

UNPFII – Informal Paper

15-26 April 2024

Item 5(e) (continued) –

Regional Dialogues between Indigenous Peoples and Member States

The Permanent Forum held seven dialogues, Africa; the Arctic; Asia; Central and South America and the Caribbean; Eastern Europe; Russian Federation; Central Asia and Transcaucasia; North America; and the Pacific, aimed at engaging participants in deeper dialogue on relevant issues and on challenges faced by Indigenous Peoples in the various regions.

Africa

1. The Forum welcomed progress made by Ghana, Namibia and the Democratic Republic of Congo to advance Indigenous Peoples' rights in their countries.
2. The lack of recognition of Indigenous Peoples violates their right to self-determination. Their legal recognition should be aligned with UNDRIP and the Report of the African Commission on Human and Peoples' Rights. The Forum invites African governments to join Groups of Friends of Indigenous Peoples.
3. The Forum notes that the concern expressed elsewhere in this report on the extraction of critical minerals applies equally to Indigenous Peoples' in Africa. The Forum also underscores the importance of fully integrating Indigenous Peoples' knowledge systems into conservation initiatives.
4. The dialogue highlighted the challenges Indigenous Peoples from Africa face in participating in UN meetings, including logistical obstacles in obtaining visas and a lack of financial resources. The Forum invites African States to contribute to the UN Voluntary Fund on Indigenous Peoples and called for common efforts to facilitate visa processes to ensure the participation of African Indigenous Peoples, including women and youth.
5. The Forum is concerned about the impacts of climate change in the Sahel, Great Lakes region, which has triggered armed conflict and displacement and heightened the vulnerability of Indigenous Peoples. The Forum calls for regional climate action.
6. The Forum calls on African states and UNESCO to safeguard Indigenous Peoples' languages and to develop culturally appropriate education systems for Indigenous children and youth. The Forum also encourages the development of initiatives to prioritize Indigenous Peoples' knowledge systems, especially for women and girls.
7. The Permanent Forum reiterates its call on African Member States to extend invitations to the Special Rapporteur on the Rights of Indigenous Peoples and other mandate holders for country visits to foster transparent and constructive dialogue. The Forum notes the invitations from Tanzania and Namibia to the Special Rapporteur to undertake country visits and invites Member States for financial support to realize these visits.
8. The Forum highlights the importance of creating direct and accessible finance for African Indigenous Peoples to implement the 3 Rio conventions and SDGs as elaborated in the forum report E/C.19/2024/7.

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Arctic

9. In the Arctic Region, Indigenous Peoples constitute the public majority population in certain jurisdictions. Thus, it is important not to refer to Indigenous Peoples as minorities. However, there is a disparity in the ways in which Indigenous Peoples rights are protected and supported across the region. In certain areas, Indigenous Peoples freely exercise autonomy and self-government, while in other parts, these rights are restricted. The Forum urges the need to focus on womens' equal participation in decision-making at all levels.

10. The Forum urges the governments of Canada, Denmark and Greenland to follow up and implement the recommendations of the Special Rapporteur on the Rights of Indigenous Peoples following his country visits in 2023. The Forum recommends that a human rights-based approach is taken when investigating and addressing the practices and impacts of the so called IUD campaign affecting Greenland Inuit women and adolescents.

11. The Forum urges actions by States to address the racism suffered by Inuit, particularly those residing outside Inuit Nunaat. The Forum is concerned about the high incidence rates of child removals by Child welfare systems legitimized by psychometric tests adapted to the non-Inuit.

12. The Forum is deeply alarmed by the impact of war and armed conflict. The Permanent Forum calls on Member States to put an immediate moratorium on military conscription among Arctic Indigenous peoples.

13. The Forum supports the invitation from OHCHR's Voluntary Fund for Indigenous Peoples for applicants from Arctic youth for travel grants as well as for the Indigenous Fellowship Programme.

14. The Forum urges the full participation of Indigenous Peoples in Environmental Assessment Processes, including in the context of possible deep-sea mining, as this also guarantees the contributions of Indigenous Peoples' knowledge. Given the long Arctic coastlines, Indigenous Peoples need to be involved in the monitoring of the international shipping routes and their impacts on the marine biodiversity and the sea-beds.

15. The Forum notes the pertinent relevance of UNDRIP in the context of the International Decade of Indigenous Languages and recommends the active use of the Indigenous Peoples languages in the description of and names for the homeland and its landscapes and environmental features as this strengthens the sense of belonging and identity as well as making Indigenous Peoples language visible and omnipresent.

Asia

16. The Asia Regional Dialogue highlighted issues including Indigenous Peoples' right to self-determination, particularly the right to lands, territories and resources, the recognition of Indigenous Peoples' identity, Indigenous Peoples' meaningful participation in decision-making, and, in particular

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the issues that directly impact their well-being such as the implementation of UNDRIP at the national and international levels with practical outcomes, actions in addressing climate change and achieving the Sustainable Development Goals.

17. The lack of recognition of Indigenous Peoples by Member States leads to inadequate legal protection and enforcement. For instance, the ASEAN Declaration on Environmental Rights (ADER) is now being drafted by the ASEAN Intergovernmental Commission for Human Rights (AICHR) with no representation from Indigenous Peoples. Indigenous Peoples have profound concerns regarding this and appeal for urgent global support and solidarity to ensure Indigenous Peoples' rights are aligned with the UNDRIP.

18. Indigenous Peoples noted the ongoing challenges faced by Indigenous media and Indigenous journalists and called for better protection and freedom of expression in the Asia region.

19. The dialogue emphasized the significance of collaborating with the SRIP on the effects of conflicts on Indigenous Peoples, focusing on safeguarding the rights of Indigenous Peoples in conflict-affected areas, especially with Indigenous women, children, and youth.

20. Indigenous Peoples in Asia must not, under any circumstances, be deprived of their fundamental human rights under UNDRIP or direct access to international financial support.

Central and South America and the Caribbean

21. The Permanent Forum calls on States to revise national public policies and programmes with a culturally appropriate perspective, particularly in policies and programs for reproductive health services so Indigenous women receive quality health services.

22. The Indigenous Peoples of the region stressed on the complex relationship between cultural diversity and democracy, since they experience limitations to meaningful and effective participation in the institutions of the legislative, executive and judicial bodies, where norms, budgets and public policies are established, without adequate consultation to obtain their free, prior and informed consent. Regulation of prior consultation has also been generalized, diminishing its effectiveness, increasing extractivism and deforestation of indigenous peoples' lands and territories.

23. Indigenous Peoples of the region pointed out the complex relationship between cultural diversity and democracy. Indigenous Peoples experience limited avenues for meaningful participation in institutions and lack decision-making capacity in legislative, executive, and judicial bodies, which are the scenarios where norms, budgets and public policies are defined for their application. This has led to a lack of respect for autonomy and self-determination, increased criminalization of Indigenous Peoples' leaders and human rights defenders, a lack of proper consultation to obtain free, prior and informed consent, extractivism, and deforestation of Indigenous Peoples lands and territories.

24. The Forum heard that, in the name of safeguarding democracy, governments in the region have issued exceptional measures that favor repression and criminalization, promote authoritarianism and suppress protest voices and demands for self-governance. Indigenous Peoples expressed concern that the results of electoral mechanisms such as referendums are not respected.

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25. Indigenous Peoples also pointed out the alarming increase in the criminalization, attacks, killings and arbitrary detention of Indigenous Peoples' leaders and human rights defenders, ignoring Indigenous Peoples' justice systems. The Forum was informed about hate speech and stigmatizing rhetoric that associates Indigenous movements with illegal armed groups, thereby putting the lives of Indigenous Peoples at risk.

Central and Eastern Europe, the Russian Federation, Central Asia and Transcaucasia

26. Indigenous Peoples' languages in Russia are endangered and may face extinction. It is imperative to enforce the UNDRIP to preserve these languages. Member States must commit to supporting and funding comprehensive programs to preserve Indigenous Peoples' languages.

27.. Russia's aggression against Ukraine has exacerbated numerous risks for Indigenous Peoples, posing severe existential threats. These include forced conscription, massive displacement, and attacks targeting their identities. The increase in the criminalization of Indigenous leaders undermines Indigenous Peoples' representative institutions, further jeopardizing their collective rights.

28. Failing to consider the rights of Indigenous Peoples during the transition to green economies could perpetuate historical injustices and lead to further marginalization, discrimination, and loss of lands, territories and resources for Indigenous Peoples.

29. The Forum notes that boarding schools in Russia continue to impact Indigenous Peoples. Cases brought to the attention of the Forum highlighted discrimination in educational settings and the urgent need for equitable education policies. Member States must develop educational programs tailored to meet the specific needs of Indigenous Peoples, particularly in remote areas. The Russian government's superficial measures fail to empower Indigenous Peoples.

30. The Youth Council of the Krasnoyarsk Krai exemplifies engagement in preserving Indigenous Peoples' cultures and languages. Initiatives like the Siberian Argish Youth Forum and collaborations with academic institutions highlight the importance of integrating traditional practices with modern technologies to maintain cultural continuity.

31. Industrial companies and authorities in Russia promote certain "authorized bodies of Indigenous Peoples," which in reality are run by state representatives claiming that only these organizations have the right to negotiate on behalf of Indigenous Peoples. In this regard, the Forum proposes that the Russian government revise the federal law "On Guarantees of the Rights of Indigenous Peoples of the Russian Federation"

32. The Forum recommends that the Member States in the region enhance the protection of Indigenous Peoples through recognition and autonomy in line with UNDRIP by revising legal and policy frameworks. Governments should rectify the injustices of the colonial past with Indigenous Peoples and their perspectives, particularly those of Indigenous Youth, ensuring their participation in decision-making.

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North America

33. The Forum welcomes the very rich contributions from Indigenous Peoples and Member States during the North American Regional Dialogue. Clearly, Indigenous Peoples have many strengths that can contribute positively to a diverse array of areas, such as health, sustainable development, and environmental stewardship.

34. The Forum urges Canada and the United States to fund, expand, and improve initiatives to end the epidemics that impact Indigenous Peoples, such as the alarming rates of HIV/HepC/STI, especially amongst women, youth, persons with a disability, and gender diverse and two-spirited members.

35. Indigenous Peoples' rights to govern lands, manage resources and protect lands, territories, and ecosystems must be upheld in line with the UNDRIP. The Forum is concerned that the bilateral agreements between Canada and the United States to divert or export water from Canada to the United States do not take into consideration Indigenous Peoples' rights and need for water.

36. The Forum calls for support to be provided to displaced Mayan and other Indigenous Peoples permanently settled in Canada and the United States so that they are visible to authorities and culturally safe as per UNDRIP, while upholding the treaty and trust rights of Indigenous Peoples in North America.

37. With many continuing areas of conflict, globally, the Forum urgently calls on Member States to focus on ways to achieve peace by utilizing Indigenous Peoples as peacebuilders.

38. The Forum supports the call for the establishment of an informal Elders Council to the Permanent Forum.

39. The Forum acknowledges the benefits of evaluating the Forum's program of work, operations, participation, and tenure in preparation for the 20th anniversary of the passage of the UNDRIP.

Pacific

40. The Indigenous Peoples' of the Pacific region spans a quarter of the globe. From Hawai'i in the north to the southernmost island of Aotearoa, to Rapa Nui in the east and over the Island of Papua to the shores of the Australian continent. The Forum heard Indigenous Peoples stories about violence, racism, discrimination and asserted their right to self-determination under the UNDRIP.

41. The Forum is alarmed about the removal of Indigenous children, based on policies and practices not suited to Indigenous Peoples, due to a culture of discrimination and and perceived risk aversion, rather than care and concern. This harmful practice disconnects Indigenous children from their culture, homes and family with little ramification for institutional decision-makers.

42. The Forum heard about calls for a campaign in New Zealand to decrease the voting age globally to 16 years, because youth have a greater stake in the future, yet very little influence over it.

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43. The Forum is also concerned about reprisals against Indigenous youth land and environment defenders in the Pacific facing the destruction of their sacred sites and ecosystems. Also, the impacts of the extractive industries on Indigenous women and girls, noting the report of Hawaii on Murdered and Missing Indigenous women and girls.

44. The OHCHR also urged Pacific Indigenous Peoples to utilize the Voluntary Fund for Indigenous Peoples and Indigenous Fellowship Programme to increase representation at UN meetings and within the UN system.

45. The Forum invites Member States to consider adopting a UN International Day of the Arts at the 79th session of the General Assembly in recognition of arts in all its expressions, including Indigenous arts.