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Permanent Forum on Indigenous Issues

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Draft report

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Chapter I

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

B. Matters brought to the attention of the Council

Recommendations of the Permanent Forum

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

1. Human Rights Defenders are increasingly targeted as terrorists for promoting and protecting decades-old guaranteed rights. This alarming trend is seen in every region. Even the UN Special Rapporteur on Indigenous Peoples, Victoria Tauli-Corpuz, former expert member of the Permanent Forum Joan Carling and former EMRIP member Jose Molintas have been declared terrorists in a petition pursuant to the National Security Act of 2007 by the Government of The Philippines. The Forum rejects this dangerous precedent and calls on the government of The Philippines to remove their names, and the names of other indigenous leaders, from the petition, and to ensure their safety as they continue promoting and protecting indigenous peoples' rights. Further, the Permanent Forum urges the Philippine government to repeal the Human Security Act, comply with its international human rights obligations and pursue its commitments under the Comprehensive Agreement on the Respect of Human Rights and International Humanitarian Law.
2. The Forum recommends that relevant Special Procedures of the Human Rights Council collaborate with each other and with other human rights bodies address the situation of indigenous human rights defenders through monitoring, mediation, analysis and providing concrete recommendations for effective protection of indigenous human rights defenders.
3. The Forum requests the Office of the High Commission for Human Rights (OHCHR) expand and strengthen the UN's response to reprisals and threats faced by indigenous human rights and environmental defenders by enhancing high-level engagement on reprisals, ensuring appropriate action on urgent cases when reprisals occur.



4. The Permanent Forum welcomes the participation of the UN Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination at its 17th Session, and invites the Working Group to conduct a study on Private Militaries and Security Companies in Extractive Industries and Agribusiness and Their Impact on the Human and Collective Rights of Indigenous Peoples.
5. The Permanent Forum takes note with concern of the situation of indigenous peoples of the Sahel and other parts of Africa, where a number of factors, including climate change are having a devastating impact on economic development and human security. The lack of recognition of the collective rights of these peoples has created fertile ground for loss of territories and resources and the emergence of complex forms of conflict, including violent extremism. The Permanent Forum calls on the Working Group on Indigenous Populations of the African Commission on Human and Peoples' Rights to prepare, for the consideration of the African Union, recommendations to address this situation, in partnership with the Economic Commission for Africa and other regional bodies.
6. The Permanent Forum urges Member States to pay special attention to indigenous peoples residing in cross-border areas, in accordance with Article 36 of the UN Declaration on the Rights of Indigenous Peoples, and invites Academia in consultation with the Permanent Forum to convene a conference on Indigenous Peoples divided by international borders.

The Permanent Forum invites the Committee on Economic, Social and Cultural Rights to initiate a general comment on Indigenous Peoples' collective rights to lands, territories and natural resources.

7. The Permanent Forum recommends that the UN Office of the High Commissioner on Human Rights, the Special Rapporteur on the Rights of Indigenous Peoples and the UN Verification Mission in Colombia urgently organize an international fact-finding mission to the territories of indigenous peoples and Afro-descendant communities in the province of Esmeraldas and on the Ecuador-Colombia border to ascertain the human rights situation in the area. The Permanent Forum urges the governments of Colombia and Ecuador take immediate action to protect the civilian population
8. ~~The Permanent Forum further recommends that, given the insecurity on the border of Ecuador and Colombia in the territories of indigenous peoples and Afro-descendant communities, the governments of Colombia and Ecuador take immediate action to protect the civilian population.~~
9. The Permanent Forum reiterates its call to Member States to establish mechanisms and processes for comprehensive dialogues and consultations with indigenous peoples in order to obtain their free, prior and informed consent in relation to any project that will impact their territories and resources. In this regard, the Permanent Forum expresses concern on the lack of consultation by the government of Bolivia with the indigenous peoples that will be impacted by the mega-hydroelectric project of El Bala-Chepete and Rositas, including: Guaranies, Mosetenes, Tacanas, Tchimanés, Lecos, Esse Eijas and Uchupiamonas. The Permanent Forum urges the government of Bolivia to respect the fundamental rights of indigenous peoples, and ensure that they are able to exercise their rights in accordance with international human rights standards.
10. ~~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;~~
 - i) ~~set a time frame for the full implementation of the Accord,~~
 - ii) ~~to adopt the Rules of Business of the Chittagong Hill Tracts Land Commission in consultation with the Chittagong Hill Tracts Regional Council, and allocate sufficient human and financial resources;~~

- iii) ~~Devolution of authority to the CHT Regional Council and three Hill District Councils, including general administration, law and order, land and land management, police (local), forest, environment and local government institutions consistent with the CHT Accord.~~

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), the Forum encourages the Government of Bangladesh:

- i) to set a time frame for the full implementation of the Accord including devolution of authority to the CHT Regional Council and three Hill District Councils;
- ii) to adopt the Rules of Procedure for the Chittagong Hill Tracts Land Commission, and allocate sufficient human and financial resources for the Commission,

Advance unedited draft