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UN Permanent Forum on Indigenous Issues, Tenth Session  
May 16-27, 2011  
Global Indigenous Women's Caucus Statement

Agenda Item 3 (c)  
Follow-up to the recommendations of the Permanent Forum:  
Free, Prior and Informed Consent

Honorable Madame Chairperson, Members of the UN Permanent Forum on Indigenous Issues, distinguished representatives of Indigenous Peoples, sisters and brothers here today,

Genocidal and ethnocidal practices continue to be of concern for Indigenous peoples, and especially for Indigenous women. As recognized by the Permanent Forum (2nd Session Report, paragraph 81), these practices include programmes for sterilization of indigenous women and girls, the use of indigenous communities as subjects for nuclear testing or storage of radioactive waste, the testing of unapproved drugs on indigenous children and peoples. However, they also include forced displacements, violent conflicts and militarization of Indigenous territories, the discouragement of Indigenous educational systems, and the imposition of development programs and policies on Indigenous territories, as well as extractive industries contributing to environmental degradation. Many of these practices result directly from the violation of the right to free, prior and informed consent.

RECOMMENDATIONS

1. We emphatically reject any attempt to erode our right to free, prior and informed consent as enshrined in the *UN Declaration on the Rights of Indigenous Peoples*, recent examples of which are Nagoya Agreement under CBD and the so-called "Cancun Agreements" at United Nations Framework Convention on Climate Change Conference of the Parties 16.
2. In light of the divergent and often contradictory interpretations of the right to free, prior and informed consent (FPIC) by UN agencies, government agencies and transnational corporations in their practices, especially in regards to reproductive health and extractive industries, we urge the Permanent Forum to recommend due diligence in relation to indigenous rights and a standardized interpretation of FPIC. These should be done in accordance to the *UN Declaration on the Rights of Indigenous Peoples* and based on the report of the International Workshop of Methodologies regarding Free Prior and Informed Consent and Indigenous Peoples (4th UNPFII Session Report, paragraph 137), the Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/15/37, paragraphs 46-47), the Legal Commentary on the concept of free, prior and informed consent (E/CN.4/Sub.2/AC.4/2005/WP.1),

and An Overview of the Principle of Free, Prior, and Informed Consent and Indigenous Peoples in International and Domestic Law and Practices (PFII/2004/WS.2/8).

3. We recommend that the Permanent Forum (6th Session Report, paragraph 19) continues to urge states, specialized agencies, academics, Indigenous peoples and their organizations to undertake analysis of the implementation of the right to free, prior and informed consent principles and mechanisms regarding projects on indigenous lands and territories, pertaining to extractive industries and sacred sites, and encourages them to submit such analyses to the Permanent Forum for consolidation and to identify good practices and barriers.
4. Given the importance of preserving and promoting traditional knowledge while respecting Indigenous protocols, including culturally appropriate communication, timing, and scheduling, we call upon the United Nations system and governmental agencies to implement mechanisms and principles to ensure the right to free, prior and informed consent, respecting Indigenous Peoples' development models, concepts, practices, their social and political structures, particularly their juridical and procedural pluralism, and their right to veto based on their right to self-determination as enshrined in the *UN Declaration on the Rights of Indigenous Peoples*, and on Indigenous Peoples' right to land and permanent sovereignty over natural resources (E/CN.4/Sub.2/AC.4/2005/WP.1, paragraphs 33, 37).

We would like to thank you for your time and consideration of these recommendations.