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SPECIAL RAPPORTEUR SAYS OPTIMISM FOR INDIGENOUS PEOPLES' BETTER FUTURE ANIMATED

BY POSITIVE DEVELOPMENTS, BUT TEMPERED BY REALITY OF ONGOING STRUGGLES

He Calls on Member States to Supply Information on Human Rights Violations Of Indigenous Persons, Endorse Declaration, Commit Aid for Governmental Reforms

As the Permanent Forum on Indigenous Issues continued its eighth annual session this afternoon, the United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, James Anaya, shed light on his recent efforts to redress their grievances over the deeply-rooted disregard for their values and land rights by Governments and corporations.

"This has been a year of continual challenges in my work, with my optimism for a better future for indigenous people animated by positive developments in many places, yet tempered by the reality of ongoing struggles and violations of indigenous peoples across the globe," Mr. Anaya said.

In the past year, he had received information about a wide range of alleged human rights violations against indigenous people -- from cases involving infringements of their right to free, prior and informed consent of the use of their land and its natural resources to violence or threats against their communities. He had visited Brazil, Nepal, Botswana and Chile to investigate the general human rights situation of indigenous peoples, and planned to do the same in the coming months in Colombia.

Mr. Anaya said he had counselled Ecuador's Constituent Assembly and Chilean officials on how to incorporate indigenous peoples' concerns into their respective Constitutions. He was also helping Suriname's Government draft a law on indigenous land and resources, as part of its implementation of the Inter-American Court of Human Rights' judgement in the case of Saramaka versus Suriname -- an issue that provoked ire in a representative of the Organization of Indigenous People of Suriname, who claimed the land rights of his country's indigenous population were not being respected.

While those were positive steps, the challenges to build good practices to advance the indigenous rights agenda were great, he said. He called on Member States to respond to his requests for information on human rights violations, as well as to officially endorse the Declaration of the Rights of Indigenous Peoples, as Australia's Government had done last month. He also implored them to make the requisite financial commitment to reform legal, administrative and programming frameworks to better address indigenous peoples' concerns and needs.

In a similar vein, Les Malezer, Rapporteur of the expert group meeting on article 42 of the Declaration, which had met in January, stressed the importance of the Declaration as an instrument to motivate States to comply with human rights standards. States should begin a national dialogue with indigenous peoples on human rights, using the Declaration as a guide, while national human rights institutions and indigenous peoples' institutions must be encouraged to fully respect and implement it.

Carlos Morales, Vice Chairperson of the Expert Mechanism on the Rights of Indigenous Peoples, a subsidiary body created by the Human Rights Council last year to provide it with special themes on indigenous peoples' rights, said the Expert Mechanism was preparing a study on lessons learned and challenges faced in implementing indigenous rights to education. In August, it would look at lessons learned in implementing the Declaration, as well as questions of adjudication, restitution and compensation for indigenous peoples.

Also speaking today were State members represented by observers from Mexico, Brazil, Venezuela, Spain, Finland, Greece, Norway, Denmark and Ecuador.

Forum members from Morocco, United States, Bolivia, Iran, Uganda and Spain also spoke.

Representatives of the following caucuses, umbrella organizations and indigenous groups also delivered statements: Global Women's Caucus; International Organization of Indigenous Resource Development; Central American Caucus; Federacion de Comunidades Indigenas Guaranies del Guarani; Asian Indigenous Women's Network; Parlamento Indigena de America; Latin American and Caribbean Demographic Centre; Pueblo Chiquitano, CIDOB; Latin America Women's Caucus; Asia Indigenous Peoples Caucus; Coordination of Indigenous Organizations of the Cuenca Amazonia (COICA); and Asia Pacific Indigenous Youth Network.

A statement was also made by the Chief Technical Adviser of the Project to Promote ILO Policy on Indigenous and Tribal Peoples of the International Labour Organization.

The Forum will reconvene at 10 a.m. on Thursday, 21 May, to continue its session.

Background

The Permanent Forum on Indigenous Issues met today to continue its eighth annual session, in which representatives of indigenous groups were expected to discuss ways to further implement the United Nations Declaration on the Rights of Indigenous Peoples, and to examine the relationship between indigenous peoples and industrial corporations, climate change, the Arctic region, and land tenure. (For additional information on the current session, see Press Release [HR/4979](#).)

Statements

Continuing general debate on item 3(c), EVA AGUIRRE, Global Women's Caucus, recommended that the Forum request United Nations bodies and States to disseminate the programme of the Second International Decade, and urge them, in cooperation with the Commission on the Status of Women, to address health, education, indigenous women's knowledge systems, migration, climate change, armed conflict and water issues. She strongly urged that it recommend to the Economic and Social Council coordination of a United Nations experts meeting on indigenous and traditional knowledge. Finally, she recommended that it develop cultural policies to ensure that indigenous women had equal access to education at all levels.

WILTON LITTLECHILD, International Organization of Indigenous Resource Development, recommended that the Forum urge all States parties to the Convention on the Rights of the Child to apply general comment no. 11 (2009) in implementing their obligations, and adopt the proposed resolution referenced in the Global Caucus statement on the rights of the indigenous child to health and education. Finally, he asked that the important report on "Indigenous Peoples and Boarding Schools" (document E/C.19/2009/CRP.1) be considered as an official Forum report.

MARIANA FRANCISCO, Central American Caucus, said that, based on United Nations General Assembly resolution 217A (III), account should be taken of indigenous people in El Salvador. Attention should be placed on human rights violations against displaced persons, resulting from neo-liberal policies, particularly of multinational corporations. The United Nations should monitor displaced persons not yet relocated, due to unsuitable conditions. Lands and sacred sites must also be

respected. With that, she called on the United Nations to verify crime among displaced and non-displaced youth, investigate cases of “femicide” and urge that justice be brought to the perpetrators.

GABRIELA GARDUZA ESTRADA, observer for Mexico, reaffirmed her Government’s commitment to the full implementation of the Second Decade of the World’s Indigenous People, which aimed to boost international cooperation to solve problems facing indigenous peoples. In Mexico, attention to indigenous peoples was carried out through various departments. In that context, she underscored the work of the Secretariat of Public Education, notably in the area of bilingual education, and the Health Secretariat, which provided services with a “cultural reference point” and practiced traditional medicine. The National Institute for Women focused on indigenous women, and other action to combat poverty was under way. She also cited the work of the National Commission for the Development of Indigenous Peoples and the National Commission on Human Rights, particularly its programme to protect indigenous peoples’ rights. Those and other departments had cooperated within the framework of the United Nations system, especially with the United Nations Children’s Fund (UNICEF), in the context of the Second Decade.

HIPOLITO ACEVI, Federacion de Comunidades Indigenas Guaranies del Guarani, Paraguay, expressed concern over the lack of mechanisms to engage the active participation of indigenous peoples in designing and implementing programmes and strategies to combat climate change. The United Nations Development Programme (UNDP) and donor countries must intervene to guarantee indigenous peoples a seat at the table. The Forum should recommend in countries where there were pilot projects that indigenous groups be involved in decision-making. There was still no recognition of the land tenure rights of indigenous communities in Paraguay. The Forum should tell the Paraguayan Government that it was obliged to comply with the decisions of the Inter-American Court.

The Forum then turned to its agenda item on human rights, including implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

Introduction of Report

LES MALEZER, Rapporteur of the expert group meeting on article 42 of the Declaration, introduced the expert group’s report on the article’s implementation (document E/C.19/2009/2). During the meeting, which had been held from 14 to 16 January, the Forum Chairperson had pointed out that the Declaration’s adoption marked a major victory for the world’s indigenous people and an extraordinary achievement in international standard-setting. It also presented a key opportunity to motivate States to comply with human rights standards. Article 42 signalled a new mandate for the Forum, establishing that the United Nations and Member States should promote respect for and full application of the Declaration and its follow-up.

He said that the meeting had recommended that the Forum adopt a text, which would have the Forum decide to invite participants, including representatives of States, indigenous peoples and United Nations agencies, to submit reports on the issue; appoint a task team comprising eight members to examine reports and communicate with the submitting parties as appropriate; and encourage States to support that procedure and use it as an opportunity to provide the Forum with substantive information on implementation of the Declaration and reliably assessing its effectiveness at the national and local levels.

Further by the text, the Forum, would decide to encourage national human rights institutions and indigenous peoples’ institutions to promote respect for, and full implementation of, the Declaration and encourage States to incorporate adequate information on implementing it in the “core report” to human rights treaty bodies. It would also decide to recommend that States create, as soon as possible, a national dialogue with indigenous peoples on human rights based on the Declaration.

The meeting had also recommended that the Forum adopt a text which would, among other things, request that the Secretary-General provide an adequate budget to meet the requirements of article 42, as it applied to the Forum, its secretariat and any relevant action, and that United Nations agencies should, as a matter of priority, directly integrate relevant provisions of the Declaration into their policies, programmes and strategies.

CARSTEN SMITH, Forum member from Norway, presented the general comment of the expert group meeting on the implementation of the Declaration's article 42, noting that the Forum had been assigned a new function and extended mandate with the Declaration's adoption. The Declaration's purpose was to provide the legal basis of all the Forum's activities in the area of indigenous issues.

"All acts against the rights of indigenous peoples are taking place in the jurisdiction of States," he said. The Declaration's implementation was a two-stage process. First, it should be implemented in national legislations, and in that respect, there was a huge implementation gap -- more like a "wide open implementation canyon". Obligations would not be fulfilled until indigenous peoples experienced the results on the ground. It was up to the Forum to close that gap. Article 42 required that the Forum clarify the content and range of its responsibility, and the general comment might serve that purpose.

In addition, the Declaration was a legal document and, thus, open to various interpretations, he said. Calling the text "realistic" and "positive", he said the Declaration was not a treaty, and accordingly, it was not binding. Article 42 only gave duties to the Forum with regard to its new function -- no new authority to accomplish what was required. He closed by saying that the Forum should apply the Declaration as the "superior norm" for all its work.

In the ensuing debate, HASSAN ID BALKASSM, Forum member from Morocco, recalled that international policy had been "absorbative" in that it had refused to speak of indigenous peoples' rights, identity or culture. That policy reached its peak after the adoption of ILO Convention No. 107. Indeed, the 1989 ILO Conference had been a turning point for such policies. Adoption of the Declaration was a victory against the "absorbative" policy that urged State domination over indigenous peoples. Nothing obliged countries to implement the Declaration, but it was extremely important to view it as binding, as it was the only text drafted in decade-long negotiations between Governments and indigenous peoples.

TONYA GONNELLA FRICHNER, Forum member from the United States, asked to hear from the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples and other speakers on the formation of the Task Team in regard to article 42.

CARLOS MAMANI CONDORI, Forum member from Bolivia, said that prior to the Declaration, indigenous peoples' rights were not recognized internationally or by the State. The Declaration pointed to the concept of a "plurinational" State -- one that was being discussed in world forums, such as that held in Brazil. Such discussions would lead to a new relationship among indigenous peoples, States and other cultural groups. The Declaration should be seen as the supreme norm for the Forum, and beyond that, for all indigenous peoples. Implementation should be reflected in national constitutions.

The Forum then turned to a dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and other special rapporteurs.

Statement by the Special Rapporteur

JAMES ANAYA, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, said "this has been a year of continual challenges in my work, with my optimism for a better future for indigenous people animated by positive developments in many places, yet tempered by the reality of ongoing struggles and violations of indigenous peoples across the globe". He had participated in a seminar in Madrid in February with members of the Expert Mechanism of the Human Rights Council, four Forum members and other experts to explore ways to coordinate and streamline their work.

In his first report to the Human Rights Council in September 2008, he said he had emphasized that the Declaration represented the global common understanding about the minimum content of indigenous peoples' rights. The Declaration built on a well-established body of international human

rights law. It provided a normative framework for all United Nations institutions and agencies on indigenous issues. The Council, in its resolution re-authorizing the Special Rapporteur's mandate, directed the Special Rapporteur to promote the Declaration.

Mr. Anaya said that, since becoming Special Rapporteur more than a year ago, he had worked to monitor human rights conditions of indigenous people worldwide and promote steps to improve those conditions. He had attempted to incorporate a gender perspective and be attentive to the particular vulnerabilities of indigenous children, develop work methods oriented towards constructive dialogue with Governments, indigenous peoples, non-governmental organizations, relevant United Nations agencies and other actors. In his work to promote good practices, he was endeavouring to advance domestic legal, administrative and programmatic reforms to implement standards of the Declaration and other relevant international instruments. "Reform of this kind is no small task, as it is necessarily full of all kinds of complexities and requires a strong commitment, both financial and political, on the part of Governments," he said.

At the request of indigenous organizations and the President of the Constituent Assembly of Ecuador, he said he had provided an analysis of certain indigenous issues arising in the context of Ecuador's constitutional revision process. He had also developed a report outlining international standards that were relevant to consultations with indigenous peoples in connection with constitutional reforms in Chile. The Government of Suriname had asked him to help draft a law on indigenous land and resources, as part of its implementation of the Inter-American Court of Human Rights' judgement in the case of *Saramaka versus Suriname*. He continued to monitor progress and challenges in those countries.

Commitment to advance the rights of indigenous peoples in accordance with the Declaration was important for building good practices at the national level, he said. Recently, Australia had officially endorsed the Declaration. That set an important example for the three other States that had not voted in favour of the Declaration when it was adopted by the General Assembly. "I am encouraging those other States to take the same action and proclaim unambiguously their support for the Declaration, and I am optimistic that they eventually will," he said.

Concerning his role of conducting and participating in thematic studies on issues of interest to indigenous peoples, he said his role would be complementary and supportive of the Expert Mechanism's efforts. He had provided information for the Mechanism's current study of the right of indigenous peoples to education. He was collaborating with non-governmental organizations and indigenous experts on a seminar on a dispute-resolution mechanism regarding extractive industries operating or seeking to operate within indigenous territories. He was also involved in a multifaceted study on legal pluralism and indigenous customary law.

As for his role in investigating and reporting on the general human rights situation of indigenous peoples in selected countries, he noted his visits in the past year to Brazil, Nepal and Botswana. He had also conducted a follow-up visit to Chile to evaluate progress in implementing the recommendations in the report of his predecessor, Rodolfo Stavenhagen. He also planned a follow-up visit in the next few months to Colombia, on which Mr. Stavenhagen had also reported. He would be submitting initial and follow-up reports on each of those countries in his annual update to the Council in September.

In terms of his responses to situations of alleged human rights violations, he said his ability to do that relied on the extent of the information given to him by indigenous peoples and their organizations, non-governmental organizations and other sources. While there were no formal requirements for submitting information, it was crucial that it be accurate, complete and up to date. He encouraged indigenous representatives to send him information about the concerns of their respective communities. In the past year, he had received information about alleged human rights violations in countries worldwide. In response, he had sent numerous communications to Governments about those situations.

He explained that those cases involved infringements of the right to free, prior and informed consent, especially in relation to natural resource extraction and displacement or removal of indigenous communities; denial of the rights of indigenous peoples to lands and resources; indigenous peoples in

voluntary isolation; incidents of threats or violence against indigenous peoples and individuals; and concerns about constitutional or legislative reforms affecting indigenous peoples, among other situations. It was impossible to respond to all of those cases, given the limited resources. But he did his best to act on detailed and credible information that presented a serious situation -- within his mandate -- and for which intervention had a reasonable chance of having a positive impact, either by drawing attention to the situation or by prompting Government authorities or other actors to take corrective action.

Alternatively, action could be taken when the situation was representative of, or connected to, a broader pattern of human rights violations against indigenous peoples, he added. The first step was usually to forward such information to the Government concerned and request a response. In some cases, he had issued public statements calling attention to, or expressing concern over, alleged human rights violations. He might also issue observations with analyses and recommendations that could be useful to the Governments and indigenous peoples concerned to address the situations. "I am committed to working to ensure that indigenous peoples' voices are effectively heard, and to facilitate constructive dialogue among all concerned," he said.

CARLOS MORALES, Expert Mechanism on the Rights of Indigenous Peoples, providing background, said that by Human Rights Council resolution 6/36 (2007), the Council established a subsidiary body of experts to provide it with special themes on indigenous peoples' rights. The Mechanism could also submit proposals to the Council for approval. It had held its first session in October 2008, marking a new stage in the promotion of indigenous rights worldwide. Discussions, which had included the participation of indigenous representatives, had focused on two themes: submitting recommendations to the preparatory meeting for the 2008 Durban Review Conference, held in Geneva, and preparing a study on lessons learned and challenges faced in implementing indigenous rights to education. That study, to be completed in 2009, would be submitted to the Mechanism's second session and, later, to the Human Rights Council.

He also described a seminar in Geneva in which representatives of indigenous organizations, States and United Nations bodies had discussed working methods and future themes. Among the key issues covered were self-determination treaties, land and resources, and a proposal to broaden the mandate of the voluntary fund. The General Assembly had approved broadening the fund to facilitate indigenous peoples' participation in the Mechanism's sessions. He urged greater support for that fund. He noted that the Mechanism's Chairperson had presented a report (document A/HRC/10/56) to the Council on 17 March. While that report had yet to be approved, States' comments had thus far been positive.

The Mechanism's second session, to be held from 10 to 14 August, would focus on the Declaration. A provisional agenda had been submitted, which included a study of lessons learned in the implementation of the Declaration in the area of education. Other issues to be covered were questions of adjudication, restitution and compensation for indigenous peoples.

In the ensuing dialogue, PAIMANACH HASTEHI, Forum member from Iran, asked Special Rapporteur Anaya about the main challenges in his work, emanating from States, the United Nations or indigenous communities. Also, what type of collaboration did he receive from other special rapporteurs, as often, issues were shared, especially concerning migrant rights, violence against women, and the right to food, among others?

Responding, Mr. ANAYA spoke of needing more State cooperation in terms of setting dates for country missions and in responding to his requests for information on human rights violations. As for coordination with other "mandate holders", it was not uncommon for him to issue joint communications to Governments. He tried to always have a reason to be involved in a joint communication. The human rights of indigenous individuals were protected by all existing standards, and all "mandate holders" should have them in mind. He had not taken part in joint country visits, but that could be a creative way to mainstream human rights issues throughout the system.

ELEANOR BANG-OA, [Asian Indigenous Women's Network](#), said indigenous women in her region suffered disproportionately from various phenomena. Violence against women continued, intolerance prevailed and gender discrimination prevented indigenous women from fulfilling their

potential. The situation was further complicated by women's complacency, which resulted from a lack of opportunities. She recommended continuing support to women's organizations to monitor the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, at the national level; strengthening efforts to inform indigenous women of their human rights, and mobilizing resources to help them take part in various mechanisms.

LINO VILLCA, Parlamento Indigena de America, said that Bolivian indigenous peoples' rights had been constantly violated. "We are owners of our own land yet walk around as if we are foreigners," he asserted. His organization endorsed the letter received on the use of the cocoa leaf, a traditional practice. Chewing of the cocoa leaf had been banned, and he asked that the leaf be removed from the list of banned substances. Second, he denounced a "major genocide" undertaken by groups in power in which 20 individuals had been killed in September. Also, there had been attempts to "Balkanize" his country and undermine President Evo Morales.

MARCIO AUGUSTO FREITAS DE MEIRA, President of the Brazilian Foundation for Indigenous Issues, said that in August 2008, Mr. Anaya had visited Brazil to assess national policies concerning indigenous peoples. The speaker looked forward to Mr. Anaya's assessment of the situation and his recommendations for improvement.

MOIRA MENDEZ (Venezuela) said Venezuela was committed to helping indigenous people. The new Constitution of Venezuela had established a plurinational, multi-ethnic society that respected the rights of indigenous peoples. Venezuela recognized the right to collective land ownership. In 2005 alone, 794 hectares of land had been handed over to many indigenous peoples. The Venezuelan Government was building a society based on Indo-American socialism. The Government supported the indigenous peoples' effort to reclaim their rights and ancestral land.

BIRGITTE FEIRING, Chief Technical Adviser of the Project to Promote ILO Policy on Indigenous and Tribal Peoples of the International Labour Organization (ILO), said the Director-General of ILO and the ILO Committee of Experts welcomed adoption of the Declaration, which reaffirmed the rights contained in ILO Convention No. 169. The Convention was silent on the issue of self-determination, but it did provide for participation, consultation, self-management and the right of indigenous peoples to decide their own priorities. The Convention and the Declaration were compatible and mutually reinforcing, and ratification of the Convention was an important contribution to implementing the Declaration.

She said it was symbolic, therefore, that Nepal had ratified the Convention in 2007, one day after adopting the Declaration. Since then, Chile had joined the group of ratifying countries. ILO was supporting several initiatives worldwide to promote further ratification. It had a series of new publications to serve as practical tools for implementing indigenous peoples' rights, including a Practice Guide, a Compilation of Case Law, as well as an Overview Report on constitutional, legislative and administrative provisions concerning indigenous people in Africa.

FABIANA DEL POPOLO, Latin American and Caribbean Demographic Centre (CELADE), Population Division, Economic Commission for Latin America and the Caribbean (ECLAC), said the Commission had given priority to gathering information on indigenous peoples in its collection of census data. In 2008, socio-demographic research had been improved. ECLAC had held meetings to better the participatory process of gathering information on indigenous peoples. Most Latin American countries had included questions on indigenous peoples in census questionnaires and had identified indigenous people in the 2010 round of national censuses. In Latin America, there were at least 660 indigenous groups, posing great challenges with regard to information on human rights. It was no longer feasible to delay statistics gathering and dissemination. At least ECLAC had the commitment of countries of the region in that process.

ENEIDA CHARUPA, Pueblo Chiquitano, CIDOB, Bolivia, called on the United Nations to support indigenous women in Latin America. Only that way could indigenous women begin to achieve their goals, instead of just being referred to in documents. They no longer wanted to inspire pity because they were capable of their own development. Countries represented in her organization were United Nations Member States. Those countries should guarantee rights for women, particularly

indigenous women. United Nations assistance should reach women through their legally and legitimately established organizations.

STANLEY LIAUW-ANGIE, Organization of Indigenous People of Suriname, said that despite Suriname's support for adoption of the Declaration and judicial rulings against Suriname by the Inter-American Court of Human Rights, the rights of indigenous people in Suriname were not being fully respected, particularly in terms of land rights and the right to free, prior and informed consent. Small-scale gold mining had negatively impacted the health of indigenous people in Suriname, but no effective measures had been taken to address water resource destruction, pollution and environmental illnesses due to mercury intoxication.

He called on the Forum to urge the Suriname Government to ratify the Declaration and the Framework Law on Indigenous Rights in Suriname; adhere to the principles of free, prior and informed consent, including with regard to the Infrastructure Initiative for the South American Region; abolish gold mining in indigenous areas; conduct environmental and social impact assessments prior to mining activities; and revise the Mining Act in accordance with indigenous peoples' rights.

DOLORES MARTIN, Director of the Indigenous Programme, Spanish Agency of International Cooperation for Development of Spain, said Spain aimed to promote the Declaration through various actions, particularly cooperation for development, in accordance with article 42. She pointed to a project aimed at strengthening the Permanent Committee on Indigenous Peoples' Rights of the Office of the Attorney-General. Spain sought to strengthen the organizational structures of indigenous peoples in El Salvador, increase their political participation and promote recognition of their rights.

She noted that the Spanish Government had hosted in Madrid the International Forum of Experts' "Implementation of the United Nations Declaration on the Rights of Indigenous Peoples: the role of the United Nations mechanisms with specific mandate regarding the rights of indigenous peoples". That gathering had aimed to promote cooperation between the Forum, the Special Rapporteur and the new Expert Mechanism on the Rights of Indigenous Peoples.

JARMO VIINANEN (Finland) said his country had participated in the drafting of the Declaration in cooperation with its indigenous people, the Saami. The Declaration's message had been adopted by a growing number of States and was a tool for indigenous peoples' full and effective participation in decision-making. For it to have its intended positive effects, Governments, non-governmental organizations and others must take steps to raise awareness about it.

He said that instead of creating new obligations, the Declaration pursued the important goal of indigenous peoples' full entitlement to rights, as set forth in existing international agreements. States were encouraged to promote respect by enhancing implementation of any human rights instruments to which they were party. As for the Forum, he supported its role as the important global arena for addressing questions on indigenous issues. It had a notable role in the possible issuance of interpretive statements on the Declaration and capacity-building, among other things. The Declaration's spirit was not necessarily enhanced by introducing new reporting obligations for States. Addressing the draft Nordic Saami Convention, he said an analysis of its provisions was under way and the relevant working group hoped to submit a memorandum this fall.

MIRIAM SANCHEZ, Latin America Women's Caucus, said decisions on traditional lands had been made without the free, prior and informed consent of Latin American peoples. What had happened to the contribution of the women who attended the Forum? States had appropriated their lands and waters, usurped their identity and prevented their practices on sacred sites, and she asked the Forum to ensure compliance with treaties to eradicate violence, racism and discrimination. Also, there should be a role for indigenous youth, and a special rapporteur should report on indigenous women suffering human rights violations.

JOAN CARLING, Asia Indigenous Peoples Caucus, said the militarization of communities and the expropriation of land continued, despite protests. The human rights situation had yet to improve dramatically, and most Governments had yet to recognize indigenous peoples as peoples with collective rights, as outlined in the Declaration. States should pave the way for their recognition, and

she called for the creation of a mechanism for indigenous peoples that also involved States and United Nations agencies. That mechanism could be a platform for meaningful dialogue. Implementation of the Declaration should resolve -- rather than aggravate -- outstanding conflicts. She appealed to Asian States to move towards implementation.

ERIKA DAES (Greece) speaking on the implementation of article 42, proposed the appointment of a legal adviser to the Forum's secretariat to guide that process. Indeed, the Declaration called for a genuine partnership between States and indigenous peoples. That officer would provide interpretation of article 34, which focused on the right to develop and maintain institutional structures, among other things. That person's duties would also include maintaining a comprehensive research database of domestic and international law-related articles, reports, judicial decisions and international human rights and humanitarian law instruments. Second, she urged the Forum to encourage the indigenous community to submit best and worst State practices, as well as propose sustainable development projects, with the understanding that they would be forwarded to the UNDP for possible approval and funding.

EGIL OLLI, President of the Saami Parliament in Norway, said that, although his people had been consulted on several big issues in recent years, with satisfactory results, they had not been sufficiently consulted on all issues related to the exploitation of natural resources in their territories, particularly marine mining of minerals and salmon fishing. The Saami Parliament had not given its consent to a recently proposed national mineral mining act, because it did not apply the same administrative procedures throughout all traditional Saami areas and did not meet his Parliament's standards for sharing benefits.

Regarding fishing rights, he said that the Ministry of the Environment had begun to prepare stricter regulations on salmon capture, but the Saami Parliament could not consider those before Saami rights had been decided, both off the coasts and in the fjords. He encouraged the Permanent Forum to conduct a more thorough study on indigenous peoples' rights to marine resources, pledging that his Parliament would contribute to that. He expressed general satisfaction, despite the problems he mentioned, over the collaboration established by the Saami Parliament with the national, regional and local authorities in Norway, cautioning, however, that it would take time and resources to overcome centuries of discrimination and neglect.

MIGUEL PALACIN QUISPE, Coordination of Indigenous Organizations of the Cuenca Amazonia (COICA), Peru, called on the Forum to urge the Peruvian Government to redress human rights violations against indigenous peoples and the confiscation and illegal use of their land. Indigenous people had a voice in the Forum, but the economic liberalization regime practised by Governments endangered the rights of people in the South. Mining companies had militarized indigenous areas and they had committed crimes in Colombia, Peru and Chile. He asked whose rights were being talked about, and whether they were the rights of multinational companies or of the indigenous people. The Forum and the United Nations should monitor the compliance of corporations and States with the treaties. The Millennium Development Goals must be enshrined in the constitutions of Member States. He called on the Forum, Governments and organizations to carry out a worldwide campaign in support of Mother Nature. The energy and food crisis were affecting everyone. All had to learn to live together and to live well. But that did not mean economic growth. It meant ensuring equality for all.

JENNIFER AWINGAN, Asia Pacific Indigenous Youth Network, said the National Indigenous Youth Conference on the Declaration and climate change, held in the Philippines in May, had been attended by 68 people representing 38 indigenous youth organizations from 23 indigenous communities worldwide. Youth leaders had united to defend their land, life and resources, and to promote indigenous peoples' rights at all levels. She called on all countries that had not yet done so to support the Declaration, and on States in Asia and the Pacific to recognize indigenous peoples' rights and to adopt the Declaration and implement it in good faith in their respective countries. The Philippines had a law for indigenous people, but other laws and policies, such as the 1995 Philippine Mining Act and the National Protected Areas System, undermined indigenous peoples' rights.

Thus, she said she supported the call to review the Indigenous Peoples Rights Act and to take into account the recommendations of indigenous communities and organizations that had conducted a

10-year review of its implementation. She asked the Forum to recommend that the Philippine Government review the Act. The Forum, Governments and United Nations agencies should include indigenous youth and their organizations in monitoring and implementing the Declaration, particularly articles 7, 13, 14, 17, 21 and 22, which concerned indigenous children and youth.

EVA RAABYEMAGLE ([Denmark](#)) supported the permanent inclusion of an agenda item dealing with the Declaration, as well as the idea of inviting all relevant actors to submit implementation reports, with a view to constructive dialogue. Denmark was willing to engage in that dialogue, and this year, had submitted, with Greenland, a report on the Greenland self-government process. She strongly supported efforts to strengthen respect for implementing the Declaration and was pleased to see that three United Nations mechanisms -- the Forum, the Special Rapporteur on the situations of human rights and fundamental freedoms of indigenous people, and the Expert Mechanism on the Rights of Indigenous Peoples -- were emphasizing close coordination. There were strong synergies that could be enhanced by that. Finally, she urged the upcoming panel in the Human Rights Council on the relationship between climate change and human rights to include representatives of the Forum and Expert Mechanism in that discussion.

PEDRO DE LA CRUZ, Member of the National Assembly of [Ecuador](#), said his country was a “plurinational” State that recognized the rights of indigenous peoples, including through the administration of justice. Recalling a question yesterday about a mining conflict, he said that, during his country’s “neoliberal stage”, legislation had emerged that allowed the sale of lands to multinational corporations for \$1 to \$17 per hectare. Concessions had been provided. The cost then increased to \$20 per hectare of land, including for protected areas, for mining companies. Today, Ecuador was working on a mandate to reverse those concessions. Some 4 million hectares had fallen under the land provisions, but a law was being created that gave the State ownership of those lands. Today, the State prohibited mining on protected lands. In addition, water resources were to be used for consumption, food sovereignty, and agricultural purposes -- in that order.

MARGARET LOKAWUA, Forum member from Uganda, noticed that only a few of Mr. Anaya’s visits had been to Africa. Official invitations had been made, but what if indigenous peoples were unable to report on their conditions, due to situations outside of their control, such as conflicts?

BARTOLOME CLAVERO SALVADOR, Forum member from Spain, spoke about the documents produced when an official visit did not take place in the classic sense of the term. Pointing to the reports submitted to the Constituent Assembly of Ecuador, and to Chile on the international standards for consultation, he said dissemination of those two reports was not as broad as that for others, but he deemed them more important.

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For information media • not an official record