

## UNPFII 8<sup>th</sup> Session Recommendations for UN System

| Recommendations   | Addressee  |
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| <p>22. The Permanent Forum commends the inclusion by the European Bank for Reconstruction and Development of free, prior and informed consent in its policy on indigenous peoples, and strongly urges other multilateral and bilateral financial institutions to follow this example. <b>In particular, the Forum calls upon the Asian Development Bank to ensure that free, prior and informed consent and the provisions of the United Nations Declaration on the Rights of Indigenous Peoples are integrated into its revised policy on indigenous peoples. It also calls upon the World Bank and the International Finance Corporation to review their policies and adopt free, prior and informed consent as the central principle in their dealings with indigenous peoples instead of the present free, prior, informed consultation.</b> The international financial institutions should develop a strategy to raise staff awareness at the national and headquarters levels on indigenous peoples' rights and development perspectives and thereby improve their relationships with indigenous peoples at the country level.</p> | <p>Asian Development Bank, European Bank for Reconstruction and Development, World Bank and International Finance Corporations</p> |
| <p>11. The Permanent Forum has paid particular attention to the participation and representation of indigenous peoples in development processes, such as those related to the Millennium Development Goals, data collection and disaggregation, and urban indigenous peoples and migration. <b>The Forum has recommended on numerous occasions that United Nations agencies, international financial institutions and other development</b></p>   | <p>United Nations agencies, international financial institutions and UN Agencies</p>   |

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| <p><b>actors change their paradigms and approaches to their work with indigenous peoples. This includes increased mainstreaming of indigenous peoples' issues in their work, respect for the principle of free, prior and informed consent, recognition of collective rights, including treaty rights, and increased participation of indigenous peoples, including women, in programme design, implementation and monitoring.</b></p>            |  |
| <p><b>17. The Permanent Forum supports the recommendations of the international expert group meeting on extractive industries, indigenous peoples' rights and corporate social responsibility addressed to extractive industry corporations, States, United Nations agencies, funds and programmes, indigenous peoples, nations and organizations, and international financial institutions, contained in a paper presented to the Forum.</b></p> | <p>United Nations agencies, funds and programmes, extractive industry corporations, States, indigenous peoples, nations and organizations, and international financial institutions,</p> |
| <p><b>34. The Permanent Forum recommends that Member States, United Nations agencies and indigenous peoples' organizations engage actively in the midterm evaluation of the Second International Decade of the World's Indigenous People and submit reports evaluating the implementation of the Decade at the national level.</b></p>  | <p>United Nations Agencies, Members States and Indigenous Peoples' Organizations</p>   |

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| <p><b>31. In the context of the United Nations system-wide coherence, in particular gender equality architecture reform, the Permanent Forum recommends that States and the United Nations system ensure the inclusion of the priorities and demands of indigenous women.</b></p>  | <p>United Nations System and Member States</p>  |
| <p><b>37. The Permanent Forum recommends that States and United Nations agencies apply the rights affirmed in the United Nations Declaration on the Rights of Indigenous Peoples throughout their operational frameworks for implementing the Programme of Action for the Decade, in particular its objective on free, prior and informed consent by indigenous peoples.</b></p> | <p>United Nations Agencies and Member States</p>  |
| <p><b>85. The Permanent Forum recommends that all United Nations agencies, funds and programmes, as well as the African Commission on Human and Peoples' Rights, integrate relevant provisions of the Declaration into their policies, programmes, projects and strategies.</b></p>  | <p>United Nations Agencies, Funds, Programmes and the African Commission on Human and Peoples' Rights</p> |

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| <p>33. <b>The Permanent Forum recommends that the Inter-agency Support Group on Indigenous Peoples' Issues convene an international technical expert seminar on indicators of the well-being of indigenous peoples to discuss indicators that could be used in monitoring the situation of indigenous peoples and the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. Furthermore, the Forum recommends that relevant United Nations bodies and agencies, States and indigenous peoples conduct assessments of the extent to which they have advanced the recommendations of the Forum on indigenous women, utilizing the framework of the Declaration, as set out by the International Indigenous Women's Forum. Action for the immediate implementation of these recommendations is required by all.</b></p> | <p>Inter-Agency Support Group on Indigenous Peoples' Issues</p> <p>Relevant United Nations bodies and agencies</p> |
| <p>94. The Permanent Forum notes the mission to Bolivia and Paraguay and thanks the Governments of both countries for their invitations. This mission came about following the Forum's recommendation regarding the situation of forced labour of Guarani communities at its seventh session. The Permanent Forum welcomes the mission as a good practice and decides to publish the reports of the mission as official documents. <b>The Forum urges United Nations country teams to follow up the recommendations of these reports and suggests to the relevant Governments that they report on the implementation of these recommendations at the ninth session of the Forum in 2010.</b></p>   | <p>United Nations Country Teams</p>  |

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| <p><b>7. The Permanent Forum welcomes such initiatives as the indigenous and local community, business and biodiversity consultation, held at United Nations Headquarters in New York on 12 and 13 May 2009, as a useful dialogue between the private sector and indigenous peoples, and encourages further discussions with a view to ensuring the effective implementation of the United Nations Declaration on the Rights of Indigenous Peoples while stimulating community-level businesses based on the sustainable use of biodiversity through such creative partnerships.</b></p> | <p>CBD, Private Sector, Indigenous Peoples</p>  |
| <p><b>62. The Permanent Forum welcomes the document of the Commission of the European Communities (COM (2008)), Communication from the Commission to the European Parliament and the Council: The European Union and the Arctic Region delivered in Brussels on 20 November 2008 and urges the European Union to begin implementing the recommendations relevant to indigenous peoples from this document.</b></p>   | <p>Commission of the European Communities</p>   |
| <p><b>32. The Permanent Forum recommends that the Division for the Advancement of Women of the United Nations Department of Economic and Social Affairs guarantee the participation of indigenous women during the 15-year review of the Beijing Declaration and Platform for Action at the fifty-fourth session of the Commission on the Status of Women, in 2010.</b></p>  | <p>Division for the Advancement of Women, Department of Economic and Social Affairs</p> |

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| <p>41. <b>The Permanent Forum calls upon the United Nations Department of Economic and Social Affairs to publish a comprehensive report on the state of indigenous peoples, similar to the <i>Human Development Report</i>, to mark the Decade.</b></p>   | <p>Department of Economic and Social Affairs</p>                                      |
| <p>74. <b>The Permanent Forum recommends the proposal by the International Fund for Agricultural Development and other organizations to hold an expert workshop on the contribution to development of pastoralist cultures and hunting and gathering societies.</b></p>   | <p>International Fund for Agricultural Development (IFAD) and other Organizations</p> |
| <p>93. <b>The Permanent Forum recommends that an appropriate form of coordination should be explored between the Committee of Experts and the Forum regarding the implementation of ILO Convention No. 169.</b> The Permanent Forum reiterates the need for a mechanism of coordination to also be established between the ILO supervisory mechanisms and indigenous peoples, which may include the establishment of an ad hoc committee consisting of indigenous representatives or experts.</p> | <p>ILO Committee of Experts</p>   |

90. The Permanent Forum takes note of the 2009 report of the ILO Committee of Experts on the Application of Conventions and Recommendations, particularly the general observation, and the nine individual observations on implementation of ILO Convention No. 169 on indigenous and tribal peoples. **The Forum welcomes the increased attention paid by the Committee to ILO Convention No. 169 and calls upon the Committee to fully incorporate the United Nations Declaration on the Rights of Indigenous Peoples in its individual observations as a source of interpretation of the Convention.**

ILO Committee of Experts

91. **The Permanent Forum notes that the observations adopted by the Committee of Experts incorporate relevant parameters for the implementation of the Convention by States parties in good faith. The Permanent Forum also observes that in some instances, the Committee demanded that State parties provide additional reports for the Committee at its eightieth, in 2009, session, instead of in 2013, as originally planned.** Those requests for advanced reports illustrate that, in a number of countries, serious obstacles still exist in relation to the enjoyment of indigenous peoples' fundamental rights, as affirmed in ILO Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples.

ILO Committee of Experts

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| <p>92. In this connection, and in respect of articles 41 and 42 of the Declaration, the Permanent Forum trusts that, at its ninety-eighth session, in 2009, the Conference Committee on the Application of Standards of the International Labour Conference will pay due attention to the cases of violation of ILO Convention No. 169, which have been signalled by the Committee of Experts, in the light of the Declaration, and urges States to respond promptly to the reports of the Committee of Experts.</p>  | <p>ILO Conference Committee on the Application of Standards of the International Labour Conference</p> |
| <p>93. The Permanent Forum recommends that an appropriate form of coordination should be explored between the Committee of Experts and the Forum regarding the implementation of ILO Convention No. 169. The Permanent Forum reiterates the need for a mechanism of coordination to also be established between the ILO supervisory mechanisms and indigenous peoples, which may include the establishment of an ad hoc committee consisting of indigenous representatives or experts.</p>  | <p>ILO Committee of Experts and UNPFII</p>   |
| <p>89. The Permanent Forum recognizes the cultural significance and medical importance of the coca leaf in the Andean and other indigenous regions of South America. It also notes that coca leaf chewing is specifically banned by the United Nations Single Convention on Narcotic Drugs (1961). <b>The Permanent Forum recommends that those portions of the Convention regarding coca leaf chewing that are inconsistent with the rights of indigenous peoples to maintain their traditional health and cultural practices, as recognized in articles 11, 24 and 31 of the Declaration, be amended and/or repealed.</b></p> | <p>International Narcotics Control Board</p>   |

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| <p>24. The Permanent Forum endorses the recommendations submitted on 8 May 2009 to the fourth meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants by the Indigenous Peoples Caucus to increase and ensure the formal participation of indigenous peoples in that process.</p>  | <p>Secretariat of the Stockholm Convention</p>           |
| <p>27. <b>The Permanent Forum notes that representatives of extractive industries, although invited, were unable to attend the International Expert Workshop on Indigenous Peoples' Rights, Corporate Accountability and the Extractive Industries, held in Manila from 27 to 29 March 2009. The Forum also notes that the International Council on Mining and Metals is in the process of developing a set of voluntary guidelines for the industry for engagement with indigenous peoples.</b> The Forum invites the Council at the conclusion of the development of the guidelines to forward a copy to the secretariat of the Permanent Forum. The Forum decides to forward a copy of the report of the International Expert Workshop to the International Council on Mining and Metals.</p> | <p>SPFII, International Council of Mining and Metals</p> |
| <p>68. <b>The Permanent Forum welcomes the study entitled "Indigenous peoples and boarding schools: a comparative study" prepared by a consultant for the secretariat of the Forum and requests that it be made available as a document of the ninth session of the Forum in all official languages of the United Nations and that it be widely disseminated.</b> The Forum decides in particular to transmit the study to UNESCO, the United Nations Children's Fund (UNICEF), the Special Adviser of the Secretary-General on the Prevention of Genocide, the Special</p>  | <p>SPFII</p>   |

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| <p>Rapporteur on the right to education, the Human Rights Council expert mechanism on the rights of indigenous peoples, the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights.</p>  |  |
| <p><b>12. The Permanent Forum supports the conceptual and policy framework proposed by the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises.</b> This framework rests on three pillars: first, the duty of the State to protect against human rights abuses by third parties, including transnational corporations and other business enterprises, through appropriate policies, regulation and adjudication; second, the corporate responsibility to respect human rights, which means acting with due diligence on all matters to avoid infringing on the rights of others; and third, greater access for victims to effective remedies, both judicial and non-judicial.</p> | <p>Special Representative of the Secretary General on the issue of human rights and transnational corporations and other business enterprises.</p> |
| <p>13. The Permanent Forum supports the work of the Special Representative to urge States to integrate human rights into those areas that most affect business practices, including corporate law, export credit and insurance, investments and trade agreements. The Forum suggests that the Special Representative urge States to ensure that such business practices comply with the relevant provisions of the United Nations Declaration on the Rights of Indigenous Peoples. The Forum urges the Special Representative to incorporate the specific views and distinct perspectives of indigenous peoples on social and economic development. Regarding the Americas, corporations must also comply with the</p>   | <p>Special Representative of the Secretary General on the issue of human rights and transnational corporations and other business enterprises.</p> |

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| <p>rulings of the Inter-American Court of Human Rights, which construe the States' obligations under International Labour Organization (ILO) Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries with regard to the Declaration as extending even to States that have not ratified the Convention. The Forum recommends that this principle be applied in other jurisdictions.</p> |  |
| <p><b>95. The Permanent Forum commends the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people for his efforts on behalf of indigenous peoples around the world and recommends that he continue his work in conformity with the principles he has established.</b></p>  | <p>Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people</p>   |
| <p><b>96. The Permanent Forum welcomes cooperation with the Special Rapporteur and the Human Rights Council expert mechanism on the rights of indigenous peoples, which is to be conducted in order to ensure maximum complementarity of efforts.</b></p>   | <p>Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Human Rights Council Expert Mechanism on the rights of indigenous peoples.</p> |
| <p>29. The Permanent Forum invites the Special Rapporteur on the human rights of migrants to prepare a study on the situation of indigenous women migrants.</p>   | <p>Special Rapporteur on the human rights of migrants</p>  |

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| <p>50. <b>The Permanent Forum confirms that the rule of law is a prerequisite for peaceful regional development and recalls that an extensive legal framework applies to the Arctic Ocean, including, notably, the United Nations Convention on the Law of the Sea. This framework provides a foundation for responsible management of this ocean.</b></p>  | <p>The Division for Ocean Affairs and the Law of the Sea</p> |
| <p>59. The Permanent Forum recommends that the Arctic Council formally engage with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Environment Programme (UNEP) to jointly follow up the International Experts Meeting on Climate Change and Arctic Sustainable Development: scientific, social, cultural and educational challenges (3-6 March 2009 in Monaco).</p>   | <p>UNESCO, UNEP and Arctic Council</p>                       |
| <p>86. <b>The Permanent Forum recommends that States support the creation of indigenous language and cultural studies centres in universities and encourage universities to provide permanent teaching positions for indigenous peoples in those study centres; urges States to adopt a policy of free university tuition for all indigenous peoples; encourages those universities that have not already done so to establish designated places and scholarships for indigenous students; and encourages UNESCO to support those initiatives where applicable.</b></p> | <p>UNESCO and Member States</p>                              |

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| <p>66. <b>The Permanent Forum calls on UNEP to conduct a fast track assessment of short-term drivers of climate change, specifically black carbon, with a view to initiating negotiation of an international agreement to reduce emissions of black carbon.</b></p>  | <p>United Nations Environment Programme (UNEP)</p>   |
| <p>28. <b>The Permanent Forum recommends that the United Nations Population Fund organize, in coordination with the secretariat of the Forum an international expert workshop on the theme “Indigenous peoples and health, with special emphasis on sexual and reproductive health”, and that a report of the expert workshop be submitted to the Forum at its ninth session, in 2010.</b></p>   | <p>United Nations Population Fund (UNFPA)</p>  |
| <p>72. <b>The Permanent Forum welcomes the convening by UNICEF, the International Labour Organization (ILO), UNESCO, the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, the Indigenous Programme of the Spanish Agency for International Development Cooperation, and the indigenous peoples and organizations throughout Latin America in the regional meeting on child labour, to be held in Lima in November 2009.</b> The objective of the meeting is to address within the framework of the United Nations Declaration on the Rights of Indigenous Peoples challenges that are faced by children regarding the worst forms of exploitation and the violation of the rights of children.</p> | <p>UNICEF, ILO, UNESCO, Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, Indigenous Programme of the Spanish Agency for International Development Cooperation, Indigenous peoples and organizations throughout Latin America</p> |

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| <p>69. <b>The Permanent Forum welcomes the global Stop TB Partnership, which is housed within the World Health Organization (WHO).</b> It urges the Partnership to ensure that indigenous peoples' concerns are fully included and that they participate in the decision-making body in implementing programmes and projects.</p>   | <p>WHO</p>        |
| <p>77. The Permanent Forum recommends that WHO conduct a study on the health effects on indigenous peoples throughout the world caused by uranium mining, dumping of radioactive waste and nuclear testing on indigenous held lands and territories, and provide a report to the ninth session of the Forum in 2010.</p>  | <p>WHO</p>        |
| <p>6. The Permanent Forum has paid particular attention to the significant increase in the infrastructure budget of the World Bank, from \$15 billion to \$45 billion in 2009, for the primary economies of developing States. The implications of this development in relation to the respect and protection of indigenous peoples' rights have to be clearly understood, and the imperative of getting the free, prior and informed consent of indigenous peoples affected by infrastructure projects has to be guaranteed. The Forum also urges the World Bank to provide additional operational budget to manage this large increase in infrastructure spending. <b>The Permanent Forum reiterates its previous recommendations that the World Bank revise its operational safeguard policies to be consistent with the provisions of the United Nations Declaration on the Rights of Indigenous Peoples.</b></p> | <p>World Bank</p> |

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| <p><b>35. The Permanent Forum recommends that the General Assembly rename the Decade “Second International Decade of the World’s Indigenous Peoples”.</b></p>  | <p>United Nations General Assembly</p>    |
| <p><b>84. The Permanent Forum recommends that the Secretary-General provide adequate human and financial resources for the purpose of meeting the requirements of articles 41 and 42 of the Declaration as they apply to the Permanent Forum.</b></p>                  | <p>United Nations Secretary General</p>   |
| <p><b>82. The Permanent Forum recommends that the relevant treaty bodies take into account the Declaration and urges States to include information regarding its implementation in their reports to the universal periodic review of the Human Rights Council.</b></p> | <p>UN Treaty Bodies and Member States</p> |