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Report on the sixteenth session (24 April-5 May 2017)

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Chapter I

Matters calling for action by the Economic and Social Council or brought to its attention

A. Draft decisions recommended by the Permanent Forum for adoption by the Council

1. The Permanent Forum on Indigenous Issues recommends to the Economic and Social Council the adoption of the following draft decisions:

Draft decision I
International expert group meeting on the theme "Sustainable development in territories of indigenous peoples"

The Economic and Social Council decides to authorize a three-day international expert group meeting on the theme "Sustainable development in territories of indigenous peoples".

Draft decision II
Venue and dates for the seventeenth session of the Permanent Forum on Indigenous Issues

The Economic and Social Council decides that the seventeenth session of the Permanent Forum on Indigenous Issues shall be held at United Nations Headquarters from 16 to 27 April 2018.

Draft decision III
Report of the Permanent Forum on Indigenous Issues on its sixteenth session and provisional agenda for its seventeenth session

The Economic and Social Council:

(a) Takes note of the report of the Permanent Forum on Indigenous Issues on its sixteenth session;[1]

(b) Approves the provisional agenda for the seventeenth session of the Permanent Forum as set out below:

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Follow-up to the recommendations of the Permanent Forum.
4. Implementation of the six mandated areas of the Permanent Forum with reference to the United Nations Declaration on the Rights of Indigenous Peoples.
5. Dialogue with indigenous peoples.
6. Dialogue with Member States.
7. Dialogue with the funds, programmes and specialized agencies of the United Nations system.

[1] *Official Records of the Economic and Social Council, 2017, Supplement No. 23* (E/2017/43).

8. Discussion on the theme "Indigenous peoples' collective rights to lands, territories and resources".

9. 2030 Agenda for Sustainable Development.

10. Dialogue with the Special Rapporteur on the rights of indigenous peoples and the Chair of the Expert Mechanism on the Rights of Indigenous Peoples.

11. Follow-up to the outcome document of the World Conference on Indigenous Peoples:

    (a) Implementation of national action plans, strategies and other measures;

    (b) Ways to enhance the participation of indigenous peoples at the United Nations;

    (c) Implementation of the United Nations system-wide action plan on indigenous peoples.

12. Future work of the Permanent Forum, including issues considered by the Economic and Social Council and emerging issues.

13. Provisional agenda for the eighteenth session.

14. Adoption of the report of the Permanent Forum on its seventeenth session.

B. Matters brought to the attention of the Economic and Social Council

2. The Permanent Forum on Indigenous Issues has identified the proposals, objectives, recommendations and areas of possible future action set out below and, through the Economic and Social Council, recommends that States, entities of the United Nations system, intergovernmental organizations, indigenous peoples, the private sector and non-governmental organizations assist in their realization.

3. It is the understanding of the secretariat of the Permanent Forum that those proposals, objectives, recommendations and areas of possible future action to be carried out by the United Nations, as set out below, will be implemented to the extent possible within the context of the approved programme of work of the relevant entities.

Recommendations of the Permanent Forum

Discussion on the theme "Tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples: measures taken to implement the Declaration"

4. The United Nations Declaration on the Rights of Indigenous Peoples is the most comprehensive international instrument on the rights of indigenous peoples. It establishes a universal framework of minimum standards for the survival, dignity and well-being of indigenous peoples, elaborates on existing human rights instruments and clarifies how they apply to the specific situations of indigenous peoples.

5. Collective rights to lands, territories and resources and the right to self-determination, as recognized in articles 3 and 26, are among the most important provisions of the Declaration and the most challenging to implement. Legal recognition of indigenous peoples' rights to lands, territories and resources must be

complemented by effective implementation through enabling legislation, executive action and judicial protection. It is also critical that legislation enacted to establish recognition of indigenous peoples' rights not be undermined or contravened by other laws and regulations.

6. The implementation of the Declaration has achieved some major successes. Constitutional and legislative frameworks that recognize indigenous peoples, including targeted policies and programmes, have been developed in some countries, and there is a growing body of national and regional jurisprudence that recognizes the legal rights of indigenous peoples.

7. The funds, programmes and specialized agencies of the United Nations system, including the International Fund for Agricultural Development, the International Labour Organization (ILO), the Food and Agriculture Organization of the United Nations, the United Nations Development Programme, the United Nations Environment Programme, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the Office of the United Nations High Commissioner for Human Rights, have also taken action to advance the implementation of the Declaration through their own frameworks, country dialogues and the system-wide action plan for ensuring a coherent approach to achieving the ends of the Declaration.

8. At the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, held in 2014, States committed themselves to taking concrete action to achieve the ends of the Declaration. The process for the World Conference constituted in itself a good practice of partnership between indigenous peoples and Member States working together to identify gains and priorities for future action. The efforts of the Assembly to enable the enhanced participation of indigenous peoples at the United Nations represents a continuation of that good practice. Of particular importance, as reflected in the outcome document, are the commitments made by States, in cooperation with indigenous peoples, to implement national action plans, strategies and other measures and to take legislative, policy and/or administrative measures to achieve the ends of the Declaration.

9. Notwithstanding the progress made in implementing the Declaration over the past decade, the Permanent Forum is concerned about a gap between the formal recognition of indigenous peoples' rights and their implementation in practice. Indigenous peoples continue to face exclusion, marginalization and major challenges to enjoying their basic rights. Ten years after the adoption of the Declaration, the usurpation of indigenous peoples' lands and resources continues at an alarming rate and threats and violence against indigenous peoples who defend their territories, rights and livelihoods have increased dramatically. The Forum is also concerned about the continued refusal of some States to recognize the existence of indigenous peoples, and that free, prior and informed consent is rarely, if ever, obtained from communities for projects and legislation that affect them.

10. The Permanent Forum welcomes the organization of the high-level event of the General Assembly to mark the tenth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, held at United Nations Headquarters in New York on 25 April 2017, with the participation of the mechanisms specific to indigenous peoples, namely the Permanent Forum on Indigenous Issues, the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples, and of representatives of the seven sociocultural regions.

11. The Permanent Forum urges Member States, in their regular reporting to the United Nations human rights treaty bodies and, in particular, to the Human Rights Council through the universal periodic review, to include the actions taken to

implement the recommendations made by the Special Rapporteur on the rights of indigenous peoples, the Expert Mechanism on the Rights of Indigenous Peoples and the Permanent Forum on Indigenous Issues.

12. The Permanent Forum urges all States to substantially increase the human, financial and technical resources made available to implement the Declaration, in accordance with article 39 thereof, and to overcome the remaining gaps between the formal recognition of indigenous peoples and the implementation of their rights.

13. The Permanent Forum encourages ILO to promote the ratification of the Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989 (No. 169) (Indigenous and Tribal Peoples Convention).

14. The Permanent Forum encourages Member States with bilateral development agencies to enact, in accordance with the Declaration, policies that ensure the inclusion of indigenous peoples as partners in the development process, with a meaningful role in the design, implementation, monitoring and evaluation of all projects that affect their territories, rights and livelihoods.

15. The Permanent Forum urges the funds, programmes and agencies of the United Nations system to cooperate with States and indigenous peoples in the development and implementation of national action plans, strategies and other measures that aim to achieve the ends of the Declaration, including by providing support for the advancement and adjudication of the collective rights of indigenous peoples to their lands, territories and resources.

16. The Permanent Forum encourages resident coordinators and United Nations country teams to ensure the full and effective participation of indigenous peoples, including indigenous women and youth, in the preparation of the United Nations Development Assistance Frameworks and country programme action plans.

17. The Permanent Forum recommends to ILO and its Governing Body that a technical expert meeting be organized to consider the drafting of a recommendation to supplement the Indigenous and Tribal Peoples Convention.

Implementation of the six mandated areas of the Permanent Forum with reference to the United Nations Declaration on the Rights of Indigenous Peoples

18. Fulfilling the objectives of the United Nations Declaration on the Rights of Indigenous Peoples requires continuous follow-up, monitoring and observation of the six mandated areas. The sixteenth session attracted speakers from among Governments, national human rights institutions, intergovernmental organizations and indigenous peoples. From the interventions presented, the Permanent Forum is concerned that not enough is being done to improve indigenous peoples' rights in the areas of health, education, human rights, economic and social development, environment and culture.

Human rights

19. The Permanent Forum welcomes the adoption of the American Declaration on the Rights of Indigenous Peoples by the Organization of American States on 15 June 2016. The Forum calls upon States to implement the American Declaration in order to advance the rights of indigenous peoples in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and other human rights instruments.

20. The Permanent Forum appreciates the participation and active input of national and regional human rights institutions at its sixteenth session, encourages

studies and reports by the national human rights institutions in the promotion and protection of indigenous rights and invites those institutions to present their reports and studies in future sessions.

21. Notwithstanding the developments in international human rights standards, indigenous peoples continue to face denial of their most basic human rights, including the right to self-determination. The Permanent Forum notes the affirmation that the rights of indigenous peoples are a matter of international concern and that the United Nations has an important role to play in the promotion and protection of their rights, as stated in articles 19 and 20 of the Declaration. The Permanent Forum remains committed to promoting respect for, and the full application of, the provisions of the Declaration and to following up on its effectiveness.

22. Recalling the recommendations made by the Special Rapporteur appointed to undertake a study on the status of implementation of the Chittagong Hill Tracts Accord of 1997 (E/C.19/2011/6, sect. VIII), and given that the situation of the indigenous peoples of the Chittagong Hill Tracts remains a matter of concern, the Forum encourages the Government of Bangladesh to allocate sufficient human and financial resources and set a time frame for the full implementation of the Accord.

23. The Permanent Forum calls upon the Government of the United States of America to comply with the provisions recognized in the Declaration and to ensure the rights of the Great Sioux Nation to participate in decision-making, as set out in article 19 of the Declaration, given that the construction of the Dakota access pipeline will affect their rights, lives and territory. Furthermore, the Forum recommends that the Government of the United States initiate an investigation of alleged human rights abuses by private security and law enforcement officers that occurred during protests to prevent construction of the pipeline.

24. The Permanent Forum takes note of the Deatnu (Tana/Teno) river fishing agreement between the Governments of Finland and Norway that was adopted by their respective Parliaments in March 2017. The Sami Parliaments of Finland and Norway have informed the Forum that the agreement was adopted without the free, prior and informed consent of the Sami. The Forum requests the Governments of Finland and Norway to renegotiate the agreement with the full and effective participation of Sami rights holders.

25. The Permanent Forum urges Colombia to promote and guarantee the rights of indigenous peoples in the development of the regulatory framework of the Colombian peace agreement and to ensure that a process of free, prior and informed consent is established for the implementation of the “ethnic chapter” of the agreement with their full and effective participation.

26. The Permanent Forum recommends that the United Nations Multidimensional Integrated Stabilization Mission in Mali, the African Union and the European Union establish special mechanisms for the protection of indigenous peoples in areas of conflict and high insecurity in the countries of the Sahel and Sahara region, in particular Tuaregs in Mali and Libya.

27. The Permanent Forum continues to hear numerous accounts from indigenous peoples who are threatened by alien commercial ventures, militarization and administrative decisions that interfere with their governance over their lands, territories and resources and ultimately inhibit their capacity for sustainable development and well-being for future generations. The Forum strongly recommends that such disputes be considered in accordance with article 27 of the United Nations Declaration on the Rights of Indigenous Peoples and paragraph 21 of the outcome document of the World Conference on Indigenous Peoples, ensuring that a mechanism exists that provides for fair, independent, impartial, open and

transparent adjudication. Any mechanism established for adjudication of disputes over indigenous peoples' lands, territories and resources should be agreed upon between States and indigenous peoples.

Economic and social development

28. Recalling article 32 of the Declaration, which recognizes that indigenous peoples have the right to "determine and develop priorities and strategies for the development or use of their lands or territories and other resources", the Permanent Forum urges the African Development Bank, the European Investment Bank and the Nordic Investment Bank to develop and adopt policies on indigenous peoples on the basis of the Declaration, to ensure that the programmes and projects for which they provide support respect, promote and protect the rights of indigenous peoples.

29. The Permanent Forum welcomes the progress made in the development of community-based tools to monitor the implementation of the Declaration, the outcome document of the World Conference on Indigenous Peoples and the 2030 Agenda for Sustainable Development and encourages collaboration and contributions from Governments, the agencies of the United Nations system, indigenous peoples and civil society organizations to the Indigenous Navigator framework and other tools in order to strengthen community-based monitoring of global commitments made under the Declaration, the World Conference and the Sustainable Development Goals.

30. The Permanent Forum is concerned about the recent grant by the World Bank of a waiver to its indigenous peoples policy (operational policy 4.10) and requests that the World Bank ensure that waivers will not be used in the future. Furthermore, the Forum requests that the Bank conduct a review of the impact on indigenous peoples of the waiver issued to the Southern Agricultural Growth Corridor of Tanzania Programme and present its findings to the Forum.

31. The Permanent Forum recommends that the World Bank engage the Special Rapporteur on the rights of indigenous peoples, the Expert Mechanism on the Rights of Indigenous Peoples and the Permanent Forum in the development of guidance for the implementation of the new performance standard 7: Indigenous peoples, of the International Finance Corporation performance standards on environmental and social sustainability.

32. The Permanent Forum notes the work of the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean (FILAC) as a regional mechanism to provide support to indigenous peoples. The Forum encourages Member States to strengthen the institutional framework of FILAC and to create similar bodies in other regions of the world.

Environment

33. The Permanent Forum has made a number of recommendations, in particular at its seventh and ninth sessions, on conservation and human rights, which to date remain largely unimplemented. Particular attention has been given by the Forum to the critical issue of free, prior and informed consent of indigenous peoples in establishing and managing any protected area that affects their territories, livelihoods and resources. Those recommendations should be implemented urgently, considering the continued infliction of human rights violations on indigenous peoples in relation to conservation measures.

34. The Permanent Forum urges the Government of Kenya to recognize and formally protect the land and resource rights of the Ogiek and Sengwer peoples in line with the Constitution of Kenya, the Community Land Act of 2016 and other

relevant laws, before moving ahead with planned conservation efforts in the Cherangany Hills.

35. The Permanent Forum urges the International Union for Conservation of Nature to establish a task force on conservation and human rights to work with indigenous peoples' communities and organizations to clearly articulate the rights of indigenous peoples in the context of conservation initiatives and to continue to promote grievance mechanisms and avenues for redress in the context of conservation action, including the Whakatane Mechanism. The Forum invites the Union to report on progress made in the implementation of these recommendations in future sessions.

36. The Permanent Forum recommends that States develop laws and policies to ensure the recognition, continued vitality and protection from misappropriation of indigenous traditional knowledge.

37. The Permanent Forum calls upon Member States to start the work, in the context of the United Nations Convention on the Law of the Sea, of creating a place and a voice for indigenous peoples in the governance of the world's oceans. This effort involves the participation of indigenous peoples in all aspects of the work and decision-making regarding the Convention on the Law of the Sea, including the environmental provisions and the delimitation of the continental shelf. It may also include establishing advisory committees of indigenous peoples to guide the work under the Convention, as has been done under the Convention on Biological Diversity.

38. The Permanent Forum calls upon the United Nations bodies and Member States to ensure that indigenous peoples have a voice equal to States in the development of and negotiations on the international agreement to address marine biodiversity in areas beyond national jurisdiction. States and the United Nations should guarantee that the agreement upholds and respects indigenous peoples' role in governing the oceans and the rights set out in the United Nations Declaration on the Rights of Indigenous Peoples.

Culture

39. The Permanent Forum encourages States to continue cooperating with indigenous peoples to develop fair, transparent and effective mechanisms for the repatriation of ceremonial objects and human remains, at the national and international levels.

Education

40. Recalling article 14 of the Declaration and the recommendation made by the Permanent Forum at its third session, the Forum urges Member States to adopt and fully implement comprehensive national indigenous education policies and bring into practice the education of indigenous languages teachers in accordance with indigenous peoples' initiatives.

41. Recalling paragraph 86 of its report on its eighth session (E/2009/43-E/C.19/2009/14), the Permanent Forum urges public and private education institutions to provide permanent positions for indigenous teachers and to establish scholarships designated exclusively for indigenous students.

Health

42. The Permanent Forum recommends that the Joint United Nations Programme on HIV/AIDS, in collaboration with the United Nations Population Fund (UNFPA) and the Inter-Agency Support Group on Indigenous Peoples' Issues, sponsor an

expert group meeting on HIV/AIDS by 2019, which would include the full and effective participation of indigenous peoples living with and affected by HIV/AIDS, to analyse the sociocultural and economic determinants of health for HIV/AIDS prevention, care and treatment in indigenous communities, with the Forum's collaboration, in order to ensure the realization of target 3.3 of the Sustainable Development Goals.

43. The Permanent Forum recommends that States collaborate with indigenous peoples to ensure adequate resources to design and fully implement HIV/AIDS and hepatitis B and C programmes that address the social, economic and cultural determinants of health for HIV prevention, care and treatment in indigenous populations, in particular indigenous women and youth.

44. The Permanent Forum invites UNFPA, in collaboration with the Forum, to identify good practices of culturally appropriate intervention models from its work in developing countries that provide support to indigenous peoples, in particular women and girls, in exercising their health and reproductive rights, and to report to the Forum on those models by 2018.

45. The Permanent Forum recognizes the efforts made by UNFPA, the United Nations Children's Fund and UN-Women and recommends that they continue to make efforts to implement the recommendation made by the Forum at its fifteenth session to develop a fact sheet on maternal and child health in indigenous communities (E/2016/43-E/C.19/2016/11, para. 38) and present the fact sheet to the Forum by 2018, so as to provide support for target 3.7 of the Sustainable Development Goals.

46. On the basis of the Permanent Forum's continued concern about the impact of environmental toxins and the export and import of banned pesticides on the reproductive health of indigenous women and girls, the Forum reaffirms its call, contained in its report on its thirteenth session, for a legal review of the United Nations chemical conventions, in particular the Rotterdam Convention, to ensure that they are in conformity with international human rights standards, including the United Nations Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of Persons with Disabilities (E/2014/43-E/C.19/2014/11, para. 16; see also E/C.19/2014/8, para. 62). The Forum recommends that the Convention on the Rights of the Child, in particular article 24, and its recognition of environmental health as a right protected under the Convention also be considered in the legal review. The Forum invites the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes to carry out a review within his mandated area of expertise and to present his conclusions to the Forum at its seventeenth session.

Follow-up to the recommendations of the Permanent Forum Empowerment of indigenous women

47. The Permanent Forum will continue to play a key role in the empowerment of indigenous women and to provide a platform in which States, the United Nations system and indigenous women evaluate the progress made and the challenges that remain to overcome the marginalization and exclusion of indigenous women.

48. The Permanent Forum urges States to cooperate with indigenous peoples to prevent and eliminate all forms of violence and discrimination against indigenous women, children, youth, older persons and persons with disabilities and to provide support for measures aimed at ensuring their full and effective participation in decision-making processes at all levels and at eliminating structural and legal barriers to their full, equal and effective participation in political, economic, social and cultural life.

49. The Permanent Forum urges States to expand opportunities to enable indigenous women to participate actively in the political life of the country in which they live. The Forum also urges States to ensure the safety of indigenous women who are defending the rights of their peoples and territories and to prosecute those persons involved in incidents of violence against them.

50. The Permanent Forum welcomes the consideration of the empowerment of indigenous women as the focus area of the Commission on the Status of Women at its sixty-first session and urges Governments to report on efforts made to fully implement Commission resolution 49/7, entitled "Indigenous women: beyond the 10-year review of the Beijing Declaration and Platform for Action", and its resolution 56/4, entitled "Indigenous women: key actors in poverty and hunger eradication".

51. The Permanent Forum reiterates the need for the implementation of its recommendation, contained in paragraph 12 of its report on its third session E/2004/43-E/C.19/2004/23), relating to the situation of indigenous women migrants. The Forum invites ILO to coordinate with other appropriate agencies, in cooperation with indigenous women's organizations, to prepare a report on the situation of indigenous women with regard to informal work, migration and working conditions, for submission to the Forum at its eighteenth session.

52. The Permanent Forum recommends that ILO, in collaboration with UNFPA and other relevant United Nations agencies, prepare a study on access to the labour market by and labour conditions of indigenous women and youth and the challenges, barriers and stereotypes that may affect their professional development, for submission to the Forum at its eighteenth session.

53. The Permanent Forum continues to raise region-specific concerns about the adverse impact of climate change on indigenous communities (see E/2011/43-E/C.19/2011/14, para. 30) and invites the secretariat of the United Nations Framework Convention on Climate Change to prepare a study on the impact of climate change on indigenous women, for submission to the Forum at its eighteenth session.

54. The Permanent Forum welcomes efforts made by UN-Women, in the preparation of the first global report on indigenous women and girls, to highlight progress in the implementation of the United Nations Declaration on the Rights of Indigenous Peoples and prospects for the implementation of the Sustainable Development Goals as they relate to indigenous women and girls, including in matters related to informal work, migration and working conditions. The Forum recommends that UN-Women continue this work in close cooperation with indigenous women's organizations.

Indigenous youth

55. The Permanent Forum has, in recent years, expressed considerable concern regarding the situation of indigenous youth and the lack of disaggregated data thereon. In 2016, the Forum decided to include a recurring item on indigenous youth in the agenda of its annual sessions and has issued several youth-specific recommendations. The Forum welcomes the progress made and encourages further action by indigenous organizations and youth, as well as by members of the United Nations Inter-Agency Network on Youth Development and the Inter-Agency Support Group on Indigenous Peoples' Issues, in implementing those recommendations.

56. The Permanent Forum recommends that indigenous peoples' organizations, as well as the United Nations entities in the Inter-Agency Network on Youth

Development and the Inter-Agency Support Group on Indigenous Peoples' Issues, consult indigenous youth-led organizations in order to include issues pertaining to indigenous youth in their work at the local, national, regional and global levels.

57. The Permanent Forum calls upon the Economic and Social Council, including its youth forum, the high-level political forum on sustainable development, the Commission on the Status of Women and the Commission for Social Development, as well as other relevant United Nations forums, to include representatives of indigenous youth-led organizations in their meetings.

58. The Permanent Forum recommends that States provide financial support to the United Nations Voluntary Fund for Indigenous Peoples to facilitate the participation of indigenous youth in key United Nations meetings and processes most relevant to indigenous issues.

59. The Permanent Forum notes the organization of preparatory meetings for indigenous youth for its sixteenth session, including the Global Indigenous Youth Caucus meeting hosted by the Food and Agriculture Organization of the United Nations (FAO). The Forum recommends that this practice be scaled up in 2018, with representative participation of indigenous youth through indigenous peoples' organizations from all regions, and invites FAO to report on progress achieved to the Forum at its seventeenth session.

60. The Permanent Forum notes the initiative of the Pan American Health Organization/World Health Organization (PAHO/WHO) to develop a new health plan for indigenous youth in Latin America and invites PAHO/WHO to report on progress achieved in implementing the plan to the Forum at its seventeenth session.

Dialogues with indigenous peoples, Member States and the funds, programmes and specialized agencies of the United Nations system

61. The Permanent Forum conducted three focused, interactive dialogue sessions with indigenous peoples, Member States and the funds, programmes and specialized agencies of the United Nations system. The Forum welcomes such dialogues as an opportunity to better understand the concerns of indigenous peoples and Member States and the mandate of the funds, programmes and specialized agencies. Such dialogues also provide an opportunity to focus on specific issues and identify ways to increase the effectiveness of the work of the Forum.

Dialogue with indigenous peoples

62. The dialogue with indigenous peoples included discussions on a number of topics, including the assessment of the implementation of the United Nations Declaration on the Rights of Indigenous People on its tenth anniversary; the follow-up to the World Conference on Indigenous Peoples, in particular the development and implementation of national action plans and the establishment of guidelines for free, prior and informed consent; and the need for effective engagement of indigenous peoples in the 2030 Agenda.

Dialogue with Member States

63. The expert members of the Permanent Forum continued the practice of having an interactive dialogue with Member States in a closed meeting.

64. There were nine items listed for discussion, grouped under two headings. The first heading was "follow-up to the outcome document of the World Conference on Indigenous Peoples". It included the following five items: (a) forms of cooperation and partnership at the State level; (b) status of indigenous peoples; (c) national

action plans; (d) mechanisms addressing lands, territories and resources; and (e) indigenous peoples' development and self-determination.

65. The foregoing items were linked to specific actions identified in the outcome document of the World Conference on Indigenous Peoples. They enabled the expert members to gauge the extent to which actions had been carried out and to encourage the sharing of experiences and ideas. A number of Member States spoke of their arrangements and achievements. The time available was used constructively by Member States and provided an opportunity for expert members to raise questions and consider the replies to them. The expert members consider that these and other items should be discussed at the next session and Member States are encouraged to prepare for the dialogue.

66. The second heading for the dialogue was "indigenous peoples' issues at the United Nations". It included the following four items: (a) free, prior and informed consent; (b) the role of the Permanent Forum on Indigenous Issues; (c) remedy and reconciliation; and (d) indigenous peoples in the United Nations system. The time available led to pertinent feedback to assist the expert members with matters regarding the organization and procedures of the Forum and the important topic of accreditation of indigenous peoples to the United Nations.

Dialogue with the funds, programmes and specialized agencies of the United Nations system

67. The Permanent Forum welcomes the constructive dialogue with the United Nations funds, programmes and specialized agencies of the United Nations system, in addition to the information provided about the initial results obtained in terms of the implementation of the system-wide action plan on the rights of indigenous peoples since its launch at the fifteenth session of the Forum, in 2016. In particular, the Forum welcomes the development of joint programming and activities by United Nations entities and activities conducted at the country level under the six action areas of the action plan.

68. The Permanent Forum urges the funds, programmes and specialized agencies to have a special focus on the implementation of the United Nations Declaration on the Rights of Indigenous Peoples and the system-wide action plan in a few designated countries in 2017 and 2018 and led by the United Nations resident coordinators. In selecting those countries for joint action, special attention should be given to countries that already are under focus, such as those that are carrying out voluntary national reviews for the high-level political forum on sustainable development, those that are under review by the Working Group on the Universal Periodic Review, those that are in the preparatory phases for a new United Nations Development Assistance Framework, or those in which a dialogue process between the State and the indigenous peoples is taking place.

69. The Permanent Forum recalls that in paragraph 7 of its report on its tenth session (E/2011/43-E/C.19/2011/14), it congratulated the International Fund for Agricultural Development on the establishment of the Indigenous Peoples' Forum as an example of good practice that should be followed by other United Nations entities. The Forum urges other United Nations entities to report on their progress achieved in this regard to the Forum at its seventeenth session.

70. In accordance with the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples and the system-wide action plan, all funds, programmes and specialized agencies are urged to adopt policies to inform their work with indigenous peoples that include indigenous peoples' right to self-determination and free, prior and informed consent. Progress achieved will be discussed at future sessions of the Permanent Forum.

71. The Permanent Forum requests the Inter-Agency Support Group on Indigenous Peoples' Issues and, specifically, those agencies working on land tenure and changes in land use, to step up cooperation in order to operationalize indicators on land tenure and changes in land use pertaining to the traditional territories (lands and waters) of indigenous peoples, as a global multipurpose indicator in order to report on status and trends, in line with the Convention on Biological Diversity, the 2030 Agenda for Sustainable Development and the United Nations Declaration on the Rights of Indigenous Peoples. All relevant funds, programmes and specialized agencies should update the Forum every year on the results of this work.

72. The Permanent Forum welcomes the first indigenous media zone, established at the sixteenth session of the Forum, and encourages the continuation of this initiative at future sessions, in cooperation with indigenous community media, and, where possible, encourages United Nations entities to continue collaboration with indigenous community media at the regional and national levels.

Dialogue with the Special Rapporteur on the rights of indigenous peoples with regard to indigenous human rights defenders

73. Many indigenous peoples described situations where their human rights were being impacted by large-scale infrastructure projects, natural resource extraction and industrial agriculture activities in their territories without their free, prior and informed consent. The Permanent Forum received information to that effect from the Shuar, Sapara, Maasai and Ogaden peoples, among others. The Forum is concerned, in particular, by cases where it appears that the interests of investors are better protected than the rights of indigenous peoples. It reiterates that States and the private sector must respect the human rights of indigenous peoples by ensuring the effective implementation of the United Nations Declaration on the Rights of Indigenous Peoples and the Guiding Principles on Business and Human Rights.

74. Many States have established mechanisms to protect human rights. However, the Permanent Forum is concerned that such mechanisms might prioritize individual rights over collective rights. It calls upon States, in cooperation with national human rights institutions, to comply with their commitments made in the outcome document of the 2014 World Conference on Indigenous Peoples, with the aim of achieving the full enforcement of the collective rights of indigenous peoples.

75. The Permanent Forum is concerned, in particular, about information received on the situation of indigenous human rights defenders. Globally, there is an alarming rise in the killings of human rights defenders. In 2016, 281 defenders were reported killed, compared to 185 in 2015 and 130 in 2014.[2] Most of the cases were related to land, indigenous and environmental rights, and a majority occurred in only six countries of Latin America and Asia. It is estimated that 40 per cent to 50 per cent of those killed are indigenous persons. Many other indigenous human rights defenders are subjected to violent attacks and threats, enforced disappearances, illegal surveillance, travel bans, blackmail, sexual harassment and other forms of violence and discrimination. It is also of concern to the Forum that human rights defenders are frequently subjected to false claims of criminal activities or terrorism.

76. The Permanent Forum recalls paragraph 41 in its report on its twelfth session (E/2013/43-E/C.19/2013/25) and reaffirms that States should establish a monitoring mechanism to address violence against indigenous peoples, including assassinations, assassination attempts, rapes and other intimidation and persecution against indigenous human rights defenders. Furthermore, with regard to article 22 of

[2] See A/71/281, para. 27, and Front Line Defenders, *Annual Report 2016: Stop the Killing of Human Rights Defenders*, p. 6.

the United Nations Declaration on the Rights of Indigenous Peoples, the Forum recommends that such monitoring mechanisms address the issue of missing and murdered indigenous women, and that measures be taken to ensure the full protection of indigenous women against all forms of violence.

77. The Permanent Forum recommends that national and transnational corporations adhere to the United Nations Guiding Principles on Business and Human Rights in order to ensure protection of the rights of indigenous human rights defenders.

78. The Permanent Forum recommends that donors, including the European Union, the European Commission, the Department of State of the United States of America, human rights support organizations and others provide long-term funding, legal aid and other resources to assist indigenous human rights defenders, their families, networks and communities.

79. The Permanent Forum welcomes the decision of the Special Rapporteur on the rights of indigenous peoples to prepare a study on intimidation, criminalization and violence of any form directed against indigenous peoples, communities or individuals, in particular those who defend their rights under the United Nations Declaration on the Rights of Indigenous Peoples. The Forum invites the Special Rapporteur to share her preliminary findings and recommendations with the Forum at its seventeenth session.

80. The Permanent Forum urges States, in cooperation with indigenous peoples, to develop and implement specific laws and mechanisms to protect indigenous human rights defenders, to ensure that attacks against them are investigated and that those persons responsible are held accountable.

81. National human rights institutions are encouraged to work with indigenous peoples to develop strategies to protect and provide support to indigenous human rights defenders.

Follow-up to the outcome document of the World Conference on Indigenous Peoples

82. The follow-up to the outcome document of the World Conference on Indigenous Peoples focused on the following three areas: (a) implementation of national action plans, strategies or other measures; (b) ways to enhance the participation of indigenous peoples at the United Nations; and (c) implementation of the United Nations system-wide action plan on indigenous peoples.

83. The Permanent Forum calls upon States that have not already done so to engage in constructive partnerships with indigenous peoples to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples and to adopt specific action plans, strategies or other measures that will deliver required financial and technical assistance to indigenous peoples in order for them to achieve and exercise self-determination.

84. The Permanent Forum has considered options for indigenous peoples' representation at all levels of the United Nations, noting, in particular, the requests by indigenous peoples' representative institutions, including traditional councils and authorities, to be accredited in the United Nations system.

85. The Permanent Forum strongly supports the granting of observer status in General Assembly meetings to indigenous peoples' representative institutions.

86. The Permanent Forum notes the challenges of accreditation of indigenous peoples' representative institutions. The Forum recommends that selection criteria

for accreditation be developed by indigenous peoples to be applied by a committee that comprises representatives of States and indigenous peoples.

87. The Permanent Forum also recommends that the Economic and Social Council and the Human Rights Council note the proposal to accredit indigenous peoples' representative institutions as observers in the General Assembly and to consider accreditation for indigenous peoples' representative institutions to participate in their meetings and meetings of their subsidiary bodies on issues affecting them.

2030 Agenda for Sustainable Development

88. The Permanent Forum, as an expert body of the Economic and Social Council, regards the 2030 Agenda as a priority area and is committed to providing advice and assistance to the Council and the United Nations system on the implementation of the Agenda, including through active contributions and participation at the high-level political forum on sustainable development.

89. The Permanent Forum recommends that the Inter-agency and Expert Group on Sustainable Development Goal Indicators provide support for the inclusion and methodological development of core indicators for indigenous peoples in the global indicator framework,[3] in particular the inclusion of the indicator on the legal recognition of the land rights of indigenous peoples for the targets under Goals 1 and 2.

90. The Permanent Forum recognizes the importance of data disaggregation, as noted in target 17.18 of the 2030 Agenda, and in this regard, it is aware of the good practices promoted by the Economic and Social Commission for Latin America and the Caribbean (ECLAC). The Forum recommends that ECLAC, in cooperation with UNFPA and others, redouble efforts to ensure data disaggregation for indigenous peoples and promote the inclusion of complementary indicators on indigenous peoples' rights in Governments' national reports for the Sustainable Development Goals and the Montevideo Consensus on Population and Development, adopted at the Regional Conference on Population and Development in Latin America and the Caribbean. The Forum further recommends that ECLAC provide a guidance note and organize a mutual learning event, jointly with other regional commissions, in order to share best practices of data disaggregation on the basis of indigenous identifiers and self-identification, as used in the 2010 round of census in several countries in Latin America.

91. The Permanent Forum emphasizes that the recognition, protection and promotion of indigenous peoples' rights to lands, territories and resources will make a significant contribution to achieving not only Goals 1 and 2, but also all the Sustainable Development Goals. In this regard, the Forum urges Governments to take all measures necessary to protect indigenous peoples' rights to their territories and resources in the framework of the 2030 Agenda.

92. The Permanent Forum calls upon Governments to establish permanent, open and inclusive mechanisms for consultation, participation and representation of indigenous peoples in local, regional, national and international processes and bodies relating to the Sustainable Development Goals. It also calls upon Governments to allocate adequate resources towards implementation of plans that include indigenous peoples, as well as to ensure data disaggregation on the basis of indigenous identifiers.

93. The Permanent Forum recommends that relevant countries among the 44 countries undergoing voluntary national reviews at the high-level political forum in

[3] See E/CN.3/2017/2.

2017[4] include indigenous peoples in their reviews, reports and delegations. The Forum invites those Member States to report on good practices of including indigenous peoples' indicators in the voluntary national reviews to the Forum at its seventeenth session.

Future work of the Permanent Forum, including issues considered by the Economic and Social Council and emerging issues

94. The Permanent Forum expresses thanks to the Government of Canada for hosting its pre-sessional meeting for 2016 and to the Governments of the Plurinational State of Bolivia, Canada, China, the Congo, Denmark, Guatemala, Mexico, Nicaragua, Norway, the Russian Federation, Spain and the United States of America, as well as the Government of Greenland, for having hosted previous pre-sessional and intersessional meetings of the Forum. The Forum recommends that States that have not yet done so consider hosting such meetings in the future. It also requests that the secretariat of the Forum organize pre-sessional meetings for future sessions of the Forum.

International Year of Indigenous Languages, 2019

95. The Permanent Forum welcomes the proclamation of the International Year of Indigenous Languages, beginning on 1 January 2019, to draw attention to the critical loss of indigenous languages and the urgent need to preserve, revitalize and promote indigenous languages and to take further urgent steps at the national and international levels. The Forum notes with appreciation the commitment made by the United Nations Educational, Scientific and Cultural Organization (UNESCO) to serve as the lead agency for the Year, in collaboration with other relevant agencies.

96. In the light of the proclamation of the International Year, the Permanent Forum invites Member States, in close cooperation with indigenous peoples, UNESCO and other relevant agencies of the United Nations system, to participate actively in the planning of the Year, including by organizing national and international expert meetings to raise awareness of and plan specific activities for the Year, and securing additional and adequate funding for the successful preparation and implementation of the Year, including by providing support for the establishment of an indigenous-led fund dedicated to the preservation and revitalization of indigenous languages.

97. The Permanent Forum recommends that UNESCO, in cooperation with the Expert Mechanism on the Rights of Indigenous Peoples, the Forum and the Special Rapporteur on the rights of indigenous peoples, and with the direct participation of indigenous peoples, develop a comprehensive action plan for the International Year and invites UNESCO to submit the plan to the Forum at its seventeenth session.

United Nations Framework Convention on Climate Change and the Paris Agreement on Climate Change

98. The Permanent Forum welcomes the fact that the Conference of the Parties to the United Nations Framework Convention on Climate Change, in paragraph 135 of its decision 1/CP.21, recognized the need to strengthen knowledge, technologies, practices and efforts of local communities and indigenous peoples related to addressing and responding to climate change and established a platform (the local

[4] The 44 countries that are undertaking voluntary national review in 2017 are Afghanistan, Argentina, Azerbaijan, Bangladesh, Belarus, Belgium, Belize, Benin, Botswana, Brazil, Chile, Costa Rica, Cyprus, Czechia, Denmark, El Salvador, Ethiopia, Guatemala, Honduras, India, Indonesia, the Islamic Republic of Iran, Italy, Japan, Jordan, Kenya, Luxembourg, Malaysia, Maldives, Monaco, Nepal, the Netherlands, Nigeria, Panama, Peru, Portugal, Qatar, Slovenia, Sweden, Tajikistan, Thailand, Togo, Uruguay and Zimbabwe (www.sustainabledevelopment.un.org).

communities and indigenous peoples platform) for the exchange of experiences and sharing of best practices on mitigation and adaptation in a holistic and integrated manner.

99. The Permanent Forum invites the secretariat of the United Nations Framework Convention on Climate Change to share the findings of the next open multi-stakeholder dialogues on the operationalization of the local communities and indigenous peoples platform at the seventeenth session of the Forum. The Forum urges Member States to operationalize the platform in accordance with the provisions of the United Nations Declaration on the Rights of Indigenous Peoples.

100. The Permanent Forum also welcomes the fact that the Conference of the Parties to the United Nations Framework Convention on Climate Change at its twenty-second session, held in Marrakech, Morocco, in November 2016, agreed to adopt an incremental and participatory approach to developing the platform on local communities and indigenous peoples with a view to ensuring its effective operationalization.

101. The Permanent Forum welcomes the recognition and inclusion of indigenous peoples' knowledge in the work of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services to assess the state of biodiversity and ecosystem services. The Forum supports the Platform's approach to recognize and work with indigenous knowledge throughout its work programme, for example, recognizing the contribution of indigenous knowledge in its global assessment on the conservation and sustainable use of biodiversity and ecosystems. The Forum invites the Platform to continue to inform the Forum about the progress of its work, including at its seventeenth session.

2030 Agenda for Sustainable Development

102. The Permanent Forum is committed to continue its strong engagement in follow-up to the 2030 Agenda implementation. The Forum will participate in, and provide substantive input to, the thematic reviews of the high-level political forum and provide expert advice to Member States and the United Nations system in the implementation of the agenda at all levels (see paras. 89-94 above).

103. The Permanent Forum encourages the Commission for Social Development to consider indigenous peoples' issues at the fifty-sixth session of the Commission as part of its agenda related to the 2017-2018 priority theme "Strategies for eradicating poverty to achieve sustainable development for all".

104. Recalling its recommendations made at its first, sixth and ninth sessions that called for publication of the report entitled "State of the world's indigenous peoples", the Permanent Forum requests the Department of Economic and Social Affairs to continue its publication of the document on a quadrennial basis.

Studies to be prepared by members of the Permanent Forum

105. The Permanent Forum appoints Anne Nuorgam, a member of the Forum, to undertake a study to examine freshwater fishing and hunting rights of indigenous peoples, to be submitted to the Forum at its seventeenth session.

106. The Permanent Forum appoints Brian Keane and Elifuraha Laltaika, members of the Forum, to undertake a study to examine conservation and indigenous peoples' human rights, to be submitted to the Forum at its seventeenth session.

107. The Permanent Forum appoints Les Malezer, a member of the Forum, to undertake a study on indigenous peoples and sustainable development, to be submitted to the Forum at its seventeenth session.

108. The Permanent Forum appoints Terri Henry, a member of the Forum to undertake a study on spotlight in North America: good practices in addressing violence against indigenous women and the impact of grassroots movements in achieving national action, to be submitted to the Forum at its eighteenth session.

Chapter II
Venue, dates and proceedings of the session

109. By its decision 2016/251, the Economic and Social Council decided that the sixteenth session of the Permanent Forum would be held at United Nations Headquarters from 24 April to 5 May 2017.

110. At its 6th and 13th meetings, on 27 April and 3 May, the Permanent Forum considered agenda item 3, entitled "Follow-up to the recommendations of the Permanent Forum: (a) empowerment of indigenous women; and (b) indigenous youth". For its consideration of the item, the Forum had before the documents entitled "Update on the implementation of the recommendations of the Permanent Forum" (E/C.19/2017/3), "Compilation of information from Member States on addressing the recommendations of the Permanent Forum" (E/C.19/2017/6), "Compilation of information received from indigenous peoples' organizations" (E/C.19/2017/7) and "Compilation of information received from agencies, funds and programmes of the United Nations system and other intergovernmental bodies on progress in the implementation of the recommendations of the Permanent Forum" (E/C.19/2017/8). At its 16th meeting, on 5 May, the Forum considered and adopted its recommendations submitted under agenda item 3 (see chap. I, sect. B).

111. At its 4th, 5th and 13th meetings, on 26 and 27 April and on 3 May, the Permanent Forum considered item 4, entitled "Implementation of the six mandated areas of the Permanent Forum with reference to the United Nations Declaration on the Rights of Indigenous Peoples". For its consideration of the item, the Forum had before it a document entitled "Compilation of information from national human rights institutions" (E/C.19/2017/9). At its 16th meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

112. At its 11th meeting, on 2 May, the Permanent Forum considered agenda item 5, entitled "Dialogue with indigenous peoples". At its 16th meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

113. At its 12th meeting, on 2 May, the Permanent Forum considered item 6, entitled "Dialogue with Member States". At its 16th meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

114. At its 8th meeting, on 28 April, the Permanent Forum considered agenda item 7, entitled "Dialogue with the funds, programmes and specialized agencies of the United Nations system". At its 16th meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

115. At its 2nd and 3rd meetings, on 24 and 25 April, the Permanent Forum considered item 8, entitled "Discussion on the theme 'Tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples: measures taken to implement the Declaration'". For its consideration on the item, the Forum had before it the documents entitled "Tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples: measures taken to implement the Declaration" (E/C.19/2017/4) and "International expert group meeting on the theme 'Implementation of the United Nations Declaration on the Rights of Indigenous Peoples: the role of the Permanent Forum on Indigenous Issues and other indigenous-specific mechanisms (article 42)'" (E/C.19/2017/10). At its 16th meeting, the Forum considered and adopted a draft decision and its recommendations submitted under that item (see chap. I, sects. A and B).

116. At its 14th meeting, on 4 May, the Permanent Forum considered agenda item 9, entitled "2030 Agenda for Sustainable Development". For its consideration of the

item, the Forum had before it a document entitled "Update on indigenous peoples and the 2030 Agenda" (E/C.19/2017/5). At its 16th meeting, the Forum considered and adopted its recommendations submitted under agenda item 9 (see chap. I, sect. B).

117. At its 9th and 10th meetings, on 1 May, the Permanent Forum considered item 10, entitled "Dialogue with the Special Rapporteur on the rights of indigenous peoples and the Chair of the Expert Mechanism on the Rights of Indigenous Peoples with regard to indigenous human rights defenders". At its 16th meeting, the Forum considered and adopted its recommendations submitted under agenda item 10 (see chap. I, sect. B).

118. At its 7th meeting, on 28 April, the Permanent Forum considered agenda item 11, entitled "Follow-up to the outcome document of the World Conference on Indigenous Peoples: (a) implementation of national action plans, strategies or other measures; (b) ways to enhance the participation of indigenous peoples at the United Nations; and (c) implementation of the United Nations system-wide action plan on indigenous peoples". For its consideration of the item, the Forum had before it a document entitled "Implementation of the United Nations system-wide action plan on indigenous peoples" (E/C.19/2017/2). At its 16th meeting, the Forum considered and adopted its recommendations submitted under agenda item 11 (see chap. I, sect. B).

119. At its 15th meeting, on 4 May, the Permanent Forum considered agenda item 12, entitled "Future work of the Permanent Forum, including issues considered by the Economic and Social Council and emerging issues". At its 16th meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

120. At its 16th meeting, the Permanent Forum considered agenda item 13, entitled "Provisional agenda for the seventeenth session". At the same meeting, the Forum considered and adopted a draft decision submitted under that item (see chap. I, sect. A).

Chapter III

Adoption of the report of the Permanent Forum on its sixteenth session

121. At its 16th meeting, on 5 May, the Rapporteur introduced and orally revised the draft decisions and recommendations and the draft report of the Permanent Forum on its sixteenth session.

122. At the same meeting, the Permanent Forum adopted its draft report, as orally revised.

Chapter IV
Organization of the session

A. Opening and duration of the session

123. The Permanent Forum held its sixteenth session at United Nations Headquarters from 24 April to 5 May 2017. It held 16 formal meetings and 3 closed meetings to consider the items on its agenda.

124. At the 1st meeting, on 24 April, the session was opened by the Assistant Secretary-General for Economic Development, Department for Economic and Social Affairs. At the opening ceremony, Tadodaho Sid Hill, of the Onondaga Nation, delivered a welcoming address. The Vice-President of the General Assembly and the Vice-President of the Economic and Social Council delivered statements.

125. At the same meeting, statements were made by the Chair of the Permanent Forum, the Assistant Secretary-General for Economic Development, the Minister of Indigenous and Northern Affairs of Canada and the Assistant Secretary-General and Deputy Executive Director of UN-Women.

B. Attendance

126. Members of the Permanent Forum and representatives of Governments, intergovernmental organizations and bodies, United Nations entities and non-governmental and indigenous organizations attended the session. The list of participants will be published at a later date.

C. Election of officers

127. At its 1st meeting, on 24 April, the Forum elected the following members of the Bureau by acclamation:

Chair:
Mariam Wallet Mohamed Aboubakrine

Vice-Chairs:
Phoolman Chaudhary
Jens Dahl
Jesus Guadalupe Fuentes Blanco
Terri Henry

Rapporteur:
Brian Keane

D. Agenda

128. Also at its 1st meeting, the Forum adopted the provisional agenda contained in document E/C.19/2017/1.

E. Documentation

129. The list of the documents before the Permanent Forum at its sixteenth session will be published at a later date.

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