



General Assembly

Distr.: General
18 September 2024

English only

Human Rights Council

Fifty-seventh session

9 September–9 October 2024

Agenda item 5

Human rights bodies and mechanisms

Written statement* submitted by "ECO-FAWN" (Environment Conservation Organization - Foundation for Afforestation Wild Animals and Nature), a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 August 2024]

* Issued as received, in the language of submission only.



Implementation of the Forest Rights Act in India, and Suggestive Measures with Good Practices that the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) Can Apply for the Progress of Indigenous Communities across the Globe

The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) a subsidiary body of the United Nations Human Rights Council, established under resolution 6/36 in 2007 and further refined by Resolution 33/25 in 2016. Its mandate to provide the Human Rights Council with expertise and advice on the rights of Indigenous peoples, as outlined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and to promote the implementation of international standards concerning Indigenous rights. The Mechanism consistently played a crucial role in ensuring that Indigenous voices and concerns are reflected in international human rights discourse.

The Declaration, adopted by the UN General Assembly in 2007, is a comprehensive statement that sets out the individual and collective rights of Indigenous peoples, including their rights to culture, identity, language, employment, health, education, and other vital aspects of their lives. The EMRIP reports frequently highlight how these rights are interconnected with the broader goals of self-determination, non-discrimination, and sustainable development.

Resolution 33/25 also expands the mandate of the EMRIP to encourage dialogue and cooperation between Indigenous peoples and states. This enhanced role underscores the importance of participatory approaches in addressing Indigenous issues, recognizing that Indigenous peoples must be active participants in decisions that affect their lives. The Expert Mechanism's reports consistently advocate for greater inclusion of Indigenous perspectives in policy-making processes, particularly in areas such as land rights, environmental protection, and social services.

The Forest Rights Act (FRA) of 2006 in India is a landmark legislation aimed at recognizing the rights of forest-dwelling communities, including Indigenous Peoples, over the land and resources they have traditionally used. The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) plays a crucial role in advancing the rights of Indigenous Peoples globally, and it is essential to highlight good practices in the implementation of the FRA to promote and protect these rights in India. This document offers suggestions for EMRIP to consider, drawing from successful implementations and addressing the challenges that remain.

Indigenous communities often face difficulties in understanding the legal provisions due to linguistic, cultural, and educational barriers. Civil society organizations and local governments have successfully conducted awareness campaigns and educational programs in indigenous languages to bridge this gap. These initiatives include training community leaders, developing easy-to-understand materials, and using traditional media like folk songs and theater to convey information.

EMRIP could recommend the adoption of similar community-centered approaches globally, emphasizing the importance of culturally relevant education in the empowerment of Indigenous Peoples. This could also involve facilitating exchanges between Indigenous communities across countries to share experiences and best practices.

The FRA recognizes the rights of communities over Community Forest Resources (CFRs), allowing them to manage and conserve their forests. Some regions in India, like the Gadchiroli district in Maharashtra, have set examples by successfully claiming and managing CFRs. The local communities have developed forest management plans that ensure sustainable use of resources while protecting biodiversity. These plans often incorporate traditional knowledge and practices, which are crucial for sustainable forest management.

EMRIP could promote the integration of traditional knowledge systems in the management of natural resources. It could also recommend that governments provide technical support and capacity-building programs to Indigenous communities for the effective management of CFRs, ensuring these practices are sustainable and inclusive.

The establishment of dedicated FRA cells within state governments, as seen in Odisha and Chhattisgarh, has been a positive step towards overcoming these challenges. These cells provide legal and administrative support to ensure timely processing of claims and resolve disputes.

EMRIP could advocate for the establishment of such dedicated bodies or cells within governments to streamline the implementation process. Moreover, it could suggest the introduction of transparent monitoring mechanisms to hold authorities accountable for delays and lapses in the recognition of Indigenous rights.

The FRA explicitly recognizes the rights of women, ensuring that titles to land are issued jointly in the names of both spouses or in the name of a single woman in the absence of a male spouse. In some communities, grassroots women's collectives have played a crucial role in claiming their rights under the FRA. For example, in states like Jharkhand and Odisha, women's groups have been instrumental in ensuring that their names are included in the title deeds and that their voices are heard in community decision-making processes.

EMRIP could emphasize the importance of gender-sensitive approaches in the implementation of Indigenous rights frameworks. It could recommend specific measures to ensure that women are not only included in the legal recognition of rights but also actively participate in decision-making processes related to land and resource management.

Technology can play a vital role in ensuring transparency and accessibility in the implementation of the FRA. Digital tools can help in mapping forest rights, tracking the status of claims, and providing information to communities.

The use of Geographic Information Systems (GIS) and other digital platforms in some Indian states has helped communities map their traditional lands and submit claims with greater accuracy. These tools have also facilitated the monitoring of forest resources and the prevention of encroachments.

EMRIP could advocate for the use of technology in the implementation of Indigenous rights globally. This includes promoting access to digital tools and ensuring that Indigenous communities are trained in their use. Additionally, it could recommend the development of open-source platforms that allow for community-led mapping and monitoring of resources.

In some regions, the establishment of conflict resolution mechanisms involving local communities, government officials, and independent mediators has proven effective. These mechanisms have helped in resolving disputes amicably and protecting the rights of Indigenous communities.

EMRIP could recommend the creation of inclusive conflict resolution mechanisms that prioritize the rights and perspectives of Indigenous Peoples. These mechanisms should be accessible, transparent, and sensitive to the cultural contexts of the communities involved.

Conclusion

The Forest Rights Act of 2006 with the potential to significantly advance the rights of Indigenous Peoples in India. However, its success depends on effective implementation, which requires a combination of community empowerment, legal and administrative support, gender equity, and the strategic use of technology. By promoting these good practices and advocating for their adoption globally, EMRIP can play a crucial role in ensuring that Indigenous communities not only gain formal recognition of their rights but also have the tools and support needed to exercise and protect those rights.

In conclusion, the Expert Mechanism on the Rights of Indigenous Peoples plays a vital role in promoting and protecting the rights of Indigenous peoples globally. Through its reports, the EMRIP can provide valuable insights, recommendations, and technical advice to states and other stakeholders, helping to bridge the gap between international human rights standards and the lived realities of Indigenous peoples. By fostering dialogue, promoting best practices, and advocating for the full implementation of the UNDRIP, the EMRIP contributes to a more just and equitable world for Indigenous communities.

GRAMIN KSHETRA, Tandur, Telangana NGO(s) without consultative status, also share the views expressed in this statement.

<https://www.ohchr.org/en/hrc-subsiidiaries/expert-mechanism-on-indigenous-peoples>

<https://digitallibrary.un.org/record/3876759?ln=en&v=pdf>

<https://www.fao.org/indigenous-peoples/news-article/en/c/416335/>

<https://www.indiacode.nic.in/bitstream/123456789/8311/1/a2007-02.pdf>

<https://forestrights.nic.in/pdf/FAQ.pdf>

<https://www.brlf.in/programs-at-brlf/state-partnership-projects/community-forest-resources-rights/>