out against discriminatory practices by the U.S. Government that have culminated in the disappearance of indigenous languages. **IPACC** shared that indigenous languages in Africa are linked to the fight against climate change; however, today they are threatened by the conflicts taking place in the region. **IITC** explained how the revitalization of indigenous languages is intrinsically linked to their traditional knowledge, including food systems, as well as the protection of biodiversity.

Several Experts of the Permanent Forum were invited to offer their questions or remarks. **Mr. Aleksei Tsykarev** underlined the significant impact that the Decade could have, which is why he also shared his hope that the main objectives of the Global Action Plan will be achieved by the end of the programme. In addition, to achieve this, he added that collaboration between UNESCO, Indigenous Peoples' organizations and Member States is crucial. **Mr. Simón Freddy Condo Riveros** emphasized that action is the best way to achieve the Global Action Plan of the Decade. **Mr. Sven-Erik Soosaar** declared that all the proposals made would be taken into account for the final report of the Forum. He added that, while the discussion raised good examples and projects, human rights violations were also heard, which is why the Forum will continue its work to protect indigenous languages during the Decade.

Tuesday, 26 April

- Discussion on the theme, "Indigenous peoples, business, autonomy and the human rights principles of due diligence, including free, prior and informed consent"

Mr. Geoffrey Scott Roth, UNPFII Expert, moderated the session. He then introduced the document entitled, "Indigenous Peoples, Business, Autonomy and the Human Rights Principles of Due Diligence, including Free, Prior and Informed Consent". A meeting of Experts was held in December 2021, with the aim of discussing the subject. From the meeting came the study that shows the impact of corporate activities on indigenous communities, including human rights violations. It also gives good examples of Indigenous Peoples fighting for their rights, such as in the Arctic with the Sámi People. Finally, it shares the recommendations of the Experts. **Ms. Hindou Oumarou Ibrahim, UNPFII Expert**, introduced the study entitled "Indigenous peoples and resource conflicts in the Sahel and in the Congo Basin". Together with another UNPFII Expert, Mr. Vital Bambanze, they conducted the study to understand the reasons for resource conflicts. From this, the role of Indigenous Peoples in the prevention and the resolution of resource conflicts was developed, as well as recommendations on what could be done at the international and regional levels, and at the national level. **Ms. Silje Karine Muotka, President of the Sámi Parliament of Norway**, spoke about the Fosen case on indigenous territories in Norway, which is related to the building in 2026 of the Roan and Storheia wind farms without the FPIC of the Sámi People, especially the reindeer herders. The latter took the case to the Supreme Court's Grand Chamber in October 2021, and they won the case. Although the Supreme Court has asked the companies to respect Norwegian law and the rights of the Sámi People, the turbines have not been turned off yet. **Mr. Darío José Mejía Montalvo, Chair of the Permanent Forum**, followed and introduced the study he conducted for the Forum, entitled, "The rights of indigenous peoples in relation to the global energy mix". The study aimed to discuss the impact of the global pattern of energy production, distribution and consumption, as it has generated epistemic, economic and political injustice against Indigenous Peoples. The document also explains their vision of energy, the role of colonization, the need for a new global covenant for them, and, lastly, it offers recommendations. **Hon. Nanaia Mahuta, Minister of Foreign Affairs and of Local Government in New Zealand**, stressed the importance to forge partnerships between Māori people, civil society, Government and the private sector. She quoted the "Treaty of Waitangi" as an example and explained that governance should be exercised in a way that enables the self-determination of each citizen.

The following States made statements: **Guyana** reiterated its support for Amerindian people and explained that a low-carbon economy and land titling of indigenous territories are being implemented, which will affect all sectors of the economy. **Canada** stressed the need to implement UNDRIP to achieve reconciliation. The representative added that the "Indian Act" goes against UNDRIP, which is why it needs to be resolved. **Burundi** said that the country's Constitution recognizes the Batwa as an ethnic group, which allows their participation in decision-making processes, to be seated in Parliament and in the Senate. **Ecuador** explained that its indigenous communities, including their businesses and territorial rights, are recognized; for this reason, their FPIC must be instituted. **Finland (on behalf of Denmark, Sweden, Greenland, Iceland and Finland)** stressed the imperative to include Indigenous Peoples in decision-making processes and reiterated their support for the UNGPs roadmap. **The EU** insisted on the need for companies to carry out due diligence before implementing any project as defined in UNDRIP. **South Africa** said that the country is in the process of developing a legally-binding instrument for transnational corporations to adhere to human rights. **The Bolivarian Republic of Venezuela** explained how a round table with Indigenous Peoples has been set up in order to find solutions when they are victims of business activities. **Nepal** reiterated its wish that Indigenous

Peoples be involved in decision-making processes and explained that the Government supports communities at risk.

Several indigenous organizations took the floor to express their views under this agenda item. **The Sámi Parliament in Finland** denounced the fact that Indigenous Peoples bear the environmental cost of extractive projects in their territories while reaping very little of the benefits. The representative also pointed out that they can no longer afford to lose their lands, as it endangers their way of life. **AIPP** condemned the fact that Asia has more than 411 indigenous communities in the region, but they still face political, cultural and social marginalization as well as constant violation of their rights. **Chirapaq** criticized the activities of extractive industries, especially with regard to corruption, discrimination and violence against indigenous women and girls, and they called on Member States and businesses to respect their FPIC. **Ngaati Wairere** recommended the Forum to call on Member States and UN agencies to support the implementation of the UNGPs and to respect UNDRIP. **AFPAT** explained that, although indigenous communities in Chad constitute a large part of the pastoral economy, they are not involved in the commercialization of livestock. **The National Congress of American Indians** urged businesses and Member States to respect Indigenous Peoples' right to FPIC as enshrined in Article 18 of UNDRIP. **The Sámi Council** shared its fear of losing more land to mining companies, as this has endangered the livelihood of reindeer herders. **Organización Nacional de Mujeres Indígenas Andinas y Amazónicas del Peru** asked the Forum to recommend that Peru respect ILO Convention 169, as indigenous communities are always consulted only after their rights have been violated. **RAIPON** mentioned that proposals have been sent to the Russian Federation to improve Indigenous Peoples' right to use their lands and natural resources in their respective areas.

UN Agencies also spoke under this agenda item. **ILO** urged businesses to engage with indigenous communities and respect their human rights in accordance with ILO Convention 169. **IFAD** called on governments, intergovernmental organizations and the private sector to apply Indigenous Peoples' right to FPIC in their work, as they are custodians of biological diversity. **The UN Population Fund** focused on the bodily autonomy of indigenous women, who have been denied choices related to when to have children and how many they may have; in extreme cases, some have been forced into sterilization.

Ms. Anne Nuorgam, UNPFII Expert, asked Ms. Silje Karine Muotka why the follow-ups on the side of Norway are so slow even though the justice system has sided with the Sámi People. **Ms. Silje Karine Muotka** said that it is crucial for Nordic countries to respect court rulings. She added that, in their view, the main objective is for human rights violations to cease.

- *Discussion on the theme, "Indigenous peoples, business, autonomy and the human rights principles of due diligence, including free, prior and informed consent" (continued)*

Ms. Anne Nuorgam, UNPFII Expert, introduced the session by explaining that the Forum has organized regional dialogues over the last few months, in order to identify the best practices in regard to autonomy and self-governance.²

States expressed their views. **Mexico** said that the UNGPs have been implemented and that it is committed to developing projects that respect Indigenous Peoples' rights. **The Russian Federation** indicated that the country is considering introducing new measures to improve the economic activities of its indigenous communities. **The United States** said that its government agencies have engaged in consultations with tribal representatives to develop federal policies involving Indigenous Peoples. **Spain** highlighted its "Defenders at Risk" programme, which helps indigenous and Afro-descendent leaders at risk. **China** stressed that indigenous communities should have their right to self-determination and the principle of FPIC respected and asked Western countries to do so. **Australia** explained that the Government co-sponsored the UNGPs and reaffirmed its commitment for the economic advancement of Aboriginal Peoples and Torres Strait Islanders. **Germany** announced that the Government has ratified ILO Convention 169. **Guatemala** described "Law 996", which is aligned with ILO Convention 169 and added that the Constitution endorsed a model

² The document is available on the Forum's webpage:

<https://www.un.org/development/desa/indigenouspeoples/unpfii-twenty-first-session-25-april-6-may-2022.html>

that will allow Indigenous Peoples to participate in decision-making processes. **Paraguay** said that a protocol ensuring effective participation of Indigenous Peoples in decisions-making processes has been implemented; however, they added that there is still a long way to go. **Ukraine** urged the Russian Federation to respect the rights, especially the FPIC, of the Crimean Tatars. **Indonesia** explained that as a multi-ethnic country, with no specific indigenous communities, there is no discrimination against any community or their businesses. **Ethiopia** objected to the report's claim that the country evicted Indigenous Peoples from their lands without their FPIC when planning the construction of a hydroelectric power station. **The Holy See** encouraged Member States and businesses to take action and engage in meaningful consultation with Indigenous Peoples.

Indigenous organizations also took the floor. **The Congress of Aboriginal Peoples** denounced the fact that the "Indian Act" of Canada has had terrible consequences for Aboriginal people, such as in the areas of health, food insecurity, poverty and unsafe housing. This is why the Government has been urged to involve them in decision-making processes. **The Jamii Asilia Centre** has criticized the fact that indigenous communities in Kenya have been and are still being evicted from their lands in the name of conservation; hence, the State has been called upon to compensate for the loss of land. **Coordinadora Nacional de Mujeres Indígenas** urged Mexico to ensure the implementation of international instruments and the UNGPs to guarantee the rights of its indigenous communities. **FILAC** said that Member States should move towards legally-binding international instruments, which should include individual and collective rights of Indigenous Peoples. **The Treaty No 8.** denounced Canada's failure to comply with "Treaty No 8.", despite being legally required to consult with indigenous communities before implementing any activity on indigenous territories. **The Nation of Hawai'i** called for the recognition of Hawai'i sovereignty and the return of its native lands, as these are exploited by companies that do not respect "ahupuaa", which is the traditional socio-economic, geologic and climatic subdivision of land. **The Regional Association of Indigenous Peoples of the North of the Krasnoyarsk Krai** called on extractive industries to engage in dialogue with indigenous communities and the Russian Federation to increase funding for indigenous projects. **The Nunatukavut Community Council** stated that Inuit people seek respect from Canada, which is why the Government must implement UNDRIP and respect their right to self-determination. **Rochun** spoke about the Kaladan project, which is a combined waterway and road transport system that will pass through indigenous lands, connecting the state of Mizoram in North East India to the seaports of Kolkatta and the state of Arakan in western Myanmar. **GIYC** condemned the militarization, persecution and criminalization of indigenous defenders who promote individual and collective rights, and they urged Member States to respect Indigenous Peoples' right to autonomy and the principle of FPIC. **Centro de Estudios Multidisciplinarios Aymara** advised that funds be created to support indigenous businesses and the establishment of a capacity-building program regarding international instruments for the protection of indigenous rights such as FPIC. **Federación Indígena Empresarial y Comunidades Locales de Mexico** urged the Forum to establish measures and monitor how mega projects are carried out and what the consequences are for indigenous communities. **The Tsilhqot'in National Government** shared how the Tsilhqot'in First Nation won, with the support of Canada, in their efforts against the development of a mining company's project, which had been scheduled to start on their territories without their FPIC. **The Global Naga Forum** called on the Forum and the Special Rapporteur to pressure India into repealing the "Special Armed Forces Act", in order to demilitarize the Naga homeland and negotiate a peace agreement. **The Indigenous Peoples Organization** denounced the violations faced by indigenous communities by businesses operating on indigenous territories. **The National Congress of American Indians** insisted that Indigenous Peoples should fully and legally enjoy their rights with respect to their traditional knowledge, as discussed at WIPO. A representative of the **Ärramät Project**, which aims to conserve the biodiversity and the health and well-being of Indigenous Peoples, recommended to the Forum and Member States to hold companies accountable, especially in the resources extractive industry, and guide business practices by adopting FPIC as a fundamental human right. **Congrès Mondial Amazigh** condemned the fact that Morocco has neither voted in favor of UNDRIP nor ratified ILO Convention 169, which is why the State was urged to do so.

Experts of the Permanent Forum took the floor. **Ms. Hannah McGlade** denounced the fact that sacred sites in Australia have been damaged by extractive industries and that the Government is doing nothing to oppose it. Therefore, on behalf of Aboriginal People, she requested that the Forum react to this situation. **Mr. Phoolman Chaudhary** highlighted all the problems faced by Indigenous Peoples due to business

activities on their lands, such as harassment, killing and eviction. He added that, although they are sometimes consulted, it does not mean that consent is given, which is why it is urgent to have it prior to starting any activity. **Mr. Darío José Mejía Montalvo** thanked some of the Member States that have taken into account the calls made by Indigenous Peoples and have worked on the UNGPs. He then invited all to work jointly in order to help indigenous communities.

Wednesday, 27 April

- Human rights dialogue with the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples

Ms. Darío José Mejía Montalvo, Chair of the Permanent Forum, opened the session by welcoming all the participants and introducing the panelists. **Ms. Megan Davis, Chair of the EMRIP**, introduced the studies and reports that were published after the fourteenth session of the EMRIP. Regarding the study on the “Rights of the indigenous child under the United Nations Declaration on the Rights of Indigenous Peoples”, she recommended actions to mitigate the effects of climate change and attain the highest health standards, as well as measures to improve birth registration, reduce the over-representation of indigenous children in alternative care and justice systems, and improve access to primary and secondary education in indigenous languages. Regarding the report on the “Efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: indigenous peoples and the right to self-determination”, she said that it highlights that the right to self-determination is fundamental. She added that, without it, civil, political, economic and social rights are meaningless. In addition, the report describes the correlation between the recognition of Indigenous Peoples and the extent to which States fulfill their right to self-determination. Finally, she indicated that the fifteenth session of the EMRIP will take place from July 4-8 in Geneva and will include a panel exploring the impact of development projects on indigenous women. Furthermore, a thematic study on treaties, agreements and other arrangements between Indigenous Peoples and States will also be adopted. **Mr. Francisco Cali Tzay, Special Rapporteur on the Rights of Indigenous Peoples**, shared details on some of his latest activities. In May 2021, he provided expert testimony to the Inter-American Court on Human Rights in the case of “Indigenous Maya Kaqchikel Peoples of Sumpango vs. Guatemala”. In March 2022, he testified at the Inter-American Commission on Human Rights in a case involving Peru. He also participated in discussions of the UN Inter-Agency Support Group on Indigenous Issues and, for the first time, addressed the UNESCO Heritage Committee on the nomination of heritage sites. He further added that his report to the General Assembly will focus on protected areas and Indigenous Peoples’ rights, examining the ways resources are removed from indigenous lands, as well as efforts to ensure cultural heritage protection. In the meantime, his annual report to the HRC will focus on indigenous women as knowledge keepers, identify threats to them and make recommendations on how to protect their ability to develop, apply and transmit knowledge. **Mr. Marcos Orellana, Special Rapporteur on Toxics and Human Rights**, denounced the fact that extractive industries have left a legacy of contamination by toxic substances on indigenous lands. He added that, despite instruments like the UNDRIP and the ILO Convention 169, the list of polluted areas continues to increase. Moreover, at the moment, there are no sufficient instruments to stop the use of highly-hazardous pesticides. Finally, he also spoke about the Minamata Convention on Mercury, as it permits the use of mercury in small-scale mining, arguing that miners are poor and must make a living. He closed his presentation by saying that toxics are a form of violence against the land and its people.

A few **States** took the floor under this agenda item. **Ecuador** shared its commitment to ILO Convention 169, which the country ratified in 1989, and added information about its work to improve the conditions of its indigenous communities with regard to health and education. **The EU** asked how businesses could mitigate their social and legal risks by obtaining FPIC from Indigenous Peoples, and it called for ideas on how to prevent attacks against human rights defenders. **New Zealand** said that, since the last session of the EMRIP, the first part of its two-step engagement process to develop a plan for implementing UNDRIP has been completed. The first stage consisted of online workshops organized by the National Iwi Chairs Forum, the New Zealand Human Rights Commission and the Government. **Chile** spoke of a draft constitution that would recognize the country’s plurinational and intercultural nature, and thus improve the rights of its indigenous communities. **Peru** highlighted the need to strengthen diversity in the country with respect to ILO Convention 169 and UNDRIP, in order to fully improve the rights of all its communities. **China** encouraged

the Special Rapporteur and the EMRIP to focus on the history of genocide and cleansing of Indigenous Peoples. **Estonia** condemned the Russian Federation for the war in Ukraine, as it threatens the lives of Crimean Tatars. The representative also deplored the fact that the number of Finno-Ugric speakers has decreased in the Russian Federation. **Mexico** said that States must adopt restorative measures and gave the example of the Yaqui People, who asked Sweden, with the help of Mexico, to repatriate the Maaso Kova, a ceremonial deer head worn during Yaqui ceremonies. **Bolivia** asked the Special Rapporteur and the EMRIP's Chair for recommendations on what should be done to balance the protection of indigenous territories and the pursuit of economic development. **The Russian Federation** shared its support for protecting the way of life and businesses of its indigenous communities, as well as ensuring they have access to a good internet connection to facilitate education for indigenous children.

The following **indigenous organizations** made statements: **The Guahan Coalition for Peace and Justice** denounced the effects of climate change and the activities of industries, as they violate Indigenous Peoples' rights to land and FPIC. To this end, the representative recommended supporting indigenous demilitarization efforts, urging authorities to align their climate plans with the CBD and ratify ILO Convention 169. **FILAC** expressed concern that, since the creation of UNDRIP, international organizations and businesses continue to fail to ensure that indigenous voices are heard. **Coordenação das Organizações Indígenas da Amazônia Brasileira** denounced the appropriation of indigenous territories by extractive industries, with the support of the current Brazilian Government, which has strongly impacted their life. **AIPP** urged the Special Rapporteur and the EMRIP to facilitate discussions on the development of guiding principles for the realization of the right of Indigenous Peoples to self-determination. **The Congress of Aboriginal Peoples** denounced the fact that the "Indian Act" of Canada has had terrible consequences for Aboriginal people in areas such as health, food insecurity, poverty and unsafe housing. This is why the Government has been urged to involve them in the decision-making processes. The **MADRE & Rosa Luxemburg Stiftung Delegation** urged Member States to respect, promote and fully implement the UNGPs and to address the link between businesses and armed groups as this contributes to the human rights violations of indigenous women, girls and children as the most vulnerable group. **ICC** welcomed the creation of a legally-binding treaty on plastics and emphasized that the recognition of indigenous knowledge on global plastics management must be ensured. **The United Confederation of Taino People** exposed environmental injustices that the Taino People face, such as toxic coal ash pollution, which has increased the rate of cancers within the community. The representative added that sacred sites are also destroyed to build luxury buildings; therefore, the EMRIP and UNESCO were asked to protect these sites. **The Union of Reindeer Breeders of Yamal-Nenets Autonomous Okrug** explained that reindeer in the region are part of the economy but also of the way of life of their herders, which is why there must be development in this sector in order to increase their income and well-being. **Organización Nacional de los Pueblos de la Amazonia Colombiana** said the situation in Colombia has worsened for indigenous communities as restriction of movement, control of land by drug cartels, and forced evictions are still very present; therefore, the organization asked the Special Rapporteur to make a country visit. **Union des peuples autochtones pour le réveil au développement** called on the Russian Government to continue supporting the economic activities of its indigenous communities.

Mr. Aleksei Tsykarev, UNPFII Expert, spoke about the Maasa Kova case, which was settled between the Yaqui People, Mexico and Sweden. Although an agreement was signed, two years later the Maasa Kova has still not been repatriated to Yaqui territories. He thus asked what could be done to facilitate the repatriation process in the future.

The **panelists** were invited to retake the floor at the end of the session. **Ms. Megan Davis** also spoke about the Maasa Kova case. She added to what has already been said that the EMRIP will try to move the repatriation forward. **Mr. Francisco Cali Tzay** said that Member States must abide by all international instruments, such as ILO Convention 169, and must establish effective mechanisms to implement indigenous human rights and to fight against attacks against human rights defenders. Furthermore, he congratulated Chile for its effort to involve its indigenous communities in its constitution. He then stressed that protecting the rights of Indigenous Peoples is the best way to protect their traditional knowledge, and he gave the example of nomadic indigenous communities. **Mr. Marcos Orellana** shared his support for the statements of Coordenação das Organizações Indígenas da Amazônia Brasileira and the United Confederation

of Taino People. He then spoke of the Ava Guarani People, who were suffering from the presence of pesticide in their territories. Their case was taken to the HRC, which used UNDRIP and international instruments to help them. In addition, he denounced the attacks against human rights defenders, especially those who defend environment in Colombia, and said that he has written to the State to request an official visit. Finally, with regard to the ICC statement, he said that it is essential to deal with plastic in order to transition toward a circular economy.

Thursday, 28 April

- Human rights dialogue with the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples (continued)

States expressed their views on the continuing topic. **Denmark (on behalf of Finland, Sweden, Greenland, Iceland and Denmark)** stressed that all businesses have a responsibility to respect human rights, including those of Indigenous Peoples, in particular their FPIC. **Canada** expressed its support for the work of the EMRIP and encouraged it to allow sufficient time for Indigenous Peoples to speak. **Australia** suggested that the EMRIP report on the link between human rights and international development cooperation. The representative also suggested that the Forum explore how Member States can better engage with Indigenous Peoples in multilateral negotiations, as this would give a more complete picture of international cooperation as a whole. **The Republic of Iran** spoke against the genocidal measures taken by Canada and the U.S. that led to the murder of indigenous children in residential schools. **Guatemala** asked all Member States to guarantee access to full human rights for indigenous communities living in urban areas. **Vietnam** rejected the involvement and statements of the Khmer Kampuchea-Krom Federation as, according to the representative, their claims are false. **Ukraine** denounced the attack carried out by the Russian Federation against the country, which has had an impact on the traditional knowledge of the Crimean Tatars. **Brazil** explained that the Government had given 12% of the national territory to indigenous communities, and assured the Forum that FUNAI, which falls under the Ministry of Justice and Public Security, is responsible for protecting their rights.

Indigenous organizations also took the floor. **IITC** said that the organization would welcome the opportunity to follow up on the EMRIP's 3 treaty seminars, last held in 2012, as well as the progress made in the long-requested registry to house the treaties within the OHCHR. **IPRI** recommended that the Forum organize, at its twenty-second session, a dialogue between IUCN and Indigenous Peoples on progress and gaps in the approach to conservation and human rights. **Namunkurá Associação Xavante NAX** denounced the fact that deforestation could be legalized in Brazil, as well as the use of toxic products in order to increase agricultural production. Brazil was recommended to respect UNDRIP, as well as Article 8 of the CBD. **GIYC** informed the Forum that the U.S. military had contaminated drinking water in Oahu, Hawaii. The representative called on UN agencies to urge all militaries to guarantee Indigenous Peoples' right to clean water and to support the demilitarization of Hawaii. **Association Tin Hinan** highlighted the role played by Indigenous Peoples in protecting biodiversity; therefore, UN agencies, CBD, IUCN and WHO were encouraged to include indigenous traditional knowledge in their work. **The Sámi Parliament of Finland** referred to the EMRIP mission carried out in cooperation with Finland in 2018; however, as no consensus was reached, a new process was started in 2020 to renew "the Sámi Act". **Fundación Hakhu Amazonía** denounced the misconception that FUNAI helps indigenous communities living in autonomous regions, because they have been victims of several human rights violations. **The Tribal Link Foundation** highlighted the corruption present in Guatemala, which contributes to the violation of Indigenous Peoples' rights in the country and to discrimination against them. **AFPAT** described the living conditions of Mbororo people living in remote areas ranging from the Savanna to tropical forests and encouraged governments to create mobile health centres for communities living in these places. **The Indigenous World Association** said that the most appropriate response to the physical and cultural genocide of Indigenous Peoples is to restore their languages.

Several **Experts** took the floor. **Mr. Binota Moy Dhamai, EMRIP Expert**, thanked all the participants who proposed studies for new topics for the EMRIP. **Ms. Lourdes Tiban Guala, UNPFII Expert**, called for responsible proposals to the EMRIP, but, more particularly, follow-ups since Indigenous Peoples are the most vulnerable group in relation to climate change. **Mr. Francisco Cali Tzay, Special Rapporteur on the Rights of Indigenous Peoples**, stressed that the right to self-determination is essential to combat human

rights violations, in particular with regard to mega projects and the loss of land. He also said that indigenous women are the custodians of scientific and technical knowledge, which is why he denounced the current violations that they face. Finally, he stated that it is the role of the Forum to evaluate the various specialized agencies to ensure that their work is carried out in a context of respect for Indigenous Peoples' rights.

- Discussion on the "Future work of the Permanent Forum, including issues considered by the Economic and Social Council and emerging issues"

A few **States** took the floor under this agenda item. **Mexico** urged the Forum to provide inputs to the third interactive dialogue with the President of the General Assembly on possible measures to increase their participation. **Ecuador** shared that the country wants to invest in the rights of its indigenous communities by establishing intercultural education. **The Russian Federation** spoke about the digital inequality that nomadic indigenous communities suffer from, as they are completely isolated and thus without potential help if needed. **Canada** reiterated its support for increasing the participation of Indigenous Peoples at the UN conferences and for ensuring that there is sufficient time to hear from indigenous delegates. **India** said that the concept of Indigenous Peoples cannot be applied in the country, especially since it would create artificial divisions in a society where ethnic groups have lived together without problems for centuries. **Chile** explained that an education plan including indigenous languages was being prepared and that the Government wanted to pay its debts to its indigenous communities by restoring their lands. **China** stressed that Indigenous Peoples must be included in the post-pandemic recovery. The representative also stressed the need to protect indigenous children, who constitute the most vulnerable group.

The following **indigenous organizations** made statements: **ICC** advised the EMRIP to consider talking about several important topics, such as: water, mental health, self-determination, climate change and food security. **The Crimean Tatar Resource Center** denounced the forced occupation of Crimea by the Russian Federation and the fact that Crimean Tatars are forced to fight against their own people in Ukraine. A representative of the **Tairona Federation** described attacks on the territorial integrity and culture of her community by the Colombian Government. **The Asia Indigenous Peoples' Caucus** pointed out that most Asian countries have adopted UNDRIP, but the situation of indigenous communities in the region has not really changed. **FILAC** advised for the establishment of a mechanism that would follow up on complaints received by the Forum. **IPACC** explained that indigenous communities in Cameroon, Congo, DRC and Burundi are targeted by armed groups. The representative called on Member States to ensure justice for the perpetrators. **IITC** denounced the fact that the UNFCCC and the CBD treat local communities and Indigenous Peoples as a single entity, which is a false equivalence as their respective rights are unequal. **Confederación de Pueblos indígenas de Bolivia** said that the State should work with its indigenous communities in order to protect the environment and fight against climate change, as they have substantial knowledge on this topic. **Tebtebba and Nia Tero** said that the IPBES highlighted the critical role of Indigenous Peoples in protecting biodiversity. The representative therefore called for the protection of their right to land, water, territories, resources, governance and security of tenure.

To conclude the session **Ms. Sheryl Lightfoot, EMRIP Expert**, took the floor. She recommended that the implementation of the SDGs be strongly linked to the climate change crisis and be fully consistent with UNDRIP. She added that UNDRIP, including the right to self-determination, is relevant to all the SDGs; therefore, it should be used as an instrument to measure progress. However, she also said that there is no significant improvement in the lives of Indigenous Peoples as a result of the current format of the SDGs implementation. For this reason, she recommended that the Forum undertake a study on Indigenous Peoples and the SDGs.

- Discussion on the six mandated areas of the Permanent Forum (economic and social development, culture, environment, education, health and human rights), with reference to the United Nations Declaration on the Rights of Indigenous Peoples, the outcome document of the World Conference on Indigenous Peoples and the 2030 Agenda for Sustainable Development

Ms. Irma Pineda Santiago, UNPFII Expert, introduced the study entitled, "Collective Intellectual Property and the Appropriation of the Ideas and Creations of Indigenous Peoples", which she co-wrote with Mr.

Condo Riveros. She explained that the study highlights the fact that the intellectual property system is made for businesses, but leaves aside Indigenous Peoples. This is why there are so many cases of indigenous communities whose TCEs have been stolen. However, the study also gives examples of countries who have included intellectual property rights in their constitutions, such as Panama, Brazil and Mexico. **Mr. Simón Freddy Condo Riveros, UNPFII Expert**, completed the presentation begun by Ms. Pineda Santiago. He highlighted the impossibility for Indigenous Peoples to register their rights in civil codes as they do not have the necessary funds to initiate legal measures. **Ms. Reem Alsalem, UN Special Rapporteur on violence against women**, shared elements of her upcoming report on violence against indigenous women and girls, which she will present to the HRC in June. She explained that they are subjected to structural forms of violence by State and non-State actors, which has impacted their right to security, health and life free from torture. She added that the non-recognition of land rights can also facilitate gender-based violence against them. Finally, she said that the report will also refer to good practices, as well as to setbacks, unfortunately. **Mr. Geoffrey Scott Roth, UNPFII Expert**, spoke about the 2021 UN Food Systems Summit, which showed that sustainability is crucial for food systems and that Indigenous Peoples have a key role to play in achieving it. He also announced the creation of the Coalition on Indigenous Peoples' Food Systems to ensure the protection of indigenous food systems and the intensification of traditional knowledge. He concluded by asking the participants of the Forum to send proposals on the subject in order to start meetings.

States expressed their views on the continuing topic. **Guyana, on behalf of the Caribbean Community (CARICOM)**, said that the one-size-fits-all approach to development does not allow for equitable sharing of benefits. The views of Indigenous Peoples must be taken into account in the development of national, regional and international policies. **Honduras** shared that, over the past decade, the Government has struggled in its efforts to ensure that the rights of Indigenous Peoples are respected. However, now that the situation is more stable in the country, Honduras will work on this goal with renewed focus. **Namibia** mentioned that the "White Paper on Indigenous Peoples' Rights" is being finalized. **The Russian Federation** spoke about the Republic of Sakha in Yakutia, which is considered as having a special regime and is difficult to maintain because of the immensity of the territory. This is why cooperation between businesses, the Government and Indigenous Peoples is encouraged. **Sweden (on behalf of Finland, Greenland, Iceland, Denmark and Sweden)**, said that respect for the Inuit and Sámi Peoples' right to self-determination is a priority for them. Moreover, the representative added that truth commissions have been established in order to prepare the ground for long-term reconciliation. **Denmark, on behalf of the LGBTQI+ group**, called on the Forum to urgently protect the rights of Indigenous Peoples within the LGBTQI+ community without any form of discrimination. **Mexico** encouraged Member States to adopt a human rights approach that recognizes the collective rights of Indigenous Peoples in the negotiations of legal instruments on the protection of their traditional knowledge and TCEs within the framework of WIPO. **Bangladesh** declared that the ethnic minorities in the country constitute a part of the economic sector and that the country is committed to improving the living conditions of all. **Cuba** reiterated its support for the claims of Indigenous Peoples, which is why Member States were called upon to fully implement UNDRIP and their rights. **Colombia** assured its indigenous communities that the Government would address the human rights violations they currently face and that the "Peace Agreement" will be fully implemented. **The Bolivarian Republic of Venezuela** shared the country's progress in protecting the rights of its indigenous communities, such as education in indigenous languages and the inclusion of indigenous knowledge in the health sector. **Vietnam** said that all the ethnic minorities in the country are equal and that discrimination is prohibited under the Constitution.

Indigenous organizations also took the floor. **Semilla Warunkwa/Autoridades Indígenas en Bakata** explained that there is a resistance camp of Indigenous Peoples in the national park of Bogota, Colombia, to protest against the human rights violations that occur in Bacatá. **The Federation of Saskatchewan Indian Nations** denounced the fact that, since the creation of the "Indian Act", indigenous territories have been taken from First Nations. The representative thus called on the UN to review the current federal legislation and policies to determine their impact on the economic situation of First Nations. **The Sámi Parliament in Finland** spoke about the fishing restrictions put in place in Finland, which have had an impact on the livelihoods of the Sámi People in the country. In effect, they are accused of committing a fishing offence every time they go fishing for food. **Movimiento Nacional de Tejedoras** spoke about the issues of

intellectual property rights and explained that the organization has been documenting, since 2007, the exploitation of Mayan clothing by companies that claim to be the intellectual property holders. **The Indigenous World Association & IITC** shared its concern about the implementation of UNDRIP in the WIPO – IGC process, which aims to protect genetic resources, traditional knowledge and TCEs of Indigenous Peoples. Indeed, businesses are privileged over Indigenous Peoples, which is why WIPO should provide the legal framework that respects their rights. **The Asia Indigenous Peoples’ Caucus** said that there are still numerous human rights violations in Asia, such as land eviction, lack of access to education, poverty, forced assimilation, etc. The Forum was thus asked to ensure respect for Indigenous Peoples’ rights. **Ka’ Kuxtal Much Meyaj** explained the relationship that the Mayans have with water, but denounced the fact that it is polluted by business activities. Thus, respect for their water and right to self-determination was requested. **Khmers Kampuchea-Krom Federation** denounced the constant repression that the Khmer People face from the Vietnamese Government, which is why the representative asked the Forum to help them with the recognition of their indigenous status. **The National Indian Health Board** spoke of the intergenerational trauma inherited from centuries of human rights abuses and the desire to achieve reconciliation and healing with the help of government organizations. **GIYC** highlighted the crucial role water plays for all human beings and denounced the water pollution that occurs in Canada from the activities of extractive businesses. The representative called on Member States and UN agencies to work with indigenous organizations in order to define water rights in Canada. **ICC & Sámi Council** explained that the invasion of Ukraine has impacted all Arctic communities, especially those living in the Russian Federation. The representative reiterated the wish for the region to remain a peaceful one. **Organización Nacional de Mujeres Indígenas Andinas y Amazónicas del Perú** condemned the fact that Indigenous Peoples, in particular indigenous women, are being brutally evicted from their lands in the Cochabamba District in the province of Huacaybamba in Peru, for the benefit of companies. **IPRI** explained that the organization has supported the development of several case studies, which expose the human rights violations and criminalization of Indigenous Peoples linked to conservation activities. The representative recommended that the Forum hold a thematic dialogue with the IUCN and Indigenous Peoples on conservation and human rights.

Statements were also made by **other organizations**. **CBD** said that Indigenous Peoples have played an active role in the Post-2020 Global Biodiversity Framework by opening the working group meeting and advancing text-based negotiations on goals and targets. Several of the targets include taking into account their rights, such as respect for their traditional knowledge. **WIPO** said that they took notes of the study prepared by the UNPFII on collective intellectual property, and it stressed that Indigenous Peoples have the right to control, protect and develop their intellectual property over cultural heritage and other expressions. **IFAD** informed the Forum that the investments will fully include indigenous communities and their programmes, particularly those which concern the protection of biodiversity.

Several **Experts of the Permanent Forum** took the floor. **Ms. Hannah McGlade** highlighted the ongoing violence faced by indigenous women. She mentioned femicide, which sadly still happens in Canada, Australia and in the U.S. She thus encouraged these governments to engage with indigenous communities and with the Forum in order to stop it. **Mr. Simón Freddy Condo Riveros** spoke against the WIPO declaration, which encouraged Indigenous Peoples to engage with private companies, as, most of the time in practice, the latter are the ones who retain the patent and make a profit. He also expressed to the FAO that it is not possible to speak about food systems when in practice they are responsible for deforestation by extending agricultural frontiers and polluting territories. **Mr. Vital Bambanze** noted that the seventy-first session of the African Commission on Human and Peoples’ Rights was being held at the same time as the current Forum session. Additionally, he condemned the fact that the commission discusses the rights of Indigenous Peoples and minorities together as if they were one entity. He therefore asked that they be considered as two separate groups. **Mr. Phoolman Chaudhary** highlighted some elements raised during the session, including: the struggle faced by Indigenous Peoples during the pandemic; the need to look at the 2030 Agenda and the SDGs from the IPs’ perspective; and the lack of recognition and respect of UNDRIP and their right to FPIC, especially with regard to corporate activities. Lastly, he said that it is crucial to engage in a meaningful way with them.

Friday, 29 April

- Discussion on the six mandated areas of the Permanent Forum (economic and social development, culture, environment, education, health and human rights), with reference to the United Nations Declaration on the Rights of Indigenous Peoples, the outcome document of the World Conference on Indigenous Peoples and the 2030 Agenda for Sustainable Development

Ms. Marjolaine Étienne, Member of the Board of Trustees of the UN Voluntary Fund for Indigenous Peoples, briefed the Forum on the Fund's activities. She explained that its resources contributed to the adoption of UNDRIP and the creation of the UNPFII, as well as the EMRIP. She added that the Fund's beneficiaries are in a better position to denounce the human rights violations going on in their countries, which is why she encouraged the participants to look at the Fund. Finally, she thanked Australia, Canada, Chile, Estonia, Germany, Mexico, Norway, the Philippines and Peru for their contributions over the last three years.

States expressed their views. **Nicaragua** cited a strong legal framework and recognition of its indigenous communities' rights in the Constitution and added that, when resources are being used on indigenous lands, their FPIC is upheld. **Spain** shared the three fronts on which the Government is focusing, namely: 1) fostering the full participation of Indigenous Peoples in economic, political and social life; 2) environmental conservation by building the capacity of Indigenous Peoples; 3) defending the participation of indigenous women in decision-making processes. **Canada** gave the floor to the Youth Advisory Council, which called on Member States to create a youth council that will focus on supporting indigenous youth in the six mandated areas for the seven indigenous regions. **Australia** reiterated its commitment, with respect to the National Agreement on Closing the Gap, to empower the Aboriginal People and Torres Strait Islanders at the socio-economic level. **The Philippines** cited a 1997 law that ensures Indigenous Peoples their rights in relation to lands, cultural identity and participation in decision-making processes. **Guatemala** reiterated its commitment to UNDRIP and the rights of Indigenous Peoples, explaining that progress has been made to eradicate discrimination and racism against them in the country. **Paraguay** reminded the Forum that it was the second country in Latin America to create a National Action Plan to improve the rights of Indigenous Peoples. **Panama** stressed the need to work across the six mandated areas to fight poverty and inequality faced by Indigenous Peoples, which has been the main guideline of the Government's work. **Ukraine** spoke against the invasion of the country by the Russian Federation and denounced the fact that the latter does not respect UNDRIP. **Morocco** said that in 2001 the Amazigh language was recognized as one of its official languages, along with Arabic, and that its speakers are not discriminated against for using it. **China** encouraged developed countries to ensure equitable access to health and education systems for Indigenous Peoples. **The United Kingdom** encouraged the future COP to engage meaningfully with indigenous delegates on environmental issues. The representative also encouraged closer integration between COP and the Forum.

Several **indigenous organizations** also took the floor. **The Union of Communities of Yamal-Nenets Autonomous Okrug** explained that indigenous communities of the Yamal Peninsula are focused on education. **NSWALC** urged Member States to stop the criminalization of Indigenous Peoples who practice their culture, and it gave the example of Australia, where more than 34% of the prison population is Aboriginal and the majority of them have been jailed for fishing offences. **The Nunavut Tunngavik** called upon Canada to recognize the Inuktitut language as an indigenous language of Nunavut, instead of only French or English, as neither is the mother tongue of Inuit people. Lastly, the representative encouraged its use in the educational system in order to keep Inuit children at school. **Confederación de Pueblos Indígenas del Oriente Boliviano** shared good practices in Bolivia regarding the rights of Indigenous Peoples, but expressed a desire for the improvement of the rights of indigenous women. **RAIPON** described how indigenous communities in remote areas of the Russian Federation work with business and the Government and therefore participate in decision-making processes. **Congrès Mondial Amazigh** said that the UN, Member States and Indigenous Peoples themselves are morally and legally bound to respect all resolutions, first and foremost UNDRIP and ILO Convention 169. **Comunidad Indígena Pijao de Oro / the International Committee for the Indigenous Peoples of the Americas** described how the community in Colombia suffers from systematic abuse, in particular by armed forces, which are looking to damage the community's reputation. Thus, the Special Rapporteur was asked to visit the territory. **The Global Coordinating**

Committee highlighted the need to enhance the participation of Indigenous Peoples in UN meetings and to elect 4 advisers, who would carry out consultations. **FILAC** explained that the organization is working with Red de Jóvenes Indígenas de América Latina y El Caribe on a report on the effects of the pandemic on indigenous communities in Latin America and the Caribbean. **The Indigenous World Association** said that the 10th anniversary of the last World Conference on Indigenous Peoples will take place in 2024. During the 2014 session, a number of statements were made by Member States, but most of the promises have not yet been fulfilled. The representative thus recommended that the Forum organize an expert meeting for this event. **AFPAT** called for indigenous women and youth to be officially granted land, without being attached to an indigenous man, in order to improve their socio-economic growth. **The Mejlis of the Crimean Tatar People** thanked the Member States for banning the presence of the Russian Federation in UN meetings. **Comisión Nacional Territorios Indígenas** denounced the fact that Colombia has cancelled land titles, which means that indigenous lands, even special lands for biodiversity, are lost for the benefit of businesses. **Parbatya Chattagram Jana Samhati Samiti** denounced the fact that the Chittagong Hill Tract region is under the jurisdiction of military rule and urged the Forum to play a role in the withdrawal of “Operation Uttoron”. A representative of the **Shawnee Tribe** spoke of the intergenerational harm faced by Native American children in residential schools. **Association Tin Hinan** spoke about the Ārramāt Project, which aims to conserve biodiversity and the health and well-being of Indigenous Peoples. The representative recommended to the Forum, Member States, FAO, WHO, CBD and IUCN to include the traditional knowledge of Indigenous Peoples in their scientific discussion. **The Native American Rights Fund** shared the progress made during the WIPO – IGCs, such as that of indigenous experts who were able to update Mr. James Anaya’s 2014 technical review of the IGC draft technical instrument, which assisted in ensuring respect for the human rights of Indigenous Peoples in their work. **IWGIA** recommended that the Forum organize during its twenty-second session an interactive dialogue on the theme of autonomy and self-governance of Indigenous Peoples. The representative also recommended the Inter-American Commission, the Forum, the EMRIP and the Special Rapporteur to report on the progress made. **IPACC** noted the fact that during meetings on issues such as climate change or biodiversity, the traditional knowledge of Indigenous Peoples is always mentioned, but indigenous communities are not fully included in decision-making processes. **Nia Tero** shared that the Brazilian Amazon has 28 indigenous communities living in isolation; however, they are being threatened by loggers, miners, religious fundamentalists and drug traffickers. **IITC** spoke about the Black Hills in the U.S., where mercury is being extracted by industries. The representative added that, due to the water pollution, the health of the indigenous communities of the region has been aggravated. **The Manitoba Metis Federation** explained that it signed an agreement with Canada in 2021 that has contributed to advancing the right to self-government for the Manitoba Métis.

Tuesday, 03 May

- *Regional dialogues: Indigenous peoples and pandemic recovery: Central and South America and the Caribbean*

The Central and South America and the Caribbean Regional Dialogue brought together representatives of Indigenous Peoples, UN agencies, NGOs, Member States and Experts from the Permanent Forum. The guiding themes were: (1) pandemic recovery and (2) environmental concerns.

Participants shared that indigenous communities have lost many of their members to COVID-19. Indigenous representatives shared that they have further been marginalized during the pandemic. Indeed, they have had to face numerous human rights violations as extractive industries have carried on their activities, particularly in the Amazon. The representatives discussed the difficulties in accessing information in indigenous languages, in delivering education for indigenous children due to poor internet connections, and in providing adequate medical facilities. In response, indigenous communities have adopted such solutions as turning to their traditional medicine to fight the pandemic and taking initiatives such as self-isolation. Regarding the environmental concerns, indigenous representatives denounced the ongoing killings and criminalization of indigenous human rights defenders who defend land; these conflicts arise mainly due to the presence of mega projects on indigenous territories all over the region. The crucial role played by indigenous women in conservation was also mentioned. Member States were therefore recommended to implement UNDRIP, ILO Convention 169, the Indigenous and Tribal Peoples Convention, and the Escazu

Agreement³. In addition, participants also raised the issue of indigenous migrants, as there is a lack of policies to protect them. Finally, the lack of recognition of indigenous professionals was raised, which is why UN agencies were asked to facilitate their recruitment.

- *Regional dialogues: Indigenous peoples and pandemic recovery: North America*

The North American Regional Dialogue brought together representatives of Indigenous Peoples, UN agencies, NGOs, Member States and Experts from the Permanent Forum. The guiding themes were: (1) pandemic recovery; (2) environmental concerns; and (3) land tenure.

Participants spoke about COVID-19 and explained that the pandemic has exacerbated the inequalities already present, which is why the region needs a post-pandemic plan in order to improve the health and socio-economic situation of Indigenous Peoples. With respect to land tenure, indigenous representatives of Canada emphasized that the “Indian Act” prevents them from enforcing their right to self-determination, especially as it goes against what is written in UNDRIP. Participants also shared concern about the violations suffered by indigenous women, such as sexual violence, forced disappearance and murder; therefore, rematriation⁴ was encouraged in order to support them. Continuing on the theme of abuses both ongoing and historical, participants discussed the case of unmarked graves in residential schools in Canada and in the U.S. They said that the truth had to come out before Indigenous Peoples could witness reconciliation. The two governments explained that they had put in place initiatives to identify the location and identity of deceased children. In addition, indigenous delegates also discussed the need to respect their traditional knowledge, especially their languages. Member States were encouraged to support their preservation, promotion and revitalization. A participant also called for better funding for the WIPO-IGCs, which would help protect their traditional knowledge, TCEs and genetic resources.

Wednesday, 04 May

- *Regional dialogues: Indigenous peoples and pandemic recovery: Africa*

The African Regional Dialogue brought together representatives of Indigenous Peoples, UN agencies, NGOs, funds and programmes, and Experts from the Permanent Forum. The guiding themes were: (1) pandemic recovery; (2) equal access to funding for effective participation in decision-making; (3) land tenure rights; and (4) the African Commission on Human and Peoples’ Rights.

Participants spoke about land tenure and shared that several indigenous communities, such as the Mbororo of Cameroon, the Maasai of Tanzania and the Ogiek of Kenya, have been evicted from their lands. Participants said that, since the departure of the colonizers, Indigenous Peoples have never had their rights, in particular their right to self-determination, fully respected. This has been amplified by the wealth in terms of natural resources, so Member States have been called upon to react and protect indigenous communities. They also shared their concern about the negative impact that the COVID-19 pandemic has had on indigenous women and girls. They have been forced to marry and to have sexual intercourse, which has increased pregnancies and school dropouts. For these reasons, the leadership of indigenous women has been encouraged. With regard to the African Commission, participants share their disappointment that Indigenous Peoples and minorities are considered as one entity, which is why a presentation was made by the OHCHR to the Commission to explain the difference in rights, and the creation of two separate expert groups was also encouraged. Furthermore, it was also pointed out that the knowledge of indigenous organizations and UN agencies present in the region is sufficient for the Commission to be able to solve the problems, especially since the next two COPs will be held on the continent. Finally, all participants shared their dissatisfaction that indigenous delegates cannot properly participate in the Forum meetings due to a poor internet connection; therefore, the Voluntary Fund was encouraged to have more fellows from the region or to finance their trip to places with better internet connection.

³ <https://sdg.iisd.org/news/escazu-agreement-takes-effect-enshrining-right-to-sustainable-development/>

⁴ The term means: a return to a spiritual way of life with respect for Mother Earth.

- *Regional dialogues: Indigenous peoples and pandemic recovery: the Pacific*

The Pacific Regional Dialogue brought together representatives of Indigenous Peoples, UN agencies, Member States and Experts from the Permanent Forum. The guiding themes were: (1) incarceration and State violence; (2) land and heritage; and (3) indigenous constitutional arrangements and self-determination.

Participants spoke about incarceration and State violence in the region. They said that in Australia and New Zealand, Indigenous People represent more than half of the prison population. Rates of death in custody and incarcerated indigenous women are also on the rise. In addition, representatives shared their concern about the high risk for indigenous youth to end up in prison and the fact that, when they do, they are treated as adults. For these reasons, UN agencies have been called upon to respond to the systematic racism. Regarding land, participants raised the issue of the damage and destruction of indigenous lands by mining companies. Participants also discussed their sovereignty and self-governance. Representatives from Hawaii talked about the project to build a telescope on Maunakea mountain, which will be developed without their FPIC. Thus, they asked that Hawaii be granted sovereignty. On the subject, Māori representatives explained that the country has a National Action Plan and that meetings have taken place where the Māori People have called for self-governance. Aboriginal representatives pushed for the implementation of “the Uluru Statement from the Heart”, which called for a First Nations’ voice in the Australian parliament. Finally, representatives from West Papua shared their struggle to gain autonomy from Indonesia.

- *Regional dialogues: Indigenous peoples and pandemic recovery: Arctic*

The Arctic Regional Dialogue brought together representatives of Indigenous Peoples, Member States and Experts from the Permanent Forum. The guiding theme was: (1) pandemic recovery.

Participants explained that, fortunately, few members of their communities have died due to the pandemic. The main difficulty for the Sámi people has been the border restrictions, especially since they are spread over more than four countries: Finland, Norway, Sweden and the Russian Federation. They added that they had not been consulted before the States took the decision, so their right to self-determination was not respected. Inuit representatives on the other side shared the challenges they face in accessing clean water, adequate housing infrastructure and food security due to poverty. They thus asked for financial aid. Then, all indigenous participants stressed the need to include them in the recovery plans. Another topic that came up was the environmental crisis. In the Nordic countries the green economy is a part of the pandemic recovery plan, which means that new green projects are being developed in the Sámi territories. However, they do not benefit financially, and it impacts their way of life, especially as reindeer herders. For the Inuit people, the situation is that all the measures taken are related to wildlife and natural resources, but none include their protection. Lastly, a discussion ensued on the defined borders of the Arctic, according to the regional dialogues, and the indigenous communities involved. The answer was given by several Experts of the Permanent Forum, who explained that the decision was made when the Forum was created and that the region included the Inuit and Sámi Peoples and the countries in which they live.

Thursday, 05 May

- *Regional dialogues: Indigenous peoples and pandemic recovery: Russian Federation, Central Asia and Transcaucasia*

The Russia, Central Asia and Transcaucasia Regional Dialogue brought together representatives of Indigenous Peoples, Member States and Experts from the Permanent Forum. The guiding themes were: (1) pandemic recovery; and (2) indigenous languages.

Participants talked about the pandemic. The situation has exacerbated the already existing division between Indigenous and non-Indigenous Peoples. Among the challenges cited, the most important was the difficulty for indigenous communities who live in remote areas to access medical facilities. This is why the Russian Federation was encouraged to develop mobile medical units. The State mentioned that regional authorities have established restriction on hunting and fishing, but that this does not concern them. Not all participants

agreed on this information. Regarding indigenous languages, participants learned that, since the Russian Federation ceased to be a member of the European Convention on Human Rights, the Government has an additional responsibility towards them. The latter explained that textbooks in indigenous languages have been published, but the participants declared that they cannot be used if teaching in their native languages is prohibited. Moreover, one solution given was to use technology in order to promote their use. Finally, a discussion on the ongoing war in Ukraine was also raised. The participants were divided on the subject because some of them were behind the Russian Federation and others condemned the State. As tension mounted over who can or cannot legitimately speak, it was reminded to all that freedom of speech is a fundamental right.

- Regional dialogues: Indigenous peoples and pandemic recovery: Asia

The Asian Regional Dialogue brought together representatives of Indigenous Peoples, Member States and Experts from the Permanent Forum. The guiding themes were: (1) pandemic recovery; and (2) conservation and land tenure security.

Participants shared that indigenous communities have lost many of their members to COVID-19. Indigenous Peoples shared that they have further been marginalized during the pandemic. Indeed, they have had to face many human rights violations, as extractive industries have carried out their activities in India, Myanmar, Malaysia and the Philippines, without asking for their FPIC. Regarding the pandemic recovery, indigenous representatives have denounced the fact that governments have used the economic recovery plans to seize indigenous lands in order to exploit the natural resources. For these reasons, Member States were requested to respect the principles of FPIC in their pandemic recovery plans. On the theme of conservation and land tenure security, participants shared their concern at the increase in human rights violations in the name of conservation. They said that the presence of armies on Indigenous lands such as in India, Bangladesh and Nepal resulted in the harassment of its populations, land grabbing and the rape of indigenous women. Therefore, Member States were urged to respond and to stop the killings of human rights defenders, especially those who defend land. They were also requested to implement UNDRIP and ILO Convention 169 with respect to conservation management and to recognize respectfully their respective Indigenous Peoples.

Friday, 06 May

- Closing of the session

Ms. Tove Søvndahl Gant, Rapporteur of the session, presented and/or orally revised the following documents: [E/C.19/2022/L.2](#), [E/C.19/2022/L.3](#), [E/C.19/2022/L.4/Rev.1](#), [E/C.19/2022/L.5/Rev.1](#), [E/C.19/2022/L.6/Rev.1](#), [E/C.19/2022/L.7](#), [E/C.19/2022/L.8](#), and [E/C.19/2022/L.9](#), which were approved by the Experts of the Permanent Forum.

To conclude the session, **Mr. Darío José Mejía Montalvo, Chair of the Permanent Forum**, made remarks. He said that what emerged from the indigenous delegates is that they are still marginalized, discriminated against, excluded and victims of violence, even during COVID-19. Regarding the theme of the session: “Indigenous peoples, business, autonomy and the human rights principles of due diligence, including free, prior and informed consent”, it has shown that the rights of Indigenous Peoples are still not respected even in the current context, which is marked by various crises, such as environmental, climatic, energy and socio-economic, in which the private sector plays a major role. He added that the Forum had noticed that Member States were not doing enough and even continuing to allow mega projects on indigenous territories. In addition, he addressed another relevant issue, namely the lack of respect for the intellectual property rights of Indigenous Peoples. In this sense, the Forum called on States to take measures to safeguard their traditional knowledge and TCEs by enacting laws and public policies with full and effective participation of indigenous communities. He also referred to the fact that 2022 marks the beginning of the International Decade on Indigenous Languages and called for their protection, promotion and revitalization. Finally, he announced that the twenty-second session of the Permanent Forum will be held from April 17-28, 2023, at the UN Headquarters in New York and it will address a theme related to climate change from a planetary health perspective.

The session closed with an obituary video, which commemorated the indigenous delegates who have passed away over the past two years.

ANNEX I – LIST OF THE CURRENT EXPERTS OF THE UNPFII

Below is the list of the current Experts of the Permanent Forum, whose mandate will expire at the end of 2022:

Indigenous Experts

Ms. Anne NUORGAM (Arctic)
Mr. Phoolman CHAUDHARY (Asia)
Ms. Hindou Oumarou Ibrahim (Africa)
Mr. Darío José Mejía Montalvo (Central and South America and the Caribbean)
Mr. Simón Freddy Condo Riveros (Central and South America and the Caribbean)
Mr. Geoffrey Scott Roth (North America)
Mr. Aleksei Tsykarev (Central and Eastern Europe, Russian Federation, Central Asia and Transcaucasia)
Ms. Hannah McGlade (Pacific)

Experts nominated by States

Ms. Xiaoxan Zhang (China)
Mr. Sven-Erik Soosaar (Estonia)
Ms. Irma Pineda Santiago (Mexico)
Ms. Tove Søvndahl Gant (Denmark)
Mr. Grigory Evguenievich Lukiyantsev (Russian Federation)
Mr. Vital Bambanze (Burundi)
Mr. Bornface Museke Mate (Namibia)
Ms. Lourdes Tibán Guala (Ecuador)

ANNEX II – LIST OF ABBREVIATIONS

AIPP	Asia Indigenous Peoples Pact
AFPAT	Association des femmes peuples autochtones du Tchad
CBD	Convention on Biological Diversity
CHIRAPAQ	Centro de Culturas Indígenas del Perú
COP	Conference of the Parties
ECOSOC	Economic and Social Council
EMRIP	Expert Mechanism on the Rights of Indigenous Peoples
FAO	Food and Agriculture Organization of the United Nations
FILAC	Fund for the Development of Indigenous Peoples of Latin America and the Caribbean
FIMI	Foro Internacional de Mujeres Indígenas
FUNAI	National Indian Foundation (Brazil)
FPIC	Free, Prior and Informed Consent
GIYC	Global Indigenous Youth Caucus
GoFIP	Group of Friends of Indigenous Peoples
ICC	Inuit Circumpolar Council
IGC	Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore
IITC	International Indian Treaty Council
ILO	International Labour Organization
IPACC	The Indigenous Peoples of Africa Co-ordinating Committee
IPBES	Intergovernmental Science-Policy Platform
IPRI	Indigenous Peoples Rights International
IUCN	International Union for Conservation of Nature
IWGIA	International Work Group for Indigenous Affairs
NSWALC	New South Wales Aboriginal Land Council
OHCHR	Office for the High Commissioner for Human Rights
RAIPON	Russian Association of Indigenous Peoples of the North
SDGs	Sustainable Development Goals
TCEs	Traditional Cultural Expressions
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNGPs	United Nations Guiding Principles on Business and Human Rights
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNPFII	United Nations Permanent Forum on Indigenous Issues
WIPO	World Intellectual Property Organization
WHO	<u>World Health Organization</u>

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This document has been edited by Priscilla Saillen. If you have any questions or comments, please do not hesitate to contact her at: priscilla.saillen@docip.org