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NOTE: FOLLOWING ARE SUMMARY STATEMENTS IN TODAY'S MEETING OF THE PERMANENT FORUM ON INDIGENOUS ISSUES. A COMPLETE SUMMARY OF THE MEETING WILL BE MADE AVAILABLE AT THE CONCLUSION OF THE MEETING, AS PRESS RELEASE HR/4988.

Background

The Permanent Forum on Indigenous Issues continued its eighth annual session today, in which delegations were to take up agenda item 7 -- on the Forum's future work, including issues of the Economic and Social Council and emerging issues. It had before it Special Rapporteurs' reports on climate change and land tenure. The day would include a panel discussion with United Nations experts on the impacts of the financial and economic crisis on indigenous peoples.

Panel

Featured in this morning's panel were Jomo Sundaram, Assistant Secretary-General, Department of Economic and Social Affairs; Nicolas Lucas Ticum, Maya priest and researcher on the Calendario Maya; and Victoria Tauli-Corpuz (Philippines), Chairperson of the Permanent Forum.

Taking the floor first, Mr. SUNDARAM said it was important to recognize that the global financial crisis was anticipated. It stemmed, in part, from policies in last three decades that minimized regulation, created inappropriate legislation and failed to enhance economic welfare, which eventually victimized developing countries. Responses to it had been dominated by the most powerful countries in the world and involved double standards.

He said it was also useful to recognize that the underlying phenomenon -- globalization -- was financial, rather than trade, globalization. Financial globalization had grown more rapidly than trade integration, but that had not contributed to increased growth. Rather, it had resulted in lower growth of investments across borders, and it had created problems. By opening up, countries had lost funds, the costs of which were not lower. Plus, there had been higher volatility. In addition, research found that the crisis had spread through the financial sector, within the "real economy", and from the financial sector to the real economy in ways involving "interactive loops".

That, in turn, had created a deflationary spiral, whereby asset prices had collapsed and domestic demand had plummeted, he explained. Developing country stock markets had collapsed, which had created a significant reversal of capital flows that might have gone to developing countries and boosted borrowing costs.

By way of contrast, he said that following economic events at the end of the 1970s, developing countries had continued to grow rapidly, while the West had experienced speculation, characterized by low economic growth and high inflation. Today, however, the fates of both were inextricably intertwined. Developing countries were experiencing a downturn and would likely see a significant drop in growth in 2009 versus last year. This year, more than 100 countries would see their economies contract -- 60 of which were developing nations, 33 were developed and 14 were economies in transition. "This is a completely unprecedented situation since the 1930s", he stressed.

Moreover, he said, world trade would likely collapse by 10 per cent this year, leaving developing country exports exposed to risk. A drop in those exports would result in "global imbalances". The trade impacts for developing countries would be seen in declining exports,

falling terms of trade and a sharp rundown of trade surpluses. The only silver lining would be continued decline in food prices.

The social impacts were also serious, he warned. The International Labour Organization (ILO) expected the number of working poor to increase by 200 million, and those formally unemployed to rise by more than 50 million. The situation had worsened since last November. Government social spending was at risk, and there was growing unrest. The greatest security threat to the world came from the crisis, and not terrorism. Living standards were declining, marked by decreased spending on social protections, making migrant workers especially vulnerable. Remittances would likely decline, and extreme poverty rise. While there was the possibility of working together to bring about sustainable solutions, cooperation was lacking.

As had been learned in the past, jobs did not recover as fast as nations would like, he said. In the 2001 crisis, for example, that lag had lasted almost four years. This time around, that lag could be compounded by a failure to act and a failure to coordinate. With enough political will, people could act together to solve problems, but the likelihood of that was “very slim”. Efforts surrounding the creation of the United Nations at the end of the Second World War were badly needed today to sustain growth, employment and development. Unfortunately, the focus now was only on achieving financial stability. The United Nations needed the support of the global community to ensure that solutions were sustainable and systemic.

He said the biggest challenge for indigenous peoples was that of natural resources. Indeed, indigenous peoples were the custodians of land, water and a variety of other resources. In that struggle, water would figure prominently. Water was becoming a commodity, rather than an obligation of Governments, and indigenous would find themselves under a lot of pressure.

Mr. LUCAS TICUM said 21 December 2010 marked the beginning of the thirteenth B’Aqtun Maya. The B’Aqtun was equivalent to 5,200 years, based on a 360-day year. According to Maya wisdom, the thirteenth B’Aqtun meant a change for humanity. It meant a new era in which respect for the self and for others was valued, as was love, solidarity and brotherhood. It was important to think about the future of the human race and Mother Earth. Mother Earth was alive; she was the mother of all beings that coexisted on the planet. All elements of the universe were alive and very closely connected. Human beings were integral to Mother Earth, and their mission was to ensure balance, unity, harmony and complementarity.

“Earth does not belong to human beings. Human beings belong to the Earth”, he said. In 1985, Chief Seattle said that what happened to the Earth would happen as well to its children. However, the utilitarian and economic philosophical concepts reflected in policies, programmes and plans of many Western countries had meant that human beings were losing their true sense of what it meant to be human. They were involved in a gradual process in which the quality of life of most people on Earth had declined, owing to a dogmatic, rationalist, egoistic and exclusive approach. That irrational trade system had caused the decline of biodiversity and genetic heritage. Life on Earth was threatened by environmental degradation, climate change, and the loss of biological, cultural and linguistic diversity.

He called on Governments, universities, the International Monetary Fund (IMF), the World Bank, the Inter-American Development Bank and large corporations that had controlled international economics and politics to chart a new course in support of vegetable, mineral, animal, human and cosmic life. “It’s urgent that universities and scientific research centres recognize the spiritual dimensions of human beings, the connection and interconnectedness of all the elements of the universe and scientific pluralism.” Large multinational corporations, Governments and United Nations organs must recognize that much of the imbalance, climate change, global warming, environmental crisis and threat to biological and cultural diversity was the result of the current financial, monetary and commercial system.

“The IMF, World Bank, Inter-American Development Bank, United Nations Development Programme (UNDP), Food and Agriculture Organization (FAO) and Governments must recognize the sustainable development that indigenous people have been promoting for centuries towards a good life and well-being, and respect vegetable, mineral, animal, human and cosmic life”, he said. It was urgent

to recognize the “economic pluralism”, or productive models of indigenous peoples’ cultures. He called on them to embrace a system of scientific, juridical, political, economic, social, cultural, linguistic and religious pluralism so that all could enjoy a life of dignity, well-being and respect.

He also called on the Commission on Sustainable Development to review and adapt concepts about the environment, natural resources, development and economics, and to include concepts originating from the thinking and age-old experience of indigenous people. He appealed to the human race to revitalize wisdom, knowledge and efforts to take care of Mother Earth, biological and cultural diversity, genetic heritage, ecosystems and the right to self-determination. He called on them to build alliances, coalitions and strategies to promote the sustainable development at all levels of life, which would respect animal, mineral, human and cosmic life and ensure the future of mankind.

States and Governments alike must make a global effort to implement the goals of the Kyoto Protocol, he said. The Kyoto Protocol was in line with indigenous peoples’ vision of the balance necessary for life. The Protocol would be reviewed in 2012, the same year as the thirteenth B’Aqtun of the Maya people. The challenges were huge because all of humanity must act together. The transition of the thirteenth B’Aqtun would require a spiritual strength that humanity had so far wasted. Humanity would suffer consequences if everyone did not act together. “So let us all walk together towards the new B’Aqtun. On this path, we need to support life, balance and harmony for all human beings and the rest of the beings in the universe”, he urged.

Ms. TAULI-CORPUZ said the crisis had been caused by extensive market liberalization. Internationally agreed social goals — full employment, human rights protection, among them — had been delinked from economic policies. It was a period of growing inequality. There had been significant changes in State-market relations. “The market is always right” thinking prevailed in economic policies of developed and developing countries alike, following the advice of international institutions such as the IMF and the World Bank. Labour rights violations had been extensive, and there had been a rise in influence of transnational corporations, particularly in the extractive sector.

She said that nations most adversely affected by the crisis were those that opened up to the global economy. Impacts had reverberated through indigenous communities and were characterized by increased poverty; an increased threat of losing lands and homes; destruction of traditional livelihoods; economic insecurity; food insecurity; increases in extractive activities; and decreased access to health care and other social services.

The crisis was also characterized by an increase in infrastructure spending, she said, noting that the World Bank would increase loans for infrastructure from \$15 billion to \$45 billion in 2009. Projects such as roads and hydro-electric dams were being planned across traditional lands and would displace indigenous peoples without their free, prior and informed consent. That type of planning was particularly evident in the Philippines and India.

Citing an example in the North, she said Canada would spend Can\$ 33 billion for several years under the “Building Canada Fund”. Some Can\$ 150 million would be used to expand Highway 97, part of the corridor that ran through Manitoba under the North American Free Trade Agreement (NAFTA). That would increase mining, oil and gas activities. Work on Highway 30 in Quebec would result in the appropriation of traditional lands. The Mackenzie Valley pipeline would cost Can\$ 16.2 billion, and indigenous peoples would be directly impacted.

In light of such cases, she said a human rights-based approach to development must be ensured and indigenous peoples must be integrated into the design of the responses. That should be linked with the responses to climate change. “We don’t see the climate change crisis and the global economic crisis as separate things”, she said, adding that they were caused by the same economic model. As such, they should be addressed in an integrated manner.

Statement by Special Rapporteur on Indigenous Land Tenure

MICK DODSON, Forum member from Australia and the Forum’s Special Rapporteur on Indigenous Land Tenure, presented “A draft guide on the relevant principles contained in the United

Nations Declaration on the Rights of Indigenous Peoples, ILO Convention No. 169 and ILO Convention No. 107, which related to indigenous land tenure and management arrangements (document E/C.19/2009/CRP.7). Mr. Dodson's mandate was to help indigenous peoples, States and United Nations agencies in negotiating such arrangements.

He said the paper summarized the compatibility of the Declaration with the two ILO Conventions in terms of their overarching principles that States and United Nations agencies must seriously consider or adhere to when engaging with indigenous peoples about their land tenure interests and management arrangements. As that was still an emerging area of customary international law, there were some notable differences between the first and latest instruments, particularly the welfare-based approach of Convention No. 107 compared to the rights-based approach of Convention No. 169 and the Declaration.

He went on to explain that the paper examined the indigenous peoples' rights to self-determination; their full and direct consultation and participation; free, prior and informed consent; their right to traditional lands, waters, territories and resources; the principle of respect for indigenous cultural practices, traditions, laws and institutions; the right to reparation for injury to or loss of indigenous interests; the right to non-discrimination against indigenous peoples' interests; and the principle of respect for the rule of law.

Comments and Questions

LORI JOHNSTON, Southeast Indigenous Peoples Centre, wondered if there was coordination with other United Nations agencies to create a coherent response to the global crisis.

HASSAN ID BALKASSM, Forum member from Morocco, said it was important to consider a dialogue between revealed and metaphysical religions. Second, on the impacts of the world crisis on indigenous peoples, he said free trade agreements had been reached. Governments had given traditional lands to corporations, making indigenous peoples more vulnerable to risks. The Forum's recommendations to the June conference on the financial crisis must highlight the need for States to respect a minimum of values outlined in the Declaration on the Rights of Indigenous Peoples. He suggested that the Forum make a recommendation on the issue of carbon emissions.

TOMAS ALARCON, Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos (CAPAJ), said indigenous peoples had not contributed to climate change.

But he suggested creating a mechanism to assess their contribution to environmental stability and investigate the possibility that they be compensated.

LILIKALA KAME'ELEIHIWA, Center for Hawaiian Studies, asked the Forum to send a report to the United States Government. President Barak Obama needed to understand how climate change was impacting the world.

ELSA SON CHONAY, observer for Guatemala and Guatemalan Vice-Minister of Culture, said indigenous people of Guatemala had made progress. Despite that more than 50 per cent of the indigenous population of Guatemala lived in poverty, they contributed to forest maintenance and creation of a healthy environment.

MIGUEL IBAÑEZ, Comunidad Campesina de Tauria, said there must be a focus on indigenous peoples in the discussion of climate change.

In response, Mr. LUCAS TICUM said much of the great wisdom accumulated by the Maya had been destroyed during the invasion of Maya land. It was necessary to study what had come before. The Maya wisdom on math and the movement of space was written in codices bequeathed to the current generation. Some of it was destroyed. It was necessary to complete that body of work, but it was difficult for the Maya to do so because they were poor.

SHIRLEY MCPHERSON, Chairperson, Indigenous Land Corporation, Australia, said the achievements of the indigenous land rights movement in Australia were significant. Indigenous land owners now owned or managed approximately 20 per cent of the Australian continent. Thanks to the

1976 Aboriginal Land Rights (Northern Territory) Act, about half of the land in the Northern Territory was owned by Aboriginal people. The 1993 Native Title Act set up processes through which native title could be recognized and it provided protection for native title rights and interests. Native title could not be transferred, bought or sold. The 1993 Act also contained provisions for indigenous land use agreements. Those voluntary agreements were made with native title parties about the use and management of land and water.

Where possible, land use and ownership issues should be resolved through mediation and negotiation, rather than litigation, she said. The Government remained committed to improving outcomes for indigenous peoples, not only by recognizing their rights to land, but also by ensuring that those rights provided lasting economic and social benefits. Indigenous communities must be able to better leverage their land assets and native title rights. The Government was committed to helping native title holders and indigenous land owners maximize sustainable benefits from their land. Land arrangements in townships on indigenous land must encourage investment to foster individual and community economic development. Land arrangements should create conditions for indigenous communities to prosper in terms of employment and economic opportunities, as well as in the social and cultural realms. The Indigenous Land Corporation was creating those opportunities in partnership with indigenous organizations, industry groups and other agencies.

HAFID ABBAS, observer for Indonesia, said he valued the Forum as a constructive arena for indigenous peoples. Indonesia had more than 400 ethnic groups, and it was that diversity that united the country. It enriched the culture and was a source of strength, inspiration, knowledge and moderation. Since the end of the last decade, Indonesia had transformed into a democratic nation and one which protected human rights. A new political development strategy had empowered regions and ethnic groups to address their economic needs and socio-economic challenges. Efforts did not stop there. Indonesia was strongly committed to working on climate change issues, as reflected in its contribution at the 2007 Bali climate change conference.

At the same time, he said Indonesia was not immune to flaws, and more needed to be done. The Forum provided countries with an opportunity “to listen and to learn”. It could promote partnerships for the betterment of societies. In discussing the Forum’s future work, continued improvement of its working methods was key to its success. The concept of free, prior and informed consent must be made at each stage of the Forum’s decision-making process. He was certain the secretariat would uphold its duty to maintain countries’ trust and display accountability.

CRAIG CROMELIN, New South Wales Aboriginal Land Council, was concerned at the Australian Government’s proposal to link the provision of housing services with existing land tenure arrangements. The statutory recognition of land rights in New South Wales had been among the most positive developments in the colonial history of Australia. While land rights was critical to providing social and economic development for Aboriginal people in New South Wales, such goals could not arise at the expense of surrendering hard-fought rights to land. “Our rights to land are not a commodity that can be traded in return for the enjoyment of fundamental citizenship rights”, he said.

With that, he reaffirmed that housing and land tenure were separate issues. To combine them in the name of Aboriginal economic and social development was overtly aggressive and counter-productive. It would not provide Governments with assurances they sought with respect to enhancing and managing assets. As such, he called on all levels of Government to help build the capacity required within Aboriginal organizations to perform their asset and tenancy management duties. Developing strategies to support those organizations would lead to more substantial outcomes. He welcomed the Forum’s focus on land tenure, which must remain a critical aspect of its ongoing work.

SANTIAGO CHIRIBOGA (Ecuador) said his country was vulnerable to climate change, as seen in phenomena like El Niño, following which Ecuador had created a research centre. Ecuador’s greenhouse gasses contributed only marginally to global warming, but, under the principle of shared but differentiated responsibilities, Ecuador had underwritten instruments, including the Kyoto Protocol. Such instruments allowed the Government to create clear guidelines on changing consumption and production patterns, but that had not led to the relevant countries taking on responsibilities for their emissions.

For its part, Ecuador had promoted institutional and policy reform in various ways, he said. It had declared 700,000 hectares of a park as protected from mining and forest exploitation. An Ecuadorian institute for development of the Amazon undertook various efforts, including the transfer of technologies to Amazonian actors to promote a good standard of living. In so doing, it would consider the Declaration on the Rights of Indigenous Peoples. He urged the Forum to endorse that initiative as a model for other countries.

The Forum then returned to its agenda item on human rights and opened the floor to comments from participants.

Statements

JETHRO TULIN, Executive Officer of Akali Tange Association, Papua New Guinea, said that in the highlands of Papua New Guinea, the Ipili and Engan people had seen their traditions turned upside down by the influence of a large-scale mining project. In one generation, the mine had brought militarization, corruption, and environmental devastation to a land that had previously known only subsistence farming and alluvial mining. He urged the Forum and the Special Representative of the Secretary-General on Business and Human Rights, John Ruggie, to continue their dialogue on that issue. The actions of transnational corporations must be constantly monitored. Three weeks ago, the Papua New Guinea Government unleashed a “state of emergency”, a military and police operation that saw the destruction of hundreds of indigenous landowners’ homes surrounding the open pit mine directly nearby.

He called on the Forum to write urgently to the Government of Papua New Guinea and to Barrick Gold Corporation of Canada to urgently halt the state of emergency and the destruction of peoples’ homes. And he called on the Forum to endorse the recommendations of the report of the March 2009 Expert Group Meeting on extractive industries, indigenous peoples’ rights and corporate social responsibility, and to follow up by sending the findings to corporations, including Barrick Gold.

GULNARA ABBASOVA, Tribal Link Foundation, said indigenous peoples’ rights were still ignored, making it very difficult to implement the Declaration. Many States failed to even recognize the text. She urged the Forum to recommend to the Economic and Social Council to call on Governments to implement the Declaration and to recognize the original inhabitants of their nations as indigenous peoples with full rights. She also urged the Forum to take capacity-building steps so that indigenous people could be informed about the Declaration. It should also hold a workshop on decolonization.

GUIDO CONEJEROS MELIMAN, Centro de Cultura Pueblo Nación Mapuche Pelonxaru, said the Mapuche people of Chile were committed to preserving Mother Earth, nature and their traditional way of life. Multinational corporations and the Chilean Government were not respecting their rights. Ratification of ILO Convention No. 169 was really just an illustration of a paternalistic spirit and a return to colonization. The Mapuche were not Chilean; they had their own passport. Nor did they want the intervention of the Chilean Government. Rather, they wanted to live in peace and in accordance with their traditional way of life and the Declaration.

JANINE GERTZ, National Indigenous Youth Movement of Australia, commending Australia’s endorsement of the Declaration, said the Government’s duties were mirrored in its principles. She was concerned at the ambiguous nature of that support, especially in Australia’s understanding of the right to free, prior and informed consent, which was inconsistent with existing international law. Australian’s rights should be established in line with all human rights instruments that it signed.

She said a critical challenge was in setting benchmarks, which required commitment and collaboration by all actors under the Forum’s leadership. Benchmarks should not be seen as way to criticize the Government. They could add value to public policy. Indigenous peoples claimed to have a collective right to self-determination, based on the understanding that they were best placed to make the decisions that most impacted their lives. The Forum should undertake a consultative process to consider ways that the Declaration could be used to develop more effective models of engagement. It should also engage with the Inter-Parliamentary Union (IPU) to guide indigenous peoples on their rights under article 23.

CELESTE MCKAY, Native Women's Association of Canada, said she was concerned at the Canadian Government's gap in protecting human rights of indigenous peoples. Economic and well-being indicators were consistently lower among Aboriginal people than other sectors of society. On recommendations made at the end of Canada's periodic review, Canada had failed to engage in meaningful dialogue on how to follow up on those recommendations; the Government had simply restated how it was fulfilling its obligations. She sought Canada's commitment to work collaboratively with indigenous peoples to narrow the gap. Part of Canada's commitment included a culturally relevant gender-based analysis of laws that might affect women's rights. She encouraged all States to endorse and implement the Declaration and urged the Forum to collaborate with States and women's organizations in the creation of gender-based analysis tools.

LORI JOHNSTON, Yamasi People, asked that the United States stop attacking Yamasi women, children and elders. Her people used violence to protect themselves from colonial violence. They tried to engage the United States in peace talks. Yamasi from aged 8 days to 88 years had been spied on. They had suffered imprisonment, brainwashing and rape, among other things. The United States had terrorized them into silence. She urged that country to stop recording Yamasi as federalized indigenous peoples without their free, prior and informed consent and called on the Forum to denounce rape and other colonial war crimes against indigenous peoples.

ENHABATU TOGOCHOG, Southern Mongolian Human Rights Information Centre, in a statement delivered by Ms. Abbasova, said the Chinese Government had carried out State-sponsored massacres. Mongolian Nomadic peoples had been impacted by the unsustainable farming practices of 12 million Chinese immigrants, while China stated that environmental degradation was caused by the "backward" Mongolian way of life. Also, the Chinese Government had set up a "Livestock Prohibition Team" to confiscate the livestock of Mongolian herders, who were being detained and beaten daily. China declared that Inner Mongolia had become an energy base, and Mongolians had been displaced without their free, prior and informed consent. China had signed the Declaration without considering its 55 indigenous peoples' groups as "indigenous". As such, she asked the Forum what mechanism it had in place to ensure that China respected and protected indigenous peoples within its borders.

JOJI CARIÑO, Cordillera Peoples Alliance, also speaking on behalf of the Asia Pacific Indigenous Youth Network and the Asian Indigenous Peoples Pact, said that 100 years ago, the lands of the Ibaloy had been confiscated to create Baguio City, in the Philippines, a hill station for the colonial United States Government and a rest and recreation site for colonial soldiers. Vast tracts of lands were declared as Government reservations. Rapid urbanization displaced the Ibaloy from their ancestral lands and opened the gates for migrant settlers. The Ibaloy were now a marginalized minority in Baguio City. Her great grandfather, Mateo Cariño, an Ibaloy, had filed a case that reached the United States Supreme Court, which had ruled against his right to his ancestral lands. The Cariño decision on native title had established a legal doctrine, which had been the foundation of the 1997 Philippine Indigenous People's Rights Act (IPRA). That law recognized "ancestral domain", or ownership of land established through collective memories and custom law, and the fact that for indigenous peoples, land ownership was not given by formal titles, but was claimed by use and inheritance since time immemorial.

But in Baguio City itself, the Cariño doctrine had never been implemented, she said. Camp John Hay Recreation Base, which was established on the Ibaloy's ancestral homeland, was still in the hands of private developers, and many Ibaloy lands remained classified as Government reservations. There were conspicuous irregularities and anomalies in the processing of ancestral land and domain claims by the National Commission on Indigenous Peoples (NCIP). She appealed to the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples to investigate those serious violations of human rights and recommend corrective measures to uphold the rights of the indigenous Ibaloy people. She made the same appeal to the Forum's Philippine members.

EUGENIO A. INSIGNE, Forum member from the Philippines, commented on a case brought before the Forum that involved two clans fighting over land. That was a private case. Both parties had claimed land on the basis of native title -- but mere invocation of native title did not give one party the right to land over the other. A decision on the case had been made by the National Commission on

Indigenous Peoples, based on the law and evidence submitted by both parties. Though not present for that decision, he had been a lawyer for 30 years, and after reviewing the decision, he supported it.

Right of Reply

Exercising his right of reply, ZHOU LING YU, observer for China, said a so-called representative from an organization in Southern Mongolia had attacked China's policies in Inner Mongolia. That statement was "totally far" from reality and fact, and in total ignorance of the Government's achievements in ethnic minority areas. There was no foundation for such attacks on China's policies towards ethnic minority groups. That was a challenge to China's sovereignty.

As such, he strongly demanded that the Forum be more careful in screening organizations that participated in its discussions, so that State sovereignty and territorial integrity were not encroached upon. China was a multi-ethnic country with some 50 ethnic minority groups. All were equal and their legitimate rights were guaranteed equally by the country. China protected their identity, including in social and religious terms, and guaranteed their participation in health, the social sphere, education and employment. China was committed to protecting them, in line with its laws, and had adopted special preferential measures to foster poverty alleviation in regions with ethnic minorities. China was committed to working together to build a prosperous, strong, civilized and harmonious nation.

(END OF MORNING MEETING)

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