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Ongoing priorities and themes

Current practices and methods of work of the Permanent Forum on Indigenous Issues

Note by the Secretariat**

Summary

The present paper is submitted in accordance with the decision contained in paragraph 135 of the report of the Permanent Forum on Indigenous Issues on its fourth session (E/2005/43). It constitutes an initial report on the current practices and methods of work of the Forum and on new challenges and recommendations for improvement.

* E/C.19/2006/1.

** The present document was submitted late owing to the need to include the most recent information.

I. Introduction

1. By its resolution 2000/22, the Economic and Social Council decided, *inter alia*:

(a) To establish the Permanent Forum on Indigenous Issues as a subsidiary organ of the Council;

(b) That the Permanent Forum on Indigenous Issues should serve as an advisory body to the Council with a mandate to discuss indigenous issues within the mandate of the Council relating to economic and social development, culture, the environment, education, health and human rights; in so doing, the Permanent Forum should:

(i) Provide expert advice and recommendations on indigenous issues to the Council, as well as to programmes, funds and agencies of the United Nations, through the Council;

(ii) Raise awareness and promote the integration and coordination of activities related to indigenous issues within the United Nations system;

(iii) Prepare and disseminate information on indigenous issues;

(c) That the principle of consensus should govern the work of the Forum;

(d) That the Forum should apply the rules of procedures established for subsidiary organs of the Council, as applicable.

2. With due regard to the specificity of its mandate, the Forum has developed its methods of work within the framework of rules established for subsidiary organs of the Council.

3. At its fourth session, the Forum decided to appoint Yuri Boychenko and Parshuram Tamang, members of the Forum, as Special Rapporteurs, to prepare, without financial implications, a working paper on current practices and methods of work to be submitted at the fifth session of the Forum (E/2005/43, para. 135).

4. The present report is based on the current practices and decisions of the Forum, the study of methods of work undertaken by other functional commissions of the Council and the advice and comments received from the Inter-Agency Support Group on Indigenous Issues and members of the Forum.

II. Overview of current practices and methods of work of the Permanent Forum

Decisions and recommendations of the Forum

5. In accordance with its mandate, the Forum annually adopts recommendations addressed to the United Nations system and other entities. A small number of those have been transmitted to the Council in the form of draft decisions to be adopted by the Council. The Forum has elected to submit to the Council decisions that have financial implications for the regular United Nations budget or special procedural ramifications. The bulk of the recommendations are drawn to the attention of the Council, which forwards them to United Nations funds, programmes and specialized agencies.

Participation of members of the Forum in meetings of subsidiary bodies of the Council

6. The Forum, which is represented by its chairperson or designated members at various meetings of relevance to its mandate throughout the year, has also requested all subsidiary bodies of the Council to invite the Forum and its members to all relevant meetings, conferences and seminars (E/2003/43, chap. I, sect. A, draft decision III).

Bureau of the Permanent Forum

7. The Forum considered it useful to designate six members for its Bureau at its first and second sessions and confirmed that emerging practice as a method of work of the Forum (E/2003/43, chap. I, sect. A, draft decision IV).

Interaction with functional commissions

8. The Forum has been represented at the United Nations Forum on Forests, the Commission on Human Rights and the Working Group on Indigenous Populations. Those bodies have in turn been represented at the Forum by their chairpersons or special rapporteurs. The Chairperson of the Commission on the Status of Women has addressed the Forum. In 2005, the Forum designated a member as special rapporteur to pursue further strengthening of cooperation with the Forum on Forests.

Visits of Forum members to various agencies

9. The visits by Forum members to agencies have permitted the Forum to strengthen its links with the agencies and familiarize itself with their work and challenges. Such visits have been made to the International Fund for Agricultural Development, the Food and Agriculture Organization of the United Nations (FAO), the World Intellectual Property Organization, the International Labour Organization (ILO), the World Health Organization and the bureau of the Joint United Nations Programme on HIV/AIDS.

Capacity-building in national and local governments and in indigenous communities

10. The Forum noted the need for capacity-building in national and local government as well as indigenous communities and recommended that various parts of the United Nations system, including ILO and the secretariat of the Forum, cooperate to provide technical assistance in that regard at the request of Governments and indigenous communities (E/2003/43, para. 116).

Mainstreaming of indigenous issues within the United Nations system

11. The Forum, in fulfilment of its mandate to mainstream indigenous issues within the United Nations system, has recommended that the executive heads of United Nations agencies, funds and programmes that have not yet done so adopt policies on indigenous peoples and designate focal points to address indigenous issues relevant to their respective mandates (E/2004/43, para. 121). The Inter-Agency Support Group has worked with the United Nations Development Group, successfully proposing changes to the common country assessment/United Nations Development Assistance Framework guidelines in 2004 in order to reflect

indigenous issues in development programming. The Support Group may continue such cooperation, especially since indigenous issues were included in the Development Group's 2004 priorities.

Strengthening mechanisms for collaboration with agencies of the United Nations system and Governments

12. The Forum recommended the strengthening of mechanisms for collaboration with agencies of the United Nations system and Governments and the monitoring of compliance with and implementation of its recommendations to them. The Forum has recognized the important role of the Inter-Agency Support Group and the participation of agency focal points in constructive dialogue and implementation of its recommendations. The Forum also has a flexible relationship with the agencies and has adopted, in consultations with agency focal points, recommendations to promote indigenous issues within each agency (E/2003/43, paras. 117 and 120).

Recommendations of the Forum with financial implications

13. Certain Forum recommendations to the United Nations system may have financial or other resource implications for individual agencies. The resources required for the implementation of some recommendations may need to be approved by governing bodies of the agencies; for that reason, the Forum promoted direct communications at its third session by requesting: (a) that each United Nations agency and organization make the Forum's recommendations formally available to its governing body, assembly or other relevant high-level committee or organ, drawing particular attention to the recommendations specifically addressed to the organization or body concerned; and (b) that member States take into account the recommendations of the Forum in developing policies on the governing bodies of organizations to which they are members (E/2004/43, para. 96).

Database of recommendations

14. The database of recommendations showing the status of their implementation is seen by the Forum as a useful working tool. In its report on the third session (E/2004/43, para. 104), the Forum noted with satisfaction the enhanced contributions of the United Nations system in its work and recommended that the United Nations system, Governments, indigenous and other organizations further assist in the implementation and monitoring of the Forum's recommendations and report to the Forum at its annual sessions. The Forum noted with appreciation the database of recommendations and their implementation status, as well as indicative time frames prepared by its secretariat, and recommended that the secretariat further develop the database as a useful tool.

15. The database could become a working tool for agencies and, if placed in a closed-access circuit, could also prove a good way of continuing communication among agencies regarding their work on indigenous issues, thus improving their cooperation and coordination. It could eventually provide an innovative template to assist agencies in reporting concisely on the implementation of recommendations to the annual sessions of the Forum.

16. The Forum has also decided to create a database of those recommendations proposed by Forum members and observers during its sessions and not reflected in their reports, for further consideration.

Cooperation with the Economic and Social Council

17. The Bureau of the Forum meets annually with the Bureau of the Economic and Social Council. The chairperson of the Forum participates at the annual meetings of the Council with the chairpersons of functional commissions and other subsidiary bodies, after which, as appropriate, the Forum forwards its views to the high-level segment of the Council.

Participation of States, the United Nations system, indigenous peoples' and non-governmental organizations, the private sector and others

18. More than 30 intergovernmental institutions participate in the annual sessions of the Forum, including regional organizations and international financial institutions. Some 1,000 civil society representatives (the majority of them indigenous individuals) participate in the annual sessions, at which some 70 States are represented.

Organization of work

19. The Forum has organized its work as follows:

- Annual sessions of two weeks
- Pre-sessional meetings (formal ones, not on an annual basis, as well as informal pre-sessional meetings)
- Annual expert group meetings at the request of the Forum
- About 60 side events are organized during the annual sessions by Governments, United Nations agencies, non-governmental organizations and academic institutions
- Designation of annual special themes
- Annual agenda, including follow-up on previous special themes
- High-level panels on the annual special theme
- Dialogue with agencies on the annual special theme
- Regional focus through side events (in 2005) and during session meetings (half a day of special focus on Africa during 2006 session).

Portfolio system

20. The Forum has developed a portfolio system with one or more Forum members focusing on specific subjects, thus developing links with corresponding United Nations mechanisms and agencies. To develop a deeper contextualized understanding of their issues of focus, portfolio holders visit agencies, participate in international meetings, act as facilitators in the preparation of draft recommendations for their theme, introduce items during Forum sessions and hold discussions with indigenous caucuses.

Meetings with the Friends of the Forum group, member States and the Inter-Agency Support Group

21. Forum members and agencies had special closed meetings during the sessions or for one-on-one consultations. However, time constraints on members during the annual sessions limit such possibilities, especially since the Forum, outside its regular open meetings, has to share the short time available for private meetings with representatives of United Nations agencies, States and indigenous organizations. The Forum usually holds two meetings with the Inter-Agency Support Group during its sessions. Forum members meet with the Friends of the Forum at the beginning of the annual session and hold an open meeting with governmental delegates during the second half of the session.

Multi-year work programme

22. The Forum has been formulating its work programme on an annual or biannual basis. It has a work programme through 2006.

Reporting and documentation

23. The recommendations of the Forum have become increasingly action-oriented, especially as they benefit from input by the agencies. In turn, the agencies have significantly improved the quality of their reporting. The number and volume of documentation submitted annually has also increased and the engagement of intergovernmental organizations, also from outside the United Nations system, is a positive trend.

III. New challenges for the Forum and recommendations for improvement

24. One of the main challenges for Forum members is the establishment of methods and organization of work to ensure that the Forum can realize its full political potential in addressing the concerns of indigenous peoples.

Generating systematic recommendations

25. Recommendations should be generated and systematized both during the sessions as well as intersessionally.

A. Recommendations made during the annual sessions of the Forum

26. The generation and systematization of recommendations, which reflect the productivity of Forum sessions are hindered by repetitive and extended statements. To remedy the situation, the list of speakers for each mandated area may be organized as follows:

- Opening of agenda item by the Chair
- Presentation by the United Nations system
- Short questions or statements by the members (portfolio holders)

- Seven regional representatives from indigenous people's organizations
- Indigenous women's caucus
- Indigenous youth caucus
- Indigenous delegates
- Thematic caucus
- States.

27. The time allotted for each intervention should be determined by the time stipulated in the agenda for each mandated area.

28. In order to implement this method of work, it may be best to hold regional preparatory meetings (and national meetings, if possible) and thematic indigenous caucuses. To that end, thematic caucuses and the regional groups could meet to reach consensus on the recommendations for their joint interventions, compile documentation and designate regional representatives for each mandated area. Such a procedure would promote the interrelated operability of both the caucuses and the Forum, establish channels for organized collective participation and generate concrete, succinct and representative joint recommendations.

29. Once the above method and organization of work is established, the intersessional role of members could include chairing the regional preparatory meetings convened for drafting regional reports and recommendations on the mandated areas and themes of sessions, which would then be presented during the annual sessions of the Forum. The procedure could be an effective way of coordinating the work of the Forum with that of indigenous peoples' organizations.

B. Compilation of recommendations generated during the intersessional period

30. Assistance in generating and systematizing action-oriented recommendations is not limited, however, to the annual sessions of the Forum. On the contrary, most potential recommendations are generated outside the Forum in the daily work of indigenous peoples' organizations and at international meetings.

31. The Forum does not yet have a comprehensive compilation of the recommendations and demands of indigenous peoples' organizations for specific United Nations conferences, world summits, conventions, organizations, forums, specialized agencies, programmes or funds. The organization of such a compilation would be greatly advanced if the Forum were to make a recommendation in this regard to the Economic and Social Council. In addition, the indigenous peoples who participate in the United Nations system do not necessarily attend Forum sessions, and no communications mechanism has been established between the indigenous peoples' caucuses and the Secretariat to ensure that the recommendations generated in other contexts of the United Nations system are addressed by the Forum.

C. Recommendation for States, the United Nations system and indigenous peoples' organizations

32. The Forum should generate recommendations for the entire United Nations system, not just in those areas where indigenous peoples have historically participated, lobbied or acted as observers. This recommendation is consistent with the Forum's mandate to promote the integration and coordination of activities relating to indigenous issues within the United Nations system.

D. Identification of neglected or emerging issues and relevant recommendations

33. Another aspect of generating and systematizing recommendations is the identification of crucial issues for indigenous peoples that are not addressed by a formal convention or area of the United Nations system and that should not be omitted from the recommendations of the Forum. Examples of such issues include cultural rights and the rights of transboundary indigenous peoples and indigenous peoples living in voluntary isolation ("uncontacted peoples"). The Secretariat should make a special effort to identify emerging or neglected issues and propose a mechanism or methodology for relevant recommendations to be developed and submitted for consideration by the Forum.

Empowerment of agency focal points

34. The Forum should prepare guidelines for the annual reports by United Nations agencies and establish monitoring indicators on the implementation of recommendations. The Forum should ensure that the activities of agency focal points are included in the regular programmes and budgets of agencies so that coordination with the Forum is effective and the objectives of the latter's mandates can be achieved.

Action by United Nations entities upon the recommendations of the Forum

35. United Nations entities have been considering the Forum's recommendations in their working sessions under a separate agenda and have responded to the secretariat of the Forum accordingly, as seen in the case of the working group on article 8 (j), the relevant provisions of the Convention on Biological Diversity and the subsidiary body of implementation of the United Nations Framework Convention on Climate Change. This is an example of good practice

Multi-year programme of work

36. As a methodological point, the Forum intends to adopt a thematic approach to build up a three-year programme of work and to focus on implementation. The Forum has urged United Nations bodies, States and indigenous peoples to engage actively in dialogue on those issues, sharing good practices and barriers to implementation (E/2004/43, para. 112). Although the secretariat of the Forum has developed a database, steps to establish a monitoring and evaluation process have yet to be taken.

Monitoring and advocating implementation

37. The Forum must not become an annual exercise in producing recommendations, that is, a yearly listing of the entire political agenda of indigenous peoples. To avoid repeating the same exercise year after year, the Forum members should have a clear global understanding of the status of implementation of previous recommendations and the methods of work needed to evolve in that direction.

38. For that purpose, a database for monitoring implementation and tracking status of recommendations is being built by the secretariat based on a systematic presentation of reports from and dialogue with representatives of member States and the United Nations system at the Forum's annual sessions. Thanks to the database, members can formulate recommendations that guarantee a constructive progression of the Forum's work. At future sessions, the Forum will be able to focus on evaluating the implementation of existing recommendations and proposing follow-up, complementary recommendations.

39. It is necessary to establish a method of work whereby the Forum has a structured, dynamic dialogue to evaluate implementation, identify next steps and articulate relevant recommendations.

Engaging States in the work of the Forum

40. The mandate of the Forum is broad enough to cover invitations to States to comment on indigenous issues. Successful methods of work also require achieving fuller involvement of States and the United Nations system both during the session and intersessionally. To that end, the Forum could establish a structured, dynamic dialogue with greater involvement of the United Nations system and States, which would allow both agencies and States to report on the implementation of recommendations, present reports, field criticism of policies and interface with members and observers. A frank exchange would help the members of the Forum to identify the next step to propose. Such dialogue would provide a less formal setting than a high-level panel.

Overcoming the contradictions within the United Nations system

41. Given the mandate of the Forum for the integration and coordination of activities relating to indigenous issues within the United Nations system, the Forum can establish a permanent project to monitor inconsistencies and lack of compliance within the United Nations system regarding the implementation of existing provisions on the rights of indigenous peoples.

42. A permanent monitoring project on the respect and implementation of indigenous peoples' rights within the United Nations system could be the foundation for addressing existing and emerging contradictions and establishing policy to enforce cross-cutting compliance throughout the system.

Institutional integration of the Forum

43. Generating, promoting and disseminating the recommendations of the Forum throughout the organizations of the United Nations system go hand in hand with defending the political space of the Forum against lack of awareness of or hostility towards its existence. The secretariat should promote awareness of the Forum so

that it is taken into due consideration by the organizations of the system as a whole. Specifically, it should promote the issuance of appropriate, formal invitations to the chairperson and members, and ensure that the Forum's presence is recognized in the plenary and other meetings by an official nameplate and desk, as well as by inclusion in the agenda and explicit invitation to formal functions. Establishing institutional inclusion throughout the United Nations is an integral part of the strategy to advance the Forum's recommendations.

44. The agency focal point network at FAO could be a good practice at other agencies and within national Governments.

Organization of the Bureau

45. The Forum elects its Bureau at the beginning of each session. The Bureau members, including the chairperson, may be elected by rotation, according to regions, thus avoiding potentially divisive election by vote while ensuring equal opportunity of representation for all regions. Regional members should have the right to present candidates for the Bureau; members will therefore be responsible for their regions (even though they are independent experts).

Creation of special rapporteurs and working groups and the organization of technical workshops

46. The Forum has organized technical workshops on thematic issues to produce its expert recommendations. At its fourth session, the Forum decided to appoint some members as special rapporteurs to speed up its work by elaborating issues and proposals. In the same fashion, the Forum may utilize its members' expertise in the most urgent areas, such as indigenous peoples' human rights. Keeping in mind its broad mandate, including its responsibility on human rights, the Forum should give consideration to establishing a working group to bring innovative ideas and ways to complement or supplement the work of human rights bodies and elaborate procedures to fulfil its human rights mandate.

Evaluation of performance, communication and capacity-building

47. It is important to evaluate the workload of the members of the Forum so that they can be effectively engaged in its activities throughout the year.

48. In that regard, the Bureau and the secretariat play an important role in disseminating information on all planned activities to all Forum members and seeking their opinions and inputs. High priority should be given to communication between the secretariat and the members and indigenous peoples.

49. To be successful, this method of work should be complemented by systematic capacity-building at the Forum and in the communities to ensure that delegates understand that the Forum is not simply a body at which to air grievances, but an advisory body whose main purpose is to formulate recommendations on policy. Such an awareness will help bridge the gap between newcomers and veterans of the process and encourage delegates to propose and prepare joint statements. The more succinct the presentation of the recommendations from the floor, the more time will be available for monitoring the activities of the United Nations system and States members with regard to indigenous issues.