

OUTCOME DOCUMENT

The United Nations Permanent Forum on Indigenous Issues
The United Nations Expert Mechanism on the Rights of Indigenous Peoples
The United Nations Special Rapporteur on the Rights of Indigenous Peoples

FAO Headquarters - Rome, Italy
26-28 February 2024

We, in our capacity as independent expert members of the United Nations (UN) Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, and the Special Rapporteur on the Rights of Indigenous Peoples gathered in Rome from 26-28 February 2024. Our aim has been to strengthen the implementation of the *UN Declaration on the Rights of Indigenous Peoples* and address the problematic use of the term “local communities” in conjunction with Indigenous Peoples. In addition, we were joined by United Nations entities and Indigenous Peoples’ representatives from all seven socio-cultural regions reflecting diverse experiences in various fora and bodies in the UN.

PREAMBLE

Indigenous Peoples, according to their own designations, have been present in their respective territories since before the formation of States and the subsequent development of international law. Exercising their right to self-determination, Indigenous Peoples have agreed to their denominations as Indigenous Peoples, which States in international law have subsequently recognized. The *United Nations Declaration on the Rights of Indigenous Peoples* constitutes the fundamental international instrument that consolidates the rights of Indigenous Peoples as collective subjects. The use of Indigenous Peoples in conjunction with terms that do not correspond to their own denominations, contributes to the violation of human rights, and creates additional challenges for the proper implementation of the rights of Indigenous Peoples, including their right to self-identification.

One of the situations that occurs most frequently is the practice of using Indigenous Peoples in conjunction with “local communities,” a practice that originated from the drafting of environmental agreements in 1992, including the Convention on Biological Diversity. Due to the increasing actions undermining the interrelated, interdependent, interconnected, and indivisible rights of Indigenous Peoples, which stem from or are influenced by this combination, the Permanent Forum, the Expert Mechanism, and the

Special Rapporteurs have addressed this issue, including in their issuance of a joint statement made in Geneva in July 2023.¹

RECOMMENDATIONS

The respect for and recognition of the inherent rights, status, and role of Indigenous Peoples are directly related to the language and methods of work of the UN Entities, including the Secretariats of treaties, Member States, multilateral and bilateral financial institutions, intergovernmental organizations, international organizations, foundations, funders and Non-Governmental Organizations:

Therefore, the implementation of the following recommendations will help to enhance the realization of the UN Declaration on the Rights of Indigenous Peoples and avoid perpetuating violations of human rights and the challenges faced by Indigenous Peoples due to grouping and conflating them with the term “local communities” or other categories. It will also help to ensure that the distinct rights, status, and differentiated role of Indigenous Peoples are recognized, respected, and promoted in international agreements, treaties, and conventions or other constructive arrangements.

To address the challenges posed by the use of Indigenous Peoples in conjunction with categories or terms different from their own denomination such as “local communities”, and to recognize, respect, and promote the distinct, inherent rights of Indigenous Peoples; Member States, UN Entities, including the Secretariats of treaties, multilateral and bilateral financial institutions, intergovernmental organizations, international organizations, foundations, funders and Non-Governmental Organizations should implement the following recommendations:

- 1. Promote respect for, recognition of, and full application of Indigenous Peoples’ Rights:** respect the distinct rights and status of Indigenous Peoples, consistent with the *UN Declaration on the Rights of Indigenous Peoples* and other international human rights instruments, such as conventions, treaties, and norms, acknowledging Indigenous Peoples as collective rights-holders rather than *stakeholders, minorities, or local communities*. This includes refraining from using language that is not pertinent to the Indigenous Peoples’ specific nature and avoiding combining the term Indigenous Peoples with other categories introduced in new international agreements, guidelines, or documents. Indigenous Peoples must be included appropriately in decision-making processes, ensuring that the corresponding implementation processes have the direct and effective participation of Indigenous Peoples through their procedures and pertinent language, and based on their right to self-determination.

¹https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/emrip/Statement_EM RIP_July_2023.pdf

- 2. Update working methods:** Practices, procedures, and scenarios for the participation of Indigenous Peoples should strictly adhere to the standards set forth and affirmed in the *United Nations Declaration on the Rights of Indigenous Peoples*. This is to ensure that those processes do not give rise to changes in names or other types of conflation that may diminish the levels and effectiveness of Indigenous Peoples' participation. The appointment of representatives of Indigenous Peoples in various participation scenarios at different levels should be exclusively for Indigenous Peoples and not subject to additional limitations, where their participation is conditioned to participate with other actors or when there is confusion of their selection procedures that differ from their own norms, resulting from the combination of their name with other categories. In all cases, avoid the use of acronyms or names other than "Indigenous Peoples" to identify their representatives.
- 3. Ensure accurate data and relevant information:** When data, information, programs, policies, and funding concerning the situations or contributions of Indigenous Peoples are presented in combination or jointly with other groups or categories, they often lead to misinformation and promote assimilationist approaches, ultimately eroding Indigenous Peoples' rights.

The naming of discussion forums such as seminars or workshops, as well as publications and the production and dissemination of data and information pertaining to Indigenous Peoples' knowledge, territories, resources, and rights, must explicitly acknowledge their status as Indigenous Peoples and recognize them as collective rights-holders. This necessitates applying the appropriate rights framework, including the right to self-identification, regardless of the geographic location of these Indigenous Peoples.

Likewise, programs, policies, budget allocations, and funding from diverse sources should be named in a manner that reflects their denomination as Indigenous Peoples. This ensures that their status, rights, and contributions are not overlooked or wrongly attributed to other groups or categories.
- 4. Avoide Discrimination:** The recognition of Indigenous Peoples in international law entails overcoming policies based on cultural assimilation or the denial of their cultural identity. UN entities, Member States, NGOs, academic institutions, and donors, among others, should adopt affirmative measures to support the realization of their fundamental rights and freedoms, the right to self-identification, access to goods and services, and the protection of their resources for their well-being in all territorial and political contexts. This is considered an effective measure for achieving the Sustainable Development Goals. Any restrictive or discriminatory measures based on the condition or self-identification as "Indigenous Peoples" are "scientifically false, legally invalid, morally condemnable, and socially unjust."²

² See United Nations Declaration on the Rights of Indigenous Peoples

5. **Use the *UN Declaration on the Rights of Indigenous Peoples* as the Minimum Standard:** Use the *UN Declaration on the Rights of Indigenous Peoples* as a normative framework in the development of any documentation or agreement that impact the rights, status, and role of Indigenous Peoples. This includes discontinuing the use of outdated language and engaging directly with Indigenous Peoples in the development of new language.
6. **Reform Procedural Rules:** Reform their procedural rules to ensure the full and effective participation of Indigenous Peoples. Outdated procedures have led to abuses against Indigenous Peoples and should be reformed to safeguard their rights, the international human rights system, and the rule of law. This reform should involve the active, direct participation of Indigenous Peoples in a spirit of partnership and mutual respect.
7. **Adopt Distinctions-Based Policies:** Adopt and implement distinctions-based policies that respect and enhance the status and rights of Indigenous Peoples. These policies should acknowledge Indigenous Peoples as separate from categories or terms different from their own denomination such as “local communities”, especially where their rights are concerned. Direct multilateral and bilateral engagement with Indigenous Peoples’ representatives should be prioritized.
8. **Utilize Distinction-Based Language:** Distinction-based language should be utilized in the development of documentation and agreements that reference Indigenous Peoples. This language, developed in partnership with Indigenous Peoples, should clearly delineate Indigenous Peoples as rights-holders and support their right to self-determination.