

8th Session Recommendations addressed to States

Recommendations	Addressee
<p>9.The Permanent Forum welcomes the measures undertaken by several countries that aim, inter alia, to explore and develop alternative sources of income, significantly reduce the exploitation of natural resources, enhance conservation of biological diversity and establish measures in favour of indigenous peoples in voluntary isolation, such as the national initiative undertaken by Ecuador entitled “Yasuni-ITT initiative”. The Permanent Forum recommends that such measures respect the right to free, prior and informed consent of the indigenous peoples concerned.</p>	Member States
<p>15.The Permanent Forum recommends that in the case of projects affecting indigenous peoples, States ensure that transnational corporations and other business enterprises comply with specific standards contained in the United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169.</p>	Member States
<p>16.The Permanent Forum recommends that, in order to ensure access to effective remedies, States enforce corporate compliance with relevant laws and standards. Transnational corporations and other business enterprises should put into place operational-level grievance mechanisms to provide early warning and help resolve problems before they escalate. Significant barriers to accessing effective judicial and non-judicial remedies persist, and the Forum supports the work of the Special</p>	Member States

<p>Representative in identifying and proposing ways of eliminating those barriers.</p>	
<p>19.The Permanent Forum calls upon States and corporations to fully recognize the presence and effective participation of indigenous peoples in all negotiation processes relating to the entry of extractive industries, infrastructure projects and other development projects into their communities, consistent with the United Nations Declaration on the Rights of Indigenous Peoples, inter alia, articles 19, 23 and 32. Furthermore, the Forum calls upon all relevant actors to ensure the application of culturally relevant, gender-balanced and gender-based analysis and gender budgeting as critical elements of economic and social development, consistent with articles 21 and 44 of the Declaration.</p>	<p>Member States and Corporations</p> <p>All relevant parties/actors</p>
<p>20.The Permanent Forum calls upon those States which have granted leases, concessions and licences on indigenous peoples' territories for projects related to logging, minerals, oil, gas and water without proper consultation and without respecting the free, prior and informed consent of the indigenous peoples concerned to review those arrangements and to address the complaints raised by indigenous peoples in those territories.</p>	<p>Member States</p>
<p>21.The Permanent Forum recommends that patent offices worldwide establish a mechanism whereby, when a patent is requested for a new product or procedure derived from indigenous peoples' resources or traditional knowledge, the origin of this knowledge is made public or otherwise disclosed and that the necessary consultations and negotiations take place with the indigenous peoples concerned.</p>	<p>Patent Offices</p>
<p>23.The Permanent Forum recommends that corporations, regulating bodies and certification bodies incorporate the rights of indigenous peoples in their quality</p>	<p>Corporations, Regulating bodies and Certification bodies</p>

standards, operating plans, business plans and investment plans.	
30. The Permanent Forum urges States, with the effective participation of indigenous peoples, to address the concomitant loss of community citizenship and human rights when indigenous peoples are forced to migrate or are displaced by violent conflicts, with a particular emphasis on indigenous women.	Member States
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.	Member States and United Nations
33. 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.	Relevant United Nations bodies and agencies, States and Indigenous Peoples Inter-agency Support Group on Indigenous Peoples' Issues

<p>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.</p>	<p>Member States, United Nations Agencies and Indigenous Peoples' Organizations</p>
<p>36. The Permanent Forum recommends that States support the Trust Fund on Indigenous Issues as an important contribution to the implementation of the goal and objectives of the Decade.</p>	<p>Member States</p>
<p>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.</p>	<p>Member States and United Nations Agencies</p>
<p>38. The Permanent Forum welcomes the fact that the principles and rules contained in the United Nations Declaration on the Rights of Indigenous Peoples have been integrated into the new constitution of the Plurinational State of Bolivia, which was ratified in a referendum held on 25 January 2009.</p>	<p>Bolivia</p>
<p>39. The Permanent Forum recognizes and commends Australia and Colombia for changing their positions by endorsing the United Nations Declaration on the Rights of Indigenous Peoples, and calls upon the remaining States that are opposed to it, as well as those abstaining, to reverse their positions and endorse the Declaration so as to achieve full consensus.</p>	<p>Australia, Colombia</p>
<p>40. The Permanent Forum notes that the United Nations Declaration on the Rights of Indigenous Peoples is a human rights instrument irrespective of the position of individual States, and the Permanent Forum expects that its endorsement will</p>	<p>Member States</p>

<p>further imply its utilization as an effective guide for domestic public policy law and practice regarding indigenous peoples' rights in consultation and cooperation with indigenous peoples themselves.</p>	
<p>47. The Permanent Forum notes that the Greenland-Danish Self-Government Commission submitted its report on self-government on 6 May 2008. The main task of the Commission has been to submit draft legislation regarding a self-government arrangement for Greenland. A referendum was held in Greenland on 25 November 2008 concerning the act and the process leading up to its entry into force. The Permanent Forum welcomes the successful passage of the act through the Danish Parliament on 19 May 2009.</p>	<p>Greenland-Danish Self-Government Commission Danish Parliament</p>
<p>48. The Permanent Forum acknowledges the close and growing cooperation among the Arctic States and the indigenous peoples in the Arctic.</p>	<p>Arctic States and Indigenous Peoples in Arctic States</p>
<p>52. In this connection, the Permanent Forum welcomes the initiative of the Government of Norway to establish the Gáldu Resource Centre for the Rights of Indigenous Peoples. The resource centre will distribute information about human rights and fundamental freedoms of indigenous peoples, in conformity with the spirit of the Paris Principles regarding national institutions for the promotion and protection of the rights of indigenous peoples. The Centre is an independent body, governed by its own board, which includes indigenous peoples.</p>	<p>Gáldu Resource Centre for the Rights of Indigenous Peoples and Government of Norway</p>
<p>53. The Permanent Forum urges all Arctic States to endorse and implement the United Nations Declaration on the Rights of Indigenous Peoples.</p>	<p>Arctic States</p>

<p>54. The Permanent Forum urges States with indigenous peoples whose livelihoods and cultures are based upon sea, river and lake fisheries to recognize fishing rights that will build solid foundations for securing and developing local indigenous communities and their cultures.</p>	<p>Member States</p>
<p>55. The Permanent Forum urges the Nordic States to ratify, as soon as possible, the Nordic Saami Convention, which could set an example for other indigenous peoples whose traditional territories are divided by international borders.</p>	<p>Nordic States</p>
<p>56. The Permanent Forum urges States to financially resource, empower and support local Arctic indigenous communities in order to give indigenous youth and women, together with other members of the communities, the opportunity to secure and develop their cultures.</p>	<p>Member States</p>
<p>57. The Permanent Forum calls upon the Arctic Council to provide the indigenous permanent participants in the Council with adequate financial resources, enabling them to effectively participate in all relevant activities of the Council.</p>	<p>Arctic Council</p>
<p>58. The Permanent Forum calls upon the Arctic States to provide financial resources to indigenous peoples of the Arctic for the purpose of building a partnership to enable them to adapt to climate change.</p>	<p>Arctic States</p>
<p>59. The Permanent Forum recommends that the Arctic Council formally engage with the</p>	<p>Arctic Council</p>

<p>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>60. The Permanent Forum calls upon Member States to analyse the compatibility of domestic laws with the United Nations Declaration on the Rights of Indigenous Peoples, in particular with a view to harmonizing laws dealing with Arctic renewable resources upon which indigenous peoples depend, and to include the indigenous peoples of the Arctic in a direct and meaningful way in this analysis.</p>	<p>Member States</p>
<p>61. The Permanent Forum recognizes the harm that the recent decision of the European Parliament regarding the seal product import ban may cause Inuit in the Arctic, and calls upon the European Union to rescind this import ban and, failing that, to enter into direct and meaningful dialogue with the Inuit Circumpolar Council to discuss ways of moving forward. Furthermore, the European Union must make decisions that affect both European and non-European indigenous peoples taking into account their right to free, prior and informed consent.</p>	<p>European Union</p>
<p>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.</p>	<p>European Union</p>
<p>67. The Permanent Forum notes that various United Nations treaty bodies have</p>	<p>Finland, Sweden, Norway</p>

<p>repeatedly called on the Governments of Finland and Sweden to clarify and affirm the Sámi people's rights to land and fishing, including hunting and reindeer grazing rights. The Forum urges Finland and Sweden to take action in accordance with these recommendations, without further delay. The Permanent Forum further calls on Norway to reach an agreement with the Sámi Parliament on the draft mineral act.</p>	
<p>79. Pursuant to article 38 of the United Nations Declaration on the Rights of Indigenous Peoples, the Permanent Forum reiterates its invitation to States to provide the Permanent Forum with substantive information on the implementation of the Declaration and an assessment of the effectiveness of the Declaration at the national and local levels.</p>	<p>Member States</p>
<p>80. The Permanent Forum strongly supports the position expressed in the outcome document of the Durban Review Conference that States should take all necessary measures to implement the rights of indigenous peoples.</p>	<p>Member States</p>
<p>81. The Permanent Forum recommends that States incorporate adequate information on the implementation of the Declaration in their core reports to the human rights treaty bodies.</p>	<p>Member States</p>
<p>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.</p>	<p>Treaty Bodies and Member States</p>
<p>83. The Permanent Forum recommends that States establish, where it does not already exist, a national dialogue with indigenous peoples on human rights, based on the Declaration.</p>	<p>Member States</p>

<p>86.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.</p>	<p>Member States</p>
<p>88.The Permanent Forum recommends that all States apply the principles of general comment No. 11 (2009) of the Committee on the Rights of the Child, entitled “Indigenous children and their rights under the Convention”.</p>	<p>Member States</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. 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.</p>	<p>Bolivia and Paraguay</p>
<p>97. The Permanent Forum calls on States to consult with indigenous peoples in a manner that fully respects their obligations under the Declaration and fully responds to the goals, needs and rights of indigenous peoples in the development and design of relevant legislation.</p>	<p>Member States</p>

<p>98.The Permanent Forum reiterates its previous recommendations that those States that have not already done so adopt or endorse, where applicable, the Convention on the Rights of the Child, ILO Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples.</p>	<p>States that have not adopted/endorsed Convention on the Rights of a Child and the United Nations Declaration on the Rights of Indigenous Peoples</p>
<p>99. The Permanent Forum welcomes the effort of the Association of Southeast Asian Nations (ASEAN) to establish a regional human rights mechanism and offers its expertise and cooperation in this matter. The Forum recommends that the mechanism be called the “ASEAN Human Rights Commission” and that the commission explicitly recognize indigenous peoples in its terms of reference. We look forward to a strong commission with full investigatory and implementation powers, which uses the United Nations Declaration on the Rights of Indigenous Peoples as its framework in dealing with indigenous peoples’ issues. The Forum also recommends that the commission establish a committee on indigenous peoples in addition to its proposed committees on migrant workers and women and children.</p>	<p>Association of Southeast Asian Nations (ASEAN)</p>