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Permanent Forum on Indigenous Issues

Seventh Session

5<sup>th</sup> Meeting (PM)

### **DUMPING OF TOXIC WASTE ON INDIGENOUS LANDS, DAMAGE FROM MINING, DEFORESTATION**

### **AMONG ISSUES, AS INDIGENOUS FORUM DISCUSSION FOCUSES ON PACIFIC REGION**

Continuing its seventh annual session with a half-day discussion on the Pacific, delegates to the Permanent Forum on Indigenous Issues called for the Forum to take a more robust role in inducing other parts of the United Nations system to carry out mandates for securing the rights of the indigenous peoples in the region.

Four expert panellists began the discussion with an overview of issues facing indigenous peoples in the Pacific, including the use of indigenous lands as toxic waste sites, or as production sites for industries causing major environmental damage, such as mining and forestry.

Michael Dodson, Member of the Permanent Forum on Indigenous Issues holding the human rights portfolio, said indigenous land and waters were being targeted by industrialized nations for dumping of toxic or radioactive wastes from industrial or military operations, often without informing residents of dangers. Ecosystems were also being destroyed in the search for natural resources, for example by the phosphate mines of Nauru, Banaba and Makatea Islands, and the copper and gold mines of Ok Tedi, Panguna, Freeport and Vatuloula.

Mr. Dodson noted that indigenous peoples lived in zones sensitive to climate change, with the Pacific island countries being particularly susceptible to a rise in sea level. The worst-case scenario -- a one metre rise in sea level -- would affect tourism, fresh water availability, aquaculture, agriculture, human settlements and human health.

Expert Tom Calma, Torres Strait Islanders Social Justice Commissioner, said such problems were compounded by the extremely limited focus on human rights in the Pacific region. It fell to the United Nations Permanent Forum on Indigenous Issues to advise the Economic and Social Council on the urgent need for human rights mechanisms in the islands. He also suggested, as echoed by others, that a special rapporteur specifically for the indigenous peoples of the region should be named, with a mandate that included visits.

Malia Nobrega, of the Pacific Regional Caucus, highlighted the human rights situation of indigenous peoples residing in Non-Self-Governing Territories, calling the Organization's Special Committee on Decolonization "ineffective" at best and, at worst, a systematic denial of the right of peoples to self-determination. She said the Forum should sponsor a seminar on the situation of those Territories, and reiterated the call for a special rapporteur on indigenous rights.

To date, she said five Pacific island territories were still subject to colonization: American Samoa, Guam, New Caledonia, Pitcairn and Tokelau.

On the issue of climate change, which was a special focus of this year's session of the Permanent Forum, panellist Collin D. Beck, Permanent Representative of the Solomon Islands, said the United Nations needed to move from policy to on-the-ground action, by urging approaches that focused on public investment, rather than market driven strategies. Rising sea levels were presently forcing people to leave low lying islands for larger ones, which meant climate change was responsible for urban drift and the social instability that sometimes followed.

The Assistant Secretary of Australia's Department of Families, Housing, Community Services and Indigenous Affairs, who also spoke today, said Australia's total contribution to the Global Environment Facility, which had allocated over 30 per cent of its funds to mitigating climate change, stood at \$A 240 million so far.

He said Australia had endorsed the Pacific Islands Framework for Action on Climate Change 2006-2015, which was currently identifying adaptation strategies. A further \$A 50 million would be allocated to build the capacity of national meteorological services in the region, among other things. That money would also be used to offer practical assistance in increasing water storage capacity, diversifying crops and replanting mangroves. Some of the funding would be spent through the United Nations Least Developed Countries Fund. Australia also planned to engage in activities to help mitigate deforestation activities in Papua New Guinea, while researchers from the James Cook University would conduct a study on coastal erosion in Australia's Torres Strait.

As the discussion unfolded today, a representative of the Indigenous Peoples Caucus, North America Region said that data should be collected on the legal implications of States disappearing due to global climate change. She called for the establishment of an expert mechanism on the rights of indigenous peoples.

Participants also heard of positive steps some Governments were taking. Australia, for example, had just this year offered an apology to the aboriginal "disappeared people". A formal apology was a start, said an official from the New South Wales Aboriginal Land Council, but much more was needed. The Forum should call on the Government to make reparations.

A representative of New Zealand also spoke today, as did a representative of the United Nations Institute for Training and Research (UNITAR).

Also speaking were delegates for the Global Indigenous Women's Caucus and for Chamoru Nation and Affiliated Indigenous Chamoru Organizations; Society for Threatened Peoples International (ECOSO); CORE (ECOSOC); Western Shoshone Defense Project; Flying Eagle Woman Fund (ECOSOC); Mohawk Nation at Kahmawake; Cultural Development and Research Institute; Famoksaian; Organization of People for Indigenous Rights; Colonized Chamoru Coalition; Chamoru Landowners Associate; Chamoru Language Teachers Association; Guahan Indigenous Collective; Huroa, Inc.; Landowners United; Chamoru Veterans Association; and Fuetsan Famaloan.

Also, Conseil National pour les droits de peuple Autochtone en Kanaky, New Caledonia; ALIFURU; West Papua Interest Association; Friends of the Earth (Papua New Guinea); HITI TAU, PU FENUA PU METUA; RAPANUI Parliament; New South Wales Aboriginal Land Council; the Indigenous ICT Task Force; the National Indigenous Higher Education Network; Faira, Australia; and Dewan Adat Papua (Papua Customary Council).

A representative made a joint statement for Australian Aborigines.

China's representative spoke in exercise of the right of reply.

The Forum will meet again at 10 a.m. on Thursday, 24 April, to continue its dialogue with Governments and to begin its discussion on the implementation of the recommendations on the six mandated areas of the Permanent Forum and on the Millennium Development Goals.

Background

The Permanent Forum on Indigenous Issues met today for a half-day discussion on the Pacific, as part of its seventh annual session.

### Panellists

Four panellists addressing the Forum this afternoon included Michael Dodson, Member of the Permanent Forum on Indigenous Issues from Australia; Collin D. Beck, Permanent Representative of the Solomon Islands; Tom Calma, Aboriginal and Torres Strait Islanders Social Justice Commissioner, Human Rights and Equal Opportunity Commission, Australia; and Malia Nobrega, Pacific Regional Caucus.

Mr. DODSON noted that the Pacific islands were home to a diverse range of indigenous peoples still linked to their communal land and indigenous belief systems, which formed the social, economic and political basis for their existence. However, in some countries within the region, colonial settlement and immigrants had reduced the population to a minority in their own lands -- for example, the Kanaks of New Caledonia, who made up a mere 44 per cent of the population; the Kanaka Maoli of Hawaii, 18 per cent; the Maori of New Zealand, 15 per cent; the Chamorro of Guam, 14 per cent; and the Aboriginal and Torres Strait Islander peoples of Australia, 2 per cent. The Rapa Nui were becoming a minority in their own community, swamped by mainland migrants from Chile.

He said indigenous land and waters were being targeted by industrialized nations for dumping of toxic or radioactive wastes from industrial or military operations, often without informing residents of dangers posed. Also, ecosystems were being destroyed in the search for natural resources, for example by the phosphate mines of Nauru, Banaba and Makatea Islands, and the copper and gold mines of Ok Tedi, Panguna, Freeport and Vatuloula. However, the testing of nuclear weapons was the starkest example of environmental colonialism.

He said indigenous peoples lived in zones sensitive to climate change, with the Pacific island countries being particularly susceptible to a rise in sea levels. The worst-case scenario -- a one metre rise in sea level -- would affect tourism, fresh water availability, aquaculture, agriculture, human settlements and human health. Although weather and climate patterns had long been documented using western scientific techniques, little had been done to document observations by indigenous peoples themselves.

Migration had grown in the Pacific over the past 30 years, he said, as urban migrants sought new employment opportunities and "fast money", versus the slow money of cash crop sales. Better education and medical facilities, and even sports and bright lights, was a lure for some. Land pressures discouraged rural residence. He noted that remittances had been something of a safety valve for high population growth rates, and hence urban problems were less severe than they were in Melanesia and Micronesia.

He said the problem posed by environmental refugees from the Pacific was a growing issue. As the Forum Chairwoman, Victoria Tauli-Corpuz, said in April: "Australia...was still considering whether they will accept these environmental refugees. It's so inhumane that you have these people who are forced to go somewhere, and yet you don't get countries to welcome them and support them".

He also noted that five territories still subject to colonization were in the Pacific region: American Samoa, Guam, New Caledonia, Pitcairn and Tokelau, and called on United Nations Member States to redouble their efforts to achieve complete decolonization.

Mr. BECK ( Solomon Islands ) said his region did not get much attention with the larger economy Asian countries casting it into the shadows, but it needed attention because climate change greatly affected the region. From time immemorial, the cultures and traditions of the islands had been connected to the elements. The people relied on forests and used all their natural resources to raise revenue, and global climate change had an enormous impact on that ability. For example, an increase in the temperature of the ocean water by a single degree had far-reaching

impacts that undercut an island's gross national product. A cyclone pushed back decades of development progress. Further, rising sea levels forced people to leave low lying islands for larger ones, which meant climate change was responsible for urban drift and for the social instability that accompanied the phenomenon.

"Climate change is an old problem that needs new solutions," he said. The solutions should be led by the United Nations, which should adopt a system-wide approach in devising strategies. Global climate change should be considered a question of international security, as well as economic and food security. It was also a rights issue.

On all those levels, he said, the United Nations must move from policy to on-the-ground actions. It must increase its country presence in all Pacific countries and should urge approaches that focused on public investment, rather than market driven strategies. Clean energy was also a way forward for the islands, since access to energy was available only to 25 per cent of the population. The forests were a valuable asset and the technologies for making use of them were available and needed to be made accessible to small island developing States.

In closing, he said it seemed that too much was coming out of Bali, with too many initiatives being put forward for dealing with climate change, but nothing concrete really being done. With food security now threatened, the time for action was now. Those living in the present must look to the past to find the path to the future. The people of Australia and New Zealand were to be thanked for their support of the Pacific islands and the Government of Australia deserved thanks for its apology to the victims of the Lost Generation.

Mr. CALMA, Aboriginal and Torres Strait Islanders Social Justice Commissioner in the Human Rights and Equal Opportunity Commission of Australia, said there had been extremely limited focus on human rights in the Pacific region, particularly in areas that concerned minorities and women. Institutional mechanisms for monitoring and ensuring human rights were inadequate and for prisons there were none. The Forum should advise the Economic and Social Council on the urgent need for human rights mechanisms in the islands. Also, a special rapporteur specifically for the indigenous peoples of the region should be named, with a mandate that included visits. Also, much more progress must be made in advancing the decolonization process in some islands. The Forum should ask the Economic and Social Council to ask the General Assembly to provide help, in that regard.

Continuing, he said the islands were vulnerable to one of two alternatives as a result of global climate change, either disappearing or becoming homes to environmental refugees. The human rights aspects of that situation needed to be considered. The new Australian Government's commitment to implementing rights and to close the gap between the population at large and indigenous peoples was genuine. Benchmarks and targets were being developed, with an emphasis on health. A national indigenous health council was in the process of being established.

Even so, he said problems remained. The primary one was an absence of formal mechanisms for ensuring indigenous participation in processes and mechanisms. While the Government was committed to rectifying that situation, in the meantime it happened that the solution to a rights violation often resulted in inadvertent violations of other rights. Also, safeguards often failed to work, because the fundamental problem was a lack of legislation to outlaw prejudice. The legislation must be rewritten to explicitly make prejudice illegal. The Forum should be the body that brought attention to any violations of rights in any location without prejudice.

Ms. NOBREGA, Pacific Regional Caucus, said violations of the rights of Pacific indigenous peoples by foreign super-Powers, and even their own Governments, were mounting. For example, although nuclear testing in the Pacific had officially come to an end, problems of trans-shipment, storage and dumping of nuclear wastes was still ongoing. In many cases, indigenous peoples had been forced to leave their ancestral lands and territories as a result of nuclear testing, to live in foreign lands with where they did not identify. She issued a plea to those carrying out such human rights violations to allow indigenous peoples to "live as sovereign peoples".

She noted that indigenous peoples themselves held many of the solutions to the problems brought about by foreign actors, and urged the leaders of indigenous communities to be strong and influential in their campaign against actors, such as mining and extractive industries, for example, that operated with impunity on their territories.

Turning to the effects of climate change on indigenous peoples, she said plants in the Pacific region were becoming vulnerable to heat stress and salt water incursion. Because of that, food security was fast becoming a concern. Meanwhile, hazardous wastes imported and used in their communities was proving to be hazardous to health, and had adverse effects on biodiversity, the availability of fresh water, and the sustainability of the marine environment. Groundwater was becoming polluted by pesticides, industrial chemicals, medical wastes, laboratory chemicals, timber treatment chemicals and oil.

She noted that, over the last two decades, the Pacific Regional Caucus had worked with other indigenous groups in pushing for the creation of a Declaration on the Rights of Indigenous Peoples. The lasting value of that Declaration would depend on the ability to translate it into sustainable action. Besides climate-change-related issues, other issues to be tackled included forced migration, which was already being seen in Papua New Guinea, the Solomon Islands and Tuvalu.

She said the human rights situation in the remaining Non-Self-Governing Territories served as powerful challenges to the legitimacy of the United Nations. The Organization's Special Committee on Decolonization remained, at best, "ineffective" and, at worst, a systemic denial of the right of peoples of Non-Self-Governing Territories to self-determination. She called on the Forum to take the lead on that issue, and to sponsor a seminar on the situation of those Territories. She also suggested that the Forum request the Committee to designate a special rapporteur on the subject.

She recommended that all United Nations agencies consider the idea of providing equal services to the Pacific subregion, as separate from Asia [the Asia Pacific is often considered as a single entity]. As a side note, she also said that indigenous peoples, such as those in Taiwan, should not be blocked from attending meetings at the United Nations.

Her statement was followed by a traditional Pacific Island ceremony, in which Forum members were dressed with leis.

### Statements

GREG ROCHE, Assistant Secretary, Australian Department of Families, Housing, Community Services and Indigenous Affairs, recalled that the Intergovernmental Panel on Climate Change (IPCC) had projected a global average sea level rise of 19 to 58 centimetres by 2100. Air temperature in the South Pacific was estimated to be at least 2.5 degrees Celsius above 1990 levels. Since 2006, Australia had channelled a substantial amount of funding through the Global Environment Facility, which had allocated over 30 per cent of its funds to climate change. Australia's total contribution to the Facility since 1991 stood at \$A 240 million.

He said the Climate Change Panel had highlighted that low-lying islands were especially vulnerable to the deteriorating coastal conditions, increased inundation and increased "water stress". Pacific Island Forum members, including Australia, had endorsed the Pacific Islands Framework for Action on Climate Change 2006-2015, which was currently identifying adaptation strategies. Also, Australia planned to increase its aid to various Pacific island States and East Timor by \$A 150 million over the next three years, and would share scientific and technical expertise in monitoring climate change and its impacts.

He said a further \$A 50 million would be allocated to build the capacity of national meteorological services in the region, among other things. That money would also be used to offer practical assistance in increasing water storage capacity, diversifying crops and replanting mangroves. Some of the funding would be spent through the United Nations Least Developed Countries Fund. Australia also planned to engage in activities to help mitigate deforestation activities in Papua New

Guinea, while researchers from the James Cook University would conduct a study on coastal erosion in Australia's Torres Strait.

KIRSTY GRAHAM ( New Zealand) said the Pacific island region had many development challenges, notably in Melanesia, which was second only to sub-Saharan Africa in being the least likely region to meet the Millennium Development Goals. For example, only half of primary school children had access to formal schooling in the Solomon Islands and 20 per cent of the population in Vanuatu had no access to health-care services. Security crises and conflicts often compounded the challenges. New Zealand played an active role in assisting the islands respond to the challenges, including through aid programmes that focused on strengthening governance, encouraged broader-based economic growth and reduced environmental vulnerabilities, including those resulting from climate change.

His country had a long-standing tradition of supporting local and indigenous solutions to political and development issues. It had drawn on its own domestic experience and had supported indigenous initiatives. The United Nations system should increase its attention to the region.

TRISHA RIEDY, Manager, Programme in Peacemaking and Preventive Diplomacy of the United Nations Institute for Training and Research (UNITAR), reported on the results of a training programme her organization had conducted in response to a request presented after reports had indicated the Pacific region was among the least developed of areas. A broad range of actors had participated in the event held in February in Australia, from human rights advocates to peace managers and health advocates. To insure the relevance of the training to the region, the training was designed with the participation of indigenous representatives. Subjects covered all forms of negotiations, including with Governments and extractive industries. Participants had found the programme useful and asked that UNITAR continue the programme.

DOUGLAS NAKSHIMA, Chief, Sciences for Society Section, Division of Science, Policy and Sustainable Development, United Nations Educational, Scientific and Cultural Organization (UNESCO), stressed the importance of raising the quality of education in the Pacific region through the use of mother tongues. He also pointed to the importance of producing educational material with locally relevant content, such as on customary resource-management practices. Such materials would go a long way towards promoting the recognition of traditional knowledge, while serving as an effective pedagogical tool in indigenous communities.

He said UNESCO had helped produce an encyclopedia on reefs and rainforests in the Solomon Islands and Micronesia, containing over 1,200 terms relating to coral reefs, lagoons and other marine features prominent in the islands. That encyclopedia could be used as a management tool, while simultaneously forming the basis of a dialogue for resource managers. It was also being piloted in schools as a pedagogical tool, after having been translated into various indigenous languages. In fact, its introduction into classrooms had encouraged students to use their mother tongue for the first time, and teacher guides were now being produced to further encourage its use. Plans were afoot to experiment with an Internet version, so that rural schools could benefit.

He went on to describe another educational product, a CD-ROM on marine navigation in the Pacific using "indigenous" methods gleaned from navigators and master canoe builders. It was being targeted to indigenous youth, to reinforce a sense of pride in their culture and to strengthen ties between elders and youth. It was hoped that the same CD-ROM could be produced in various Pacific island languages.

He also invited interested indigenous groups to participate in an Internet forum sponsored by UNESCO, the Secretariats of the Permanent Forum, Office of the United Nations High Commissioner for Refugees and the Convention on Biodiversity, so that views could be exchanged on climate change adaptation strategies.

CELESTE MCKAY, speaking on behalf of the Indigenous Peoples Caucus, North America Region, expressed concern regarding the rising ocean levels, which was causing States such as Tuvalu to sink. Areas in the northern United States and Canada were also being inundated by water. It was precipitating the forced relocation of island and seacoast peoples, which Forum members needed to address urgently. She called on the Forum to recommend that a new expert mechanism on the rights of

indigenous peoples collect data on the legal implications of the disappearances of States due to environmental reasons. The findings should be submitted to the Human Rights Council and other interested United Nations bodies.

LILIKALA KAME, the Global Indigenous Women's Caucus, said the United States military was planning to bring 20,000 more soldiers to Oahu as it withdrew from Okinawa. Oahu had already been made a first strike target by the United States military presence. The land and its people were threatened by a possible nuclear spill. And with all that military activity, indigenous women remained without rights.

She said the situation in the Pacific had become one of an "extreme crisis". Corral bleaching was occurring and "biological deserts", known as dead zones, were being created. Dynamite and Clorox were being used as unorthodox ways of fishing. The Forum should call on States of the region to ensure health programmes were funded. The Forum should also urge the Australian Government to adopt the Declaration on the Rights of the Indigenous Peoples and should urge all States to protect their indigenous peoples, as a way to build sustainable societies rather than exploitative ones. Proper fishing practices and rules must be enforced and all the trends that were negatively affecting oceans must be reversed. A human rights visit should be conducted to see the effects of the military presence on the region.

JULIAN AGUON spoke on behalf of the Chamoru Nation and Affiliated Indigenous Chamoru Organizations; Society for Threatened Peoples International (ECOSO); CORE (ECOSOC); Western Shoshone Defense Project; Flying Eagle Woman Fund (ECOSOC); Mohawk Nation at Kahmawake; Cultural Development and Research Institute; Famoksaian; Organization of People for Indigenous Rights; Colonized Chamoru Coalition; Chamoru Landowners Associate; Chamoru Language Teachers Association; Guahan Indigenous Collective; Huroa, Inc.; Landowners United; Chamoru Veterans Association; and Fuetsan Famaloan. He said the indigenous Chamoru people of Guam were braced for a storm of United States militarization, as that country realigned its forces in the Pacific-Asia region and sought to homeport 60 per cent of its Pacific fleet in and around the archipelago. Without input from the indigenous peoples and over deepening dissent, the United States planned to flood 50,000 people into Guam, its "Colony in Perpetuity". That included 8,000 marines and their 9,000 dependents being ousted by Okinawa. It also included an outside labour force of more than 20,000 working on construction contracts. Six nuclear submarines would be added to the three already stationed in Guam, in addition to the adding of a Global Strike Force and a reconnaissance hub.

He said the build-up only complemented the forces already occupying a third of the island and it was devastating to the Chamoru, who made up 37 per cent of Guam's population and were already suffering the maladies of a colonial condition. Furthermore, the failure of the United States to honour its international obligations coupled with the United Nations non-responsiveness to the rapid deterioration of Guam's people had elevated the human rights situation in Guam beyond a matter of decolonization to the level of ethnic cleansing. When future generations looked back, they would label Guam not just a United States colony, but a United Nations colony.

The time had come for the Forum to take the matter out of the hands of the Special Committee on Decolonization. The Forum should sponsor an expert seminar to examine the situation. The Inter-Agency Support Group should be utilized to begin implementation of remedies and the Forum should convey its concerns to the United Nations Human Rights Council, so that a Special Rapporteur on the situation of the peoples of the Non-Self-Governing Territories could be named.

MILILANI B. TRASK, Indigenous World Association, Global Intervention, speaking on behalf of the various Pacific and Caribbean groups, said that the peoples of Non-Self-Governing Territories were being denied the most important of all human rights -- the right to self-governance. Under international law, States that were designated to administer the Non-Self-Governing Territories were supposed to assist them to attain full self-governance. Yet, since the end of the cold war, only one of them -- Timor-Leste -- had succeeded in doing so.

She noted that the Forum had addressed the matter before, as documented in several reports submitted to the Economic and Social Council. But, because its recommendations seem to have been

ignored, she suggested that the Forum take the lead in sponsoring an expert seminar, in conjunction with the Committee on the Elimination of Racial Discrimination and the Special Committee on Decolonization, on that subject. The seminar should take place under the auspices of the Permanent Forum, bypassing the Secretariat of the Special Committee. She specifically requested that Independent Expert Carlyle G. Corbin [an expert on Non-Self-Governing Territories] be included in the seminar, as well as the Special Rapporteur on Human Rights and Fundamental Freedoms of Indigenous Peoples.

THIHMANA HMEGEZIE, Conseil National pour les droits de peuple Autochtone en Kanaky, New Caledonia, asked the Forum to intervene in New Caledonia, so that the Special Rapporteur on human rights could visit the territory, in order to examine the living conditions of indigenous peoples there. In New Caledonia, the indigenous Kanak people were still living under the yoke of colonialism, even though an understanding had been reached in 2008 to give them some form of autonomy. It was also impossible to claim reparations for lands taken away by the Government. Mining on Kanak territory was also a problem, as was the slow de-militarization of indigenous lands. Indeed, military bases were supposed to have been dismantled, but military exercises were still being organized on Kanak territory with help of “neighbouring militaries”. He asked the Permanent Forum to call on Member States to approach the French Government, on behalf of New Caledonia, to facilitate the Special Rapporteur’s visit.

LES MALEZER, Australian Aboriginal Joint Statement, said the Northern Territory Emergency Legislation must be withdrawn. Recent policies, including those of the new Government in Australia, were forcing indigenous peoples to live with violations of their human rights. Their free and prior informed consent with regard to lands was not obtained and laws did not apply equally to indigenous peoples and the general population alike.

He said all oppressive laws must be withdrawn. The Forum should seek answers from the Government. The Chairperson should visit and sit in one meeting with indigenous and Government representatives. Special mechanisms, such as those related to human rights, should also be invited to look into the situation. Finally, the Forum Secretariat should send a letter to the Commonwealth urging it to adopt and implement the Declaration.

PELPINA SAHUREKA, ALIFURU, said her people had been the original inhabitants of Maluku and areas of the deep seas until western colonialism entered and coerced the people into their artificial colonial system and forced them to give up their ancestral name of Alifuru, who were looked upon as cannibals. In 1950, Indonesian forces had brutally moved against the sovereign Maluku people and Dutch colonialism had been replaced by Indonesian neo-colonialism. Both were wrong, but even now the Indonesian occupying forces were using aggressive tactics against the Alifuru, as they tried to regain their independence and sovereignty. The forces did so with impunity and with no accountability to anyone.

She said the Forum should ask the Human Rights Commissioner to investigate Indonesia’s treatment of its indigenous peoples. Indonesia had voted in favour of the Declaration on Rights of the Indigenous Peoples and should be induced to live up to its obligations. It should grant a speedy release to the Alifuru who had been imprisoned for expressing their traditional practices.

RONALD WAROMI, West Papua Interest Association, said the people of West Papua continued to suffer discrimination, marginalization, extreme poverty, conflict and human rights abuses. The Indonesian Government’s bill of law regarding special autonomy to Papua had not done anything to guarantee the fundamental rights and freedoms of West Papuans. In fact, the 2003 decision to divide the Papua province into three provinces had the effect of turning the 1.5 million West Papuan indigenous peoples into a minority. In 2007, a presidential decree promoting the acceleration of development in Papua and West Papua province had meant that 11 ministers were sent from the central Indonesian Government to implement its provisions, which went against the spirit of the bill on the law on the special autonomy of Papua. He called on the United Nations to help realize the provisions contained in the Declaration on the Rights of Indigenous Peoples within the context of West Papua.

JETHRO TULIN, Friends of the Earth, Papua New Guinea, said problems caused by mining projects in Papua New Guinea included flooding and poisoning of food sources. It was the Government's responsibility to ensure that mines did not violate people's rights. It should work both individually and collectively, through the United Nations, to hold transnational corporations responsible for upholding human rights in places where they worked.

He recalled President Morales' statement to the Forum, in which he said that capitalism was destroying traditional cultures around the world. The United Nations Declaration on the Rights of Indigenous Peoples gave the Forum the moral authority it needed, as well as legal instruments of various kinds to ensure that human rights were respected. A 2005 resolution had called for funding to the Economic and Social Council to create a framework for controlling the aggressive practices of industries, such as mining and forestry. Also, non-governmental organizations needed to play their part in documenting the effects of such industries on the environment. Since it was believed that "colonialism" helped transnational companies perpetrate such crimes, he called for an expert panel to examine their activities in closer detail.

MAREVA NETI DE MONTELUC, HITI TAU, PU FENUA PU METUA, said the French Pacific Treaty had allowed for 46 air tests over the southern Pacific archipelagos. The atolls had had their geological structures upset and radioactive material had been secretly hidden by the military under concrete slabs. How long before that seeped to the surface? Already, thyroid cancer had increased 30 per cent since the tests had begun. That cancer along with leukaemia were 30 per cent higher in the region than elsewhere. The Raritonga Treaty did not include a clause about the responsibilities of colonial Powers, but indigenous peoples' rights had been set out in the Declaration. The nuclear Powers should shoulder responsibilities regardless of when they were assumed. The Forum should work with other relevant bodies to address the issues, including the provision of reparations.

ERITY TEAVE, RAPANUI Parliament, said to overcome marginalization, her people must enforce every safeguard for ensuring their right to their sovereignty. A custodian should be appointed as her people exercised their right to manage their lands, resources and lives as they decided.

TEANAU TUIONO, Indigenous ICT Task Force, said improving "connectivity" among indigenous peoples was an urgent issue. At the same time, he warned against a tendency to label the exercise of legitimate political dissent by indigenous peoples as a form of terrorism. Recently, the Government of New Zealand had seized the server hosting the website of the Indigenous ICT Task Force. The homes of writers were raided under the pretext of anti-terrorism. Others were arrested at gunpoint, including one who was incarcerated for as long as a month. Household members were pinned to the ground with guns to their heads, including a 12 year-old girl. He said he himself had been separated from his partner and children and was detained, and his laptop confiscated.

He said the website was currently being hosted on a server run by indigenous people. Information and communication technology (ICT) was a powerful medium to support the work of indigenous peoples, and to facilitate the exchange of information. He recommended that the Forum speak out against Governments that used fear of terrorism as an excuse to prevent dissent over the Internet. In addition, the Forum should support indigenous ICT initiatives by allowing its logo to be used on his website. Indeed, ICT networks were a "necessity" for healthy societies.

GARY THOMAS, National Indigenous Higher Education Network, said indigenous peoples' access to education, as well as completion rates, was lower than the Australian national average, reflecting the appalling socio-economic status of indigenous peoples across the country. Training programmes for professionals contained insufficient indigenous content, affecting the delivery of services to those communities. Australia had yet to acknowledge the two knowledge systems that existed within its borders: indigenous and western. In areas where indigenous knowledge systems were indeed recognized, it was important to ensure indigenous control over it so that indigenous peoples remained the custodians of that knowledge and were not marginalized in its use.

He said an advisory council was currently undertaking a study on that subject, which sought to promote a rights-based approach to education. The Forum should lend its assistance to the Higher Education Network in addressing that issue.

NORMAN LAING, New South Wales Aboriginal Land Council, said the Council system was not the best in the world, but there were substantial challenges to be faced in the area. The Council's advocacy on behalf of the indigenous peoples was targeted to relevant assistance agencies, especially for funding. Other focuses were education and training, in addition to providing security and support.

He said the Northern Territory Intervention entailed discriminatory elements, but the other side of the spectrum was the lack of adequate policy measures, which left the indigenous peoples with having to rely on mainstream Government service providers. The Government's lack of an adequate response to the needs and human rights of the indigenous peoples was an unforgivable lapse. A formal apology was a start, but much more was needed. The Forum should call on the Government to make reparations. All Governments should ensure the rights of their indigenous peoples, particularly across the Pacific region. Also, climate change should be a permanent consideration of the Forum.

BARBARA SHAAW, Faira , Australia, said she was from central Australia and the Northern Territory Emergency Response Legislation that had been instituted in areas inhabited by indigenous peoples had been a land-grab that violated their rights. The Forum should urge the Government to adopt the Declaration on the Rights of Indigenous Peoples. The Government should rescind the 1975 Emergency Act and should also formally invite the Special Rapporteur on indigenous rights to visit the Northern Territory and assess the situation in person.

YOAB YATFLE, Dewan Adat Papua (Papua Customary Council), said illegal logging of Papuan merbau timber was being fuelled by five giant international flooring companies, which were neglecting to acknowledge that they were selling illegal timber. An investigative study by Bogor-based and London-based agencies had revealed that to be the case. The Indonesian military and police were deeply involved in and profiting from illegal logging, as well as the conversion of forests into huge palm oil plantations. West Papua had one of the highest rates of deforestation in the world. Mining, too, had brought hunger, pollution and sickness to indigenous Papuan communities.

He said Greenpeace had recently called on the Government to protect the forests of Papua by calling a logging moratorium. Papuan forests were one of seven of the largest remaining intact forests in the world. Alongside the Amazon and the Congo Basin forests, it was one of the few tropical forest areas left in the world. The Forum should call on the Indonesia Government to immediately implement the moratorium, and to respect the rights of indigenous peoples to free prior informed consent on the use of their lands. The international community was called on to ensure that West Papuan peoples were incorporated in all decision-making processes involving their peoples and lands.

#### Rights of Reply

The representative of China said she regretted the reference to Taiwan made by the representative of the Pacific Regional Caucus, saying that the "One China" policy was being observed by an overwhelming majority of United Nations Member States and the United Nations Secretariat.

HASSAN ID BALKASSM, Member of the Permanent Forum from Morocco, asked the new Australian Government what it was doing differently from previous Governments? To the representative of the Government of New Zealand, whom he noted had spoken in the Maori language, he asked what practical measures had been taken to promote traditional indigenous languages in her country?

The Chair encouraged the Governments of Australia and New Zealand to provide their answers to Mr. Hassan outside the Forum, since time had run out.

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