



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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(Forest policy)/JP/ks

29 August 2019

Excellency,

I would like to refer to your communication received on 29 May 2019 in response to the Committee's letter of 10 May 2019 regarding the draft National Forest Policy 2018 and its impact on the rights of indigenous peoples in India.

In its letter, the Committee raised concerns that the above-mentioned policy may infringe the rights of indigenous peoples, in particular to effectively exercising control over community forest resources, notably by undermining their governing structure (Gram Sabhas).

The Committee welcomes the reply provided by the State party according to which the draft National Forest Policy is still in the drafting stage and a consultation process with stakeholders is ongoing. However, the Committee regrets that the State party's reply does not contain the full information requested.

The Committee notes with concern that the State party does not recognize indigenous peoples, in contradiction with the principle of self-identification and without taking into account the Committee's General Recommendation No. 8 (1990) concerning the interpretation and application of article 1, paragraphs 1 and 4 of the Convention.

Therefore, the Committee reiterates its concerns and requests the State Party to provide information about the steps taken to:

1. Consider to withdraw the draft National Forest Policy 2018 in order to ensure respect of the rights of indigenous peoples over their traditional lands and territories, including the preservation of the powers granted on these matters to traditional authorities, the Panchayats and the Gram Sabah in the Scheduled Areas.
2. Refrain from adopting and reversing any legislation or policies undermining indigenous peoples' rights, including those protected in the PESA Act and the Forest Rights Act.
3. Guarantee the participation of indigenous peoples in the governance of the Compensatory Afforestation Programme, since its programmes directly concern their rights to land and territories.

His Excellency Mr. Rajiv Kumar Chander
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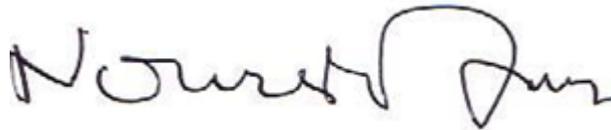
The Committee takes note of the Communication sent to the State party by several mandates holders of special procedures on 19 June 2019 (UA IND 13/2019). The Communication refers to allegations of impending forced evictions that are poised to affect millions of peoples, mostly from the scheduled tribes and forest-dwelling peoples, in 21 States across India. Accordingly, the Committee urges the State party to ensure due consideration to the above-mentioned Communication in the light of its obligations under the Convention.

In this regard, the Committee reiterates its encouragement to the State party to consider seeking assistance from the United Nations Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) that is mandated by the Human Rights Council (resolution 33/25, paragraph 2), to provide States with technical advice on the rights of indigenous peoples and facilitate dialogue between States, indigenous peoples and/or the private sector.

In accordance with Article 9 (1) of the Convention and article 65 of its Rules of Procedures, the Committee requests the State party to submit its response by **18 November 2019**.

Allow me, Excellency, to reiterate the wish of the Committee to continue to engage in a constructive dialogue with the Government of India, with a view to ensuring the effective implementation of the Convention.

Yours sincerely,



Noureddine Amir
Chair

Committee on the Elimination of Racial Discrimination