

PERMANENT FORUM ON INDIGENOUS ISSUES

2nd Session (New York, 12 to 23 May 2003)

The second session of the **Permanent Forum on Indigenous Issues** was held from 12 to 23 May 2003 at the United Nations headquarters in New York, and was attended by indigenous delegates, governments, UN specialised agencies, academics, and other non-governmental observers. The indigenous representatives attending the Forum formed many **interest groups**, such as the Latin America caucus, Pacific caucus, women's caucus, youth caucus and an all-inclusive indigenous peoples' caucus, which met for two days before the Forum to discuss common interests, procedures and the proposed agenda. Also scheduled during the session were several **side events** consisting of films and panel discussions, focusing on such topics as youth, the environment, human rights, genetic technologies, labour rights, and indigenous journalism.

In brief: the Forum

The Permanent Forum is an advisory body to the UN Economic and Social Council (ECOSOC) and is made up of 16 independent experts, eight of whom are nominated by states with the remaining eight nominated by indigenous peoples. The Forum Members serve three-year terms with the possibility of re-election for one additional year. The mandate of the Forum is to discuss indigenous issues related to economic and social development, the environment, health, human rights, culture and education. According to this mandate the Permanent Forum provides expert advice to programmes, funds and agencies of the UN, raises awareness, and promotes integration and coordination of activities related to indigenous issues within the UN system.

Introduction

The second meeting of the Permanent Forum on Indigenous Issues was by many standards a success. With **1800 registered participants** and twice as many **state representatives** as last year (30 States participated in 2002 and 70 in 2003), this was the largest gathering solely devoted to indigenous issues in history, according to the **Forum's chairman Ole Henrik Magga**, an indigenous expert from **Norway**. Equally encouraging was the appearance of **UN agencies and bodies** willing to work with the Indigenous Forum. During the second week of the meeting, the Permanent Forum had received an urgent appeal to look into allegations of **gross violations against indigenous people** in the **Democratic Republic of the Congo**. The Permanent Forum had requested a meeting with the **Security Council**, which had directly responded to that request, providing a powerful signal of the interest of the United Nations, at the highest level, in indigenous issues.

During the session, the Forum promoted **an interactive dialogue**, with indigenous representatives, governments and agencies speaking and responding to one another in order to emphasise **participation and engagement**. By the closing day of the session, the Permanent Forum had outlined over **100 proposals, objectives, recommendations** and areas of future action in its adopted draft report.

While its 100+ proposals may prove rather ambitious and difficult to prioritise, the Forum also outlined six achievable goals in its **draft decisions** submitted to **ECOSOC**. The Forum called for a **three-day workshop on data-collection** (E/C.19/2003/L.5) and asked ECOSOC to **dedicate the high level segment of its 2006 substantive session to indigenous issues** (E/C.19/2003/L.7). The draft decisions also confirmed the **methods of work of the Forum** by recognising the participation of Permanent Forum Members in meetings of subsidiary bodies of ECOSOC (E/C.19/2003/L.8) and designating a six-member bureau for the Forum (E/C.19/2003/L.9). The final two draft decisions set **the dates and venue for the third**

session (E/C.19/2003/L.10) and called for another **International Decade of the World's Indigenous Peoples** when this decade ends in 2004.

Opening session

Speakers presenting statements in the Forum's opening session highlighted the hazards and obstacles indigenous peoples still faced, and stressed the urgent need to fully integrate indigenous issues into the UN system. **Angela King, Assistant Secretary-General**, delivered the message of **Secretary-General Kofi Annan**, which noted that indigenous people were still denied their cultural identities, displaced from traditional lands, and more likely than others to suffer extreme poverty. Annan's message also stressed that indigenous issues must become an integral part of the UN daily work, and that efforts to reach the **Millennium Goals** must fully include indigenous people.

Bacre Ndiaye, Director of the New York Office of the High Commissioner for Human Rights, speaking on behalf of **Sergio Vieira de Mello, High Commissioner for Human Rights**, urged the Forum to fully use the capacity and experience of all UN bodies. In particular, he encouraged the body to create links with the **Working Group on Indigenous Populations**, which is mandated to carry out activities in human rights-related studies and standard setting.

Rodolfo Stavenhagen, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, brought attention to development projects that had impinged on indigenous rights, forcing indigenous people to move elsewhere, struggling for their cultural and economic survival.

Forum Chairman Ole Henrik Magga stressed that the Forum must urgently begin carrying out its mandate to integrate indigenous issues within the UN system. In his view, the Forum was a new partnership between indigenous peoples and States, with unprecedented potential to address their needs and concerns.

Special theme for the second session: indigenous children and youth

The Forum focused this year on the theme "indigenous children and youth". The **high level panel** on this topic, which took place on the first day of the second session, included presentations by **UNICEF, UNESCO, the World Health Organisation**, the chairperson of the **Committee on the Rights of the Child**, the **International Labour Organisation (ILO)**, the foreign minister of **Ecuador**, and a youth representative from the **Cherokee Nation**. Delegates agreed that indigenous children are of utmost importance as they are the future of their cultures and survival as indigenous peoples, and therefore have decided to make indigenous children and youth a focal point of their work in the years to come. The Committee on the rights of the Child will devote a day of discussion on 19 September 2003 to indigenous children and youth.

All participants stressed the particularly vulnerable position of indigenous children. Some of the risks that disproportionately affect indigenous children are **child trafficking, child labour, lack of access to education and health care**, and **degradation of the environment**. Participants were concerned about the problems facing indigenous children who leave their traditional cultures to live in urban areas. According to the panel, the **lack of disaggregated data** on indigenous children and country specific situation analyses continues to be a problem. The **draft recommendations on children and youth (E/C.19/2003/L.1)**, urged the World Bank, the International Labour Organisation (ILO), and **UNICEF** to carry out an in-depth comparative study of legal frameworks and social programmes for indigenous youth in selected countries, and urged all UN bodies whose work have an impact on indigenous children to report regularly to the forum. Noting the large number of **incarcerated indigenous children and youth**, the Forum also recommended that governments ensure greater protection and humane treatment for those imprisoned individuals, and take steps for their rehabilitation.

There was much concern about the **participation of children** in the Forum, as some children were not able to get into the United Nations to attend. In order to increase

knowledge of the Forum, the decision was made to have an indigenous youth design the Forum logo through a youth art competition with results to be presented at the fourth session. In addition the draft recommendations called for the preparation of a conference of **Latin American** indigenous children and youth to be held in 2004.

Economic and social development

Participation, benefit sharing, informed consent and accountability - Indigenous delegates from the **South Pacific** to the **Arctic** returned again and again to these four core issues as the Permanent Forum addressed Item 4(a) of its agenda, economic and social development. Indigenous peoples are all too often victims rather than beneficiaries of development projects, according to indigenous representatives. Mining, oil development, dams and other "*mega projects*" threaten the environment of nearby indigenous communities and often proceed without their participation or consent. Representatives stressed the need to hold development agencies and private sector investors accountable for environmental damage and human rights abuses stemming from the projects they fund.

The **Tebtebba Foundation** made a particularly poignant presentation highlighting the lack of **accountability in the international development system**. An April 2003 study by the Forest Peoples Programme noted that out of 27 multilateral and bilateral agencies surveyed only eight had dedicated formal policies relating to indigenous peoples. It also observed that only three of the multilateral agencies had formal appeals and accountability mechanisms to back up their policies, and not one of the 13 bilateral agencies surveyed had formal and accessible accountability mechanisms and complaints procedures for its overseas aid operations.

The **World Bank**, in particular, came under scrutiny in the Permanent Forum's discussions on **development**. Once considered a leader in indigenous issues, many delegates felt that its current policies and practices were lagging behind other more progressive agencies, such as the **UNDP**. The World Bank is in the process of revising its operational policy on indigenous peoples following consultations with governments, indigenous organisations, NGOs, academics and development agencies. Although Permanent Forum Members praised the bank's efforts to establish a dialogue with indigenous peoples, several delegates expressed their concern that the new policy would not meet their expectations regarding self-identification, free, prior and informed consent, recognition of traditional laws and land rights, and forced relocation of indigenous communities. **Permanent Forum Member Mililani Trask** urged the bank to recirculate the revised policy for discussion before submitting it to their Board of Executive Directors.

The **representative from the World Bank** stressed the positive steps the bank is taking to work with indigenous peoples. He noted that the bank is currently implementing 232 projects that actively engage indigenous peoples and heralded a new grant facility it is developing to assist indigenous communities. Recent data, he insisted, do not support the popular view that the World Bank continues to finance a large number of projects in the **extractive industries sector that negatively affect indigenous peoples**. He referred to several studies undertaken by the World Bank and independent reviewers analysing the impact of World Bank funded oil and mining projects on indigenous peoples. Although the studies showed that the bank had financed projects in the past that had an adverse impact on some indigenous groups, since the bank adopted its policy on indigenous peoples in 1982 World Bank financed projects in the extractive industries sector declined.

In the eyes of many delegates only sustainable development programmes which take into account indigenous perspectives will lead to true improvements for indigenous peoples. They urged development agencies and financial institutions to focus on **the Kimberley Declaration** and the **Indigenous Peoples Implementation Plan of Action**. Indigenous peoples from around the world drafted these two documents at the **Indigenous Peoples' International Summit on Sustainable Development**, in preparation for the 2002 **World Summit on Sustainable Development in Johannesburg**. The Plan of Implementation outlines 100 key

responsibilities, demands and necessary actions covering 24 development issues, including **spirituality, self-determination, food security, mining, energy, climate change, corporate accountability** and **human rights**. According to its drafters, the plan "*reflects the heart and mind of Indigenous Peoples as traditional caretakers who, for many millennia, have developed and refined our sustainable societies.*" Spirituality and respect for land, water, natural resources and human rights are key elements in achieving sustainable development according to many indigenous representatives.

The Permanent Forum reflected this viewpoint in its **draft recommendations on economic and social development** (E/C.19/2003/L.13/Rev.1). It called on agencies and bodies of the UN and international financial institutions to rethink their concept of development taking into account indigenous rights and knowledge. It recommended that all states and UN organs take into account the Kimberley Declaration and the Indigenous Peoples Implementation Plan as they work toward the goals set in the World Summit on Sustainable Development. The **draft recommendations** also expressed concern over development practices that do not reflect "*the particular characteristics of indigenous communities as groups, with their distinct cultural identities*".

The Forum had **specific recommendations** directed toward the **World Bank** and other **international financial institutions**. Paragraph 7 of the draft recommendations called on the World Bank to continue to address outstanding issues such as recognition of indigenous peoples' customary land and resource rights, free prior and informed consent regarding development projects, and prohibition of involuntary resettlement of indigenous peoples. The Permanent Forum asked the bank to compile examples of **best practices** in development projects with indigenous peoples, and encouraged it to facilitate communication on indigenous policies with other financial institutions.

Responding to the requests of several indigenous organisations, the Forum renewed last year's recommendation to create a **three-year working group on free, prior and informed consent and participatory research guidelines**. It also asked ECOSOC to invite the World Trade Organisation to participate in the third session of the Permanent Forum. Its other recommendations included a call for a meeting of international financial institutions and Permanent Forum Members to consider issues related to policies, procedures and relationships concerning indigenous peoples.

Environment

Concerns over large scale projects on or near indigenous peoples' territories, especially **extractive resource development**, continued to dominate discussions as the Forum turned its attention to environmental issues. The Indigenous Environmental Network reviewed some of the social and environmental consequences of oil drilling in Nigeria, and the Confederación de Nacionalidades Indígenas del Ecuador described the devastating effects of oil exploration in the Amazon basin. The **Indigenous Environmental Network** asked the **World Health Organisation** and **UN Environment Programme** to organise a **global seminar** on indigenous peoples and **environmental health**. The African caucus called for more dramatic action, urging the Permanent Forum to request a moratorium on all new oil and gas exploration while a massive environmental audit is carried out on existing oil and gas fields.

Indigenous representatives highlighted their peoples' long history of sustainable **natural resource management**. Delegates from a variety of organisations emphasised the unique contribution indigenous know-how could make to the environmental sciences and called on governments and agencies to include indigenous peoples in their environmental protection programmes. The **UN Environment Programme** confirmed its support for an inclusive approach to conservation and development, noting that the agency had appointed a senior consultant on the issue to strengthen the mutual link between biological and cultural diversity. The Indigenous Peoples Forum denounced what they dubbed "*the Yellowstone model of forestry*" practiced by many states. They gave the example of Bangladeshi eco-parks where armed rangers have evicted indigenous populations from conservation areas. The

representative added with irony that the unprotected areas of forest where indigenous peoples continue their traditional practices show more biodiversity and have more trees than the government parks.

Increased **militarisation** in indigenous peoples' traditional territories concerned many delegates. The **Pacific caucus** complained of steps by the **US government** to acquire more land in Hawaii for military training exercises without regard for cultural or sacred sites. They also raised the issue of nuclear waste dumping in the Pacific Ocean and on the land of aboriginal peoples. **Latin American** representatives decried the environmental damage caused in the name of the international drug war. They called on the Permanent Forum and UN agencies to review the environmental and social impact of aerial spraying of herbicides on illicit crops, such as coca leaf, on or near indigenous lands.

Genetic modification and **bio-prospecting** were also hot topics. Several delegates complained that the current system of patent and copyright protection with its focus on the individual failed to protect collective indigenous know-how. The government of Brazil called for a new system of intellectual property rights designed specifically to protect traditional knowledge. Many representatives expressed alarm over the potentially negative impact of genetically engineered seeds and plants, and some objected to the patenting of genes for any purpose. The **World Alliance of Indigenous and Tribal Peoples of Tropical Forests** asked the Permanent Forum to work toward the establishment of an **international code of ethics** to protect against private prospecting for genetic material without the consent of the communities involved.

In addition, delegates drew attention to the need to protect sacred sites as part of a comprehensive conservation policy. The **Seventh Generation Fund** expressed concerns over plans to build a highway near New Mexico's Petroglyph National Monument, a place of spiritual significance for Native Americans. They asked the Permanent Forum to undertake a comprehensive legal analysis of mechanisms available to protect indigenous peoples' spiritual places.

The Permanent Forum responded to the requests on **sacred sites** in its **draft recommendations** (E/C.19/2003/L.14), calling on UN bodies to organise a **workshop on protecting sacred places and ceremonial sites** with a view to identifying protective mechanisms. The recommendations also urged the **UN Environment Programme** and other UN agencies to consult with indigenous peoples and prepare recommendations on the link between environmental and cultural diversity.

The Forum requested the **Secretary-General** through **ECOSOC** to prepare a report on the implementation of **Chapter 26 of Agenda 21**, the comprehensive plan of action on the environment adopted at the UN Conference on Environment and Development in 1992. Chapter 26 focuses on the role of indigenous peoples and their communities in furthering environmentally sound and sustainable development. In addition, the Forum called on all states to ratify the Kyoto Protocol, the Bio-Safety Protocol, the Stockholm Convention on Persistent Organic Pollutants and other conventions for environmental protection.

In response to concerns about **'bio-piracy'**, the Forum asked the **World Intellectual Property Organisation** (WIPO) to undertake a study on the commercialisation of indigenous knowledge of medicinal plants. It also recommended that the WIPO Intergovernmental Committee on Intellectual Property focus its mandate on the development of mechanisms to protect the genetic resources, traditional knowledge and cultural expressions of indigenous peoples. The recommendations called for the return of genetic materials collected from indigenous peoples and the establishment of an international ethical code on bio-prospecting to ensure respect for indigenous cultural and intellectual heritage.

Other recommendations included a request for an **ad-hoc working group on indigenous peoples and climate change** under the **UN Framework Convention on Climate Change**. More generally, the Forum called on the UN system to guarantee the full and effective participation of indigenous peoples in environmental conventions and processes, and requested the UN environmental bodies to mobilise resources for projects by indigenous peoples.

Health

The Permanent Forum opened its second week with a focus on health, as delegates outlined the serious health problems suffered by indigenous peoples around the world. Indigenous representatives from developed countries like the **US**, **Canada** and **Australia** described a different set of issues than those living in the developing world. Several **youth organisations** from **Alaska** and **Canada**, for example, highlighted the desperately high levels of suicide and substance abuse amongst young people in their communities. The **Aboriginal and Torres Strait Islander Commission** from **Australia** presented information on the effect of a fatty, non-indigenous diet on aboriginal people who are suffering from alarmingly high levels of diabetes and heart disease. At the other end of the spectrum **African**, **Asian** and **Latin American** delegates emphasised problems caused by malnutrition and the need to ensure food security in their regions.

All delegates shared **certain fundamental health concerns**, however. Representatives from both developed and developing nations emphasised disparity in health care. For example, indigenous peoples, in both wealthy and developing nations often have **a lower life expectancy** and **less access to medical services** than the rest of the population. A young **Yanomani** man noted that many indigenous peoples live in remote, rural areas where health care centres are not easily accessible. He described his peoples' isolated villages in the forests of southern **Venezuela**, which are plagued by endemic malaria and hepatitis B. Venezuela's overstretched health care system has been unable to provide relief for these communities. The **Asian caucus** called for a study to be carried out on indigenous peoples' access to health care.

Many of the indigenous representatives stressed the important **role of traditional healers and medicines** in the overall health of indigenous peoples. According to one **Ecuadorian** delegate, health encompasses the spirit, mind and body of the individual, requiring a traditional, spiritual approach to well-being. A representative from the Centro de **Estudios Aymaras** in **Bolivia** called for culturally appropriate approaches to health care. For example, in Bolivia, she explained, childbirth is a collective moment of celebration for the entire family in indigenous communities. Today indigenous women in Bolivia are often taken to hospitals to give birth in comparably solitary conditions, in complete contrast to their cultural practices. Delegates urged governments and health organisations to integrate traditional medicine into their programmes and to include indigenous experts in planning and implementing health policies.

A **lack of disaggregated data** on indigenous peoples was targeted as one of the main barriers to addressing the health care needs of indigenous communities. The **Inter-Agency Support Group**, which helps to coordinate the Forum's work with other UN bodies, presented a paper on data collection and disaggregation (**E/C.19/2003/4**) during the session on **Working Methods of the Permanent Forum**. The report concludes that there is a paucity of reliable data on indigenous issues from developing countries and a general problem with definitions and comparability of data collected at the national and international level. During the discussions on health, **the World Health Organisation** (WHO) elaborated on these findings in relation to its work on indigenous issues. The WHO noted that "*systematic information on demographics and health statistics concerning indigenous peoples or ethnic populations is scarce.*" (**E/C.19/2003/7**). The limited data that does exist on indigenous health is inconsistent in terms of methodology and definitions and therefore fails to provide reliable information to guide policy. The **WHO** noted that it is currently developing a **World Health Survey**, which includes questions on ethnic/racial/cultural group and mother tongues. The WHO hopes that the survey will generate systematic, comparable and reliable data to help identify health inequalities and track performance of health care programmes.

The work of the Inter-Agency Support Group and WHO on data disaggregation was generally appreciated, but some indigenous organisations noted with concern the use of the terms "*ethnic populations*" or "*indigenous populations*" rather than "*indigenous peoples*" in

the agencies' presentations. The **Committee on Indigenous Health** emphasised the importance of using the term "indigenous peoples" in relation to data collection and health issues.

The Permanent Forum reiterated the recommendations on health made in the report on its first session and laid out 20 further **draft recommendations** on the issue (E/C.19/2003/L.15). The new recommendations called for the WHO, the **Pan American Health Organisation** and other health care agencies to incorporate indigenous healers and cultural perspectives on health into their policies. The Forum also urged the WHO to consult with indigenous peoples on participatory research guidelines and to gather data on indigenous peoples who self-identify as indigenous based on criteria relating to ethnicity, cultural or tribal affiliation and language. It asked **UNICEF** to adopt a policy and designate an **agency focal point on indigenous children**, and called on the **Global Alliance for Vaccination Initiatives** to sponsor a workshop on extending immunisation programmes to indigenous women and children.

Under the section on **environmental health** in the **draft recommendations**, the Permanent Forum asked the **UN Environment Programme** to urge states to ratify the Stockholm Convention on Persistent Organic Pollutants. It also requested the **Committee on the Rights of the Child** to review state compliance with **Article 24** of the Convention on the Rights of the Child, which addresses **rights to adequate nutrition and clean drinking water**. The Forum asked the Committee to focus in particular on the impact of pollution on traditional subsistence foods. The recommendations also included a request to the **Special Rapporteur on toxic waste** to organise a workshop on the impacts of persistent organic pollutants and pesticides on indigenous peoples.

The Forum's recommendations addressed **HIV/AIDS**, calling on the **Global Fund and UNAIDS** to participate in the Inter-Agency Support Group. The Forum also urged states to expand their national health systems to provide **holistic health programmes for children**, and to address malnutrition and poverty. Other recommendations included a request to the WHO to undertake a **study on the prevalence and causes of suicide among indigenous youth**.

Human rights

Three hours were devoted to the theme of human rights, allowing only a fraction of the over 80 delegates who wanted to speak the opportunity to make interventions. The **Chairperson of the Working Group on Indigenous Populations (WGIP)**, the WGIP's former chairperson **Erica-Irene Daes**, and a representative of the **Office of the High Commissioner for Human Rights (OHCHR)** detailed work that they are implementing in regards to indigenous peoples. Human rights were seen by many to be a crosscutting issue directly related to health, education, and the environment.

During the discussion on human rights, a main theme which emerged was **self-determination**. Most indigenous peoples see this as a prerequisite to fully assuring their human rights and their survival as indigenous peoples. The issue was framed most eloquently by Ms Daes who said that self-determination should apply fully to all indigenous peoples because they are colonised peoples. She also asserted that natural resources should be under the control of indigenous peoples, because they are the original owners of these resources which were not freely given up. The principle of self-determination appears in many UN resolutions, but, according to Ms Daes, the principle has not been fully analysed.

The right to self-determination was addressed in other agenda items as a way to solve problems faced by indigenous peoples. **Ambassador Ronald Barnes**, speaking on behalf of the **indigenous peoples caucus**, stated that political recognition affects all aspects of human rights and fundamental freedoms for the protection of **land rights, economic, social, and cultural rights**, and the **development of indigenous peoples**. He therefore requested that self-determination should be the special theme for next year's forum, as the issue needs to be discussed further. The issue of treaty rights as human rights was brought up by **Permanent Forum Member Willie Littlechild** who called for a **conference on treaty rights**. The indigenous

peoples of **St. Lucia** pondered the controversial issue of **reparations and compensation for colonial acts**. They called for an international conference on reparations to be organised.

Two indigenous **Pygmy representatives** of the **Democratic Republic of the Congo** (DRC) related allegations of atrocities including **mass murder and cannibalism**. They painted a picture of their entire group on the verge of extinction as they are politically marginalised, forced to relocate, hunted down, trapped and eaten by armed men in acts of cannibalism in the Congolese forests. The chairperson of the Forum met with the **President** of the **Security Council** to alert him to the problems faced by indigenous peoples of the DRC, and urged the Security Council to do its utmost to stop the war and the atrocities against the Pygmy people. The president of the Security Council responded by noting his concern and assuring the Forum that urgent action will be taken in the near future. In addition, the Security Council is considering sending immediate relief.

The **impact of armed conflict on indigenous peoples**, where they often end up as victims, was a dominant human rights concern. In addition to the situation in the **Congo**, the Forum noted that the **Cuna peoples of Panama** are suffering due to the conflict in **Colombia**, and that four indigenous leaders were recently killed by the military.

The **draft recommendations** (E/C.19/2003/L.16) called on states to adopt the **UN Declaration on Indigenous Peoples** before the end of the decade as set of recognised standards to protect their human rights. The Forum also underlined the importance of country-specific Special Rapporteurs, experts and representatives of the **Commission on Human Rights** paying special attention to the situation of indigenous peoples in their respective fields. It requested the **Secretary-General** to prepare an **analytical study on ways indigenous issues had been addressed in United Nations bodies**.

Culture

A **UNESCO** representative opened the discussion on culture by focusing on the importance of **cultural diversity**, and expressing hope regarding the elaboration of an international convention on cultural diversity. Another goal outlined by UNESCO is the establishment of an international convention to safeguard intangible cultural heritage such as songs, myths, artwork, dance, and traditions. UNESCO's operational activities include a human living treasures programme, an oral and material heritage programme, an inter-religious dialogue programme, a cultural approach to AIDS programme, and a meeting of experts to discuss safeguarding of endangered languages. In addition, Discovery Inc. and UNESCO have been working together on a television programme to celebrate diversity through indigenous languages.

In resolution 57/249 the **General Assembly** proclaimed 21 May as the **World Day for Cultural Diversity for Dialogue and Development**, and encouraged member states, intergovernmental bodies, UN organisations, and non-governmental organisations to raise public awareness of the value of cultural diversity. A representative from the **European parliament** concurred that culture and language were of utmost importance to the **European Union**. He acknowledged that European ancestors were largely responsible for the destruction of many indigenous peoples cultures and their territories during colonisation, and apologised for this historical fact.

Pilfering of sacred sites and indigenous artefacts was also a great concern for the delegates. **Permanent Forum Member Ida Nicolaisen** expressed that sacred sites are often depositories of loved ones' remains and ceremonial centres; therefore their protection is pivotal. Many sacred objects and remains are currently housed in museums all over the world, leading some indigenous representatives to demand return or restitution of their cultural property. The **draft recommendations on culture** (E/C.19/2002/L.17) encouraged ECOSOC, States, and the UN system to promote the co-administration of archaeological sites for their care and conservation.

The **World Intellectual Property Organisation (WIPO)** has been conducting studies on approaches towards the legal protection of traditional cultural expressions (**E/C.19/2003/14**).

This was an idea encouraged by the **Pacific caucus** who recommended a technical seminar organised by **WIPO** and **UNESCO**. The **draft recommendations** (E/C.19/2003/L.17) urged WIPO to increase participation of indigenous representatives in their sessions, and to make greater use of information reflecting community experiences and cultural practices.

The **San Conference of South Africa** addressed the issue of **forced assimilation** as they described how they were forced to take a Western identity. When their land was taken, they were alienated and lost much of their cultural identity. This problem was echoed by other participants from **Africa** and **Asia** who stated that the right to culture was not respected throughout much of their continents. The **rights to self-determination, self-governance, and autonomy** were promoted as a way to protect indigenous cultures. Indigenous representatives from **Ecuador** described their experience as part of a multicultural country with diverse ethnic groups, each with their own culture. They called for autonomy for each different indigenous group.

The **right to culture** is closely linked to **land rights**, as the relocation of indigenous people leads to a loss of identity and culture. The **Asia caucus** addressed the need to ensure that tourism occurs in a way that does not undermine the dignity of indigenous culture.

The connection was also made between **cultural survival and the preservation of language**. The **draft recommendations** (E/C.19/2003/L.17) called on governments to introduce indigenous languages in public administration in indigenous territories wherever feasible.

Education

The debate during agenda item 4(f) on **education** centred mostly on the use of indigenous languages. Mother tongue instruction, bilingual and/or multilingual education can provide a means of promoting social and gender equality and understanding between different populations. Over fifty percent of the world's languages are endangered and one language is disappearing on average every two weeks. Many delegates noted the urgency of addressing the **right to education in their own languages**. UNESCO asserted that education has often resulted in destruction of cultures and languages and has promoted assimilation into the dominant society.

Other common education issues raised at the Forum included lack of access to **culturally appropriate education**, higher **drop out rates**, and lower graduation rates among indigenous peoples. The government of **Canada** acknowledged that the rate of high school completion by aboriginal children in Canada lags far behind that of non-aboriginal youth. An indigenous delegate from **Bangladesh** stated that **remoteness and poverty** are factors that limit educational development. Permanent Forum Members and indigenous representatives stressed the importance of participation by indigenous communities in curriculum development and the administration of their schools. The **UN Department of Public Information** discussed its **Cyber School Bus Programme** and showed a desire for indigenous education materials to be included (www.cyberschoolbus.un.org).

Permanent Forum Member Fortunato Turpo Choquehuanca acknowledged the importance of higher education institutions, as indigenous peoples often have no access to modern technology, science, arts, or research. He stressed that indigenous peoples must reach a higher level of education to get out of low-level jobs that they often hold. The idea of establishing an **indigenous university** was supported by many participants, and addressed as a **draft recommendation** (E/C.19/2003/L.18),

Education as a tool to overcome racism was highlighted during discussions. Delegates saw promoting **anti-racism education**, including strategies to empower young people to deal with racism, as something that should be compulsory in the school curriculum. Forum participants agreed that respect for indigenous histories, cultures and identities should be promoted in all levels of education. In the **draft recommendations on education** (E/C.19/2003/L.18), the Forum called for the creation of academic institutions to train indigenous leaders, and urged universities to develop curriculum on indigenous peoples. It also

recommended that states reduce illiteracy rates, truancy, and dropout rates, and promote primary education where indigenous peoples live.

Recommendations put forth by participants included developing programmes to support the maintenance and continued use of indigenous languages, calling on UN agencies to design educational materials for indigenous peoples, having disaggregated data to monitor educational progress in line with the **UN's Millennium Development Goals**, and allowing indigenous peoples to establish their own education systems.

Future work of the Permanent Forum

States, UN agencies, intergovernmental organisations, indigenous peoples, private companies and NGO's have their work cut out for them over the next year. As a Maasai elder gave his blessing, the Forum's participants stood in silent contemplation of the progress achieved and the overwhelming work ahead. "*We have dreams,*" the Forum's **chairman Ole Henrik Magga** urged in his final address, "*but we must be practical. We must take the small steps today rather than wait for the giant leap. The small steps move us forward. The giant leap may never come.*"

With the UN budget stretched, even the small steps will be challenging. Permanent **Forum Member Mililani Trask** reported to the indigenous peoples caucus that 54% of the recommendations from the first session had not been implemented, and 17% had been only partially implemented due mainly to a lack of funding. The **Office of the High Commissioner for Human Rights (OHCHR)** spelled out their concerns regarding funding in their intervention on human rights. "*[Y]ou need to know,*" the representative warned, "*that there is no capacity to absorb new tasks unless Governments provide the necessary resources. Both the Forum and the OHCHR's activities for indigenous peoples need to be adequately financed and it would be in no one's interest that funds, already meagre, are spread thinner.*"

There is reason to be optimistic about the year ahead, however. Although only a small percentage of the recommendations of the first session have been fully implemented, the Permanent Forum has come a long way over the last year. Its **secretariat** is up and running in New York, its web page has gone on-line at www.un.org/esa/socdev/pfii, and its **Voluntary Fund** is receiving donations.¹

The Forum's future success will depend largely on its ability carve out its niche within the UN system. With the **Working Group on Indigenous Populations**, the **Inter-sessional Working Group on the Draft Declaration on the Rights of Indigenous Peoples** and the newly appointed **Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people** already under the OHCHR, the Permanent Forum will have to convince member states and indigenous peoples that it is not just another layer of bureaucracy. The **New Zealand** and **Australian** governments in their interventions on Working Methods of the Forum stressed the need to **avoid duplication** and asked the Forum to work with existing mechanisms in the UN rather than create new ones. And several indigenous organisations urged the Forum to turn words and paper into real action for indigenous issues.

The Permanent Forum understands that one of its key challenges will be to **reach out to indigenous communities** in order to better understand their concerns and share with them information about the work of the Forum. Mr **Magga** called for the Forum to cooperate with regional organisations to reach the poorest and most marginalised peoples, in order to have an effect at the grassroots level.

Another challenge ahead will be the adoption of the **Draft Declaration on the Rights of Indigenous Peoples**. Although the Permanent Forum is not directly involved in the negotiations over the Draft Declaration, the issue permeates its work. The future of the Draft Declaration was one of the most divisive issues discussed at the Forum. It came up in interventions in every mandate area, and the Permanent Forum officially called for its adoption by the end of

¹ The Government of Denmark, for example, has announced a contribution of 1 million Danish kroner to the voluntary fund.

the International Decade of the World's Indigenous Peoples in 2004 in its recommendations on human rights. Some indigenous delegates see the Draft Declaration as the fundamental framework that will underpin all of the Forum's future work. In their view, without a declaration the Forum is operating in a vacuum.

Since its adoption by the **Working Group on Indigenous Peoples** at its 1993 session and its acceptance by the Sub-Commission shortly after, the Draft Declaration has hit an impasse. The draft declaration is currently under review by the Inter-sessional Working Group of the Commission on Human Rights on the draft declaration on the rights of indigenous peoples. Although the **General Assembly** has affirmed that adoption of the Draft Declaration is a major objective of the International Decade, little progress has been made over the last ten years. The Forum has provided a new platform for states and indigenous peoples to engage in dialogue. Whether the momentum gathered at the Forum will carry over into the negotiations on the Draft Declaration remains to be seen.

The future of the Draft Declaration may be uncertain, but the Permanent Forum seems to have found a home for indigenous voices in New York. The Forum will focus on indigenous women as its theme when it meets again at the UN headquarters in May 2004. In the meantime, it has a challenging year ahead, with much work to be done on its many recommendations and decisions.