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Permanent Forum on Indigenous Issues

Sixth Session

3rd & 4th Meetings (AM & PM)

INDIGENOUS RIGHTS TO LAND RESOURCES BASIS FOR COLLECTIVE SURVIVAL,

INEXTRICABLY LINKED TO SELF-DETERMINATION, FORUM TOLD

Indigenous peoples' right to lands, territories and natural resources was the basis for their collective survival, as it was inextricably linked to their right to self-determination, free pursuit of appropriate development and sacred responsibilities to the world, the United Nations Permanent Forum on Indigenous Issues was told today.

Frustrated by what they saw as near-complete disregard for their rights to access and manage their communal lands and natural resources, representatives of indigenous groups called strongly on the 16-member Forum to make concrete recommendations to United Nations agencies and member States that could bring justice and restitution to the world's marginalized native peoples.

Focusing on the special theme "Territories, lands and natural resources", and echoing a Forum expert's warning that "land is not just something to buy and sell", one speaker from a South America indigenous group agreed that land, water and natural resources were indeed living beings. "They are happy when we treat them well, but suffer when they are exploited irrationally," he said. Development in the name of progress was prompting Governments to make mining, oil and genetic concessions that violated international standards created to protect indigenous rights.

The first indigenous parliamentarian to address the Forum, a representative of Norway's Sami Parliament, said Inuit and Sami peoples should be guaranteed their rights to lands and natural resources. They also had the right to self-determination and full representation in environmental management. States were not only obliged to identify lands traditionally used by indigenous peoples, but also to provide legal protection according to traditional customs and laws. Indigenous groups had the right to be effectively consulted and to share in profits derived from their lands.

All the speakers called for the General Assembly's swift adoption by the end of its next session of the draft Declaration on the Rights of Indigenous Peoples. One speaker, invoking the preambular paragraphs of the Declaration, which has been languishing since it was approved by the Geneva-based Human Rights Council last June, highlighted articles dealing with indigenous rights to freely engage in traditional and other economic activities, to receive due recognition from States about indigenous laws, and to obtain free and informed consent prior to approval of projects affecting their lands.

When Governments took the floor, several representatives discussed measures to address the challenges faced by indigenous peoples. Valentin Tincona, Vice-Minister of Communitarian Justice of Bolivia, recalled the election last year of President Evo Morales, a member of an indigenous community, saying: "We never dreamt we could be the Government." Bolivia had changed its agrarian reform law, implemented a new national development plan that gave priority to indigenous communities and had made headway with nationalizing its natural resources, including its oil reserves. Moreover, the country was rebuilding the concept of community justice, which included procedures governing indigenous peoples.

Iain Anderson, First Assistant Secretary, Legal Services and Native Title Division, Attorney-General's Department of Australia, said that over the past 30 years, his Government had developed various forms of

legislation recognizing indigenous peoples' rights to land. Over the past few years, the Government had also been trying to assist indigenous people living on indigenous lands to gain access to better education and employment choices, and to seek ways, in some cases, for their lands to be leveraged for economic and social benefits.

In response, Mick Dodson, Forum expert from Australia, countered that, while it was encouraging to see Australia's ambitious reform agenda for indigenous communities, the Government's ambitions fell far short of its objectives. He took issue with the Government's plan to change access to housing by reducing subsidies. Notably, the Government's submission to the Forum also did not mention that in the Northern Territories, subleasing had been possible under old legislation. Furthermore, while indigenous Australians had tried to negotiate alternative models to maintain management control of their lands, the Government had developed policies without their participation. That did not constitute "negotiation" or "equal partnership", and it certainly did not represent a "rights-based approach", he said.

Noting that this year's special theme -- territories, lands and natural resources -- was linked to indigenous peoples' health, Ida Nicoliasen, expert from Denmark, said she was very disappointed that the Forum had not received a report from the World Health Organization (WHO). A report from that agency could have, for instance, shed light on the severe health problems facing indigenous communities in the Pacific Islands, which were facing some of the highest rates of obesity and diabetes in the world, largely because their access to traditional foods was being hindered due to the loss of traditional lands and territories.

South African expert William Langeveldt, noting that African Governments considered all Africans "indigenous peoples", urged African leaders to recognize the continent's long-suffering minorities. If every African was "indigenous", he said, minorities would continue to be exploited, and Governments would continue to control indigenous territories. States must talk with indigenous leaders and engage in grass-roots dialogue in mother tongues to make meaningful contributions to promoting and protecting the rights of Africa's indigenous minority groups.

Also participating were representatives of the following indigenous groups: the Indigenous Peoples Caucus, North American Regional Caucus, Asia Indigenous Caucus, Pacific Caucus/Turaga Indigenous Nation; Indigenous Women's Caucus; Indigenous Peoples of Africa Coordinating Committee; Caribbean Antilles Indigenous Peoples Caucus; Arctic Regional Caucus; National Native Title Council; and Continental de Mujeres Indigenas Region Sudamerica, Assembly of First Nations, Nations, Kats Koran House, Douglas Treaty First Nations, National Coordination of Guatemalan Widows and the Comite Intertribal Parlamento Indigena de Pantanal, Central de Informaciones Indigenas.

A representative of the Indigenous Caucus of the Commission on Sustainable Development also spoke.

Also speaking today were representatives from the following Governments: Guyana, Spain, Venezuela, Ecuador, New Zealand, Norway, Denmark, Mexico, Nepal, Guatemala, Kenya and Colombia.

The Forum will meet again tomorrow, Wednesday 16 May at 3 p.m. to continue and conclude its discussions with Governments, intergovernmental bodies and representatives of indigenous groups.

Background

The United Nations Permanent Forum on Indigenous Issues met today to continue its sixth annual session on the special themes "Territories, lands and natural resources." The session, which runs through 25 May, was also expected to examine urban indigenous peoples and migration, indigenous peoples in Asia and data collection and disaggregation. For background, see Press Release [HR/4916](#) issued 11 May 2007.

Statements

Forum member HASSAN ID BALKASSM, expert from Morocco, thanked the agencies for their submissions, particularly those that had highlighted recommendations and obstacles. The session was being held at a crucial time for the Declaration on the Rights of Indigenous Peoples and the process involving indigenous peoples. Without rights to their territories, lands and resources, there could be no identity or means of survival for indigenous peoples. Poverty was caused by the fact that indigenous peoples did not enjoy rights over their

territories. While some agencies had clear policies on indigenous rights, others had not yet begun discussion on that subject, and it was important for them to agree on a timetable for discussion. He understood that some agencies were awaiting adoption of the Declaration before considering that issue, and he hoped that would happen at the end of the session.

Additionally, he highlighted various agencies working effectively at the national level, including the International Labour Organization (ILO), which had helped to launch dialogue between Governments and indigenous peoples, the United Nations Institute for Training and Research (UNITAR) and the United Nations Development Programme (UNDP), which had carried out an initiative with the Office of the United Nations High Commissioner for Refugees (UNCHR). Such partnerships would improve dialogue at the international level.

PAVEL SULYANDZIGA, representative of the Russian Federation, had posed a question to the United Nations Environment Programme (UNEP). If the UNEP representative was present, he would like to know what had happened to the recommendation for UNEP to develop its own policy on indigenous peoples. At the level of implementation, there had been a fairly positive response in Nairobi. He wondered, however, whether the recommendation was being implemented.

The Chairperson noted that UNEP had met with members of the Indigenous caucus and, although she did not know whether there were any representatives present today, she said her colleague recently was able to have a meeting with the organization.

OTILIA LUX DE COTI, expert from Guatemala, asked the representative of the Inter-American Development Bank (IDB) if there was some compatibility between its policies and public policies, where they existed in States; and if so, what sorts of strategies had been successful. If they did not exist, what strategies could be envisioned that could promote the elaboration, recognition and integration of indigenous, community-level policies with those of the Bank and other national development agencies working on their behalf?

IDA NICHOLAISEN, expert from Denmark, thanked the agencies for the many reports that had been forwarded to the Forum for its consideration during the session. She said the special theme was inextricably linked to one aspect of indigenous people's lives that had not been touched on at all yesterday -- indigenous peoples health. To that end, she was very disappointed that the Forum had not received a report from the World Health Organization (WHO). Such a report from that agency could have, for instance, shed light on the severe health problems facing indigenous communities in the Pacific Islands, which were facing some of the highest rates of obesity and diabetes in the world, largely because their access to traditional foods was being hindered due to a loss of traditional lands and territories. She also asked the representative of UNITAR what was being done to distil the lessons learned in the agency's workshops over the years to expand and build on the strategies that it used.

PARSHURAM TAMANG, expert from Nepal, said that it was up to the United Nations, Governments and civil society actors who believed in fundamental human rights for all to act now on behalf of indigenous people to ensure their right to access to their lands, territories and natural resources. "Indigenous people cannot wait," he said, reminding Governments that indigenous people should be given special consideration in their efforts to give effect to the Millennium Development Goals

He also urged the agencies participating in the Forum's work to present their policy papers to the Forum's experts, in particular so they could make recommendations on matters of inclusion and participation of indigenous people in their decision-making structures. With traditional languages dying every day in all parts of the world, he also asked the representative of United Nations Educational, Scientific and Cultural Organization (UNESCO) what that agency was doing to ensure that Governments were doing all they could to preserve indigenous languages.

MUZANGI MBELE LILIANE, expert from the Congo, congratulated the Forum on the choice of the special theme. She also requested that the agencies find a mechanism to focus on African development banks. The theme was extremely important, she continued, as indigenous peoples identified themselves through their land. "Land is not just something to buy and sell," she said. The indigenous peoples of Africa believed that one could not live without the forest -- it was a source of life. The way that space was seized, however, had reduced their rights to the land. She supported other comments about the health situation of indigenous peoples, and said it was crucial that the WHO provided input in Africa.

Additionally, very few, possibly only three, documents had been made available in French. She requested that more be made available.

QIN XIAOMEI, expert from China, said indigenous people were inseparable from their lands, resources and territories, which held special significance for them. When their rights were violated, they lost their livelihood. It was further possible that their language, culture, religion and identity would be threatened. The provisions of International Labour Organization Convention 169 were important, and the international community should give indigenous peoples the justice that they deserved. To protect indigenous rights, the most critical points were to: confirm the indigenous role in territories, lands and resources; ensure indigenous people participated in the drafting of policies and legislation related to resource management, and that free prior and informed consent was respected.

MERIKE KOKAJEV, expert from Estonia, said members of the Inter-agency Support Group had submitted rich reports to the Forum on how they were implementing the Forum's recommendations, noting that 30 agencies already were part of the Group. The reports detailing field activities vis-à-vis indigenous peoples were an encouraging development, she continued, adding it was also important to raise awareness of a rights-based approach to indigenous peoples. She could assure the agencies that the Forum valued their work, and she hoped they would continue analyzing Forum recommendations to best ensure their implementation. As most armed conflict occurred on indigenous lands, she supported the recommendation for agencies to cooperate with the Department of Peacekeeping Operations, and asked how such cooperation was being pursued.

EDUARDO AGUIAR DE ALMEIDA, expert From Brazil, said that some of today's "planetary emergencies" such as climate change and global warming were becoming just as pressing as human rights and humanitarian issues for indigenous people, and he urged the Inter-Agency Support Group and other agencies to move quickly to address such issues.

Presentations by Indigenous Groups and Agencies

Opening the round of presentations by indigenous peoples' groups, a representative of the Indigenous Peoples Caucus for the Sixth United Nations Permanent Forum on Indigenous Issues, said the right to lands, territories and natural resources for indigenous peoples was the basis of their collective survival, as it was fundamentally linked to their right to self-determination, to freely pursue forms of development that were appropriate to their cultures, and upheld their sacred responsibilities to the natural world.

She said communities were struggling to survive in the face of ongoing attempts by States and corporations to deprive indigenous peoples of their traditional lands, territories and natural resources. The Caucus urgently called on the Forum to make recommendations to the United Nations system, its agencies and member States that would bring about effective responses to the calls for justice and restitution for indigenous peoples. Further, she expressed the collective call for the adoption of the Declaration for the Rights of Indigenous Peoples, a standard which contained minimum requirements to ensure protection of their rights to land, territories and natural resources.

A representative of the North American Regional Caucus presented the outcome of her group's recent preparatory session ahead of the Forum's sixth session, which had featured the participation of some 65 North American indigenous representatives. She said that those participants had stressed the importance of integrating matters related to indigenous peoples' access to traditional lands and natural resources into global efforts to achieve the Millennium Goals. They had also called for Governments to respect all treaties and agreements that had been made with indigenous groups, particularly those dealing with lands, natural resources, forests and waterways. She said that they had also endorsed the text of the United Nations Declaration on the Rights of Indigenous People, and called on the General Assembly to adopt that text as soon as possible, in a form that did not diminish the fundamental rights of those peoples in any way.

A speaker for the Asia Indigenous Caucus said indigenous peoples had a strong connection to their lands, territories and natural resources. For generations, they had been living in harmony with nature, but were now facing grave threats. Their lands were being taken away for so-called "development projects" and other activities, such as expansion of military bases and power plants, as well as mineral extraction and forest clearing. He called on Governments and businesses to support existing networks and alliances that were working to ensure sustainable management of communal lands and resources. He also called for business to implement the principle of free, prior and informed consent when they began any development project. He called on the United

Nations to begin looking into complaints by indigenous groups of violations of resource and environmental protection agreements.

Speaking on behalf of the Pacific Caucus/Turaga Indigenous Nation, another representative reported on the recent Vanuatu Indigenous Forum that had been held ahead of the Permanent Forum's session. He said that the participants recognized territories, as defined by tribes, as places to which they had spiritual connection. They did not recognize colonial boundaries, but considered Mother Earth and all her territories as resources to which they had eternal access. She also said that the Caucus believed that the heavens, planets and outer space should be protected and should not become a "tourist destination for the rich" or a way station for powerful countries to store even more powerful weapons. The Caucus proposed that the Forum consider matters related to the struggle against, and fallout from, colonial expansion, colonization and foreign occupation as its special theme for next year's session.

A representative from the Indigenous Women's Caucus said that women's rights were cross-sectional and non-negotiable, and land was a collective good, inherited from generations past. Indigenous peoples had been forcibly displaced through policies applied in the name of development. The abuse of natural resources had created climate change, which had, in turn, created droughts, unknown diseases, physical deterioration and extreme poverty. She urged States to recognize indigenous women's right to be consulted, and to seek free, prior and informed consent before implementation of projects on their lands. Further, States should recognize the importance of policy instruments, including the International Labour Organization Convention 169 and article 8(J) of the agreement on Biodiversity. She recommended that States recognize "sui generis" systems for the protection of traditional knowledge and supported the prompt adoption of the Declaration on the Rights of Indigenous Peoples.

In the new category of presenters of indigenous peoples who were members of parliament, the representative of the Sami Parliament of Norway said a workshop attended by Governments, Forum members and individual experts had been recently organized. It had provided the opportunity to identify various challenges to the legal protection of indigenous peoples' rights to lands, territories and natural resources, and drew conclusions on that issue, including on the importance of pursuing dialogue between States and indigenous peoples. She further noted that the Inuit and Sami indigenous peoples should be guaranteed their rights pertaining to lands, territories and natural resources. They also had the right to self-determination and to full representation in environmental management. States not only were obliged to identify lands traditionally used by indigenous peoples, but also to provide legal protection according to traditional customs and laws. Indigenous groups had the right to be effectively consulted and to share in profits derived from their lands. She added that the climate change impacts in Inuit and Sami territories had changed their livelihoods in a paramount way, and she called for the speediest possible adoption of the Declaration.

The representative of the Indigenous Peoples of Africa Coordinating Committee said the Committee had participated in a four-day workshop in Burundi, the only African country to include indigenous peoples in the national parliament. Indigenous people were important to protecting African heritage and traditional practices, and the Committee was concerned at how to promote knowledge-sharing from one generation to another. The Committee discovered that the problem had its roots in policy. Among other concerns, the Committee learned that indigenous leaders from Burundi and Gabon were concerned that companies wanted to gain access to their medicinal knowledge. Leaders in North and West Africa were concerned about water management and drought, and asked for more attention to that issue. South Africa was concerned about climate change and unsustainable use of land. The workshop recommended that officials receive training on the Rio Convention and in building strategic partnerships with civil society groups.

The representative of the Caribbean Antilles Indigenous Peoples Caucus and the Diaspora, said here was a coexistence between indigenous peoples of St. Lucia and the new Government, which arrived last December. The issue of lands, territories and natural resources would not be complete without recognition of their rights to control sacred sites. He called for a resolution that would outline indigenous peoples' right to own, control and maintain their spiritual relationship with lands, oceans and seas. It would further request the Forum to support the efforts of the St. Lucia indigenous peoples, and request relevant United Nations agencies to provide financial and technical support to bring together experts, Government representatives and relevant United Nations agencies concerned with the protection of sacred and cultural sites.

The representative of the Arctic Regional Caucus said that continued access to and control over territories was a prerequisite for indigenous peoples well-being and existence as distinct beings on the

planet. It was equally well-established that indigenous peoples' rights to land, territories and natural resources were protected as part of their fundamental rights to their traditional cultures.

She said that Swedish and other European courts and human rights agencies were, more than ever before, upholding the rights of Sami people and other indigenous peoples in the region to their lands. She noted that indigenous people who took their cases to court had much more success than those that did not, and adding that such action was costly and time consuming for native peoples and Government agencies alike. A much better way to deal with such issues was through negotiated and fair mutual arrangements between the parties, particularly where the use or exploitation of natural resources was at issue.

A representative of the Indigenous Caucus of the United Nations Commission on Sustainable Development underlined the need for the Forum to mainstream its special theme with the work of relevant United Nations agencies. She noted that, next year, the Sustainable Development Commission would consider agriculture, rural development, land, drought, desertification, and Africa. The Caucus would, therefore, encourage the Forum to submit its final report to the Secretary-General to be included in his report that would guide the work of the next Commission's session. She also encouraged Forum experts to participate in the Commission's planned interactive dialogues and to urge indigenous representatives and groups to participate, as well. The Forum must also reiterate its call on donors to provide support for the full and active participation of indigenous representatives in the work of the Commission.

Speaking on behalf of the National Native Title Council and other indigenous peoples organizations in Australia, another participant noted that the Tiwi people of a small island nation in his region had just signed away management control of their communal lands through 99 year leases for \$1 million Australian in health services, 25 new houses, a new school and upgraded recreation facilities. Signing away those rights added insult to injury, because not only had those peoples signed away their traditional existence for four generations, they had done so in return for homes and basic services the Government regularly provided to other people without such preconditions.

He said that those peoples had signed away control of their lands and had essentially lost the right to stop any development that ran counter to their cultural and environmental responsibilities. Some of the islanders were now claiming that they had not been adequately informed of their rights. The experience revealed how statutory land rights regimes were being used by Governments as a device against indigenous peoples. Sadly, it was not an isolated incident. The incident highlighted Governments' lack of willingness to accept responsibility for the appalling conditions that Aboriginal and Torres Strait islanders endured. It was also an excuse for Governments to argue that indigenous people in the region needed to be "normalized", so that their way of life was "more mainstream". With all that in mind, he urged the Forum to urgently promote the relevant principles of the Declaration on Indigenous Rights, which reluctant Governments like Australia, among others, should incorporate when negotiating any land tenure and management arrangements with indigenous peoples.

A representative of Enlace Continental de Mujeres Indigenas Region Sudamerica said that indigenous peoples in her region had consistently made efforts to ensure their existence by joining international and regional treaties purporting to promote and protect their rights. But the reality was that those groups were becoming outcasts on their own lands. They have been caught in the cross hairs among warring rebel groups, gunrunners and drug traffickers and rapacious land devouring conglomerates. Forced to move to blighted areas around major cities for survival, they then faced high levels of unemployment and were forced to provide cheap labour or turned to prostitution. She called on the Forum to press Governments, particularly in the South American region, to recommit themselves to protecting and promoting the fundamental rights of indigenous people.

Exchange with Government Representatives

VALENTIN TINCONA, Vice-Minister of Communitarian Justice of Bolivia, spoke about activities in his country related to the territories and lands of indigenous peoples. To do away with large land holdings, Bolivia had changed its agrarian reform law and would redistribute lands to indigenous peoples. To mechanize agriculture, the Government had given tractors to communities that needed them. The Government had also implemented a new national development plan that gave priority to indigenous communities, whereas previous Governments had based priorities on the needs of companies that generated private sources of employment.

Further, he said, Bolivia had made headway with nationalizing its natural resources, including its oil reserves. The fruits of those efforts had reached Bolivian boys and girls, many of them from indigenous communities. Bolivia was hopeful that the lands of indigenous peoples could be rebuilt. While indigenous communities had been marginalized for a long time, they were today moving towards self-government.

Regarding the collective rights of indigenous peoples, he said Bolivia was rebuilding the concept of community justice. Through workshops and debates, judicial authorities now understood that community justice included procedures governing indigenous peoples. With the new constitution, community justice would be on equal footing with ordinary justice. On the participation of indigenous peoples in Government, he said the world had seen, as never before, an increasing number of organizations that had supported the election of President Morales. "We never dreamt we could be the Government," he said.

IAIN ANDERSON, First Assistant Secretary, Legal Services and Native Title Division, Attorney-General's Department of Australia, said that over the past 30 years, his Government had developed various forms of legislation recognizing indigenous peoples' rights to land. Under those rights, groups having demonstrated links to the lands were given control over their use. The legislation had provided great benefits to Australia's indigenous peoples. Indeed, today between 15 and 19 per cent of the land was now controlled by indigenous peoples. But despite the spiritual benefits to indigenous communities of such programmes, the overall situation of many native peoples still facing socio-economic challenges had not necessarily improved.

He said that with that in mind, the Government had set in motion a series of reforms he said, adding that those initiatives did not seek to change the principles of the Native Title Act or alter it in any way. Over the past few years, the Government had also been trying to assist indigenous people living on indigenous lands to gain access to better education and employment choices, and to seek ways, in some cases, that their lands could be leveraged for enhanced economic and social benefits. He noted in that regard that a small indigenous community had recently taken advantage of the Government's land lease initiative, which would allow Government to use the land for a specific period of time, in exchange for a one-off payment and other incentives, and then be returned to its indigenous owners. The reforms were complimented by Government programmes targeted to indigenous peoples to, for example, make homes more affordable. The Australian Government believed that indigenous Australians should have the same rights to lands and territories as non-indigenous citizens.

GEORGE TALBOT (Guyana) said that with Guyana's relatively large native Amerindian population, the Government attached great importance to indigenous issues and viewed the Forum's work as a key way to identify the challenges faced by indigenous peoples worldwide, and for mobilizing international support for policies and measures aimed at addressing their legitimate concerns and interests. Guyana believed that through frank exchange of views, all sides could arrive at a better understanding and develop the necessary trust to collectively respond to the challenges.

He said that Governments, Amerindians and other indigenous persons, rural and urban dwellers, and representatives of the business community were among those groups that had special, and, at times, competing, interests in matters related to lands, territories and natural resources. The importance of lands and territories derived from their potential to foster economic growth and human development, as well as their significance for life and culture. It had been recognized that many indigenous peoples did not enjoy legal recognition of the lands they had historically occupied, and were often forcibly removed from such lands. At the same time, he stressed that land distribution was also a challenge for Governments.

For its part, Guyana's Government had for decades implemented policies regarding the allocation of land to Amerindian communities. Such policies had been updated last year. By example, he said that during the past year, 16 Amerindian communities prepared regulations regarding the use of natural resources on their titled lands. Those rules would be gazetted in a few months and would, thus, become by-laws of those communities. It had been Guyana's experience that the best way to resolve issues related to Amerindian lands was through consultation, mutual respect, trust and compromise and the allocation of adequate financial resources.

JUAN ANTONIO YÁÑEZ-BARNUEVO (Spain), noting the Forum's importance to ensuring that the voices of indigenous peoples would be heard in the United Nations, said his country was committed to acknowledging the legitimate rights of indigenous peoples. Proof of that commitment was Spain's cooperation with indigenous peoples on its priority work agendas. Last February, Spain ratified the

International Labour Organization's Convention 169, which committed States to respecting minimum standards in the application of indigenous rights. The Spanish Agency for International Cooperation was designing a plan to incorporate the Convention's principles into public policy.

Further, he continued, Spain had adopted a new strategy on cooperation with indigenous peoples, which reflected its commitment to encouraging cooperation for true development and respect for cultural diversity. A cornerstone of that strategy was the right to prior and informed consent. Spain's Indigenous Programme of Action had traditionally centred on indigenous peoples living in Latin America. However, after publication of the new strategy on cooperation with indigenous peoples, the Programme of Action was expected to be extended to other continents.

As a member of the Group of Friends of the Declaration on the Rights of Indigenous Peoples, Spain hoped that the Declaration would be soon approved by the General Assembly, and joined other delegations in appealing for prompt adoption. Tools such as the Declaration were necessary in promoting tolerance and protecting dignity.

MAHUMPI RODRIGUEZ (Venezuela) said her country was attempting to ensure the full enjoyment of the rights of indigenous peoples, noting that their social, political and economic organization was already reflected in the Constitution. She drew attention to Venezuela's Ministry of Popular Power for Indigenous People, and to the fact that 12 October represented the Day of Indigenous Resistance. There had been major changes in Venezuelan law, she continued, highlighting changes made to the demarcation of lands and organic law.

Venezuela's social development model had led to the establishment of a social mission that served indigenous communities, she continued, noting that 35 ethnic groups had benefited from its work. However, there were grave threats to the development of indigenous communities, including globalization. It was essential to take political action to protect indigenous intellectual property and traditional knowledge, including all genetic resources related to that knowledge.

LOURDES TIBAN, Executive Secretary of the Council of Development of Nationalities and Towns of Ecuador (CODENPE), said the focus of her agency was the country's 28 indigenous communities, with the aim of identifying ways to address poverty and the other challenges they faced. The agency also saw that the indigenous communities and the Government worked hand-in-hand to address shared concerns. The indigenous movement in Ecuador was very well organized, although, native peoples in the country were often made to feel insecure about the clothes they wore or the languages they spoke.

She also noted that she was surprised when she came to the United Nations -- the key body supposedly representing the diversity of all peoples -- to get her identification card to participate in the Forum's session and had been asked to remove her hat, which was a particular cultural touchstone for her indigenous group. Indeed, she felt as if she had been asked to remove her clothes. She also believed that the process did not result in her "identification" because she had been asked to take off her hat, which was a key component of her identity.

She went on to highlight some of her concerns about the situation of some specific Ecuadorian indigenous groups, particularly those living in isolated areas of the Andes and Amazon, which were susceptible to environmental changes and the activities of big business and government agencies. She stressed that her Government, international agencies, and indeed all Governments and intergovernmental bodies, should consider integrating issues relating to climate change, global warming and air pollution into their efforts to ensure the protection of fragile indigenous lands and natural resources. She also called on member States to urgently press for the adoption of the Declaration on the Rights of Indigenous Peoples.

KIRSTY GRAHAM (New Zealand) said that her country considered promoting awareness of indigenous issues, and translating the fundamental human rights of indigenous peoples into reality, a key priority. New Zealand had, for some three decades, worked actively to promote and protect the rights of the Maori people. Since the establishment of the Treaty of Waitangi, which had been the foundation of renewing the relationship between the Maori and the New Zealand Government, claims to some of the most important resources had been settled.

As part of that process, valuable land resources had been returned to Maori groups. In 1992, for example, the Government and the Maori had reached a landmark settlement regarding Maori fisheries assets. As a result, Maori now held a significant stake in New Zealand's commercial fishing industry. The Maori and the

New Zealand Government were moving beyond addressing grievances. There was a new dynamism and confidence in the many Maori communities that had concluded settlements and the indigenous economy in New Zealand was booming, largely thanks to the Maori asset base in fisheries, forestry and land-based businesses, which continued to expand.

JOHAN L. LØVALD (Norway) said land rights and access to natural resources were essential to the development of indigenous peoples throughout the world, adding that the concept of prior informed consent was extremely important to ensuring that rights to lands and natural resources were respected. Adequate time and resources should be allocated for impact assessments. In the planning process, it was important that indigenous peoples were consulted in a transparent manner in which all parties had access to information. Indigenous rights to resources on traditional lands were recognized by the International Labour Organization's Convention 169.

He said indigenous peoples' rights included, among others, the right to be consulted through relevant institutions, share benefits and receive mitigation measures for any harm caused to their lands. States were obliged to realize those rights. An international regime on access and benefit-sharing should conform to the rights — including collective rights — of indigenous peoples. Norway had adopted a law on the management of lands and resources, which contained recognition of the rights of the Sami community and created a special court to deal with rights claims. Partnership and dialogue between States and indigenous peoples were critical, he added, noting that Norway looked forward to the General Assembly's adoption of the Declaration, which would help protect the rights of indigenous peoples worldwide.

MARIE FLEISCHER, Member of Parliament of Greenland, speaking on behalf of both Denmark and Greenland, said this year's theme on territories, lands and natural resources was at the heart of indigenous peoples' concerns, as their survival depended on those very components. She also noted that the Arctic Regional Workshop held recently in Copenhagen had dealt with that theme. The Workshop recommended the speediest adoption of the Declaration on the Rights of Indigenous Peoples, pending before the General Assembly.

Climate change and global warming posed significant challenges for indigenous communities worldwide, threatening traditional lifestyles, biodiversity and sustainable development, she stressed. It was important to join forces to meet the tremendous challenge of climate change, and the Forum had an important facilitating role in that regard. Climate change might indeed be relevant as a theme for the Forum at an appropriate time.

Climate research had been carried out in Greenland for some time, and would be intensified during the International Polar Year (2007-2009), she continued. Denmark's hosting of the United Nations Conference on Climate Change in 2009 would also demonstrate the urgent need to speed development of mitigation and adaptation strategies. She added that negotiations were ongoing between Greenland and Denmark on the establishment of a self-government system in Greenland.

JORGE SKINNER-KLEE (Guatemala) said that following the implementation of the peace agreements that ended four decades of war in his country, there were several pending arrangements regarding indigenous persons which needed to be addressed. There had been substantial changes in the numbers of indigenous persons being educated, and the Government had also recognized that racism and discrimination were a threat to social cohesion and thwarted economic growth. The Government had also changed its criminal procedures so that when indigenous persons were charged with crimes, the communities to which they belonged were allowed to carry out trials and pronounce their requisite judgment. Public policy for coexistence and the elimination of racial discrimination had been launched to do away with racism in all its insidious forms. He went on to voice support for the Declaration on the Rights of Indigenous Peoples and hoped that it would soon be adopted by the Assembly.

ZACHARY MUBURI-MUITA (Kenya) shared some of the latest efforts of his Government to address matters related to land and natural resources issues, particularly land use, ownership and transfer. Beginning with a historical perspective, he noted that during the colonial period, many Kenyans had been stripped of their native lands and forced to live in "ridiculously" tiny communities. The Government had since tried to correct that historical injustice, but much remained to be done. Among other things, the Government had created a commission to look into land administration, land use planning, historical injustices and irregularities, and environmental degradation. The Government hoped that the programme would lead to great strides on land use and title issues in the country.

ENRIQUE OCHOA (Mexico) said that indigenous persons in his country had access to lands -- as owners -- under the Constitution. The framework for land use and ownership, regulated by agricultural, forestry and communal laws, was also outlined in the Constitution, in line with ILO Convention 169.

Forum Expert Comments

MICK DODSON, expert from Australia, directed his comments to the paper submitted by the Government of Australia. Most indigenous Australians would welcome sustainable economic development on their lands, and it was encouraging to see the Government put forward an ambitious reform agenda for those communities. However, it fell far short of its objectives.

Doing away with communal tenure, and opening indigenous land to greater interaction with the economy, would allegedly make indigenous Australians wealth generators. He said they would be “normalized”. However, to assist in that process, the Government would change the way indigenous Australians access housing by reducing subsidies. The Government paper did not mention that in the Northern Territories subleasing had been possible under the old legislation. Under the new leasing arrangements, responsibility for managing leases had been transferred from traditional owners to other entities, and indigenous owners had no say in who moved onto their lands.

While indigenous Australians had tried to negotiate alternative models to maintain management control, the Government had rejected their proposals, he continued. All policies were being developed without the participation of indigenous populations, which all too often resulted in the loss or reduction of control over their lands. The Government had made it clear that those engaging in negotiations needed to make decisions to hand over their lands within a set time frame. That did not constitute “negotiation” or “equal partnership”. It certainly did not represent a “rights-based approach”. Nonetheless, the Government called it “reform.”

Moreover, he said, the paper did not address the fact that indigenous land tenures were in remote areas, limiting the capacity for economic development. Indigenous groups could not negotiate as equal partners with the Government and the risk of coercion and inability to exercise free, prior and informed consent was plainly obvious. In addition, international experience had demonstrated that individual titling had led to the loss of indigenous owned land. Economic benefits were marginal and short-term, and it was difficult to comprehend the Government’s plan to implement a strategy that had shown to be flawed in countries like New Zealand and the United States. Further, economic modelling had shown that the Government expansion of the home ownership scheme would be out of reach of indigenous households. Who would benefit from the reforms? The Government paper and reforms thus far implemented had fallen far short of their objectives.

WILLIE LITTLECHILD, expert from Canada, said he had not heard any member State argue against the adoption of the United Nations Declaration on the Rights of Indigenous Peoples. He drew attention to conference room paper 9, which argued for including treaties in the discussion of the theme. He had previously spoken with a delegate from Canada at the intersessional working group, and there was agreement on that part of the Declaration. Further, conference room paper 9 highlighted elders’ testimony about how they understood treaty no. 6. Linking the paper to the current theme, he said that for an eagle to fly, it needed two wings. To properly consider the theme, two wings -- representing the Treaties and the Declaration -- must participate.

He complimented the New Zealand delegation for highlighting the Treaty of Waitangi and asked how article 37 was implemented. Examining the Resource Management Act and Maori participation, he asked whether it included free, prior and informed consent. He went on to note that Guyana was the only State to encourage the resumption of negotiations, and indigenous interventions had responded to Guyana’s call for negotiations. To the Australian delegation, he focused on the reform package, and was concerned at enabling the granting of land rights to individual interests. Was there a mechanism to protect the collectively owned rights, as recognized in the United Nations Declaration?

Ms. NICOLAISEN, expert from Denmark, said that she had been encouraged by the many indigenous people who had come to represent their Governments, as well as by the efforts of small countries, such as Guyana, who were deeply engaged in activities on behalf of its indigenous populations, despite financial hardships. She encouraged major donor countries to enter into development collaboration projects with indigenous communities to ensure that the interests of those communities would be integral to future bilateral development initiatives.

Mr. BALKASSAM, expert from Morocco, said that, without land and natural resources, indigenous peoples would be unable to preserve their unique cultures. He asked the Government representatives whether there was a relationship between the lack of progress in the overall situation of indigenous people and the fact that so many State constitutions did not enshrine rights to communal lands and resources. He specifically called on the representatives of Kenya and Australia to speak about the “attitude” of the Government towards protecting and promoting the sovereignty of indigenous land rights in their respective countries.

He noted that several of the Government representatives had called for the adoption of the Declaration on the Rights of Indigenous People and he would call on them to then generate the political will to push its adoption through in the General Assembly. He said that everyone should also remember that the human rights of native peoples pre-dated any such instrument and that respect for those fundamental rights should be respected and should be enshrined in national constitutions, as well as in the Declaration.

Government Statement

CLAUDIA BLUM (Colombia) said that her country had comprehensively identified and outlined the rights of its indigenous and tribal peoples. It also had a legal and constitutional framework protecting the rights of indigenous peoples to use their communal lands and territories. The Constitution recognized and established that exploitation of natural resources on indigenous “reservations” must be done without damaging the cultural, natural and socio-economic environment of the respective population. Some 935,000 indigenous people lived on reservations, which covered nearly 30 per cent of the country’s land mass. A significant part of those areas overlapped, with zones of special environmental importance to the country and the world. She said that representatives of Colombia’s indigenous communities participated in decision-making mechanisms throughout the country, including in the local regions in which they lived. Indigenous legislators participated in high-level bodies with national representation.

Looking ahead, the Government was stepping up its efforts to further protect and promote the rights of Colombia’s indigenous population. Finally, addressing the representative of Ecuador’s mention of fumigation projects underway in Colombia’s border areas to eradicate drug crops, she said that ongoing scientific consultations had shown that there were no ill-health effects related to those activities.

PAVEL SULYANDZIGA, expert from the Russian Federation, said that three acts had been adopted in his country, and a clause guaranteeing the rights of indigenous peoples had been included in the Constitution. However, the Government struggled with “non-implementation” of its own laws, he said, underscoring that, in the seven years since the adoption of a law on the use of natural resources, nothing had been done. An act on representation in Government bodies had been repealed, and an article in the land act outlining indigenous peoples’ rights to make use of their land had been deleted. Unfortunately, land used for the purposes of fishing and other indigenous activities was being rented out to others. Another terrible development had been the seizure of hunting areas by businessmen unable to seize other parts of the national economy. Today, there was no proper State policy. There had been talks with regional development and other State bodies, but unfortunately no actual action had been taken. Everything remained on paper.

At a press conference, President Vladimir Putin had noted that the country had adopted relevant laws to support minorities of the North and that he would give that priority attention to ensure respect for the cultural wealth of the country. He had also called for Russian businesses to take account of local citizens, particularly the indigenous peoples in the North.

OTILA LUX DE COTI, expert from Guatemala, said there was a fundamental recognition by Governments of indigenous peoples’ rights. Transparent dialogue should be encouraged and held with indigenous peoples. As a member of the Forum, she would continue urging States to ensure respect for the collective rights of indigenous peoples.

WILLIAM LANGEVELDT, expert from South Africa, congratulated the indigenous peoples’ Government of Bolivia for its efforts to rectify the injustice due to indigenous peoples. He acknowledged Kenya as the only African country presenting its position on lands, territories and natural resources, adding, however, that he had not heard any mention of indigenous peoples. Noting that African Government leaders recognized all Africans as indigenous peoples, he urged them to recognize minorities. If every African was considered indigenous, minorities would continue to be exploited and Governments would continue to control indigenous

territories. States must talk with indigenous leaders about rights concerning lands, territories and natural resources. Further, there was a need for grass-roots dialogue, he said, stressing that it be conducted in the mother tongue to make a meaningful contribution to exercising indigenous rights.

Moreover, there was a need to replace colonial constitutions with indigenous constitutions and customary laws, he stated. As long as the African continent tried to live according to colonial laws it would continue to slide downwards. Colonized countries must develop their own authentic judicial systems to replace other restorative justice systems, and authentic economic systems to ensure a more equitable distribution of resources. Serious dialogue was needed in indigenous languages, as they were mainly spoken rather than written.

AQQALUK LYNGE, expert from Greenland, thanked all the indigenous people who had found the resources and had been able to make it to New York to share their stories and participate in the search for solutions. It had been his experience that they knew best how to deal with human rights abuses. “Tell us what to do, and we will send your recommendations forward,” he said. He reiterated the statement he had made in yesterday’s meeting concerning the importance of sacred sites, as well as the need to prioritize measures to protect and promote the rights of indigenous women. At the same time, he said that the rights of men, particularly hunters and gatherers, also needed help. When animal rights groups painted false portraits about how hunters made their living and big business contributed to the loss of habitat and natural resources, men were made to feel self-conscious about the way they made a living. He hoped the Forum would touch on those issues during the coming week.

Wrapping up the meeting, Forum Chair VICTORIA TAULI-CORPUZ, of the Philippines, said that it had been positive that such a large number of Government representatives had come to participate in the work of the Forum. While some had provided evidence of good practices, others needed to be improved. Governments also needed to step up their efforts to implement the plans and policies that they had elaborated on in order to meet the demands of indigenous people. That was the biggest challenges now for Governments and members of the international community. All must work together, and even though the process might be slow, she hoped that broad collaborative efforts would lead to concrete measures.

MERIKE KOKAJEV, expert from Estonia, encouraged more Governments to submit written reports to the Forum, as they helped to assess situation on the ground. She complimented Switzerland for its analytical report. Noting that the morning session heard dialogue with United Nations agencies, including UNDP’s programme in Bolivia and Guatemala, she said it would be useful to obtain feedback from those countries on the success of the process. She appealed to Governments to adopt the Declaration before the end of the 61st session of the General Assembly.

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