

PERMANENT FORUM ON INDIGENOUS ISSUES

4th session (New York, 16 to 27 May 2005)

The Permanent Forum on Indigenous Issues at this session:

- Focused on the Millennium Development Goals (MDGs) and indigenous peoples with emphasis on Goal 1: Eradicate extreme poverty and hunger and Goal 2: Achieve universal primary education;
- Also addressed: human rights; data collection; free, prior and informed consent (FPIC); and indigenous women and children;
- Contained improvements from past sessions and enjoyed better regional representation; and
- Decided to focus on remaining MDGs at its 5th session in 2006.

Introduction

The fourth session of the **Permanent Forum on Indigenous Issues** (the Permanent Forum) met from 16 to 27 May 2005 at the United Nations (UN) Headquarters in New York. About 1,200 participants, comprising representatives from indigenous organisations, non-governmental organisations (NGOs), intergovernmental organisations (IGOs), States, and UN specialised agencies attended. The special theme of this session was the **Millennium Development Goals (MDGs) and indigenous peoples** with emphasis on **Goal 1: Eradicate extreme poverty and hunger** and **Goal 2: Achieve universal primary education**. The Permanent Forum also engaged in discussion of the ongoing priorities and themes of human rights, data collection and the disaggregation of data on indigenous peoples, particularly indigenous children, youth and women.

Participants had done much preparatory work before the fourth session opened. The Permanent Forum members met prior to the session, from 11 to 13 May¹. This **preparatory session** included a meeting with the UN Inter-Agency Support Group on Indigenous Issues (IASG). Sixteen UN agencies and IGOs submitted preliminary reports to the Permanent Forum. Two IGOs submitted information for the first time: the United Nations Framework Convention on Climate Change (UNFCCC) and the World Trade Organisation (WTO). According to the Secretariat of the Permanent Forum, the UN agency submissions demonstrated an improvement in providing and sharing information and a more substantive engagement of the UN system with the Permanent Forum. Permanent Forum members submitted preliminary papers on the MDGs and indigenous peoples² and on education and indigenous languages³.

Indigenous groups also met prior to the Permanent Forum, from 14 to 15 May. About 100 indigenous people attended these information and strategy meetings, gathering both as a large group and as regional caucuses. Regional meetings continued during the Permanent Forum, with the Secretariat organising three region-specific events on Africa, Asia, and Latin America. These meetings resulted in many interventions from the regional caucuses during the session.

In brief: the Permanent Forum:

The Permanent Forum is an **advisory body to the UN Economic and Social Council (ECOSOC)** and is composed of 16 independent experts, eight nominated by governments and eight by indigenous peoples. The Permanent Forum members serve three-year terms with the possibility of extension for one additional year. The Permanent Forum was created by ECOSOC in 2000 to discuss indigenous issues in the areas of economic and social development, environment, health, human rights, culture, and education. According to this mandate, the Permanent Forum: provides **expert advice** to ECOSOC and to UN programs, funds, and agencies; **raises awareness** about indigenous issues; and **promotes the integration and coordination of activities** relating to indigenous issues within the UN system.

¹ See provisional agenda for the pre-sessional meeting (E/C.19/2005/PSM/L.1).

² E/C.19/2005/2.

³ E/C.19/2005/7.

Overview

The Permanent Forum is an opportunity for interaction and dialogue among UN agencies, indigenous peoples, and States, all of which were well represented during the fourth session. UN agencies directed many of their statements to each other, setting out positions, making recommendations and discussing future cooperation. The responsiveness of States to interventions by UN agencies and indigenous peoples varied. Some interventions by States were primarily self-congratulatory and did not address issues raised by indigenous peoples even moments before their intervention. A couple of States reacted directly and angrily to indigenous groups' interventions. For example, Indonesia denounced Bangsa Adat Alifuru's intervention (which accused it of massacres and neo-colonialism), calling it a fabrication and propaganda. Thailand said the Akha Heritage Foundation's intervention (concerning indigenous peoples and forced displacement) was untrue and that the Akha abused the environment.

Side events:

Some of the **most productive dialogue** between States and indigenous peoples seemed to occur during the Forum's side events. Representatives of States usually did not attend side events, but when they did, they engaged in more substantive discussions about the issues raised by indigenous peoples. For example, at the side event on **the impact of the tsunami on indigenous peoples in Indonesia**, indigenous leaders expressed concern over laws keeping them from rebuilding their communities along their traditional place on the shoreline, pushing them back to live in mountains and forests. A representative from Indonesia said that the Government would take these concerns into account and would look into how to allow rebuilding in these areas while still addressing safety issues. He suggested that the peoples could be allowed to rebuild in their traditional areas, yet be required to have emergency routes away from the water in case a similar disaster occurs.

Approximately three side events were scheduled for each day's recess between the morning and afternoon sessions. Side events were also scheduled during times when the Permanent Forum sessions were closed to non-Permanent Forum members. While several side events were regional caucus meetings and some hosted by UN agencies, most were organised by indigenous groups to share information about their situations, experiences, and concerns⁴.

Attendance varied, but the average was about 20 people. Many indigenous participants used these time periods to plan their interventions and to meet with other indigenous groups rather than attend events. Among the best-attended side events were the ones on **indigenous women and regional caucus meetings**.

Indigenous groups expressed a broad range of concerns, although centred on many of the same core issues. They **worried** that the implementation of the **MDGs would not improve the lives of indigenous peoples** and would actually increase existing inequalities and cause harm. Many noted that development policies that exploit local resources and ignore land rights of indigenous peoples can lead to environmental damage, loss of culture or displacement. It was also noted that in efforts to achieve the MDGs to date, many States have failed to integrate indigenous peoples' situations in their country reports and Poverty Reduction Strategy Papers (PRSPs), and that these documents are usually created without consultation with indigenous peoples. Indigenous groups under all agenda items expressed concern over **the loss of natural resources** and the negative impacts of globalisation. Indigenous peoples from some areas complained of the **increased militarisation** of their lands and others, particularly those in Asia and Africa, noted the major **obstacle of non-recognition** by their State as indigenous peoples.

The Permanent Forum closed its session with the adoption of **seven sets of draft Recommendations**, including on Millennium Development Goals 1 and 2, human rights, indigenous children and youth, indigenous

⁴ See <http://www.un.org/esa/socdev/unpfii/4session/sidevents05.htm> for a list of the side events organised during the Permanent Forum.

women, data collection and on its future work. The Permanent Forum also approved three decisions⁵. All of the draft Recommendations and decisions are to be submitted to the ECOSOC for adoption⁶.

Opening session

The high-level panel that opened the session emphasised **accomplishments** of the Permanent Forum **and important issues for indigenous peoples and the MDGs**. Permanent Forum Chairperson Ms. Victoria Tauli-Corpuz discussed the Permanent Forum's recent reports on FPIC and data disaggregation and suggested that this session result in **implementation proposals** rather than more recommendations. Mr. Nana Effah-Apenteng, Acting President of the UN General Assembly, directed States and IGOs to bring indigenous peoples into all stages of development decisions.

Mr. Johan Verbeke, Vice-President of ECOSOC, praised the Permanent Forum for improving indigenous representation at the UN and achieving broad participation of States and NGOs. He noted that the majority of indigenous peoples face extreme poverty and/or no access to education. He asked that **data be disaggregated** in order to reveal indigenous peoples' problems related to the MDGs. Ms. Rachel Mayanja, Assistant UN Secretary-General and Special Adviser on Gender Issues and the Advancement of Women, praised the creation of the IASG and noted that the UN Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the Inter-American Development Bank (IADB), and the Council of Europe have responded to indigenous peoples' input by changing their policies and including indigenous issues in their reports.

Discussion of MDG Goals 1 and 2

Goal 1: Poverty/hunger

Following the opening panel, the Permanent Forum commenced with a discussion on **Goal 1** of the MDGs, the eradication of extreme poverty and hunger. The topic was addressed under the thematic approach of combating poverty: good practices and barriers to implementation. As the Permanent Forum dedicated nearly three days to this topic, participants were able to address a wide range of issues concerning origins of extreme hunger and poverty within many indigenous communities.

The discussion began with a **high-level panel** composed of: the United Nations High Commissioner for Human Rights (High Commissioner), Ms. Louise Arbour; the Administrator and Chair of the UNDP, Mr. Mark Malloch Brown; and the Special Adviser to the Secretary-General and Director of the UN Millennium Project, Dr. Jeffrey Sachs. Ms. Arbour stressed that **programs implemented to achieve the MDGs must be rooted in a human rights framework** (echoed by Mr. Malloch Brown and Mr. Sachs). She also noted the importance of including indigenous peoples in the process of defining "poverty" so it does not exclude the cultural dimension. Regarding progress on indigenous issues in the **First International Decade of the World's Indigenous Peoples (Decade)**⁷, Ms. Arbour noted that the UN system has "opened up" to indigenous peoples, but called for completion of the draft *UN Declaration on the Rights of Indigenous Peoples* as an "essential" next step. She added that the Office of the High Commissioner for Human Rights (OHCHR) would focus on implementation of the Permanent Forum's Recommendations in the coming year. Mr. Sachs maintained that satisfying indigenous peoples' basic needs is a prerequisite to any form of economic development. He also noted that the UN Millennium Project is trying to tailor its work with indigenous communities to their particular local needs and encouraged more permanent indigenous involvement in the Project.

⁵ The first draft decision would have ECOSOC decide to authorise a three-day international expert group meeting on the MDGs, indigenous participation, and good governance. The second draft decision, confirms the body's fifth session in New York from 15 to 26 May 2006. The third draft decision would have ECOSOC approve the Forum's provisional agenda and documentation for the fifth session, as orally amended, which will focus on the special theme "the Millennium Development Goals and indigenous peoples: redefining the Goals".

⁶ These draft Recommendations and decisions are contained in the Permanent Forum on Indigenous Issues, *Report on the fourth session* (16- 27 May 2005) (E/2005/43) available at <http://daccessdds.un.org/doc/UNDOC/GEN/N05/377/61/PDF/N0537761.pdf?OpenElement>

⁷ The UN General Assembly adopted a *Resolution* proclaiming the Second Decade in December 2004 at the close of the First Decade (A/RES/59/174).

Following the panel, a number of UN agencies reported on their work in relation to **Goal 1** and indigenous peoples⁸. In concert with statements from the high-level panel, many agencies acknowledged the importance of a **rights-based approach to achieving the MDGs and the inclusion of indigenous peoples**. Several agencies also introduced topics that continued to be raised throughout the Permanent Forum, including the recent World Bank Operational Policy on Indigenous Peoples (OP 4.10), the lack of disaggregated data on indigenous peoples, and the general absence of an indigenous perspective of the MDGs.

Poverty

Throughout debate, indigenous delegates expressed concern about the **definition of "poverty" in the MDGs**. Many delegates stressed that it is restricted to the idea of economic deprivation and does not account for the denial of social and cultural rights that are a definitive component of poverty for indigenous peoples. A representative of the Pacific Caucus urged the Permanent Forum to adopt the definition of poverty presented by the Special Rapporteur on Human Rights and Extreme Poverty, while the Asia Caucus encouraged UN agencies to develop poverty indicators based on indigenous perceptions of poverty. A representative of the Jurídico de los Pueblos Indígenas requested the Permanent Forum to recommend that UN agencies, including the Food and Agriculture Organisation (FAO) and the UN Educational, Scientific, and Cultural Organisation (UNESCO), establish new criteria to gauge the poverty of indigenous peoples that reflect the importance of ownership of traditional lands and natural resources in the lives of indigenous peoples.

Several UN agencies and States acknowledged the importance of **expanding beyond a statistical analysis of poverty**. Canada acknowledged that the MDGs and their indicators often "do not capture the specificities of indigenous and tribal peoples and their collective visions of wellness", and supported increased partnerships between Canadian and Latin American indigenous organisations. Venezuela identified the need to incorporate non-economic indicators of poverty, while IFAD and UNICEF more generally supported a holistic approach.

Several interventions expressed concern over the **exclusion of indigenous peoples from PRSPs**⁹, which governments are required to prepare in order to receive development aid from the World Bank. The Khmers Kampuchea-Krom Federation, representing indigenous peoples from southern Vietnam, noted that since they lack legal recognition as indigenous peoples from their Government, their hunger and poverty situation remains absent from their nation's PRSP. Both the ILO and IFAD reported that indigenous peoples were not consistently addressed in PRSPs. IFAD subsequently pledged to work with States on increasing the visibility of indigenous peoples in their PRSPs. Several speakers also cited the **lack of disaggregated data on indigenous peoples** as a limitation of the PRSPs and directly contributing to a lack of understanding of the extent of indigenous peoples' poverty and the deficiency of culturally sensitive poverty alleviation programs.

A side event organised by the ILO on indigenous peoples and poverty reduction shared the **results of the ILO's recent review of indigenous peoples and the PRSPs**. Mr. Lee Swepston, Chief of the Equality and Human Rights Branch of the ILO, said while many PRSPs acknowledged the relationship between indigenous peoples and poverty, the ILO found that poverty indicators are often culturally biased and there is a large disjuncture between PRSP findings and policy requirements. He also criticised the **lack of disaggregated data** on indigenous peoples in most countries as well as the **exclusion of any gender dimension** to poverty analyses. He presented two case studies on indigenous peoples in Cameroon and Cambodia to illustrate region-specific problems with PRSPs and indigenous peoples (respectively, no State recognition of indigenous peoples and substantial land concessions by the State to land speculators and developers).

Several speakers at this event also raised the separate but pressing issue of **forced labour** and how to implement labour standards. Indigenous delegates from Bolivia and Peru shared their experiences and asked Mr. Swepston what the ILO could do to redress such situations. Mr. Swepston admitted that the ILO has no enforcement mechanism and that political alliances and partnerships are its most useful tool in pressing States to comply with international labour standards. He urged indigenous peoples to work with local NGOs to ensure that labour issues are a priority for their State.

⁸ Including the World Bank, the International Labour Organisation (ILO), the UNDP, the International Fund for Agricultural Development (IFAD), the Economic Commission for Latin America and the Caribbean (ECLAC), and the World Intellectual Property Organisation (WIPO).

⁹ Such as the South East Asian Alliance of the Tribal Peoples.

The Permanent Forum addressed **concerns with PRSPs** in its **draft Recommendations**. It called on States to not only identify indigenous peoples in their PRSPs, but also to recognise indigenous rights to land, forest, marine, and other natural resources as well as acknowledge their control over these areas. The Permanent Forum called on States to recognise indigenous peoples' rights to food security and sustainable production of foodstuffs through the use of appropriate, sustainable technology. It also urged the FAO to emphasise its support for the responsible use of agriculture inputs and technology in order to protect the traditional livelihoods of indigenous peoples.

In addition, most of the draft Recommendations on **Goal 1** referred to the importance of **assessing the impact of the MDGs on indigenous peoples** and including such assessments in country reports. The Permanent Forum also acknowledged the importance of developing disaggregated data on indigenous peoples within the MDG context and beyond.

Land/territory

Delegates representing nearly all major regions raised territory and land issues during the debate¹⁰. Many were concerned that the **loss of traditional lands** due to development projects, displacement, and armed conflict was not being acknowledged as a **root cause of poverty and hunger** for indigenous peoples. The Arctic Caucus stressed that for indigenous peoples, control of traditional lands and natural resources is a prerequisite for the eradication of hunger. The International League for Human Rights said that any plan aimed at meeting the MDGs will be unsuccessful unless it acknowledges the pivotal role that land ownership holds for the well-being and livelihood of indigenous peoples.

Many also raised the **principle of FPIC** and the **lack of meaningful participatory mechanisms** available to indigenous peoples regarding development projects. Many indigenous peoples believe FPIC is integral to the exercise of self-determination and rights to lands and territories, and are thus very troubled by the new World Bank Operational Policy, which applies the concept of consultation, rather than consent. The Rongmei Naga Women's Organisation linked the poverty of its peoples to their constant displacement and forced relocation and stressed that only a policy that called for FPIC would ensure their rights to their ancestral lands.

Environment

The issue of the environment arose during discussions on Goal 1. Many indigenous delegates drew attention to the **relationship between the destruction of indigenous peoples' ecosystems, poverty, hunger and human rights**. The Arctic Caucus noted that climate change has significantly altered the ability of indigenous peoples to maintain subsistence ways of life and stressed that control of natural resources is a prerequisite to the eradication of hunger for indigenous peoples. The Chairperson of the UN Forum on Forests (UNFF) acknowledged that the relationship between poverty and deforestation and that global agreements and initiatives aimed at combating deforestation have been largely ineffective.

The Director of the **Millennium Ecosystem Assessment (MA)**¹¹ (Dr. Walter Reid) presented portions of the MA's 2005 report that were particularly relevant to the discussion on poverty and indigenous peoples. He informed that the last 50 years have brought **unprecedented changes to the world's ecosystems**. While some changes have indeed increased food production and water availability, Dr. Reid noted that such environmental changes often have concomitant negative effects for the environment and natural resources that are critical to the lives of indigenous peoples. He found that these trends are likely to continue in the coming 50 years with increasingly devastating effects for the world's ecosystems. He said that this **continued degradation would create major barriers to achieving both Goal 1 and Goal 2**.

Mr. Reid also acknowledged that **environmental reports**, such as the MA's report, traditionally **focus on "scientific" knowledge** while relegating other knowledge systems to secondary status. He reported that the MA

¹⁰ Including the Pacific Caucus, Arctic Caucus, Latin American Caucus, Caribbean Antilles Indigenous Peoples' Caucus, American Indian Law Alliance, and Native Women's Association of Canada.

¹¹ The MA is an international work programme designed to meet the needs of decision makers and the public for scientific information concerning the consequences of ecosystem change for human well-being and options for responding to those changes. The MA was launched by U.N. Secretary-General Kofi Annan in June 2001 and was completed in March 2005. For more information, see <http://www.millenniumassessment.org>.

made a concerted effort to include indigenous peoples throughout the process and affirmed that the inclusion of local assessments and **traditional knowledge** not only improved the assessment process, but also strengthened the voices of indigenous peoples in policy debates on the environment and helped to legitimise their knowledge.

As **exploitation and privatisation of water** is a major issue for many indigenous peoples, the Seventh Generation Fund urged the Permanent Forum to recommend the Commission on Sustainable Development (CSD) appoint a special rapporteur on water and to work with the CSD on water-related issues. The **draft Recommendations** of the Permanent Forum directly addressed these concerns, urging the CSD to appoint such a special rapporteur as well as take immediate steps to protect water from privatisation; bilateral and multilateral agreements by governments; and contamination. The Permanent Forum noted that such activities are particularly detrimental to the lives of indigenous women.

Intellectual property

A number of indigenous delegates maintained that a critical **component of impoverishment** for indigenous peoples is their **continual loss of intellectual property rights**. In relation to this concern, WIPO stressed its commitment to working with the Permanent Forum, though it acknowledged not having a specific policy regarding traditional knowledge and indigenous peoples. WIPO indicated that it is currently preparing two draft provisions on traditional knowledge and cultural folklore and expression¹² and is seeking to increase indigenous participation at the local level as well as indigenous participation at intellectual property meetings worldwide (through a voluntary fund).

Members of the Permanent Forum and indigenous groups both expressed **concerns with WIPO's approach** to the preservation and protection of indigenous intellectual property. The Committee on Indigenous Health noted that as indigenous peoples are denied access to their traditional lands, they are simultaneously denied the ability to preserve their traditional knowledge. It also criticised the UN for creating artificial "centres" of indigenous knowledge without the consultation of indigenous peoples. Several members of the Permanent Forum were concerned with what they articulated as a fundamental conflict between WIPO's State-driven mandate and its responsibility to protect indigenous knowledge systems. In particular, members were troubled with the agency's basic inability to recognise indigenous peoples' collective rights to their traditional knowledge. Ultimately, in response to some concerns raised, the **draft Recommendations** on Goal 1 urged UN agencies and other IGOs to implement existing policies on indigenous peoples or develop such policies if they do not yet exist.

Goal 2: Education

The next agenda item focused on **Goal 2** - achieve universal primary education. It was addressed under thematic areas of language, cultural perspective and traditional knowledge. A report from the IASG launched the discussion, which included UNICEF, UNESCO, OHCHR, ILO and the World Bank.

UNICEF's Deputy Executive Director, Ms. Rima Salah, highlighted that in general indigenous peoples have **disproportionately high rates of illiteracy** when compared to national averages. In redressing this situation, she stressed the importance of: community participation in developing educational curriculum and managing the education system; indigenous language instruction; and respect for indigenous culture and values within curricula. UNICEF, UNESCO and the World Bank noted that while the right to bilingual education programs for indigenous children has been widely recognised, there are still numerous obstacles to implementation of meaningful education programs for indigenous peoples. UNESCO identified accessibility and school fees as some of the central obstacles and reiterated its commitment to the *Dakar Framework for Action, Education for All: Meeting Our Collective Commitments, 2000*, and to achieving universal education.

As with Goal 1, indigenous delegates expressed the **absence of an indigenous perspective** as a general concern. Many indigenous groups said that without respecting the importance of indigenous languages, culture

¹² At a side event on intellectual property, Mr Simon Legrand, with the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge, and Folklore, indicated that the two draft provisions are the result of five years work and will open for discussion in June 2005. They will establish principles that national systems should implement regarding indigenous peoples' intellectual property rights. They are intended to try to protect traditional knowledge from expropriation

and traditional knowledge, programs designed to achieve Goal 2 would be carried out at the expense of the basic human rights of indigenous peoples. UNESCO stressed its commitment to multicultural and multilingual education as well as the preservation of traditional games and sports, citing work with Denmark as a successful example of efforts to mainstream an indigenous perspective in general educational materials.

Mr. Ian Johnson, Vice President for Sustainable Development at the World Bank, noted that indigenous peoples could indeed be excluded from the benefits of the MDGs if they were not involved in the policy dialogue. He indicated that the **World Bank was shifting from a reactive to a proactive approach on indigenous issues** and desired a partnership with indigenous peoples. He cited three new initiatives to this effect: a Bank-hosted workshop on indigenous peoples; the establishment of a panel of experts to advise the Bank on indigenous issues; and a meeting with members of the Permanent Forum to discuss future collaboration.

The Indigenous Tribal Network, followed by many other concurring indigenous groups, noted that the discussion on Goal 2 was giving the **impression that indigenous children would merely be "shepherded into classrooms** to achieve universal primary education". The Indigenous Educational Caucus asserted that Goal 2 **denied a core characteristic** of indigenous education: its **ongoing nature** without a definitive end point. Others were critical of UN agencies for coordinating their activities with national programmes that do not respect indigenous culture and language (for example, the South Asian Indigenous Women's Forum). The Pacific Caucus specifically criticised UNESCO for contributing to the assimilation of indigenous children by assisting government-planned programmes that ignore the multilingual needs of indigenous children. It also called on UNESCO to develop a policy on indigenous peoples by the end of 2005.

Throughout the discussion on education, indigenous representatives stressed the need for **native-language education programmes**. Interventions addressed both the total absence of such systems in certain countries and the common low quality of such systems where they do exist, lacking sufficient attention to indigenous culture and traditional knowledge. The Parlamento Indígena de las Americas noted the need for **cultural equality** to break the tradition of imposed Western-style education¹³, while Camarce Ngobe Bugle Regional de Nedrini informed that educators sent to teach indigenous children in Panama did not speak the indigenous language. It asked the Permanent Forum to urge States to promote and fund bilingual education programmes, including allocations for teacher training. The Assembly of First Nations noted the indivisible relationship between culture and language and affirmed that denial of education in indigenous languages would result in the extinction of indigenous cultures.

Many interventions expressed concern over the **lack of resources dedicated to developing and sustaining education programmes for indigenous peoples**. The Bangladesh Indigenous People's Forum and Land Is Life discussed the importance of assuring continued funding for indigenous education programmes, while the International Alliance and Tribal Peoples of the Tropical Forest called on the UN to provide the modalities and resources necessary for States to provide universal primary education. The representative of this Nigeria-based group also noted that Goal 2 was impracticable without outside assistance as the West African region suffers from extreme poverty, which directly hinders children from attending school. Both Guyana and Indonesia said that the financial obstacles to achieving the MDGs are formidable.

In regards to the **quality of educational programmes for indigenous peoples**, the World Bank cited its recent report on the situation of indigenous peoples in several Latin American countries. According to the study, while levels of education had improved in some countries, poverty had not. The representative from the World Bank believed the findings may indicate the low quality of educational programmes and recommended greater attention to quality of bilingual education as well as creating "head start" programmes for indigenous children. The North American Caucus recommended creating a "decade of indigenous languages" to convey their value and the fact that many are on the brink of extinction.

The Permanent Forum addressed numerous concerns debated in its **draft Recommendations**. It called on UNESCO to take an active role at the upcoming Fifth World Indigenous Education Conference in late 2005 as well as to consider providing direct financial assistance to indigenous educational institutions. It also urged UNESCO to provide technical assistance for national and regional programmes aimed at developing culturally relevant educational materials as well as the way of teaching to improve the quality of indigenous education.

¹³ Echoed by American Indian Law Alliance and the Native Women's Association of Canada .

Interventions also focused on other **impediments to education** for indigenous peoples such as remoteness, financial burden, and discrimination. Discrimination against girls continues to be a major problem; according to the Native Women's Association of Canada, it is an obstacle to improving their education as well as incorporating sexual education into indigenous educational programmes. Citing similar concerns, the Koani Foundation urged the Permanent Forum to call on States to ratify the *Convention on the Elimination of All Forms of Discrimination Against Women*, 1979, as well as the *Convention on the Rights of the Child*, 1989. The ILO noted that lack of access to schools, lack of investment, poverty and cultural barriers for girls all contributed to a higher risk of becoming victims of forced labour. He also noted that intercultural education should be provided to both indigenous and non-indigenous children to combat discrimination. In its **draft Recommendations**, the Permanent Forum acknowledged the issue of accessibility for indigenous children seeking education and called on States to establish boarding or mobile schools as appropriate to reach isolated and remote indigenous communities.

In closing the day's discussion, the Under-Secretary-General of the Department of Economic and Social Affairs, Mr. José Antonio Ocampo expressed his hopes for the **Second Decade**, for which his office will be the coordinating body. He noted that only 35 percent of indigenous peoples thought their situation improved in the First Decade despite significant achievements such as the creation of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People and the Permanent Forum itself. Mr. Ocampo said he hopes to focus on the **intersection of indigenous peoples and development**; develop more appropriate indicators on the status of indigenous peoples; and increase data collection in the Second Decade. He also wants to encourage the completion of the *UN Declaration on the Rights of Indigenous Peoples* as well as increase implementation of international standards for indigenous peoples.

In its **draft Recommendations**, the Permanent Forum called on States to elevate intercultural education to a matter of national priority. In addition, it recommended that States review current educational materials to identify and remove culturally discriminatory references as well as enhance knowledge of indigenous cultures. It also asked UNICEF to prepare a report on its "25 by 2005"¹⁴ at the next session of the Permanent Forum.

Other key issues

Human rights

The Permanent Forum session on human rights included a new **interactive dialogue** with the **Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People** for one day. Following an overview of his work, the Special Rapporteur, Mr. Rodolfo Stavenhagen, reported that he has received an increased number of individual communications alleging violations of human rights of indigenous peoples. Indigenous peoples continue to face discrimination and other obstacles to their full enjoyment of human rights. He informed the Forum that in many countries indigenous peoples suffer from: extra-judicial executions; arbitrary detention; torture; forced evictions; and lack of access to health services, food, appropriate education, and adequate housing. He reported that the condition of indigenous women and indigenous human rights defenders has also worsened. Concerning the MDGs, Mr. Stavenhagen said that poverty, including denial of ancestral lands and other natural wealth, was a major obstacle to indigenous rights. He affirmed that persistent poverty among indigenous peoples is the result of a continued denial of human rights.

Indigenous peoples from regions visited by Mr. Stavenhagen frequently used his reports as evidence of the problems they face. They also made specific **requests** of him¹⁵, many relating to visits to report on their situations. O'odham VOICE against the WALL/Traditional O'odham Communities, for example, asked him to investigate the increased militarisation along the boundary of the United States of America (the USA) with Mexico, which had led to human rights violations against the indigenous people there. The Russian Association of Indigenous People of the North asked him to investigate the removal of provisions on indigenous rights from

¹⁴ Launched in 2002 to intensifying efforts in 25 countries to maximise the number of girls in school by 2005. For more information, see http://www.unicef.org/girlseducation/campaign_acceleratingprogress.html.

¹⁵ For example, FEINE/CONMIE asked him to encourage States receiving women migrants to respect their cultures and values.

some Russian legislation. The implementation of national legislation related to the rights of indigenous peoples is one of the topics on which Mr. Stavenhagen is focusing.¹⁶

Discussion also **evaluated the different entities within the UN system for advancing human rights**. Some asked Mr. Stavenhagen to push other UN special procedures to include indigenous peoples in their work. Indigenous peoples had varying views of the progress of the **Working Group on the draft UN Declaration on the rights of indigenous peoples**, but all speakers generally agreed that it should continue its work. Some indigenous peoples advocated that the Working Group add an indigenous co-chair and that sub-Working Groups continue to be co-chaired by an indigenous and a State representative. Many States encouraged the Working Group to complete the draft *Declaration* soon. Numerous indigenous peoples expressed appreciation for the work of **the OHCHR**. They thanked Ms. Arbour for her strong statement on indigenous rights on the first day of the Permanent Forum. The OHCHR engages in many activities for indigenous peoples, including developing a mechanism to give them an opportunity to participate in country teams in the implementation of the MDGs and examining how to turn Mr. Stavenhagen's Recommendations into projects on the ground.

Regarding the **use of State institutions to advance human rights**, many indigenous peoples complained about the uselessness of their national Human Rights Commissions. UN agencies and indigenous peoples encouraged more State resources for protecting human rights and Mr. Julian Burger of the OHCHR said that national human rights institutions (NHRIs) should include indigenous perspectives and indigenous staff in their work. Many speakers, including Mr. Stavenhagen, saw value in all these entities and recommended more coordination and interaction.

Human rights was discussed under almost all agenda Items of the Permanent Forum. Many participants echoed Ms. Arbour's call for **MDG strategies to be rooted in human rights**. Ms. Arbour reminded the Permanent Forum that, while the MDGs are a valuable means to measure improvement in people's lives, rights are fundamental obligations and that it was crucial to understand the Millennium Goal commitments as **commitments to implement human rights**. The best form of assistance empowers the poor to assert their rights. The Permanent Forum's expert paper on the MDGs follows a similar line, asserting that a rights-based approach should be central in the development process¹⁷. A diverse range of speakers, including representatives from Indonesia, Norway, the Pacific Caucus, and the UNDP, likewise advocated a human rights approach.

In addition to calling for human rights to be integrated into the MDGs, some indigenous groups called for the human rights regime to better **address poverty and education**. At a side event on indigenous women, for example, a speaker from the Latin American Caucus said that human rights mechanisms must address issues like environmental damage that makes indigenous peoples unable to plant crops and forces them to buy food. Many groups said that the indigenous peoples' right of self-determination should be expressly recognised as well as the collective nature of indigenous peoples' rights generally.

Indigenous peoples took advantage of the human rights Item to raise **complaints of specific human rights violations**. These concerned, *inter alia*: the abduction of children for armed conflict by rebel groups and violence against women (African Caucus); Colombia's failure to protect indigenous peoples from the ongoing war and drug trafficking (the Enlace Continental de Mujeres Indígenas Región Sud América); land confiscation in Vietnam and the Lao People's Democratic Republic, leaving thousands of indigenous people homeless (the United Association of Khmer Kampuchea Krom); and increasing militarisation of indigenous territories (Asia Caucus).

Some indigenous groups highlighted the great need for the Permanent Forum to establish **a mechanism to enable it to react promptly to reports of gross human rights violations** against indigenous populations. In the past, the Permanent Forum has not been able to respond to various reports of gross abuses of indigenous peoples' rights -- the only exception concerning violation against the Pygmy people of the Democratic Republic of Congo, whose circumstances were drawn to the attention of, and acted on by, the Security Council.

¹⁶ The Special Rapporteur is focusing on development, legislation, education, governance, and discrimination (see <http://www.unhchr.ch/indigenous/rapporteur.htm> for more information).

¹⁷ E/C.19/2005/4/Add.13.

The Permanent Forum's **draft Recommendations** under this Item recommended that the adoption of the *UN Declaration on the Rights of Indigenous Peoples* be a top priority of UN agencies, States, and indigenous peoples. It recommended strengthening the means for addressing "urgent, gross and ongoing human rights violations, militarisation of indigenous lands and systemic violence committed by Member States against indigenous peoples". It also asked States to ratify *ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries*, suggested by many indigenous peoples. Finally, the Permanent Forum formally expressed the feeling shared by many indigenous peoples of appreciation of the contributions of Ms. Arbour and Mr. Stavenhagen.

Data collection

As in previous sessions, indigenous groups expressed data collection as a principal concern. Almost all interventions **affirmed the importance of disaggregated data for indigenous peoples**. Ms. Tauli-Corpuz (Chairperson) said that data disaggregation of the MDGs based on ethnicity is crucial because country reports usually do not reflect the realities for indigenous groups. If the process does not take into account indigenous people, she noted, they will continue to be marginalised. The United Nations Population Fund (UNFPA) informed of questions currently being prepared to separate out statistics on indigenous peoples from other groups in Central America, in close conjunction with the Continental Partnership of Indigenous Women. Indigenous peoples also made targeted complaints of State failures to collect disaggregated data. States were generally responsive to the need for such data (such as Australia and Nepal).

The Permanent Forum's **draft Recommendations** included many suggestions made by participants, including the development of data collection standards and regional workshops on data collection¹⁸. The Permanent Forum called on the UNDP, World Bank, and other relevant agencies to ensure that disaggregated data on indigenous peoples is included in all UN agencies' human development and poverty reports.

Free, prior, and informed consent (FPIC)

After last year's session identified this issue as a priority, the Secretariat of the Permanent Forum convened an **international workshop** from 17 to 19 January 2005. 67 experts and observers of the UN system and other IGOs, governments, and indigenous organisations attended. The Conclusions and Recommendations from the workshop appear in *Report of the International Workshop on Methodologies regarding Free, Prior and Informed Consent and Indigenous Peoples*¹⁹. The Workshop viewed FPIC as **embedded within a human-rights approach to development**. The principle of FPIC was designed for agencies as they develop policy through, for example, the United Nations Development Assistance Framework (UNDAF), PRSPs, and the MDGs. Participants of the workshop emphasised that FPIC was **essential for achievement of the MDGs** and particularly relevant to indigenous lands, natural resources, extractive industries, conservation, building of hydroelectric dams, and tourism.

The workshop presented a series of **recommendations to the Permanent Forum**, including: promoting better methodologies on FPIC; making governments, the private sector, and indigenous peoples aware of the principle when planning development projects; and developing the capacity of indigenous peoples to participate in the process.

A **side event on FPIC** provided an opportunity for indigenous organisations to share their experiences with each other. Much of the discussion was on the new World Bank Operational Policy, which applies the concept of consultation, rather than consent and strategies for increasing indigenous participation in Bank-funded development projects. The Centre for Popular Legal Assistance maintained that the policy is: totally devoid of the fundamental core of FPIC; not based on human rights; and does not include any mechanism to ensure compliance. The Innu Council of Nitassinan of Canada presented a case study of FPIC through which they have gained recognition of their constitutional rights to traditional lands, which means that their consent is required for mining to take place within their territory. The speaker explained the difficult process of achieving this goal, requiring heavy dependence on civil disobedience tactics and extending so far as purchasing shares in the mining company involved in order to engage in a direct discussion with the company's shareholders.

¹⁸ E/C.19/2005/L.10.

¹⁹ E/C.19/2005/3.

Indigenous women and children

Though the agenda of this year's session **did not allocate a significant amount of time** to discussion on indigenous women and children, a variety of concerns did arise, both at the Permanent Forum meetings and at side events.

Interventions at the Permanent Forum meetings raised many concerns of indigenous women. As the **third session** of the Permanent Forum was **dedicated to the theme of indigenous women**, several speakers were interested in receiving an update on progress on those Recommendations and advised the Permanent Forum to focus on those Recommendations rather than establishing new ones. Many interventions also highlighted the need to continue work on the issues raised at the third session, such as human rights, violence, education, and health care.

Several interventions focused on the **lack of health care available** to indigenous women and lack of **health-related information**. The Khmer Kampuchea-Krom Federation called on the World Health Organisation (WHO) to implement programmes to increase access to such information. It also requested a visit from the Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health to assess their situation and called on Vietnam to create reproductive health care centres for the Khmer Krom women, most of whom lack access to any prenatal care.

Indigenous youth delegates intervened on several occasions. The Indigenous Youth Caucus called on the Permanent Forum to provide them with **greater education on the UN human rights system** and to hold a conference on **nuclear fuel policies** and the ways they infringe upon indigenous peoples' rights. The Children's Caucus of the American Indian Law Alliance noted the need for a base-line study on the situation of indigenous children. It also called attention to the recent killing of an indigenous youth by USA border patrol agents along the USA-Mexico border. The Permanent Forum acknowledged the particular needs of indigenous youth in its **draft Recommendation** calling on UN agencies to provide funding and incentives for indigenous youth organisations to create informal educational activities targeting girls and women. It also recommended that UNICEF initiate country-specific analyses of indigenous youth and children and report its findings to the Permanent Forum.

Several speakers raised the problem of **child labour**. An indigenous delegate from Peru noted that the absence of educational opportunities for children directly contributes to child labour as indigenous children often enter the labour market as wage earners to assist their families financially where distance and school fees prevent school attendance. In its draft **Recommendations**, the Permanent Forum recognised this need for education opportunities for indigenous youth and called on States to develop poverty reduction strategies that focus on indigenous youth, as well as men and women. In addressing these needs, the Permanent Forum noted that States will also contribute to **Goal 3** - promote gender equality and empower women -- and one of the underlying causes of rural-to-urban migration of indigenous youth.

In terms of side events, during the first week of the Permanent Forum, the Indigenous Women's Caucus held a side event to discuss many issues relating to **women and the MDGs**. Prominent issues of debate concerned: violence for indigenous women in Canada, with more than 500 aboriginal women murdered or disappeared in the past 20 years (the Native Women's Association of Canada); HIV/AIDS and its disproportionate effect on women, aggravated by a severe lack of access to information (Indigenous Information Network); and prevalent violence against women in militarised areas where rape and other violent acts often go unreported and trafficking of women (Ms. Tauli-Corpuz). Ms. Tauli-Corpuz urged indigenous women to meet with the Special Rapporteur on Violence Against Women, its Causes and Consequences regarding such issues. The Indigenous Information Network noted that many indigenous women are simply not aware of the MDGs or human rights mechanisms available to them and called for strengthening networks of indigenous women's organisations to help disseminate information.

A panel of indigenous women representing various regions, including Africa, Latin America, and the Pacific, also led a **side event** on **indigenous women** and the **UN Convention on Biological Diversity, 1992 (CBD)**. Speakers stressed the pivotal role indigenous women play in the preservation and transmission of knowledge about biodiversity. The Asociación Napguana of Panama noted that **maintaining biodiversity is essential to**

combating poverty and that development projects purporting to respect indigenous rights must observe this. Ms. Joji Carino of the Philippines and a representative of the Tebtebba Foundation stressed that with the international framework regarding women and biodiversity largely in place, focus should be on the **implementation of agreements** such as the CBD at a local and national level. Consejo Nacional de Mujeres Indígenas similarly highlighted the need for indigenous women to better educate each other about the CBD and other international agreements at the grassroots level, noting that many indigenous women are simply not aware of the CBD and the protections it provides. A delegate from Cameroon stated that **violence and militarisation** constitute a challenge to the preservation of biodiversity as armed conflicts often force indigenous women from their lands, denying them access to traditional medicines and other natural resources. She also commented that **land tenure laws** pose a challenge to indigenous women in many African countries, as they generally favour patterns of patrilineal inheritance. In closing, former Permanent Forum member Ms. Mililani Trask stressed the need to take a **more confrontational approach** with particular UN agencies such as the FAO and IFAD. As the FAO does not yet have a policy on indigenous women, Ms. Trask called for the participation of indigenous women on the organisation's advisory board as well as greater involvement in the CBD process, particularly concerning access and benefit-sharing.

In regards to indigenous women and children, the Permanent Forum recommended that UN agencies and States continue to implement the Recommendations from the third session of the Permanent Forum. It called on States to **improve the condition of indigenous women** by expanding employment opportunities and promoting the move towards professionalising women's traditional arts and skills. The draft Recommendations also call on States to invest in population and reproductive health programs.

Future work

The Permanent Forum's discussion of future work focused on plans for the Second Decade and the agenda for next year's session. The Permanent Forum decided to launch the Second Decade at its next session. Consistent with indigenous peoples' interventions, it recommended that the **priorities of the Second Decade** include: quick passage of the *UN Declaration on the Rights of Indigenous Peoples*; the establishment of regional councils to monitor the progress of the Second Decade; and linking the Second Decade to the achievement of the MDGs. Many indigenous groups had also recommended the appointment of an indigenous ambassador to travel and advocate for indigenous peoples throughout the Second Decade. Despite many indigenous suggestions of other topics such as intellectual property and land and natural resources, the **Permanent Forum decided to focus on the remaining MDGs in its 2006 session.**

Closing

Indigenous participants generally expressed **improvements in the Permanent Forum from past sessions** and added recommendations to further improve how the Permanent Forum addresses important issues in future. This session enjoyed better representation from each region of the world and the presence of more women and youth participants. The **significance of regional representation** was evident from strong differences between the interventions by regional caucuses. The **African Caucus** repeatedly urged the Permanent Forum to focus its energies on **land issues** and the continued refusal of many African States to acknowledge the existence of indigenous peoples. The **Pacific Caucus** asked the Permanent Forum to make greater efforts to **increase State compliance with international agreements** and the Forum's Recommendations. The Pacific Caucus and **Latin American Caucus** also complained of continuing **visa problems**, which prevented some indigenous people from attending the Permanent Forum. They also sought more time for indigenous interventions, as at the close of the session many participants had still not had the opportunity to speak.

Ms. Tauli-Corpuz maintained that there was **potential for substantial progress on the situation of indigenous peoples** if the Permanent Forum's Recommendations were implemented. Concerning **Goal 1**, she stressed the importance of **grounding poverty reduction strategies within a human rights framework** in order to contribute meaningfully to poverty alleviation efforts aimed at indigenous peoples. She highlighted the critical element of sustained cooperation of indigenous peoples, States and UN agencies to eradicating the poverty of indigenous peoples. The Chairperson also affirmed the importance of the draft Recommendations presented under Goal 2 concerning **education designed to combat the assimilation of indigenous children**, which often occurs as a result of education programmes that do not respect the language, identity and knowledge systems of indigenous peoples.

Several Permanent Forum experts **were appointed as the Special Rapporteur** on specific themes and issues relating to indigenous peoples. The fourth session officially closed with words and blessing from several indigenous leaders who asked for protection and unity for both attendees and members of the Permanent Forum as they proceed with their work.