

Recommendations the Permanent Forum Endorses from the Report and Recommendations of the Expert Group Meeting on Indigenous Peoples and Forests (E/C.19/2011/5)

**Underlying Rights and Participation in Decision-making
Onus of Proof
Enforcement Mechanisms (i.e. court decisions)**

35. States should recognize indigenous peoples' rights to forests and should review and amend laws that are not consistent with the United Nations Declaration on the Rights of Indigenous Peoples and relevant human rights instruments as interpreted by their treaty bodies, which provide the framework for indigenous peoples' rights to forests. This includes their property rights systems and the right to make decisions and to be fully involved in decision-making processes.

36. The Office of the United Nations High Commissioner for Human Rights (OHCHR), the secretariat of the Permanent Forum on Indigenous Issues, ILO, the World Bank Group and other relevant United Nations agencies should focus on increasing the understanding of indigenous peoples' underlying material rights to land and the need to give material rights priority over process rights. These agencies should undertake analytical work on how the intensity and exclusivity criteria that are commonly encompassed in domestic property rights systems could be understood in the context of international human rights standards related to indigenous property rights.

37. The experts call upon the General Assembly to include the full and effective participation of the Permanent Forum on Indigenous Issues and indigenous peoples around the world in the preparation and organization of and follow-up to Rio+20.

38. The secretariats of the United Nations Forum on Forests and the Permanent Forum on Indigenous Issues, the Collaborative Partnership on Forests and other agencies, bodies, States and indigenous peoples' organizations should collaborate closely to ensure that indigenous peoples have full and effective participation in the initiatives of the United Nations Forum on Forests, in particular the commemoration of the International Year of Forests, 2011, to emphasize the central role of indigenous peoples as stewards of many of the world's most biologically diverse forests.

Capacity and Training

39. The Inter-agency Support Group on Indigenous Peoples' Issues should undertake initiatives to strengthen the capacity of Government officials to understand the rights, knowledge and governance systems of indigenous peoples and to develop and implement forest-related policies that are consistent with international human rights standards, in particular, the United Nations Declaration on the Rights of Indigenous Peoples.

40. Relevant United Nations agencies and indigenous peoples' organizations should document and provide training on indigenous peoples' customary law related to forests, to lawyers and judges, as part of an effort to strengthen juridical pluralism.

41. OHCHR should undertake a compilation of relevant provisions from United Nations human rights instruments that could be used for advocating, defending and promoting indigenous peoples' rights to lands, territories and resources. This should include jurisprudence drawn from the United Nations human rights treaty monitoring bodies, recommendations from United Nations special procedures, including the work of the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples.

Best/Good Practices: Positive Commitments and Opportunities, Actions, Capacity and Finances

42. The secretariats of the Permanent Forum on Indigenous Issues and the United Nations Forum on Forests should compile good practices on instances where indigenous people exercise autonomy and where decision-making is vested in their hands. This compilation is to be disseminated as good practices of indigenous governance. In this context, there is also a need to strengthen indigenous governance systems.

43. The secretariats of the Permanent Forum on Indigenous Issues and the United Nations Forum on Forests should compile good practices on forests and indigenous peoples to inspire replication in other parts of the world. This could include good examples of forest management, including community forests, free, prior and informed consent, conflict resolution and mediation.

44. Relevant United Nations agencies, such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Fund for Agricultural Development (IFAD), the United Nations Forum on Forests and the Food and Agriculture Organization of the United Nations (FAO), should support the documentation of indigenous knowledge systems on forests, by indigenous peoples' organizations, with the proviso that free, prior and informed consent has been obtained from indigenous peoples. This analytical evidence could give greater credibility to indigenous peoples' expertise and help to dispel misconceptions that indigenous peoples are responsible for environmental degradation.

45. States should address the underlying causes and impact of deforestation on indigenous peoples.

46. The Permanent Forum on Indigenous Issues should strengthen its engagement with regional institutions such as the African Commission on Human and Peoples' Rights, the European Commission of Human Rights, the Asian Human Rights Commission, the Inter-American Commission on Human Rights and other such bodies to achieve greater implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

Industry and Corporate Social Responsibility: These are largely voluntary and mostly honoured in the breach

47. Extractive industries must respect the rights of indigenous peoples and recognize that they may enter indigenous peoples' territories only following an agreement reached through good-faith negotiations based on international human rights standards.

48. Corporate social responsibility must include the development of forestry impact benefit agreements with indigenous communities. There must also be agreements between States and indigenous peoples.

49. States should develop national legislation to ensure that the engagement of corporations with indigenous peoples is consistent with the United Nations Declaration on the Rights of Indigenous Peoples regarding forest resource extraction activities taking place on their lands. Such activities must be undertaken only with their free, prior and informed consent, and they must share in any benefits that accrue.

50. The secretariat of the Permanent Forum on Indigenous Issues should collaborate with OHCHR and ILO to ensure the protection of indigenous peoples' rights relating to their forest interests.

- PF crisis
- PF members.
- IP ^{states} representatives
- UN agency/agency partnership.

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- order...
 - maximize

89. - 1 ind. lang. diversity zones

two our languages we are understood our world
 & our relations to each other
 & to all animals we
 including our forests

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