

UN Permanent Forum on Indigenous Issues 17 April – 5 May 2023

Summary of regional dialogues between Indigenous Peoples and Member States

[E/C.19/2023/ X] 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. Summaries of the dialogues can be found online here: <https://social.desa.un.org/issues/indigenous-peoples/unpfii/unpfii-twenty-second-session-17-28-april-2023>.

Regional Dialogues

I. Africa

1. Africa has the second highest percentage of Indigenous Peoples in the world, and the highest percentage of those living in rural areas and living in vulnerable situations. The dialogue highlighted the continued lack of recognition of Indigenous Peoples by Member States in the African region. Permanent Forum Members, the Special Rapporteur and the Chair of Expert Mechanism on the Rights of Indigenous Peoples called on states to respect the rights of Indigenous Peoples to self-identification and self-determination.
2. The Forum reminded African States that Indigenous Peoples can freely participate in sessions and any restriction by governments is a violation of human rights. The Permanent Forum invites African states to follow the guidelines of the African Commission on Human and Peoples' Rights and the African Union, since both recognize the existence of Indigenous Peoples and the applicability of the UNDRIP on the continent.
3. The Permanent Forum welcomes the efforts made by the Governments of Chad and Uganda, and the new legislation on the rights of the Indigenous Peoples in the Democratic Republic of Congo. It encourages countries to call for the implementation of all legislations relating to Indigenous Peoples in Africa, including the decision of the African Court on Human and Peoples' Rights to award reparations to the Ogiek peoples and to restore their land tenure rights. The Permanent Forum recommends African states and regional bodies take affirmative action measures to increase the representation of Indigenous Peoples and Indigenous women in decision-making positions, including by setting gender quotas for political office.
4. The Permanent Forum takes note of the Africa and Asia bi-regional gathering of the Local Communities and Indigenous Peoples Platform –held in Chad in October 2022, which shared experiences about the use of traditional knowledge in climate change actions. The Forum welcomes Chad's national adaptation plan, which incorporates Indigenous Peoples' traditional knowledge.

5. The Permanent Forum is deeply concerned by the increase of militarization in the protected areas designated by African States as stated by the Chairperson of EMRIP. The Permanent Forum call for the urgent implementation of the Kunming-Montreal Biodiversity Framework (GBF) to safeguard the biodiversity and accomplish the 30x30 objective expressed in the GBF with due regard to the objectives and principles of SDG 16 as a means to ensure human rights violations against Indigenous Peoples are prevented and their land rights respected.

6. The Forum welcomes Tanzania's invitation to the African Commission on Human and Peoples' Rights, the Special Rapporteur on the Rights of Indigenous Peoples and UNESCO to visit the country. The Permanent Forum call on other African Member States to extend invitations for country visits by regional and international mandate holders.

7. The Permanent Forum welcomes ILO's proposals to create more dialogue spaces in the African region on Convention 169 in 2024 and encourages governments to ratify the convention. The Forum thanks FAO for its invitation to participate in the FAO High level meeting with Indigenous Peoples and Governments representatives.

8. The Permanent Forum invites African states to engage in the International Decade on Indigenous Languages and calls for the creation of an official commission on Africa's Indigenous languages, culture, national heritage, radios and televisions. The Forum encourages the establishment of an interregional Indigenous Peoples conference with other regions in 2024, to facilitate greater South-South exchanges.

II. Arctic

9. The right to self-identification is a fundamental expression of Indigenous Peoples' rights, and of the principle of self-determination, underscoring the importance of free, prior and informed consent. Adherence to these principles is particularly relevant for the proper functioning of Indigenous Peoples' own decision-making bodies in the Arctic, including the Saami Parliaments. In this regard, the Permanent Forum looks forward to seeing progress on the agreement between Norway, Sweden and Finland for a Nordic Saami Convention, which will be essential in strengthening the rights of Saami, and their institutions and livelihoods, with the smallest possible interference of the state borders.

10. The realities of climate change are felt disproportionately in the Arctic, with serious consequences for its Indigenous Peoples. Military bases, mining projects and measures for climate change mitigation also negatively affect the health, including mental health, and livelihoods of Indigenous Peoples.

11. The Permanent Forum was encouraged to hear of the initiatives and institutions established on Indigenous Peoples' languages and welcomes further developments during the International Decade on Indigenous Languages and beyond.

III. Asia

12. The Asia Regional Dialogue highlighted issues including recognition of Indigenous Peoples' rights to lands, territories and resources as well as effective ways of addressing the twin challenges of climate crisis and biodiversity loss.

13. The Permanent Forum underlines the importance of Member States' efforts and support for the realization of the rights to lands, territories and resources of Indigenous Peoples in the context of the Kunming-Montreal Global Biodiversity Framework.

14. The Forum further calls on States and Indigenous Peoples to engage in constructive dialogues to implement relevant peace accords and other constructive agreements made between them towards full recognition and respect of their rights.

IV. Central and South America and the Caribbean

15. The Permanent Forum continues hearing that poverty and inequality are remain key concerns for Indigenous Peoples in the region. Additionally, the exercise of the right to participate in decision-making is an increasingly gap to achieve in issues affecting them across several areas including large development projects and natural resource extraction. Discrimination, migration, criminalization, persecution and murders, displacement, land evictions, loss of Indigenous Peoples' languages and knowledge, and lack of culturally appropriate education and access to health care, as well as polarization through unbalanced media coverage that spread misinformation have been issues raised during the dialogue.

16. The Permanent Forum invites States to continue reporting on the progress and advancement in the implementation of the rights of Indigenous women not only in the annual session of our Forum but also in annual sessions of the Commission on the Status of Women, CEDAW and others.

17. The Permanent Forum is deeply concerned about the prejudices against Indigenous Peoples' leaders and movement in Peru propagated by media. The Permanent Forum is alarmed that the proposed Peruvian Bill No. 3518/2022-CR will modify Law No. 28736 on the Protection of Indigenous Peoples in Voluntary Isolation and Initial Contact will put their rights and survival at risk. The Permanent Forum urges the State and the government of Peru to respect the fundamental rights of Indigenous Peoples recognized under international standards in the elaboration and adoption of laws and regulations impacting on Indigenous Peoples.

18. The Forum acknowledges the call to action by Brazil in response to the increasing degradation and deforestation of the Amazon rainforest which has pushed it to a tipping point and thereby endangering the livelihoods and territories of Indigenous Peoples, biodiversity and aggravating the global climate crisis. The Permanent Forum supports Brazil's proposal of protecting 80% of the Amazon as a step towards reaching zero deforestation and in securing Indigenous Peoples-led protection and conservation efforts. The Permanent Forum also supports the proposal for a dialogue among Member states in the region towards closing the gap of over 100 million hectares of Indigenous Peoples' territories in the Amazon that still remains to be declared, recognized, and titled.

19. The Permanent Forum urges all the nine Amazonian States to legally recognize the ancestral territories of Indigenous Peoples, covering 100 million hectares, through the expansion, regulation and collective titling in meeting the target of protecting 80% of the Amazon by 2025. The Permanent Forum underscores that such actions are essential for ensuring immediate mitigation measure to stop the destruction of the Amazon. The Permanent Forum invites the Amazonian States to inform the Permanent Forum at its 23rd session on the progress of these vital actions.

20. The Forum welcomes that Indigenous Peoples developed life-plans within and for their own communities to protect the forest and keep fossil fuels in the ground. The Forum calls on States to support Indigenous Peoples in implementing the life-plans in line with the UNDRIP, ILO Convention No. 169, Escazu Agreement, OAS Declaration on the Rights of Indigenous Peoples and other relevant international standards.

21. The Permanent Forum recommends Member States in the region to pursue Debt-for-Nature Swap programs with the International Financial Institutions (IFIs) and other creditors that would allow for the redirection of debt service payments toward investments in the protection of strategic ecosystems. The Permanent Forum underscores that the full and effective participation of Indigenous Peoples through the entire process of such programs is essential for ensuring the enforcement of territorial, land and self-determination rights and for Indigenous Peoples direct access to financing.

22. The Forum Permanent Forum expresses their deep concern that some Indigenous leaders have suffered reprisals for attending its 22nd as in earlier sessions. The Permanent Forum urges State to ensure the safe return of all Indigenous leaders and Indigenous human rights defenders to their country of origin without any reprisals.

V. North America

23. Indigenous Tribal leaders, Indigenous Peoples' organizations and institutions as well as the representatives of the governments of Canada and the United States of America participated at the regional dialogue. Issues highlighted at the dialogue include the requirement to respect treaties, statutes and historical relations with Tribes; the respect for the free, prior, and informed consent when developing large projects and affecting sacred sites, water contamination, climate change, violence against Indigenous women, missing or murdered Indigenous persons, among others.

24. Tribal leaders from the USA referred to the urgent need to develop a National Action Plan for implementing the UN Declaration on the Rights of Indigenous Peoples. Additionally, the appointment of an ambassador or Special Envoy on Global Indigenous Affairs would facilitate consultation between US and tribal governments on international issues and support enhanced participation of tribal governments throughout the UN system. They stated that the references made in the 2022 report of the Permanent Forum on the above issues helped them to remind the government on its implementation and they are looking forward to a response.

25. Indigenous Peoples in Canada identified the Indian Act and colonialism as the roots causes of their current situation. Some of the key issues are: poorer health, high death rates of children and youth, high rates of unemployment, lower levels of education, inadequate housing, suicide, among others.

26. The Permanent Forum welcomes Canada's commitment to achieve reconciliation with Indigenous Peoples based on recognition of rights, respect, cooperation, and partnership, including through the Act on UNDRIP of 21 June 2021.

27. The Permanent Forum commends the establishment in 2016 together with the governments of Canada and Mexico, the Trilateral Working Group on Violence Against Indigenous Women and Girls.

VI. Eastern Europe, Russian Federation, Central Asia, and Transcaucasia

28. The Dialogue addressed vital concerns affecting Indigenous Peoples in the region. Major challenges encompass the unlawful criminalisation of Indigenous leaders, forced mobilisation of Indigenous Peoples, illegal detentions, and persecution. The Forum welcomes Ukraine's legislative efforts in safeguarding Indigenous Peoples' rights. It stresses the significance of linguistic rights and education in native languages for Indigenous Peoples in line with Article 14 of the

UNDRIP. The Forum highlights the importance of identifying and disseminating best practices in ensuring the rights of Indigenous Peoples.

29. Implementing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is essential to tackle regional challenges, including in the context of armed conflicts and militarization. The Forum emphasises the importance of respecting the right of Indigenous Peoples of the region to participate in decision-making in matters which would affect their rights through representatives chosen by themselves in accordance with their own procedures, as well as in maintaining and developing their own indigenous decision-making institutions.

30. The Forum points out the negative influences, amplified by the currently ongoing- militarization on Indigenous Peoples' access to traditional lands and natural resources. The Forum regrets and finds the deterioration and downgrading of the environmental and legal standard for their access to land and territories unacceptable.

31. The Permanent Forum remains committed to focus on emerging issues and thematic topics related to the advancement and the safeguarding of the rights of Indigenous Peoples throughout the region.

VII. Pacific

32. The Indigenous Peoples' 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 westernmost shores of the Australian continent. The Permanent Forum heard indigenous peoples' leaders and representatives speak of the violence against them and asserted their right to self-determination under the United Nations Declaration on the Rights of Indigenous Peoples.

33. The Pacific regional dialogue noted the impact of climate change in health inequities of Indigenous Peoples, notably psychosocial health. The trauma brought upon by ecological harm and the extinction of species due to climate change and disasters directly impacts the cultural identity and spiritual wellbeing of Indigenous Peoples. Indigenous Peoples Organizations identified that climate change is disrupting intergenerational transmission of Indigenous Peoples' culture, knowledge and languages.

34. Indigenous Peoples Organizations urged Member States to address these harmful impacts of climate change, end fossil fuel consumption driving climate change and causing serious harm to Indigenous Peoples lands.

35. Indigenous Peoples Organizations from Rapanui raised concerns that climate solutions neglect the oceans. The health of the oceans is critical to the health of the planet as a whole, and the Forum calls for increased support for Pacific Indigenous Peoples' engagement in UN forums.

36. The Permanent Forum is concerned by the impact of climate change on Indigenous Peoples, in particular Indigenous Peoples in remote and rural areas or in rural isolation. The immediate intervention of emergency services is crucial following a climate disaster, such as flooding. Yet such areas are often difficult to reach or inaccessible for emergency services, including medical and health services, creating serious health dangers. In Aotearoa-New Zealand, Indigenous Peoples Organizations observed serious health risks to Māoris following climate change disasters.

37. The Permanent Forum welcomes the decision of Australia to support a Pacific regional dialogue of Indigenous Peoples and Member States in October to dialogue on climate change and community-led solutions.

38. The Permanent Forum is concerned about water quality conditions in the Murray-Darling Basin in New South Wales, Australia, where large mass fish deaths have occurred due to low oxygen levels observed in the water. Poor water management of the Murray-Darling Basin impacts Aboriginal peoples' health and spiritual well-being as the local Aboriginal communities have a long history of fishing and a cultural identity associated with fishing.

39. The Permanent Forum congratulates Indonesia on the adoption on March 27, 2023, by the Human Rights Council of the outcome of the 4th cycle of Universal Periodic Review and commends Indonesia for supporting recommendation no. 140.263 on "Conduct(ing) prompt, thorough and transparent investigations into all allegations of extrajudicial killings and human rights violations in the five Papuan provinces and hold perpetrators accountable". The Permanent Forum acknowledges Indonesia's statements in support of cultural diversity, in the UPR as well as the Permanent Forum, and seeks further constructive dialogue on its development and human rights commitments.