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Permanent Forum on Indigenous Issues

Sixth Session

16th & 17th Meetings (AM & PM)

UNITED NATIONS FORUM CALLS FOR 'FREE, PRIOR AND INFORMED CONSENT' BY INDIGENOUS

PEOPLES FOR PROJECTS ON THEIR LANDS, AS TWO-WEEK SESSION ENDS

Urges General Assembly Adoption of Indigenous Rights Declaration; Approves Texts on Anti-Poverty Goals, Human Rights, Urban Migration

Expressing the strong belief that indigenous peoples' right to access and manage communal lands and natural resources was central to their collective survival, the United Nations Permanent Forum on Indigenous Issues recommended today that Governments adopt, in relevant national legislation, the principle of "free, prior and informed consent" of indigenous peoples regarding potential development projects or other activities carried out on their lands.

"It is [...] clear that most local and national indigenous peoples' movements have emerged from struggles against policies and actions that have undermined and discriminated against their customary land tenure and resource-management systems, expropriated their lands, extracted their resources without their consent and led to their displacement and dispossession from their territories," the Forum stated in one of eight sets of draft recommendations and three draft decisions approved by consensus at the close of its sixth session.

The Permanent Forum, a 16-member subcommittee of the Economic and Social Council, is mandated chiefly to provide expert advice on indigenous issues to the Council and the United Nations system; raise awareness and promote the integration and coordination of activities relating to indigenous issues with the United Nations system; and prepare and disseminate information on indigenous issues.

Permanent Forum Chairperson Victoria Tauli-Corpuz from the Philippines acknowledged that, while the issues associated with indigenous lands and natural resources were complex, representatives of tribal and native peoples and their groups during the past two weeks had shown they were not victims; they had not come to New York to complain; rather, they could come together and had presented sound advice to Governments and intergovernmental organizations about how to meet their needs for survival.

In the text focusing on the session's theme, "territories, lands and natural resources" (document E/C.19/2007/L.2), approved as orally amended, the Permanent Forum strongly urged the General Assembly adopt during its sixty-first session the Declaration of the Rights of Indigenous Peoples, the fate of which remains unclear some six months after it was approved by the Geneva-based Human Rights Council. Talks on the Declaration have sputtered in New York, in the wake of initial opposition from Australia, Canada and New Zealand. A package of amendments floated earlier this week by the Africa Group was roundly rejected by indigenous groups as "unacceptable and inconsistent with international human rights law".

Reiterating relevant articles of the Declaration, the Forum recognized the fundamental importance of indigenous peoples' security of land use and access, and the importance of land rights for broader processes of poverty reduction, good governance and conflict prevention and resolution, stressing that indigenous peoples are entitled to effectively participate in drafting policies and laws related to resources management and development processes (article 14). Further, indigenous peoples have a central role in decision-making and implementation of lands and resources-related projects, [and] such projects shall not be implemented without [their] free, prior and informed consent (article 28).

In that same vein, the Permanent Forum recommended that the Human Rights Council and the Committee on Economic Social and Cultural Rights investigate the possibility of the development and acceptance of general recommendations relating to the right of indigenous peoples to self-determination by securing their access to their ancestral lands, territories and natural resources.

By its text on the status of implementation of the Millennium Development Goals and other targets for economic and social development, environment, health, education, culture and human rights (documents E/C.19/2007/L.3 and Add.1), the Permanent Forum expressed its concern that relevant reports presented during the session by many States, as well as Poverty Reduction Strategy Papers still did not adequately include and address indigenous peoples, nor did they include the participation of native and tribal peoples. The experts called on States "to rectify this weakness and on United Nations agencies to support their efforts"

In a related measure, while recognizing that the Millennium Goals provided an important international framework for addressing extreme poverty and health and social outcomes, the Permanent Forum, nevertheless, recommended that it was vital that further work be undertaken to ensue that plans and programmes related to implementation of the Goals fully appreciated and respected the rights and aspirations of indigenous peoples.

That text also recognized the "deep spiritual relationship indigenous peoples have with water and the great respect they have for the natural laws governing the health and sanctity of water", and recommended that States review, with the direct participation of indigenous people, their laws on water regulation and the treaties, land claims and self-government agreements they have with indigenous peoples, and present those reviews to the Forum in 2009.

Many of the recommendations underlined the Forum's concerns about the human rights situation of the world's indigenous peoples. To that end, it welcomed increased cooperation with the Special Rapporteur on indigenous peoples' human rights and fundamental freedoms, and strongly recommended that the Human Rights Council maintain the mandate of that top expert. It also decided to invite the Special Rapporteur, along with the Special Rapporteurs on the right to education and the right to health, to participate in its seventh session (document E/C.19/2007/L.4).

Further, the Permanent Forum expressed concern at allegations brought to its attention on continuing violations of human rights of indigenous peoples in various parts of the world, and called upon all States to fully implement their obligations under the international human rights and humanitarian instruments. The Forum reiterated its call on States to strengthen their institutions for the promotion and protection of the human rights of indigenous peoples and to enhance efforts of awareness-raising and capacity-building for Government officials (document E/C.19/2007/L.3/Add.1)

In a text on recommendations that emerged from its half-day discussion on Asia (document E/C.19/2007/L.5), the Permanent Forum stressed that, irrespective of their legal status or the different terminologies used for them, Asian indigenous peoples experienced non-recognition of their cultural identity, exclusion and marginalization. With that in mind, the Forum recommended that, among other things, Asian States recognize indigenous peoples constitutionally and legally as peoples, and promote legal reform, particularly regarding their land rights and recognition of their customary laws and institutions, which promoted diversity and plurality.

The Forum, in its text on its half-day session on urban indigenous peoples and migration (document E/C.19/2007/L.6), recommended, among other things, that relevant States provide mechanisms for forcibly, legally or involuntary displaced indigenous people to be able to return to their original communities, including appropriate forms of compensation and restitution and provision for sustainable livelihoods of displaced indigenous people.

The Permanent Forum noted that 2008 had been designated the International Year of Languages and, among the draft decisions approved and forwarded to the Economic and Social Council for adoption, was a text by which the Council would decide to convene a three-day international expert group meeting on indigenous languages and request the results of that meeting be submitted to the Forum at its next session (document E/C.19/2007/L.8).

Another text recommended that the Economic and Social Council would decide that the seventh session of the Permanent Forum shall be held at United Nations Headquarters in New York from 21 April to 2 May 2008 (document E/C.19/2007/L.9). It also adopted the draft report of its current session (document E/C.19.2007/L.12).

By the final draft decision forwarded to the Economic and Social Council for adoption, the Permanent Forum approved the draft provisional agenda for its seventh session and decided that its special theme would be on “climate change, bio-cultural diversity and livelihoods; the stewardship role of indigenous peoples and new challenges”. It also decided that its traditional half-day session would next year be devoted to respective discussion on the Pacific region and on indigenous languages (document E/C.19/2007/L.11).

The Forum’s reports and recommendations, including oral amendments, were presented by Rapporteur Michael Dodson of Australia, and Wilton A. Littlechild of Canada.

Summing up the Permanent Forum’s work this year, Johan Schölvinn, Director of the Division for Social Policy in the Department of Economic and Social Affairs called the Forum a “celebration of the world’s cultural diversity”, in that it had seen extremely rich participation from some 1,500 representatives from indigenous peoples’ organizations, non-governmental organizations and academia, some 30 United Nations system and other intergovernmental organizations, about 70 Member States and some 30 indigenous parliaments. The Permanent Forum was not just an event; rather “a tribute to our human efforts of partnership” that offered the opportunity for inspiration, he said.

The meeting was opened sombrely this morning by Liam Ridgeway, who, on behalf of all Australian Aboriginal delegations that had participated in the Forum’s work, called for a moment of silence to commemorate the fortieth anniversary of Australia’s 27 May 1967 national referendum affecting the Australian Aboriginal and Torres Strait Islander populations.

While that referendum had been a “fantastic win” for the Aboriginal movement, it had not delivered all that was hoped to Australia’s indigenous peoples. Most importantly, it had not given them Australian citizenship and neither had it given them the right to vote in federal elections. Australia’s indigenous people “still have a long way to walk in our struggles to be treated as equal”, he said, calling for a moment of silence to honour the anniversary, as well as all indigenous people who suffered from the adverse impacts of colonization and Government policy.

In closing remarks, Ms. Tauli-Corpuz said she was happy to finish the sixth session without any major crises. “Because we trust each other and have worked well together”, the Forum had shown that it could resolve any problem, no matter how difficult, she said.

The Forum had gathered at an historic moment of the imminent adoption of the Declaration on the Rights of Indigenous Peoples, she continued. Despite difficulties, the energies brought to bear on the

Forum's topics by indigenous peoples had shown that they would do whatever it took to create success. She hoped the Human Rights Council version of the Declaration would be adopted. The number of participants present was an indication that problems at home remained.

She expressed deep appreciation to all Forum members and other colleagues for their tireless efforts in ensuring that the session ended in a successful manner, and urgently appealed to Governments to pass the Declaration before the end of the sixty-first session. She closed her remarks with a traditional Igorot chant.

Adelard Blackman, the Special Emissary for the Buffalo River Dene Nation, ended the session with a prayer for unity and a song.

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