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UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES, 6TH SESSION SPECIAL THEME: TERRITORIES, LANDS AND NATURAL RESOURCES NEW YORK, 14-25 MAY 2007

Opening Session.....	2
Special Theme: Territories, Lands, & Natural Resources	3
Declaration on the Rights of Indigenous Peoples	3
Dialogue with Agencies, Indigenous Peoples & Governments..	5
Thematic Discussion: Human Rights & Indigenous Peoples...	10
Thematic Discussion: Asia	12
Thematic Discussion: Urban Indigenous Peoples & Migration	13
Thematic Discussion: Climate Change and the Environment .	14
Thematic Discussion: Data Collection and Disaggregation.....	15
Discussion on implementation of recommendations to the Forum	16
Future Work and the 7 th Session of the Forum	17
Recommendations from the 6 th Session of the Permanent Forum	19
Closing	20

Key Issues/Outcomes

The Permanent Forum on Indigenous Issues at this session:

- Addressed theme of lands, territories, and natural resources and discussed methods for guaranteeing indigenous peoples' rights to lands, territories, and natural resources they have traditionally occupied and used;
- Addressed additional themes of urban indigenous issues, Asian indigenous peoples, and data collection and disaggregation;
- Recommended that indigenous issues become an agenda item at Human Rights Council (HRC) meetings and that an advisory body on indigenous issues be established within the Council;
- Approved by consensus seven sets of draft recommendations, including the recommendation for the adoption of the Declaration on the Rights of Indigenous Peoples (the Declaration) by the General Assembly (GA) 61st session; and
- Chose "Climate change and stewardship role of indigenous peoples: bio-cultural diversity, livelihoods and new challenges" as the topic for the 7th Session of the Forum in 2008.

The 6th session of the Permanent Forum on Indigenous Issues (the Forum) met from 14-25 May 2007 at the UN Headquarters in New York. This year the Forum attracted approximately 1500 participants from indigenous groups, 30 representatives from UN agencies, 70 member States and 30 members of indigenous parliaments. The special theme for the 6th session focused on “Lands, Territories and Natural Resources.” Special discussion topics included urban indigenous issues and a regional focus on Asia. The forum also held discussions on ongoing priorities and themes that included the Millennium Development Goals (MDGs), human rights, and data collection and disaggregation.

Preparatory work for the Forum was extensive among nearly all of the participants. The 6th session received 20 reports from inter-agency organisations and four official reports from governments. In addition, the Forum members met for an informal pre-session meeting hosted by China from 19-21 March 2007. UN-HABITAT and the Office of the High Commissioner for Human Rights (OHCHR) held an expert group meeting on urban indigenous issues in Santiago, Chile in preparation for the Forum’s half-day discussion on the topic.¹ Additional expert group meetings² and regional caucus’ meetings were also held in preparation for the 6th session.

Created in 2000, 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. It addresses indigenous issues in the areas of economic and social development, environment, health, human rights, culture, and education. According to its 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.

Opening Session

Her Excellency (H.E.) Sheikha Haya Rashed Al Khalifa, President of the United Nations (UN) General Assembly (GA) opened the Forum with a presentation that focused on the history of indigenous participation in the UN, with a strong message that indigenous people should not be viewed as victims, but as a source of inspiration and knowledge from which the world can greatly benefit. She also discussed the extreme importance of the Forum in raising awareness of indigenous issues within the UN system, acting as a platform for catalyzing discussions and promoting indigenous participation within the international body. The President of the UN Economic and Social Council (ECOSOC), His Excellency Ambassador Dalius Čekuolis also spoke, and he encouraged the Forum to continue raising indigenous issues during high level discussions of ECOSOC to assure that indigenous peoples are specifically targeted in implementation plans and national policies, with the inclusion of free, prior, and informed consent as a guiding principle.

Luis Alfonso de Alba, President of the Human Rights Council (HRC), focused his remarks on efforts within the Council to include specific discussions of indigenous peoples’ rights and mainstreaming these activities throughout their program of work. He also noted that the HRC has been considering the addition of an indigenous expert body within the HRC. Finally, noting the adoption by the HRC in June 2006 of the Declaration, Mr de Alba urged the GA to adopt the instrument before the end of the 61st session. He described the historical importance of the document and reported that the HRC has already begun researching ways in which to practically implement the Declaration.

¹ E/C.19/2007/CRP.8.

² Expert group meeting on the Convention on Biological Diversity’s (CBD) international regime on access and benefit sharing and indigenous peoples’ rights was held from 17-19 January 2007. The African Regional Expert Working Group on Indicators of Wellbeing and Indigenous Peoples met in Kenya in November of 2006. The Latin American and Caribbean Regional Expert Group on Indicators of Well-being and Indigenous Peoples met in Nicaragua in September 2006.

José Antonio Ocampo, Under-Secretary-General for ECOSOC and Coordinator of the Second Decade of the World's Indigenous Peoples, highlighted the importance of indigenous peoples' participation in the success of the Forum and compared this to a "deficiency" of indigenous participation at national levels. Mr Ocampo also highlighted the "inextricable link between lands, territories, natural resources and indigenous peoples," the theme of this year's session. Expressing great support for the adoption of the Declaration, Mr Ocampo stated that such a decision would "precipitate a decisive shift in the paradigm of human rights and development discourse and action that will itself make a marked and positive difference in the lives of indigenous peoples."

In her opening address, Chairperson Victoria Tauli-Corpuz highlighted focus areas of this year's session and proudly acknowledged a new category of participation, indigenous parliamentarians, demonstrating progress achieved in indigenous representation. She also noted that indigenous peoples, NGOs, and many others were "shocked and disappointed at the decision to defer its (the Declaration's) adoption," which continues to be one of the most debated, discussed and negotiated texts in the history of the UN.

Special Theme: Territories, Lands, & Natural Resources

There is no denying the significant link between indigenous peoples and their territories, lands, and natural resources. Indigenous peoples have been stewards of and dependent on these resources for thousands of years. The majority of indigenous societies have communally-managed resources, and their associated knowledge systems, and this year's Forum marks the first time that the special theme focuses on collective rights, as opposed to individual rights.

Current efforts at economic development, globalisation, and modernisation have resulted in the extraction and exploitation of vast tracts of indigenous peoples' lands and resources for the benefit of States, corporations or the rich minority. Nevertheless, with constitutional reforms in some Latin American nations, there has been some progress in guaranteeing indigenous peoples' rights to their lands, territories, and natural resources. Moreover, concepts of ownership and property are now being debated at an international level.

However, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, Rodolfo Stavenhagen, reported that there is still a large gap between policy and practice. Greater cooperation with indigenous peoples throughout all aspects of projects (design, implementation, monitoring, and evaluation) would also prove greater overall sustainability of programs designed to help indigenous peoples secure protection for their lands, territories, and natural resources. There is also hope that adoption of the Declaration will provide a framework for guiding policy and practice by member States and inter-agency organisations on the issue of territories, lands and natural resources.

Declaration on the Rights of Indigenous Peoples

From 1985 to 1993, the Working Group on Indigenous Peoples (WGIP) negotiated the text of a Declaration with the annual participation of some 100 organisations. In 1995, the Commission on Human Rights established the Working Group on the Draft Declaration on the Rights of Indigenous Peoples to review this draft. The HRC adopted the Declaration on 29 June 2006 and submitted the instrument to the GA for approval, where it has encountered considerable opposition from States concerned with several of its key provisions. On 27 November 2006, the GA's Third Committee voted to support a no-action motion

introduced by Namibia, on behalf of the Group of African States, to postpone action on the Declaration until the end of the current session in September 2007, “to allow time for further consultations.”³ Indigenous and human rights groups expressed dismay at the decision, fearing that the delay would open the Declaration to revision or lead to a permanent moratorium on its adoption.⁴

The 6th Session of the Forum was used as a platform for renewed appeals to adopt the Declaration. The central theme of this session – lands, territories, and natural resources – is one of the main points of controversy concerning adoption of the Declaration, inextricably linking Forum discussions to the future of the instrument. Participating governments who support the Declaration, primarily Latin American and European States, often included appeals for its prompt adoption in their statements, and indigenous representatives repeatedly emphasised the importance of Article 26, which guarantees the right of indigenous peoples to the lands, territories, and resources they have traditionally occupied and used.⁵

States opposed to the current text of the Declaration are the Group of African States, with the support of the CANZUS group, comprised of Canada, Australia, New Zealand, and the United States.⁶ Several of these States, such as Kenya, Australia, Canada and New Zealand, submitted statements to the Forum but generally avoided making explicit references to the Declaration or their positions regarding its adoption. Pressed by FORUM delegate Hassan Id Balkassm about their respective attitudes towards the Declaration, Australia and Canada responded that they remained concerned about aspects of the text, but did not elaborate further.⁷

Controversy over Article 26 is rooted in the fear by some States that it undermines their right to access natural resources located in the territories of indigenous peoples.⁸ Ownership and development of these resources is a particularly polemical issue because the majority of the world’s remaining natural resources can be found in these territories.⁹ Article 3 of the Declaration, asserting indigenous peoples’ right to self-determination, constitutes the other major point of disagreement. The Group of African States has publicly expressed concerns that this right is tantamount to granting indigenous groups the right to unilateral self-determination, and even secession.¹⁰ They have maintained this position despite repeated assurances by indigenous and human rights organisations that this right must be understood within the context of existing international law, which grants indigenous peoples the right to govern their economic, social, and cultural affairs, but not the right to unilateral self-determination or secession.¹¹

³ To see the amendments A/C.3/61/L.18/R.1 proposed by Namibia to the draft resolution on the Declaration on the Rights of Indigenous Peoples L.57/Rev.1/28, please visit

<http://www.ohchr.org/english/issues/indigenous/docs/wgdd2006/57-rev1.doc>.

⁴ Please see <http://www.iwgia.org/graphics/Synkron-Library/Documents/Noticeboard/News/International/06-11-28%20INDIGENOUS%20PEOPLES%20CAUCUS%20STATEMENT.doc>;

<http://www.unobserver.com/layout5.php?id=2883&blz=1>; <http://www.iwgia.org/graphics/Synkron-Library/Documents/Noticeboard/News/International/NGOStatementonDeclarationNov302006.htm>;

<http://www.iwgia.org/graphics/Synkron-Library/Documents/Noticeboard/News/International/06-11-28%20First%20Nations%20Leadership%20Councilstatement.doc>; and

<http://www.iwgia.org/graphics/SynkronLibrary/Documents/Noticeboard/News/International/ICC%20SC%20joint%20stmt%2011%2028%2006.doc>.

⁵ For transcripts of statements by participating governments and indigenous organisations, please visit <http://www.docip.org/Permanent%20Forum/pf07/Statements07.html>.

⁶ Please visit <http://www.ipsnews.net/news.asp?idnews=35638> and http://www.ipacc.org.za/eng/news_details.asp?NID=12.

⁷ Please visit <http://www.docip.org/Permanent%20Forum/pf07/Statements07.html>.

⁸ Please visit <http://www.voanews.com/english/2007-05-04-voa82.cfm>.

⁹ Please visit <http://www.un.org/apps/news/story.asp?NewsID=22531&Cr=indigenous&Cr1>.

¹⁰ For a copy of the Group of African States’ “aide memoire,” which outlines their concerns with the Declaration, please visit <http://www.ipacc.org.za/uploads/docs/Africanaidememoire.pdf>. For a discussion of the “aide memoire” by the Indigenous Peoples of Africa Co-ordinating Committee, please visit

www.unep.org/indigenous/pdfs/IPACCDclarationStatement2006EFS.pdf.

¹¹ Please visit <http://www.iwgia.org/graphics/Synkron-Library/Documents/Noticeboard/News/International/Humanrightsresponse.htm>.

On 17 May 2007, the Group of African States submitted to the President of the GA an altered version of the text of the Declaration, with suggested text, which would make the Declaration subject to the arbitrary discretion of each State.

During the Forum's afternoon session on the following day, Les Malezer, Chairperson of the Indigenous Caucus on the UN Declaration on the Rights of Indigenous Peoples at the UN, submitted a statement which categorically rejected the African Group's attempts to revise the Declaration.¹² Malezer described the proposed changes, which allow States to define what groups constitute indigenous peoples, removes the right to self-determination, and renders more than ten rights and renders more than ten rights subject to national legislation, including the right to own and develop lands, territories, and natural resources as "discriminatory and racist." He further added that such a text would violate and undermine, rather than affirm and uphold, basic human rights.

Malezer concluded his statement by advancing support for an alternative process contained in a resolution submitted to the GA on 10 May 2007 by Mexico on behalf of the Co-Sponsors Group.¹³ The Co-Sponsors Group, which opposes changes to the original version of the Declaration as agreed upon by the HRC, included text in the resolution describing the Declaration as an instrument "in accordance with States' international human rights obligations." Such wording attempts to explain the Declaration as an instrument that does not create new rights, but serves to clarify pre-existing international human rights standards as they apply to indigenous peoples.

During the Forum's Sixth Session, the GA President formally received both the African Group's amendments and the Mexican/Co-Sponsors Group's resolution. It is widely expected that her resolution of the issue will include the setting of a timeline for adoption of the Declaration. Members of the Forum hope that she can also carve out a solution that does not undermine the rights articulated in the Declaration, a wish expressed in their list of recommendations to the GA.¹⁴

Dialogue with Agencies, Indigenous Peoples & Governments

Dialogues with Agencies¹⁵

Inter-agency organisations highlighted the programs, projects and initiatives they have implemented under the special theme of territories, lands and natural resources and indigenous peoples. The majority of agencies reaffirmed their commitment to indigenous participation while simultaneously pointing out the progress made and challenges faced in program implementation. Agencies specifically highlighted the quantity of money spent on projects specific to indigenous peoples, the number of projects dealing with indigenous issues and the extent of their partnerships with indigenous peoples and communities.

¹² The main points of the statement were reiterated in a letter sent to GA President Haya Rashed Al Khalifa on 22 May by the Indigenous Peoples' Caucus and Regional indigenous Peoples' Caucuses. To see the text of this letter, please visit http://www.ishr.ch/hrm/nymonitor/new_york_updates/letter_caucus_22_may.pdf.

¹³ This group includes Albania, Andorra, Argentina, Armenia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Costa Rica, Cuba, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Moldova, Monaco, Montenegro, Nauru, Netherlands, Nicaragua, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Romania, San Marino, Serbia, Slovak Republic, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, Macedonia, Timor-Lest, United Kingdom and Uruguay.

¹⁴ Please visit <http://www.un.org/News/Press/docs/2007/hr4926.doc.htm> and <http://www.un.org/esa/socdev/Forum/en/recommendations.htm>.

¹⁵ For transcripts of participating inter-agency organisations' statements, please visit <http://www.docip.org/Permanent%20Forum/pf07/Statements07.html>.

An important element discussed by many of the inter-agency organisations was the crucial role that participation and protection of traditional knowledge systems plays in the recognition of indigenous peoples and their rights. Ida Nicolaisen, a member of the Forum, specifically made reference to the importance of converting access and benefits-sharing policies into legal instruments reinforcing indigenous sovereignty (in compliance with the framework of free, prior and informed consent) to ensure that indigenous knowledge is not commercialised and commoditised. Ms Nicolaisen also stressed the importance of greater research in the development of best practices for more effective widespread implementation of access and benefit-sharing programs, as well as preparation of legal analysis to better understand concepts of sovereignty within the context of national development policies on access and benefits sharing.

Relevant International Conventions

ILO Convention 169 – Indigenous & Tribal Peoples Convention (1989)

This Convention, amended from the original Convention 107 (1957), applies specifically to those peoples who are nationally recognised or self-identify as indigenous. The purpose of this legally-binding Convention is to create a partnership between national governments and indigenous peoples in the creation of policies, legislation and programming to protect indigenous rights. Currently there are only 18 countries that have ratified this convention. The ILO has been involved in PRO169, an initiative to encourage more States to sign, ratify and implement the Convention.

ILO Convention 111 – Discrimination (Employment and Occupation) Convention (1958)

ILO Convention 111 protects all peoples, including those who identify as indigenous, from discrimination on the basis of race, ethnicity, gender, class age, political perspective or social position, in their employment and occupation. Occupation and employment refer to both mainstream and traditional occupations, the latter being held by many indigenous peoples in the informal economic sector.

Lee Swepston of the International Labour Organisation (ILO)¹⁶ discussed the role that ILO Convention 169¹⁷ has played in the promotion of indigenous rights and the role Convention 111 has played with respect to anti-discrimination towards traditional occupations. For example, ILO, the first organisation to create a legally binding instrument addressing indigenous rights, has implemented PRO169 (see text box). Mr Swepston also made a call to all member States to be more responsive in addressing the specific situations of indigenous peoples in their Poverty Reduction Strategy Papers (PRSPs). The International Fund for Agricultural Development (IFAD)¹⁸ has also begun to mainstream their activities and programming dealing with indigenous issues by creating special units and coordinators who work specifically on indigenous issues.

Each of the agencies has designated at least a portion of their activities and funds to addressing the link between lands, territories and natural resources and indigenous peoples. However, a major challenge faced by inter-agency organisations is determining a way to work with varying cultural paradigms, worldviews, and traditional practices in an effective manner. For example, a representative from UN-HABITAT¹⁹ discussed the difficulty of the modern title system for indigenous peoples, who largely functioning on a traditional and completely different indigenous land tenure system. Organisations like the UN Development Programme (UNDP)²⁰ also gave examples of attempts to implement programs within various countries. According to the UNDP, indigenous peoples may be recognised in a country, but face widespread discrimination in accessing social and other services.

Susanne Schnuttgen of the UN Education, Social, and Cultural Organisation (UNESCO)²¹ stressed the undeniable link between indigenous peoples and nature. She noted that the protection and promotion of indigenous knowledge transmission is contained within UNESCO's mandate. In this respect, the World Intellectual Property Organisation (WIPO)²² continues to focus on the protection of these knowledge systems and traditional cultural expressions, while proposing the incorporation of free, prior and informed consent

¹⁶ Report of the ILO to the 6th Session of the Forum, <http://daccess-ods.un.org/TMP/2907158.html>.

¹⁷ <http://www.ilo.org/ilolex/english/convdisp1.htm>.

¹⁸ Report of IFAD to the 6th Session of the Forum, <http://daccess-ods.un.org/TMP/828709.7.html>.

¹⁹ Report from UN-HABITAT to the 6th Session of the Forum, <http://daccess-ods.un.org/TMP/9383505.html>.

²⁰ Report from UNDP to the 6th Session of the Forum, <http://daccess-ods.un.org/TMP/5576407.html>.

²¹ Report from UNESCO to the 6th Session to the Forum, <http://daccess-ods.un.org/TMP/1040135.html>.

²² Report from WIPO to the 6th Session to the Forum, <http://daccess-ods.un.org/TMP/5388916.html>.

during all phases of project development, implementation and evaluation. Current drafts of their proposals to include free, prior and informed consent and recognition of customary laws will be voted upon during the meeting of the WIPO assembly in September 2007. In addition, a voluntary fund²³ has been set up where indigenous organisations, after an accreditation process, will be able to receive financial assistance to subsidize their participation in dialogue with WIPO and its member States and organisations.

Another sub-theme to emerge in this session was indigenous youth, who are finding it difficult to navigate mainstream society while preserving the knowledge of their indigenous languages and cultures. Anna Lucia d'Emelio from UN Children's Fund (UNICEF)²⁴ reported that indigenous youth continue to face discrimination and are therefore dropping out of school, working in unhealthy situations, migrating to urban areas and losing their cultural heritage. UNESCO has begun an initiative (2006-2009), to encourage more inclusive policies for the most marginalized groups, including indigenous youth, so to gain a greater voice in their development priorities.

Dialogues with Indigenous Peoples

The annual sessions of the Forum provide an opportunity for representatives from various indigenous groups to present their reports, positions and recommendations to members of various UN agencies and governments. Indigenous representatives welcomed the theme on lands, territories and natural resources viewing it as an essential part of indigenous identity and survival.²⁵ A representative from the Pacific Caucus emphasised the centrality of indigenous relationship to their land and resources, stating, "We recognise territories as defined by tribes who are spiritually connected to their indigenous place of origin and know their territorial boundaries for land governance and natural resources that sustain life from generation to generation."²⁶

The indigenous groups stressed partnership and consultation. Despite their grievances, they insisted on being seen as active participants rather than categorised as powerless victims.²⁷ Despite this desire for equal partnership, many indigenous groups still struggle for State recognition. A statement from Chief Josiah Katz of the First Indigenous Korana Africans in South Africa argued that the first challenge is to receive recognition in national constitutions. The representative from the Kenya Human Rights Commission pointed out that the term "indigenous" often raises suspicion and has been viewed as "divisive" in the country. She argued that the government's failure to recognise indigenous peoples in Kenya has resulted in an inadequate policy and programmatic response.

The Indigenous Global Caucus noted that the special theme on lands, territories and natural resources is "linked" with the rights of indigenous peoples to determine their own development. The Asian Caucus supported this statement and pointed out that the territories, lands, and natural resources that have been forcibly taken from indigenous peoples are often their main source of livelihood. Both the Pacific and Asian Caucuses stressed the importance of incorporating customary law and indigenous governance into national development and land policies. The Arctic Caucus acknowledged that while indigenous peoples have claimed some of their rights in national courts, most legal redress systems are slow systems that drain resources, and called for more constructive dialogue between States and indigenous groups to address such claims. Many indigenous groups stressed that these actions and upholding principles of "free, prior and informed consent" are essential to protecting their sovereignty.²⁸ Indigenous groups expressed their support for the report by

²³ For more information on the WIPO voluntary fund: http://www.wipo.int/tk/en/ngoparticipation/voluntary_fund/index.html.

²⁴ Report from UNICEF to the Sixth Session to the Permanent Forum on Indigenous Issues: <http://daccess-ods.un.org/TMP/6700983.html>.

²⁵ See Global Caucus Statements <http://www.docip.org/Permanent%20Forum/pf07/Statements07.html>.

²⁶ To View Pacific Caucus statement: <http://www.docip.org/Permanent%20Forum/pf07/Statements07.html>.

²⁷ Mr Marcos Terena, Representing the Joint Declaration of the Comit  Intertribal (ITC) and Parlamento Ind gena do Pantanal (SPA): <http://www.docip.org/Permanent%20Forum/pf07/Statements07.html>.

²⁸ Historically viewed as a State concept, there has recently been a new focus within the UN on concepts of individual and sovereignty[0]. Marco Terena, in a joint statement, argued that sovereignty could not be limited to only a select group of people.

used.³⁰ Forum member Merike Kokajev welcomed government statements but called upon more governments to submit written reports to better facilitate the Forum's assessment of indigenous peoples' situations. She further encouraged governments to engage in analysis of the Forum's recommendations and offer suggestions for improving the advisory body's work.

Chairwoman Victoria Tauli-Corpuz applauded Kenya's presence as an important development for the Forum, but also highlighted the need for more African governments to engage in its work. Forum member William Langeveldt tempered his appreciation for Kenyan participation by noting that the Kenyan representative's statement did not once make mention of indigenous peoples. He further stated that the refusal of African governments to recognise the existence of indigenous peoples posed a grave threat to their continued existence.

Forum member Mick Dodson lambasted the recent reform of Australia's Aboriginal Land Rights Act, which introduces a 99-year township-leasing scheme designed to facilitate economic development. While expressing his support for policies promoting the economic development of indigenous communities, Dodson criticized the new leasing arrangements as fundamentally flawed, amounting to nothing more than a "take it or leave it" offer that made government funding of education, healthcare, and housing contingent upon acceptance of the leasing schemes. An Australian government representative subsequently dismissed Dodson's allegations by citing an example of recent leasing where this was not the case. However, Dodson took issue with this defence by drawing attention to a recent Australian media report that interviewed indigenous peoples who had signed leasing agreements unaware of what they were signing.

Forum member Pavel Sulyandziga highlighted negative developments in Russian national policy in regard to the lands, territories, and natural resources of its indigenous peoples, in contrast with the findings of its submitted report. Despite the existence of laws protecting the rights of indigenous peoples, Sulyandziga reported that the Russian record of implementation was poor. He also pointed to dangerous government retreat by the repeal of various protection measures for indigenous peoples, such as a guarantee of indigenous peoples' representation in the national government. Sulyandziga noted that in his native region of Primorsky Krai, the governor had recently publicly denied the existence of indigenous peoples.

The majority of government statements, made by Latin American and European States which support the Declaration, contained expressions of support for the prompt adoption of the instrument.³¹ At the same time, explicit mention of the Declaration was noticeably absent from the statements of those participating governments opposed to its current text, such as Kenya, Australia, New Zealand, and Canada.³²

Thematic Discussion: Human Rights & Indigenous Peoples

Ruldolfo Stavenhagen, the Special Rapporteur, began his statement by highlighting key events since the last Forum including the establishment of the new HRC and the adoption of the Declaration by the newly formed

³⁰ Statements were heard by Bolivia, Australia, Guyana, Spain, Venezuela, Ecuador, New Zealand, Norway, Denmark, Canada, Guatemala, Kenya, Mexico, Columbia, Philippines, the Holy See, and Chile. For transcripts of participating government statements, please visit <http://www.docip.org/Permanent%20Forum/pf07/Statements07.html>.

³¹ The statement from the Holy See focused solely on the question of the Declaration, expressing disappointment at the postponement of its adoption and suggesting that the absence of consensus should not hinder its progress. Ecuador advocated against reopening the text of the Declaration, arguing that doing so would disregard the participation of indigenous peoples in its negotiation over the past two decades. Guatemala also noted that the current text of the Declaration had been long-negotiated and was well accepted by those indigenous peoples and States that had been involved in the drafting process.

³² Guyana was the one exception, urging early resumption of negotiations over the Declaration in its statement, and expressing concern that the instrument not become an impediment to national unity or social cohesion.

body.³³ Mr Stavenhagen referred to the challenges in addressing indigenous rights, particularly for the most vulnerable indigenous peoples, and also argued that the loss of indigenous lands, territories and natural resources has worsened through globalisation. He further noted that the environmental impact from development projects has seriously impacted indigenous peoples, whose livelihoods are dependent on their territories, lands, and natural resources. Specifically, he presented human rights abuses against indigenous peoples as a result of extractive industries in North America, plantation economies in South East Asia and the Amazon, and destruction of forests for development in Equatorial Africa and Latin America. This deterioration of lands and resources often leads to mass migration resulting in poverty and further human rights violations. He made special reference to human rights abuses that are directed at advocates that struggle to defend their territories, lands, and natural resources, specifically citing cases in the Philippines and Guatemala.³⁴

The Special Rapporteur on trafficking in persons, especially women and children, Sigma Huda, stated that a system supporting human rights will prevent trafficking, arguing that poverty, violence and discriminatory practices against indigenous women are often factors that cause trafficking.³⁵ She noted that indigenous peoples continue to score poorly in social and economic indicators and their condition is further deteriorating with the loss of their lands and natural resources. Furthermore, she argued that indigenous women become more vulnerable to trafficking when they lack education or linguistic skills and have also lost their communal support networks. Ms Huda called on governments to provide adequate protection for women including access to justice, fair trial and compensation. She also emphasised the importance of informing indigenous groups of the mechanisms within the UN human rights system.

Julian Berger of the OHCHR referred to several human rights mechanisms that have been used to address indigenous issues, such as the work of treaty body for ICERD, the Human Rights Committee, the Committee on Economic, Social, and Cultural Rights, Committee on the Rights of the Child, and the Committee on the Elimination of Discrimination Against Women. He argued that these treaty bodies have given “substance to indigenous claim” which includes the rights to territories, lands and natural resources. His statement included support for proposals by indigenous groups for a new body within the HRC made up of experts on indigenous issues.³⁶

Finland highlighted the gap between policy and action and stressed ways to address the problem, including the maintenance of an indigenous voice on the agenda, direct cooperation with partners, awareness-raising on all levels and adoption of the Declaration.³⁷ Denmark emphasised the importance of maintaining close relationships between the Special Rapporteur and Forum members.³⁸ The Laotian Government accused certain people at the Forum of providing “misinformation” on the status of the Hmong indigenous peoples, and argued that their government has worked to preserve Hmong customs and establish the rule of law. Hmong representatives responded by citing daily reports of abuses by the Lao Human Rights Council, and referencing testimony from witnesses by the media and NGOs.

The Asian Caucus expressed concern over the abuses of human rights defenders. The Latin American Caucus stressed violations due to development on their lands. The Pacific Caucus urged Australia to address concluding observations of the Committee on CERD and the Committee on the CRC. In addition,

³³ For statements by Rodolfo Stavenhagen, please visit <http://www.docip.org/Permanent%20Forum/pf07/PF07rodolfo130e.PDF>.

³⁴ Mr Stavenhagen gave a summary of the reports he has presented to the HRC including, “Best Practices for Implementing Recommendation From Previous Reports. For more information on the work of the Special Rapporteur Rodolfo Stavenhagen including county reports see: <http://www.ohchr.org/english/issues/indigenous/rapporteur/>.

³⁵ For statements by Sigma Huda, please visit <http://www.docip.org/Permanent%20Forum/pf07/PF07sigma132.PDF>.

³⁶ For statements by Julian Berger, please visit <http://www.docip.org/Permanent%20Forum/pf07/PF07officehighcommissioner139.PDF>.

³⁷ For statements by Kristi Lintonen, representative of Finland, please visit <http://www.docip.org/Permanent%20Forum/pf07/PF07kristi141.PDF>.

³⁸ For statements by Iyge Lehman, please visit <http://www.docip.org/Permanent%20Forum/pf07/PF07iyge174.pdf>.

representatives from Nepal called on their government to ratify ILO Convention 169 and invited the Special Rapporteur for an official visit.³⁹

Thematic Discussion: Asia

A special half-day meeting was held to focus on indigenous issues within the Asian region. With little recognition of their existence by Asian governments' national policies and legislation, indigenous peoples within the region, comprising some two-thirds of the global indigenous population, are highly marginalized, living without access to social services that assist social, cultural and economic development.

Asian indigenous peoples are income-poor and suffer from issues of food insecurity, obstacles to education, limited sanitation infrastructure and unjust health conditions.⁴⁰ By 2015, the date to reach the set indicators of the MDGs, Ganesh Thapa of IFAD, pointed out that the majority of those who do not reach the indicator of exiting poverty would be indigenous peoples. Therefore, IFAD is committed to carrying out the following key areas of intervention within their program of work: securing indigenous access to productive resources, promoting indigenous women's autonomous activities, strengthening livelihood activities, building capacity of indigenous peoples' institutions, and revitalizing and providing technological support for Indigenous Knowledge (IK) systems.

Another issue raised by the Special Rapporteur, Mr Stavenhagen, was the wide variation in terminology used to describe indigenous peoples domestically (tribal, hill tribes, ethnic minorities, Adivasis, orang asli, etc), which places the situation of indigenous peoples within a similar paradigm as that of any ethnic minority. He emphasised the importance of distinct recognition in domestic provision and legal distinctions. Through "legal vacuums" in many Asian governments, State concessions for increases in plantation and monocropping interests and illegal logging and deforestation have resulted in a rapid destruction of indigenous livelihoods and an increase in human rights violations. In the name of so-called economic development and modernisation, indigenous peoples have been consistently displaced or removed from their ancestral territories and their natural resources misappropriated.

At the same time, there has been some positive legislation introduced, such as the Adivasis Forest Rights Act of 2006 (India), 1997 Indigenous Peoples Rights Act (Philippines) and the 2001 Land Rights Act (Cambodia). Mr Stavenhagen stressed that monitoring of the effective implementation of these protective measures needs to occur to ensure these policies are being carried out. Arrangements have also been made with a number of indigenous peoples to provide for their self-governance (Bangladesh – Chittagong Hill Tracts; India – Nagaland; and Indonesia – Western Papua & Aceh).

Joan Carling, representative of the Asian Indigenous Peoples' Caucus (AIPC), provided an overview of key issues facing indigenous peoples in the region. Agreeing with Mr Stavenhagen, Ms Carling called for national recognition of indigenous peoples in order to resolve long-standing conflicts and for the promotion and protection of indigenous people's rights. Development policies are far from ensuring the full and effective participation of indigenous peoples and commonly disregard the framework of full, prior and informed consent. Indigenous peoples and their communities most often "trade their rights for services," claimed Ms Carling. The AIPC additionally requested that the Japanese government ensure safeguard measures are in place prior to the intended merger of the Japanese Development Bank and the Japan Cooperation Agency.

³⁹ For these statements and others on human rights topic see <http://www.docip.org/Permanent%20Forum/pf07/Statements07.html>.

⁴⁰ A 2000 IFAD study reports that in China, indigenous peoples comprise 9 percent of the national population, but 40 percent of the poor (2000); in India 11 percent of the rural population is indigenous and comprise 48 percent of the poor (2000); and the situations in many of the other Asian nations are similar, if not worse. For more information on IFAD, visit their website at: <http://www.ifad.org/english/indigenous/index.htm>.

Brigitte Feiring, Chief Technical Adviser of the ILO, discussed the focus of the PRO169 initiative within the Asian region, as there has yet to be a single ratification of ILO Convention 169 by an Asian country. Asian governments generally seem to lack understanding of indigenous needs and priorities, as demonstrated in policies that preclude indigenous peoples from political participation. For example, when analysing the PRSPs for Cambodia, Ms Feiring noted the focus on large-scale agricultural infrastructure, which inherently undermines traditional forms of agriculture and land tenure.

Thematic Discussion: Urban Indigenous Peoples & Migration

The Forum designated a half-day for the discussion of migration and urban indigenous issues. In response to a call by the Forum to research urban indigenous issues, several UN agencies, including UN-HABITAT, OHCHR, Economic Commission for Latin America and the Caribbean (ECLAC) and International Organisation for Migration (IOM), participated in an International Expert Group Meeting on Urban Indigenous Peoples and Migration held in Chile, in March 2007.⁴¹ Representatives from this meeting referred to the many “push and pull factors” that influence indigenous peoples’ decision to migrate to urban areas. Forum member Wilton Littlechild emphasised “pull” factors such as better healthcare, education and employment opportunities. He also argued that land dispossession was a major factor that “pushes” indigenous people to urban areas. Selman Ergüden of the UN-HABITAT cited other circumstances that “push” indigenous migration including militarization, natural disasters and disruption of traditional livelihoods.⁴²

The identity of indigenous peoples in urban areas was a major focal point for discussion. Mr Littlechild stated that indigenous peoples in cities see themselves as linked to their homelands and should not cease to lose their identity in cities. He noted that indigenous communities are often mobile and their movement patterns from urban to rural areas must be taken into consideration when designing policy. Mr Littlechild also pointed out that indigenous peoples often lack adequate skills or education to raise their poverty level in urban areas, due to unequal economic opportunities, inadequate housing, and limited social services.⁴³

Amy Muedin, a representative from IOM, highlighted the need for distinct data on the percentage of indigenous peoples in urban areas.⁴⁴ Muedin stated that human violations often happen during the migration process and so this process must be considered when developing programs for urban indigenous peoples. She reiterated an overarching theme of discussion that indigenous peoples rights should be respected wholly no matter where they live.⁴⁵

Rasmus Precht from UN-HABITAT offered recommendations to government agencies, indigenous groups and agencies from the expert meeting group, such as including the needs of urban indigenous communities in the development of poverty reduction policies without retracting funding sources from rural indigenous communities. He further recommended that urban indigenous issues become a “standing issue” in the Forum.

⁴¹ E/C.19/2007/CRP.8

⁴² For statements by Selman Ergüden, Head of Shelter Branch, UN-HABITAT, please visit <http://www.docip.org/Permanent%20Forum/pf07/PF07selman193.pdf>.

⁴³ For statements by Wilton Littlechild, Forum Member, please visit <http://www.docip.org/Permanent%20Forum/pf07/PF07willie192.pdf>.

⁴⁴ See UN Commission on Population and Development Report E/CN.9/2007/6 <http://daccessdds.un.org/doc/UNDOC/GEN/N07/206/11/PDF/N0720611.pdf?OpenElement>

⁴⁵ For statements by Amy Muedin, IOM representative, please visit <http://www.docip.org/Permanent%20Forum/pf07/PF07amy195.pdf>. Ms Muedin’s statements were referenced in an IOM working paper on indigenous migration. For more information on this report, please visit <http://www.docip.org/Permanent%20Forum/pf07/PF07luca022.pdf>.

Finally, he urged States and UN agencies to develop disaggregated data collection methodologies to ensure adequate information on the status of indigenous urban populations.⁴⁶

Several governments contributed their experiences in developing policy for urban indigenous peoples. New Zealand discussed the impact of urbanisation on the Maori who migrated for economic reasons and also stressed the need for governments programs to address economic concerns, which help to preserve culture and strengthen indigenous support networks. Canada welcomed the support for this issue and highlighted their Friendship Centres programs and the Government 1997 Urban Aboriginal Strategy. Canada also stressed that urban indigenous issues should be a cross cutting issue within the Forum and should be included in UN agencies work plans.⁴⁷

The regional indigenous bodies offered several recommendations on the topic of urban indigenous issues. The North American Caucus referred to those indigenous peoples that are divided by national borders, citing Article 36 of the UN Declaration on the Rights of Indigenous Peoples. It also expressed support for the call by the Forum members to establish an UN Expert Workshop on indigenous languages, which continue to disappear as a consequence of urban migration.⁴⁸ Representatives from the Asian Caucus expressed concern over the growing trend in indigenous child labour as a result of migration and called on ILO 169 project to give special attention to the matter. They also requested that the Forum conduct a survey on the impact of migration on indigenous children and youth.⁴⁹

Thematic Discussion: Climate Change and the Environment

A growing awareness of the issue of climate change and its effects on indigenous peoples was evident during the Forum, exemplified by references to the problem peppered throughout statements made by representatives of UN agencies, participating governments and indigenous organisations. In the first week, several indigenous groups organised a side event entitled “Indigenous Perspectives on Climate Change,” with the goal of encouraging more indigenous participation in national and international initiatives to address climate change. Panellists of the event also stated their desire to see climate change adopted as the theme for next year’s Forum.⁵⁰ Their wish was granted by the body, which designated “Climate change and stewardship role of indigenous peoples: bio-cultural diversity, livelihoods and new challenges” as the special theme for the Seventh Session of the Forum.⁵¹

Several governments noted that climate change particularly affects indigenous peoples. A joint statement from the governments of Denmark and Greenland highlighted the relevance of climate change to the special theme, given its impact on the environments from which indigenous peoples derive their culture and livelihood, and suggested the Forum designate the topic as a special theme in a future session of the body. Ecuador also stated that it would welcome the inclusion of climate change as a topic of discussion in the Forum, and discussed national efforts to consider the impact of climate change on its own indigenous

⁴⁶ For statements by Rasmus Precht, representing UN-HABITAT, please visit <http://www.docip.org/Permanent%20Forum/pf07/PF07rasmus194.pdf>.

⁴⁷ For statement by Fred Caron, representing Indian and Northern Affairs Canada please visit <http://www.docip.org/Permanent%20Forum/pf07/PF07fred198.pdf>.

For more information on Friendships Centres in Canada see: <http://www.docip.org/Permanent%20Forum/pf07/PF07peter218.pdf>.

⁴⁸ For statement by the North American Regional Caucus, please visit <http://www.docip.org/Permanent%20Forum/pf07/PF07andrea202.pdf>.

⁴⁹ For statement from the Asia Caucus, please visit <http://www.docip.org/Permanent%20Forum/pf07/PF07nicholas205.pdf>.

⁵⁰ For a list of sponsoring organisations and participating speakers, please visit <http://www.7genfund.org/UN-2007perm-forum.html>.

⁵¹ Please visit http://www.un.org/News/briefings/docs//2007/070524_Tauli-Corpuz.doc.htm.

communities. One specific example cited was a recent decision by the government to refrain from extracting oil in Yasuni National Park, in an area home to the Waorani indigenous people. At the same time, the statement was an opportunity for Ecuador to request financial assistance from the international community to offset the profits lost by such a decision.⁵²

Chairperson Victoria Tauli-Corpuz expressed her appreciation to Ecuador, Denmark, and Greenland for raising the issue of climate change during their statements. She also urged Forum participants to consider the negative impacts of climate change mitigation measures on indigenous communities. Referring to a report she presented to the Forum during a subsequent session, Ms Tauli-Corpuz elaborated further on the effects of oil palm and commercial tree plantations and mono-cropping on the lands of indigenous communities.⁵³ The study revealed a disturbing trend in which States were encouraging the expansion of biofuel plantations and monoculture carbon sinks as climate change mitigation strategies with deleterious effects on the lands and livelihoods of indigenous peoples. Ms Tauli-Corpuz underlined the irony of a situation in which governments, which had previously stripped indigenous peoples' of their lands in the name of accessing oil, gas, and coal deposits, were now attempting to redress the environmental problems they had created by turning once again to the territories of indigenous peoples. The report concluded with recommendations for a follow-up study to be presented at next year's Forum, in addition to the preparation of a special report on "Indigenous Peoples and the Climate Change Convention" to be submitted at the next Conference of Parties to the UN Framework Convention on Climate Change.

The Secretariat of the Convention on Biological Diversity (CBD) also laid particular emphasis on the problem of climate change and its impact on indigenous communities. A statement submitted by the Secretariat to the Forum reported that the eighth meeting of the Conference of Parties (COPs) to the Convention noted the particular vulnerabilities of indigenous communities to the effects of climate change and requested that further research be conducted on the issue.⁵⁴ The Executive Secretary to the Convention, Dr. Ahmed Djoghlaif, released the report on the International Day for Biological Diversity, which fell during the second week of the Forum.⁵⁵ Describing indigenous communities as "the human face to climate change," the report not only considered the predicament of indigenous groups affected by climate change, but also suggested possible contributions indigenous peoples could make to address its associated problems.

Thematic Discussion: Data Collection and Disaggregation

Under the agenda item of ongoing priorities and themes, discussion within the Forum continued on the topic of data collection for targeting indigenous peoples.⁵⁶ A representative from the World Bank reported on a poverty study of indigenous peoples carried out in five Latin American countries in 2006, which concluded that indigenous peoples were the most affected people in poverty-ridden countries. In addition, in countries that are pursuing poverty reduction programs, the progress of indigenous people remains limited. The World Bank announced their intention to extend this study to East Asia and Sub-Saharan Africa, which would make it the first global baseline assessment of indigenous economic and social conditions. Chairperson Tauli-Corpuz noted that this study was a response to a request from the Forum and expressed her hope that the 2007 global assessment will be completed before the Seventh Session of the Forum.

⁵² Please visit <http://ipsnews.net/news.asp?idnews=37794>.

⁵³ For a copy of the report, please visit http://www.un.org/esa/socdev/Forum/documents/6session_crp6.doc.

⁵⁴ Please visit <http://www.cbd.int/decisions/default.aspx?m=COP-08&id=11017&lg=0>.

⁵⁵ Please visit <http://www.cbd.int/doc/speech/2007/sp-2007-05-22-Forum-en.pdf>.

⁵⁶ Data collection and disaggregation: draft recommendations submitted by Rapporteur (E/C/19/2006/L.3/add.2).

A representative from ILO spoke of the importance of developing indigenous specific indicators on policy frameworks such as the MDGs and the CBD. She noted that the Forum must take into consideration that many countries have a weak capacity for data collection and need to look for ways to improve this situation. She also highlighted the need to revise indicators to include indigenous peoples in those international mechanisms already in place.⁵⁷ John Scott, speaking on behalf of the CBD, noted an expert meeting of “Indigenous Initiatives on Indicators” that took place to develop indicators for indigenous peoples related to the convention. He stated that this would be presented to the 8(j) Working Group of the Convention and also to the Conference of State Parties.⁵⁸

Many indigenous groups pointed out that there is still an enormous need for governments to implement disaggregated data collection to determine the social, economic and political status of the indigenous peoples in their countries. A joint statement from the Ainu Resource Centre and the Shimin Gaikou Centre referred concluding observations in both ICERD and CRC statements to the Japanese government on conducting disaggregated data collection.⁵⁹ They called on Japan to conduct disaggregated data collection on the socioeconomic status of Ainu as indigenous people in national surveys with the full participation of Ainu people.⁶⁰ Organisations of Australian indigenous peoples remarked that Australia had no framework for benchmarks or indicators to improve access to social services.⁶¹ Despite reports by the Australian government on attempts to adopt an integrated approach, the representative remarked that there is still a need to develop these benchmarks to measure progress in addressing indigenous and non-indigenous disparities.

Discussion on implementation of recommendations to the Forum⁶²

One of the most anticipated meetings of each session of the Forum is the formal review of the status of implementation of recommendations from previous sessions. During this meeting, member States, inter-agency groups and NGOs report on their accomplishments, challenges, lessons learned and further suggestions as they relate to the MDGs⁶³ and the six mandated areas⁶⁴ of the Forum. At this session, reports were received by 18 UN and intergovernmental agencies,⁶⁵ four governments,⁶⁶ and three NGOs⁶⁷ with consultative status at the UN. The role of the Forum is to analyse these reports, as well as conduct an

⁵⁷ For statement by Brigitte Feiring, representing ILO <http://www.docip.org/Permanent%20Forum/pf07/PF07brigitte226.pdf>.

⁵⁸ For statement by John Scott <http://www.docip.org/Permanent%20Forum/pf07/PF07john228.pdf>. A representative from the Tebtebba Group that facilitated the conference and an accompanying study also presented the results from their work. Raymond de Chavez, Representing Tebtebba Foundation <http://www.docip.org/Permanent%20Forum/pf07/Statements07.html>; <http://www.docip.org/Permanent%20Forum/pf07/PF07joji233.pdf>.

⁵⁹ CERD Concluding Observations: CERD/C/304/Add.114 para22 and CRC Concluding Observations: CRC/C15/Add.231 para 16&17.

⁶⁰ For statements by Yuuki Hasegawa and Kanako Uzawa, Representing the Ainu Resources Centre and the Shimin Gaikou Centre from Japan <http://www.docip.org/Permanent%20Forum/pf07/PF07yuuki223.pdf>.

⁶¹ For joint statement by Brian Wyatt of ALRM, FAIRA, UNSW Indigenous Law Centre, NACCHO, <http://www.docip.org/Permanent%20Forum/pf07/PF07brian225.pdf>.

⁶² Report E/C.19/2007/9.

⁶³ The eight MDGs are as follows: 1. Eradicate extreme poverty & hunger; 2. Achieve universal primary education; 3. Promote gender equality and empower women; 4. Reduce child mortality; 5. Improve maternal health; 6. Combat HIV/AIDS, malaria and other diseases; 7. Ensure environmental sustainability; and 8. Develop a global partnership for development. For more information on the MDGs, please visit <http://www.un.org/millenniumgoals/>.

⁶⁴ Economic & Social Development, Environment, Health, Education, Culture, and Human Rights.

⁶⁵ DESA, the Economic Commission for Latin American and the Caribbean (ECLAC), IOM, OHCHR, CBD, UNICEF, UNDP, UNFPA, the International Research and Training Institute for the Advancement of Women (INSTRAW), the UN UNIFEM, UN-HABITAT, FAO, ILO, the UN Institute for Training and Research (UNITAR), UNESCO, IFAD, the World Food Programme (WFP) and the Department of Political Affairs.

⁶⁶ Australia, Mexico, Spain & Switzerland.

⁶⁷ International Work Group for Indigenous Affairs, the Tebtebba Foundation and the Fundacion Servicio de Paz y Justicia.

independent review of such items as country reports, UN Resident Coordinator reports, and UN assessment and guidelines.⁶⁸

Agencies, governments and NGOs focused their reports on their programmes and projects that relate to indigenous peoples. Many agencies also submitted their own research reports, such as the Inter-Agency Support Group on Indigenous Issues' report from a thematic meeting entitled "Development with Identity."⁶⁹ In addition, the UN Development Group⁷⁰ recently (February 2007) finalized revisions to the Common Country Assessment/Development Assistance Framework guidelines for UN country teams and noted that they contain 15 specific references to indigenous peoples. Finally, with the participation of various indigenous partner organisations, the United Nations International Research and Training Institute for the Advancement of Women (INSTRAW) has developed a project entitled "Engaging indigenous women: local government capacity building through new technologies in Latin America," which shall begin implementation June 2007. Nevertheless, major challenges have continued to stand as obstacles to the integration of indigenous issues in policy development and program implementation.⁷¹ Key challenges identified by the reporting agencies were as follows: insufficient human and financial resources; lack of flexibility in national programmes, broad diversity and geographical dispersion of indigenous groups and the ensuing difficulty of defining common programme strategies; issues of security hampering humanitarian assistance; governments' perception that the needs and rights of indigenous peoples are already included in public laws and policies and/or insufficient government commitment; political sensitivity of the issues, including the publication of data; and the great number of the Forum's recommendations and the need for their progressive realization.

The Governments of New Zealand, Guatemala, Colombia, among others, discussed the steps they have taken in the recognition of indigenous peoples, including their support for bringing an end to discrimination against indigenous peoples and the importance of awareness-raising in their respective countries.

Future Work and the 7th Session of the Forum

Discussion of future work of the Forum commenced with presentations of reports prepared by representatives of the Secretariat. The first report examined the status of implementation of recommendations made at the 4th session of the Forum.⁷² The Forum began the process of rationalizing its recommendations with an earlier report covering the first to third sessions of the body,⁷³ and the report presented at the 6th session was a continuation of this work. According to the report, as of February 2007, out of 140 recommendations, 14 have been completed, 73 are in the process of completion, and the status of the remaining 53 is unclear.

Improving implementation of recommendations remained a key concern. For example, the report noted that certain recommendations are repeated annually, particularly those concerning ongoing priorities such as addressing human rights, indigenous women and children, data collection and disaggregation, and free, prior, and informed consent. Despite the need to reiterate some of these themes, the report concludes that their repetition also demonstrates the non-implementation of earlier recommendations. Suggestions for improving the Forum's record of implementation include the development of more effective partnerships between indigenous peoples and other development actors, better cooperation amongst UN agencies, and reduction of the number of recommendations.

⁶⁸ Report E/C.19/2007/9.

⁶⁹ Report E/C.19/2007/2.

⁷⁰ The UN Development Group is a body that oversees development policy at the country level to improve inter-agency cooperation for effective development planning and implementation.

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⁷² Please visit <http://daccess-ods.un.org/TMP/4220945.html>.

⁷³ The fifth session of the Permanent Forum devoted an entire plenary session to discussion of this report. For a copy of the report, please visit <http://daccess-ods.un.org/TMP/1013011.html>.

Subsequent comments made by Forum members also noted the need to enhance implementation of recommendations. Hassan Id Balkassm suggested that the work of implementation lay primarily in the hands of States, and that only States willing to recognise the existence of indigenous peoples and acknowledge their concerns could be expected to undertake this task. Aqqaluk Lynge agreed with the need to reduce the number of recommendations made at each session of the Forum, and proposed that a more systematic approach for receiving ideas, reports, and recommendations, particularly from indigenous peoples' organisations, be developed. He elaborated that such an approach would require that delegates be given more time during the Forum to meet with Regional Caucuses and that the body be provided professional editors so that more time could be devoted to discussing the content of proposed recommendations.

The second report, presented by Forum member Michael Dodson, was a consideration of how and to what extent customary laws pertaining to indigenous traditional knowledge (ITK) should be incorporated into national and international standards.⁷⁴ The study concluded that existing national and international regulations provide woefully inadequate protection and suggested that a new study explore the possibility of establishing a *sui generis*⁷⁵ system guided by indigenous customary laws. Dodson advocated for the adoption of such a system, noting that indigenous legal systems bear little resemblance to Western systems of common law, rendering current intellectual property law on both the national and international levels ill-equipped for protecting ITK. Chairperson Victoria Tauli-Corpuz applauded the conclusions of the ITK report, noting that many indigenous organisations and NGOs had raised the issue of ITK protection throughout the Forum. The report was also well received by Regional Caucuses, several of which, including the Pacific, Asia, and Arctic Caucuses, strongly endorsed the report's conclusions during their statements on the floor.⁷⁶

Statements made by indigenous organisations focused primarily on specific issues directly affecting the indigenous peoples in their respective country or region, rather than directly addressing future work of the Forum. A noteworthy exception was a statement made on behalf of several groups by Les Malezer, Chairperson of the Indigenous Peoples Caucus.⁷⁷ Noting that the ten-day session was insufficient for allowing indigenous groups to submit statements, States to dialogue with participants, or Forum delegates to consider all mandated areas, Mr Malezer advocated a regional approach to increase efficiency. Specifically, he requested that the Forum convene regional meetings on indigenous issues in addition to establishing councils of indigenous peoples at the national and regional levels to assess the implementation of recommendations. At the same time, Mr Malezer expressed dissatisfaction at the time allotment for Forum statements, which gave priority to States, UN agencies, and Regional Caucuses. He encouraged the Forum to consider granting more time for indigenous group statements in future sessions of the body.

Some broader themes did emerge from statements made by indigenous groups. Several organisations stressed the need to devote more time to address the issue of climate change, urging the Forum to consider declaring "climate change" the theme for next year's session. Two organisations representing Latin American indigenous communities, the National Indigenous Confederation of Bolivia and Servindi, drew attention to the issue of the right of communications for indigenous peoples.⁷⁸ Other themes touched upon included water and treaties.

Forum delegates responded particularly enthusiastically to the statement made by the Indigenous Youth Caucus, which included among its recommendations the convening of a Working Group to encourage youth

⁷⁴ Please visit <http://www.un.org/News/Press/docs/2007/hr4924.doc.htm>.

⁷⁵ Unique, one-of-a-kind.

⁷⁶ For the Pacific Caucus statement, endorsed by the Asia and Arctic Caucuses, please visit <http://www.docip.org/Permanent%20Forum/pf07/PF07malia278.pdf>.

⁷⁷ For statement, please visit <http://www.docip.org/Permanent%20Forum/pf07/PF07lez261.pdf>.

⁷⁸ For statements by these organisations', please visit <http://www.docip.org/Permanent%20Forum/pf07/PF07adolfo267.pdf> and <http://www.docip.org/Permanent%20Forum/pf07/PF07jorge295s.pdf>.

involvement and the apprenticeship of indigenous youths to delegates of the Forum.⁷⁹ Ida Nicolaisen endorsed the Caucus' suggestions, stating a need for the Forum to formally integrate youth into its work. She explained the benefits of an apprenticeship program, which would not only allow youth to gain experience but would also inject fresh perspectives into Forum discussions. Wilton Littlechild also supported the Caucus' statement, though he proposed that a youth representative be directly appointed to the body.

Recommendations from the 6th Session of the Permanent Forum

In its recommendations, the Forum stressed the fundamental importance of this year's theme, "lands, territories and natural resources" to indigenous peoples as a source of their "spiritual, cultural and social identity."⁸⁰ The Forum stated that indigenous peoples must participate in the drafting and implementation of policies relating to management of lands and natural resources. Moreover, the principles of "free, prior and informed" consent must be upheld in relation to the development of their territories. The Forum called on indigenous groups to continue to participate in international conventions and agreements regarding lands, territories and natural resources. In this regard, the Forum urged States to assist in supporting collective lands rights claims for indigenous peoples. It further recommended that the Working Group on Access and Benefit Sharing of the Convention on Biological Diversity (CBD) recognise indigenous rights over the genetic and biological resources within their territories. Finally, referring to the report on oil palm plantations and monocropping, the Forum recommended a follow up report, led by the Rapporteur Victoria Tauli-Corpuz, be presented at next year's session of the Forum.

The Permanent Forum reiterated its concern that the implementation of the MDGs does not adequately address the situation of indigenous peoples. The Forum called on the Secretariat to organise a side event for the COPs of the CBD to consider the recommendations of the expert group on access and benefit sharing and indigenous issues.⁸¹ The Forum recognised the HRC's adoption of the "right to water" and requested that States present their policies on water access at the next annual session. It also asked the OHCHR to present a report on this topic at next year's Forum session. Recognizing the importance of health to indigenous issues, the Permanent Forum repeated its call to WHO to report on its policies addressing the health situation of indigenous peoples, such as undertaking a study on the prevalence of diabetes within indigenous communities.⁸² In regards to education and culture, the Forum gave its support to naming 2008 the "Year of Languages" and recommended the formation of an expert group to design recommendations that support indigenous languages. The Forum extended invitation to Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the right to education to attend the seventh session. The Forum also asked that the HRC consider including indigenous issues as an agenda item for ongoing council work and recommended that the HRC create an advisory body on indigenous issues.

The Forum expressed its support for the establishment of an Asian Human Rights Commission. The Forum also denounced the killing of human rights defenders as cited in the report of Special Rapporteur Stavenhagen. Additionally, the Permanent Forum urged the Special Rapporteur on counter terrorism and human rights to consider indigenous issues in his report.⁸³

⁷⁹ For statement by the Indigenous Youth Caucus statement, please visit <http://www.docip.org/Permanent%20Forum/pf07/PF07vilma266.pdf>.

⁸⁰ E/C.19/2007/L.2.

⁸¹ E/C.19/2007/8.

⁸² E/C.19/2007/L.3.

⁸³ E/C.19.2007/L.4.

With respect to urban indigenous and migration issues, the Forum recommended that Mr Stavenhagen undertake a study on the economic and social situation of urban indigenous peoples to be presented at the eighth session of the Forum. The Forum also encouraged UNICEF to analyse the rates of violence against indigenous women and children that might result from the urban migration process and to conduct surveys on the psychosocial impact of migration on indigenous peoples.

Regarding data collection, the Permanent Forum called on UN agencies to revise development indicators such as the MDGs and the Human Development Index to include indigenous groups. The Forum also urged governments with indigenous populations to disaggregate their national statistics. The Forum recognised the work of ECLAC in developing and stratifying indicators and encouraged ECLAC to support an expert meeting to improve identification of indigenous peoples in the 2010 census.

Closing

The closing session offered a chance for many Forum members to reflect on the success of the Forum and highlight challenges in the road ahead. Those members leaving the Forum took the opportunity to stress some achievements of the Forum and highlight some of its challenges. Forum member Wilton Littlechild complimented the Forum for increasing the visibility of indigenous issues and pointed out some of the challenges ahead including inadequate funding, lack of information, and resistance from some governments. He also noted a need to engage the private sector in discussions regarding indigenous rights.

Pavel Sulyandziga focused his remarks on local participation, arguing that many indigenous peoples are largely unaware of international and national decisions that will affect their lives and the lives of their children. He stressed that indigenous participation starts at the local level and noted that the Forum brings together people from “the four corners of the globe.”

Ida Nicolaisen remarked about the positive working relationships among the members of the Forum who come from diverse backgrounds. She stressed that the adoption of the Declaration by the GA is the desire of all members of the forum, noting that it is important to both indigenous and non-indigenous peoples because it serves as a basis for the cultural variation of mankind.

Johan Schölvinnck, Director Division for Social Policy and Development Department of Economic and Social Affairs (DESA), commented that the Forum is one of the largest meetings held each year at the UN. He noted the 60 special events held, and congratulated the Youth Caucus for their contributions to the Forum. He commented that the end of each session marks a beginning for new, invigorated work based on the discussions and recommendations of the Forum. He stressed the need to continue the partnerships developed at the Forum with a renewed commitment to the struggle for recognizing the rights of indigenous peoples.

Chairperson Victoria Tauli-Corpuz closed the session by commenting that this year’s theme was particularly difficult to address. She noted that participants used the Forum to develop recommendations rather than regarding it as a mechanism to document complaints. She concluded by stating that the message on the Declaration is “loud”: the Forum calls on the GA to adopt the Declaration as it stands.

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