

28 April 2008



Economic and Social Council

HR/4949

United Nations

Department of Public Information • News and Media Division • New York

Permanent Forum on Indigenous Issues

Seventh Session

8th & 9th Meetings (AM & PM)

PERMANENT FORUM ON INDIGENOUS ISSUES EXAMINES VALUE OF INCREASED COLLABORATION

WITH HUMAN RIGHTS COUNCIL UNDER UNIVERSAL REVIEW MECHANISM

Outgoing Special Rapporteur Says He Sees ‘Great Possibilities’ In Applying New Declaration as Framework for Protecting Indigenous Rights

Hearing from delegates on topics ranging from industrial encroachment of indigenous lands to the question of racial discrimination against native peoples, members of the Permanent Forum on Indigenous Issues today examined the value of increased collaboration with the Human Rights Council under its universal review mechanism -- established by the Council to assess the human rights situation of United Nations Member States -- and called for indigenous rights to be prominently addressed at those reviews.

In his last address to the Forum before ending his tenure on 1 May, Rodolfo Stavenhagen (Mexico), the Human Rights Council’s Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, said he saw “great possibilities” in applying the recently-adopted Declaration on the Rights of Indigenous Peoples as a framework for the promotion and protection of indigenous rights.

As he reflected on the state of indigenous peoples’ rights over the past few years, Mr. Stavenhagen said it had improved greatly in numerous countries, but showed “signs of retreat” in other countries. In his regular reports to the Human Rights Council, he had outlined the damaging impact of mega-development projects -- including hydroelectric, mining and forest activities -- on the lives of indigenous communities. He had also studied the lack of access to justice experienced by indigenous peoples, saying there was rampant discrimination against them.

He said he had made 11 official visits to different countries, along with numerous semi-official trips, each resulting in a country report to the Council. But Mr. Stavenhagen noted that the submission of a Special Rapporteur’s recommendations were “the weakest point of all the special procedures, since neither the Council nor the United Nations had implementation mechanisms”.

He said he had prepared a study on best practices for implementing the Declaration, and that it would fall to the succeeding Special Rapporteur, James Anaya of the United States, to work with the Permanent Forum to ensure that the principles enshrined within the Declaration became a reality.

For his part, Mr. Anaya said many of the questions raised at today’s meeting addressed the “implementation gap” between the principles contained in the Declaration and the rights and lives of indigenous peoples on the ground. Those concerns should first be addressed within the context of real-life issues -- such as the right to prior informed consent in light of challenges faced by the indigenous peoples in Suriname by logging companies. Further, the Declaration’s provisions should be examined in relation to other human rights conventions, as well.

Noting that other questions focused on how the Forum could coordinate its efforts with that of the Human Rights Council, he suggested that one place to start was with the periodic review mechanism, through which the Forum could engage in a dialogue on indigenous rights. Continued dialogue could lead to creative strategies on how to practically implement the Declaration on the ground.

A Forum member from Spain suggested that the Special Rapporteur step up his role within the Council's universal periodic review mechanism, especially when indigenous peoples made up a percentage of the population of the country under review. He said that the Rapporteur should strive to give the Declaration on indigenous rights a priority status in the periodic review's legal framework.

Continuing on that theme, a Forum member from Iran said that she hoped the rights of indigenous peoples, particularly the rights to education and land, could be addressed by Member States through the universal review. She said the Forum had received some questions from the floor on how local authorities and Member States addressed and investigated crime and violence in indigenous communities. She asked the Special Rapporteur to address that issue in his or her country reports.

A Forum member from Morocco said that, in many countries, even in those that enjoyed stability, the lack of consideration for indigenous peoples' rights meant that decisions were frequently made which were prejudiced against indigenous peoples' human rights. It was necessary to ask how a more humanitarian society could be created in the second decade for the rights of indigenous peoples, in which the indigenous peoples could enjoy their rights fully.

Some indigenous groups had made headway in obtaining their self-determination. A representative of the Arctic Caucus noted that self-determination was a "paramount right" enshrined in the Declaration on indigenous rights. He said the Arctic Caucus recommended that the Permanent Forum have self-determination as its theme next year. Finding workable mechanisms and other solutions that respected indigenous peoples' rights to self-determination was an absolute prerequisite for effective implementation of the Declaration.

A representative of the Greenland Home Rule Government, Denmark, said a document had been signed by Denmark and the premier of Greenland to extend self-government to Greenland, and a referendum would be held on the subject on 25 November. The premier's office on self-governance was expected to carry out an information campaign.

Also today, the Forum concluded its discussion on implementation of the recommendations on the six mandated areas of the Permanent Forum and on the Millennium Development Goals, carried over from its previous meeting.

Speaking on the implementation of recommendations on the mandated areas and on the Millennium Development Goals was a Member State representative of Myanmar as well as a representative of the Ministry of Maori Development of New Zealand.

Also speaking on that issue were indigenous representatives of the Amazon Basin; the Grand Council of the Mi'kmaq, the Assembly of First Nations, First Nations Summit, Grand Council of the Crees, IOIRD, Inuit Circumpolar Council -- Canada, Inuit Tapiriit Kanatami, Native Women's Association of Canada, Canadian Friends Service Committee, Kairos: Canadian Ecumenical Justice Initiatives; COIAB (Brazil), Conselho indigena de Roraima, APOINME, CIVAJA, Rain Forest Foundation, Forest Peoples; Global Indigenous Women's Caucus; Asia Caucus; Instituto Indigena Brasileiro para la propiedad intelectual, Red de Mujeres Indigenas sobre Biodiversidad de Latino America; Indigenous World Association; Comitê Indigena (CIPACI); Kaoni Foundation; and International Indian Treaty Council.

The representative of Colombia spoke in exercise of the right of reply.

Speaking during the dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples were Member State representatives of Ecuador, Libya, Nicaragua, Cuba, Switzerland, Sweden, Norway, Finland, Russian Federation and Canada.

Also speaking on that topic were the Senior Adviser, Human Rights Conferences, Indian and Northern Affairs, Canada; a representative of the Office of the High Commissioner for Human Rights; and a representative of the Greenland Home Rule Government, Denmark.

Others speaking during the dialogue were representatives of the Pacific Caucus; Asian Indigenous Peoples Caucus; Arctic Caucus; Lipan Apache Women Defence Alianza Indigena Sin Fronteras, Western Soshone Defense Project, Tonatierra, Indigenous Environmental Network, Winnemem Wintu Tribe, Native Women's Association of Canada, International Geographical Union — Indigenous Peoples Knowledge and Rights Commission; Murray Lower Darling Rivers Indigenous Nations; ONIC, CECOIN, Fuerza de Mujeres Wayuu and OPIAC; Indigenous Parliament of Peru; Caucus Pueblos Indigenas de Abya Yala; CEDHUNG (Panama); Ecuador Caucus; CIDOB and CONAMAQ; CSUTCB, CSCB and FNMICB-BS; Nepal Federation of Indigenous Nationalities, Lawyers Association for Human Rights of Nepalese Indigenous Peoples, AMAN Indonesia, AINU Resource Center (Japan), Indigenous Peoples Rights Monitor (Philippines), Chin Human Rights Organization (Myanmar), National Network of Indigenous Women, Indigenous Nationalities Upliftment Centre, Pewa Nepal, ICIP, APIYN (India), NGOs Forum on Cambodia; International Work Group on Indigenous Affairs; and Indigenous Americas Caucus.

The Forum will meet again at 10 a.m. Wednesday, 29 April, to conclude its discussion on the human rights of indigenous peoples.

Background

The Permanent Forum on Indigenous Issues met to conclude its discussion on implementation of recommendations on the mandated areas and on Millennium Development Goals. Following that they were scheduled to take up the item on human rights: dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples and other special rapporteurs.

Statements

A representative of the Amazon Basin expressed concern over the involuntary isolation of the peoples in several countries -- Brazil, Bolivia, Peru, Ecuador and Colombia -- in the Amazon Basin. They were being "liquidated" by mining companies, and their plight received little support despite a long fight for indigenous rights. Protection of these indigenous nations could only be guaranteed by making States acknowledge, through laws, indigenous peoples' legal ownership over their territory. Several indigenous peoples were being "liquidated" in Ecuador as well, and complaints were being brought up, to no avail. In Brazil, indigenous peoples were being threatened by diseases resulting from pollution. In the Colombian Amazon region, rights were being trampled by paramilitary groups.

KYAW TINT SWE (Myanmar) said that, after adopting a national development plan, the Government was focusing a large part of its efforts on the development of national resources. Over the last two decades, Myanmar had preserved the culture of its indigenous peoples, protected national resources and maintained peace. In 1993, it had also adopted a national resources law, the efforts of which were currently being implemented in 18 provinces. Myanmar's efforts had also focused on the Millennium Development Goals targeting education and health issues. As a result, malaria and HIV/AIDS had been labelled diseases of national concern and, through different programmes, mortality from those diseases was being lowered. Nearly 100 elementary, middle and high schools had been built recently. Through its development programmes, the Government had also made progress on its national reconciliation programme.

PAULINE KINGI, Ministry of Maori Development, New Zealand, said the country's updated approach to Maori development, known as the Maori Potential Approach, was being integrated throughout the New Zealand public sector. For example, it underpinned the Maori education strategy. The Potential Approach was based on the premise of recognizing the strength of the Maori peoples, while recognizing their contribution to the wider New Zealand. Some 15 per cent of the overall population were Maori. They were a multidimensional, aspirational people who sought opportunities to improve their life choices. They were culturally distinct, and had the potential to be a net contributor to wider society. They sought respect for being the "first people" of New Zealand. There was a need to invest in them as catalysts for change, and to build their capability to be so. There was a conscious shift in the Government towards identifying positive opportunities for the Maori and to develop a platform for an effective relationship between the Maori and the Government.

CHERYL MALONEY spoke on behalf of the Grand Council of the Mi'kmaq, the Assembly of First Nations, First Nations Summit, Grand Council of the Crees, the IOIRD, Inuit Circumpolar Council — Canada, Inuit Tapiriit Kanatami, Native Women's Association of Canada, Canadian Friends Service Committee, and Kairos: Canadian Ecumenical Justice Initiatives. She said she was pleased to bring the recent decision of Canada's Parliament to endorse the Declaration to the Forum's attention. Yet, the current minority Government's recent claim that the Declaration had no bearing on Canada's laws remained a concern. Noting that human rights declarations became universally applicable by their adoption by the General Assembly, she stressed that Canada's "unjustified opposition" to the Declaration had harmed its human rights reputation. The opposition was inappropriate and discriminatory. Indeed, Canada was seeking to create a dangerous precedent in the Organization of American States. She stressed that the United Nations should not allow a few States to undermine the international system through statements that the Declaration was not applicable within a country's borders.

JOENIA CARVALHO, making a joint statement from Brazil's indigenous groups, noted that a large part of Brazil was indigenous territory and said there were many violations of the rights of the indigenous peoples there, particularly the right to the land. Indigenous peoples seemed to be invisible to the Government in terms of the implementation of the Millennium Development Goals, she said. While there was work to do to make data and attitudes available to the Government, the status of the lands of the indigenous peoples remained a major issue. Those peoples had been suffering violations as a result of land disputes and had taken their complaints on to the Supreme Court, to little effect. Although they supported development, the indigenous peoples did not support development at any cost. The lack of access to Brazil's health systems also needed to be brought to the attention of the world community, not only to ensure rights but to protect life and physical integrity. In addition, the obstacles faced by Brazil's indigenous peoples should be brought before the Economic and Social Council and the Brazilian Government should be required to consult its indigenous peoples when it submitted their reports.

Ms. MACKENZIE, speaking on behalf of the Global Indigenous Women's Caucus, recommended that the Forum support and implement a strategy to manage indigenous migration, and to create a task force to address the issues. She also called on support for the Forum's recommendation that the respective rapporteurs on violence against women and on trafficking brief the body on the status of indigenous women in relation to those topics by 2009. She called on the Forum to recommend that the United Nations Development Programme continue its work on data disaggregation with special attention to women and children.

She urged the United Nations to hire more indigenous women, and its agencies should be called on to provide financial and legal assistance to professional indigenous women. Specialized bodies of the United Nations were called on to investigate cases of gender violence, in particular as reported by Amnesty International in its report on "stolen sisters". She also called on the United Nations Children's Fund and other United Nations agencies to help maintain the integrity of families by preventing the removal of children for their education, participation in the military or any other reason.

YUKI HASAGAWA, speaking on behalf of the Asia Caucus, said she was dismayed that, in Cambodia, indigenous peoples who left the community had the right to appropriate a piece of land that was part of indigenous communal land, according to Cambodian law. That provision would undermine the concept of communal land, since, when indigenous peoples left their community in that fashion, it would almost certainly lead to a disintegration of culture and indigenous resources. It would contradict the Declaration on the Rights of Indigenous Peoples, which stated that land rights should be drawn up with due respect to the customs of people concerned. She asked the Forum to urge the Cambodian Government to engage in another round of consultations on the procedures concerning the registration of indigenous land.

LUCIA FERNANDA KAINGANG, speaking on behalf of the Instituto Indigena Brasileno para la propiedad intelectual, Red de Mujeres Indigenas sobre, Biodiversidad de Latino America, said that the dominant model of economic and social development violated the traditional cultural and economic structures of indigenous peoples. The indigenous peoples were in extreme poverty and the situation was growing worse, due to neglect of their cultural rights. “Mega projects” currently being implemented in their communities violated the rights of indigenous peoples. She called on the Forum to call for the respect of the lands of indigenous peoples and stressed that development programmes should solicit their participation. Acknowledging indigenous peoples’ rights to their lands was fundamental in preserving and honouring their critical role in preserving global biodiversity. The legal systems of indigenous peoples should be incorporated in the international regime being created to protect biodiversity, she said. The culture of indigenous peoples depended on the balance of the Earth and no economic development was worth the loss of life or the degradation of their soil.

MILIANI TRASK, of the International Indigenous World Association, noting her statement was a “collective intervention” on behalf of 12 affiliated groups, said the Declaration was the most significant of the human rights conventions in the last few decades. States were using the Declaration in their laws and judicial systems. For several years, the United Nations had had a commitment to take a system-wide approach; yet there was a lack of clarity as to the rights of indigenous peoples. With the Declaration there was no longer any excuse for that. The Forum had an obligation to ensure that the Declaration was integrated into the work of the United Nations and the Forum needed to undertake a technical review of the Declaration. That would link it with other important human rights instruments and serve as an educational opportunity.

MARIA SARAVIA, Comite Indigena (CIPACI), expressed concern over the situation of indigenous peoples in voluntary isolation and urged all Governments of countries where such people lived to respect their rights. Logging companies were trampling on their lands. She demanded urgent measures in Bolivia to protect the Yuki people, who were being ravaged by tuberculosis and who were not receiving adequate attention from the Ministry of Health. A similar situation was facing the indigenous peoples suffering from hepatitis in Brazil.

Mr. FYFE, Kaoni Foundation, who spoke on behalf of the Hawaii Caucus, said that Hawaii rightfully belonged on the list of Non-Self-Governing Territories. Indeed, a public law had been signed by United States President Clinton in 1993 -- the so-called “apology bill” -- that seemed to signify an acknowledgement that the indigenous peoples of Hawaii had never relinquished their sovereignty, and that the statehood plebiscite of 1959 had been fraudulent. He noted that, in 2008, the Supreme Court of Hawaii had barred the State from obtaining lands from the public land trust until the question had been resolved. Also, in 2008, the representative of the Russian Federation had asked the Committee on the Elimination of Racial Discrimination why Alaska and Hawaii had been excluded from the decolonization list. The representative of Romania had asked what steps were being taken to facilitate the self-determination of the Hawaiian people.

ANDREA CARMEN, International Indian Treaty Council, said the rights of the Dakota nation were being violated. At this time, protests that called attention to the 1851 treaty between the United States Government and the Dakota nation were under way. Those protests were targeting the establishment of a large-scale hog farm that would bring widespread environmental degradation to the treaty lands. Tribal and local community members were blocking the access road to that hog farm’s site and a lawsuit had been filed. Not only were the Indian lands being threatened, sites such as the Missouri River would be affected. She stressed that an environmental impact review was necessary. The state of South Dakota did not have authority on those lands. Noting that the United States had

joined with only three other countries to vote against the Declaration in the General Assembly last year, she reminded the Government that it still had a responsibility to uphold the Declaration, despite that vote against it. She asked the Forum to continue to monitor, encourage and support the United Nations system and Member States in all efforts to implement and uphold the Declaration.

Statements on Situation of Human Rights

The Forum then took up the next agenda item, on the situation of human rights and fundamental freedoms of indigenous peoples.

RODOLFO STAVENHAGEN, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, said the recent adoption of the Declaration on the Rights of Indigenous Peoples provided development actors with a precise normative framework for the formulation, implementation and evaluation of public development policies. Noting that today's would be his final report to the Permanent Forum as Special Rapporteur, he said his final report to the sixth session of the Human Rights Council in Geneva had documented several cases of best practices where those principles had been effectively incorporated into projects and programmes. During his tenure, he said he had conducted official visits to Bolivia and Mexico in 2007, to examine specific situations of the violations of the rights of indigenous peoples and communities. During a visit to Norway and Finland, he followed up on the human rights situation of the Saami people.

He noted that the Human Rights Council had renewed the mandate of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples for an additional three years. The Council also established a new expert mechanism on the rights of indigenous peoples to coordinate the activities of the Rapporteur and the Permanent Forum, with a view to promoting the rights affirmed in the United Nations Declaration.

Taking the opportunity to share some general thoughts at the end of his tenure, Mr. Stavenhagen said the situation of the rights of indigenous peoples had improved greatly in numerous countries, with "signs of retreat" in other countries. In his thematic reports to the Human Rights Council, he had emphasized the impact of mega-development projects, including hydroelectric, mining and forest activities, on the lives of indigenous communities. Those activities did not always benefit affected communities, but tended to damage them. He had also studied the lack of access to justice experienced by indigenous peoples, with discrimination and lack of intercultural sensitivity against them being particularly rampant. Indigenous intercultural bilingual education continued to be plagued by multiple problems and obstacles.

He said he had made 11 official visits to different countries, some follow-up visits and numerous semi-official visits. The results of those visits were reflected in various country reports to the Council. Wherever there was available information, he gave special attention to the situation of human rights of indigenous women and children. But, the problem of the Special Rapporteur's recommendations continued to be the weakest point of all the special procedures, since neither the Council nor the United Nations had implementation mechanisms. As a result, he had presented a study on best practices in implementation (document A/HRC/4/32/Add.4).

He said that he had tried to promote constructive dialogue with Governments, indigenous peoples and other actors, in relation to allegations of violations and threats to the collective rights of indigenous peoples, as well as the individual rights of members of those communities. He had transmitted more than 200 communications to different Governments on topics such as rights to housing, health, food and the situation of human rights defenders.

He said his regular participation in the sessions of the Permanent Forum had allowed him to closely follow the debates regarding specific subjects and regions. He had also interacted with numerous indigenous delegations. In addition, he had cooperated on several occasions with other United Nations agencies, such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), International Labour Organization (ILO), World Health Organization (WHO) and members of the Inter-Agency Support Group of the Permanent Forum. But, special attention should be given at the level of the United Nations country teams in countries with indigenous populations. The

Permanent Forum could work with the Special Rapporteur in the future to strengthen the capacities of country teams.

He said the Declaration on the Rights of Indigenous Peoples provided a new normative and institutional framework with great possibilities for the promotion and protection of the rights of indigenous peoples. It paved the way for new opportunities of collaboration between the United Nations system, indigenous peoples, Member States and other actors. Hopefully, the next Special Rapporteur and the Permanent Forum would continue working together to ensure that the principles enshrined within the Declaration became a reality.

He ended by expressing satisfaction at the appointment by the Human Rights Council of the new mandate-holder on the situation of human rights and fundamental freedoms of indigenous peoples, Professor James Anaya, who would take over on 1 May. In addition to thanking the Governments with which he had worked, he expressed gratefulness to Julian Burger, head of the Minorities and Indigenous Peoples Unit in the Office of the High Commissioner for Human Rights in Geneva. He wished the Chair continuous success in her important work.

After a round of sustained applause, the Chair expressed her warm appreciation to Mr. Stavenhagen for his work on behalf of the Forum and indigenous peoples around the world.

JAMES ANAYA, incoming Special Rapporteur of the Human Rights Council on the human rights and fundamental freedoms of indigenous peoples, expressing gratitude for the work of Rodolfo Stavenhagen in his capacity as Special Rapporteur, said Dr. Stavenhagen had earned his place in the history of the human rights movement. While many aspects of Dr. Stavenhagen's work merited mention, one of his foremost achievements was his work towards the adoption of the Declaration. He expressed his deep honour at being nominated as the next Special Rapporteur. Indigenous peoples around the world continued to endure violations of their human rights and were still deprived of their lands and rights. Strides could be made to overcome the obstacles they faced, however, and he noted that the adoption of the Declaration had marked a new era in the history of their human rights and fundamental freedoms.

QIN XIAOMEI, Forum member from China, expressed appreciation for Dr. Stavenhagen's work as the Special Rapporteur and said the Forum looked forward to working with Mr. Anaya. The Forum should continue to collaborate with all stakeholders at the United Nations in such a way that overlapping work was avoided. She expressed hope that the Special Rapporteur would strengthen coordination and collaboration with the Forum and the Human Rights Council. The Forum could better integrate its own work through a regular review, she said. That review would be a good basis to study the implementation of the Declaration.

HASSAN ID BALKASSM, Forum member from Morocco, said that indigenous peoples still faced discrimination against their rights to development, their norms and laws by their countries' Governments and their rights to participate in the economic and legal structures around the world. They were often also deprived of participating in decision-making processes in their countries. A reconsideration of Government policies that had isolated indigenous peoples and deprived them of control over their natural resources was necessary. In many countries, even in those that enjoyed stability, the lack of consideration for indigenous peoples' rights meant that decisions were frequently made that were prejudiced against indigenous peoples' human rights. It was necessary to ask how, in the second decade for the rights of indigenous peoples, the decade's slogan could be translated into a practical framework that respected shared values and that sought a more humanitarian society, in which the indigenous peoples fully enjoyed their rights.

ALLAN TORBITT, Senior Adviser, Human Rights Conferences, Indian and Northern Affairs, Canada, said his country was committed to United Nations special procedures, such as that of the Special Rapporteur on indigenous peoples' rights. Canada had co-sponsored a resolution to extend the mandate of that special procedure, and had also co-sponsored the resolution establishing an expert mechanism on the topic. He congratulated Mr. Anaya on his appointment and said he looked forward to engaging in a constructive dialogue with him.

CARLOS MAMANI, a member of the Permanent Forum from Bolivia, thanked Mr. Stavenhagen for his visit to Bolivia. He then asked the new Special Rapporteur to provide a follow-up on the implementation of the Declaration, particularly in light of “internal conflicts” that had emerged between local power groups over the rights of indigenous peoples. Some power holders were “twisting” those rights, including the right to establish exclusive autonomy regimes for indigenous peoples. The rights of the Guarani people in Bolivia, for instance, were continuously violated. He asked Mr. Anaya to become familiar with their plight.

MARIA FERNANDA ESPINOSA (Ecuador) said her Government had been active in advocating the adoption of the United Nations Declaration on the Rights of Indigenous Peoples. As co-sponsor of the Declaration, it had worked with others to prevent too many changes from being made to the text, which had been developed with the participation of indigenous peoples, of whom a large number existed in Ecuador. However, Ecuador planned to support Guatemala’s proposal to incorporate new paragraphs in the text concerning women, migration and the right to food.

She said Ecuador had just delivered its periodic report on human rights, which had been prepared with the participation of various indigenous bodies. In implementing the Declaration, Ecuador had approved various laws, and its Constitution would be amended to acknowledge Ecuador as a “pluri-national” State. As for indigenous peoples living in voluntary isolation, she said the Government had proposed a law to protect its land from oil exploration. To improve the well-being of indigenous peoples, the Government was spending more than what was being allotted to its foreign debt service, including by channelling oil revenues to the cause. It had also increased the level of social investment directed at the indigenous population, including for education.

Ecuador had called on the Government of Colombia to halt the spraying of glycosphate, which was affecting people’s mental health, she said, adding that Ecuador had also encouraged the Colombian Government to provide reparations. In light of Colombia’s non-action, however, Ecuador was obliged to bring the issue up to the International Court of Justice.

ADEL G. M. ALAKHDER (Libya) said that his primary question had already been asked and to conserve time, he would not repeat it. He extended thanks for the work of the Special Rapporteur. Speaking directly to the indigenous peoples, he said it was enough to be on their way, to cover ground, just to build on what was before them. In that work, he wished them the best.

BARTOLOMÉ CLAVERO, Forum member from Spain, addressed words of encouragement to Mr. Anaya, who would need it given the magnitude of the task before him. The fact that the Declaration had already been adopted by the General Assembly and the commitment that it implied meant that his work would be weighty. Underscoring the Special Rapporteur’s crucial role in the existing mechanism to promote the rights of indigenous peoples, he said one area where that role would be indispensable was in the periodic review of States with indigenous populations. The Special Rapporteur would have to work to give the Declaration a priority status in the periodic review’s legal framework.

Dr. Stavenhagen’s performance showed that the Special Rapporteur could have an impact, not only through reports, but through semi-official country visits, he said. Associating himself with his colleague’s concerns about Latin American countries generally, and Ecuador and Bolivia in particular, he stressed that those countries were using mechanisms outside the Declaration, some of which worked against the Declaration’s goals. In fact, one of those countries had posted misleading information about the Forum online, he noted.

PAIMANEH HASTEHE, Forum member from Iran, said that she hoped that the rights of indigenous peoples, particularly the rights to education and land, could be addressed by Member States through the universal review. The Forum had received some questions from the floor on how local authorities and Member States addressed and investigated crime and violence in indigenous communities. She asked if the Special Rapporteur addressed that issue in country reports and, if not, if that could be done.

TONYA GONELLA FRICHER, Forum member from the United States, asked how the new Special Rapporteur envisioned his future work with the Human Rights Council. She also wanted to

know how the universal periodic review of the Human Rights Council could be used in promoting the rights of indigenous peoples.

CARSTEN SMITH, Forum member from Norway, asked Mr. Stavenhagen if he had any final advice regarding how the Forum could better organize its work to fulfil its function, especially if the Declaration was to be the basis for a “new normative framework” on indigenous issues.

Responding, Mr. Stavenhagen said the universal periodic review mechanism of the Human Rights Council provided an opportunity to examine the rights of indigenous peoples, with the Declaration and other international rights instruments providing the legal framework. The Special Rapporteur, expert mechanism of the Human Rights Council and the Permanent Forum could act jointly to hold dialogues with Governments and organizations working on indigenous rights matters, so that that issue would enjoy a permanent presence at all instances of universal periodic review.

The Forum, and not the Human Rights Council, was a unique coordinating mechanism for dialogue between United Nations and indigenous peoples, he said. As Special Rapporteur, he had noticed that, although coordination took place in New York or at the level of technical heads, that coordination did not always take place at the regional level. Having visited numerous countries and held de-briefings with country teams, he found it surprising that, in countries with indigenous communities, national agencies had been cooperating among themselves. He wished to see the Office of the Human Rights Commissioner enhancing the united front that had developed in past years on the question of indigenous rights, particularly the unity among indigenous peoples themselves. An official recommendation from the Forum to that effect would lend much weight.

As for the question on ways to improve the Forum’s inner workings, he said the newly adopted Declaration did not mean automatic improvement in the rights of indigenous peoples. That instrument would be open to a multitude of interpretations. Already, there were contradictory interpretations of its provisions. Bolivia, for instance, had incorporated it into its national Constitution wholesale, turning the Declaration into a piece of national law. Others did not consider themselves bound to the Declaration for various reasons. The Declaration should be turned into a “living mechanism” to serve the well-being of the indigenous peoples. The Forum had an immense role to play in that respect.

JAMES ANAYA said many of the questions being asked addressed the “implementation gap” between the Declaration and the rights and lives of indigenous peoples on the ground. It was one thing to have the tremendous achievement of the Declaration, but that achievement would matter little if the real-life situation of indigenous peoples did not change. Nonetheless, the Declaration was the primary instrument for promoting the rights and freedoms of indigenous peoples, and as such, it was a guide for the United Nations and its affiliated agencies, as well as for Member States.

While noting that some States had abstained in the vote or voted against adoption, he said, however, that those States still supported the Declaration’s ideals. Not one State had opposed those ideals or its core principles in their statements to the General Assembly, and that was important to keep in mind.

Although the Declaration rested on important human rights principles and mechanisms, starting with the United Nations Declaration on Human Rights, he recognized that concerns remained about certain parts of the Declaration. Those concerns should first be addressed within the examination of real, context-specific issues. For example, concerns about how the right to informed consent should be applied were best addressed in real situations, such as the challenges of logging faced by indigenous peoples in Suriname. Because of the overlap between the Declaration and other international instruments, the Declaration’s provisions should be examined in relation to other human rights treaties.

Noting that other questions focused on coordination challenges, he urged the Forum to consider how coordination had been addressed in other areas of the United Nations system. The fundamental question the Forum should ask was what it could add. He suggested that one place to start was with the periodic review mechanism, through which the Forum could engage in a dialogue on indigenous rights. Continued dialogue could lead to creative strategies about how to practically

implement the Declaration on the ground and to confront the enormous problems seen in individual States. Finally, he stressed that education was not only necessary for Government representatives, but for entire populations as well.

Statements

SIRAMIN BOEGKIN of the Pacific Caucus called for immediate efforts by all Pacific States to implement the Declaration, with particular emphasis on the exercise of the right to self-determination. He welcomed Australia's decision to support the Declaration, but expressed a lack of confidence in Canada, which was failing in its responsibilities as a member of the Human Rights Council to represent the interest of indigenous peoples in the Pacific region. He called on Member States to contribute financial support to indigenous peoples. The General Assembly should adopt a detailed resolution supporting the Declaration and providing guidelines for its implementation. He invited the Special Rapporteur to visit the Pacific region. He called on the Government of New Zealand to support the Declaration and urged the European Union to nominate to the Human Rights Council only those countries that supported the Declaration. He also called on France to provide financial assistance for the integration of the French language and Francophones into the indigenous peoples meetings of the Pacific region.

PHEAP SOCHEA, speaking on behalf of the Asian Indigenous Peoples Caucus, welcomed the Declaration's adoption and the Bolivian Government's enactment of it in its national law. He also welcomed the establishment of the expert mechanism on the rights of indigenous peoples. However, he expressed concern about the use of the term "indigenous peoples" in a way that had a discriminatory connotation in one of the United Nations official languages.

He said that the Forum should view the non-recognition, and even partial recognition, of the rights of indigenous peoples by Governments, as connoting racial discrimination -- such as what was happening in Nepal. Indeed, non-recognition of the rights of indigenous peoples to land and resources was a major issue in Asia. He encouraged Governments to take necessary action as the Bolivian Government had done, and to take steps to screen and amend existing laws in conformity with the Declaration. Noting that the Forum was aimed at the advancement of the rights of indigenous peoples, he asked that the participation of indigenous peoples should not be impeded by questions of nationality.

MATTIAS ARWEN, a representative of the Arctic Caucus, noted that a paramount right enshrined in the Declaration was that of self-determination. The Declaration's affirmation of developments within international law implying that non-State forming peoples enjoyed the right to self-determination constituted a fundamental achievement in indigenous peoples' struggle for the recognition of their rights. There was little experience with operationalizing the right to self-determination when two or more peoples shared the same State, or when a people's territory stretched over more than one State, such as with the Inuit and Saami. Yet, finding workable mechanisms and other solutions that respected indigenous peoples' right to self-determination was an absolute prerequisite for the Declaration's effective implementation.

He recommended issues of self-determination as the theme for next year's Permanent Forum and the focus of its annual expert meeting. He went on to direct questions to specific countries, asking the Canadian Government whether it would change its position on the Declaration, and Denmark's Government to provide an update on the work of the Greenland Judicial Commission and the Joint Commission on Self-Governance. He asked Finland's Government about the deforestation of Saami grazing land and its role in allowing that to happen, and whether it would change its policy on reindeer husbandry, which should be viewed as the sole right of the Saami people. Norway's Government was asked whether Saami people living in their borders would share the profits from oil, gas and mineral extraction, and specifically whether the Norwegian Government would enter into an agreement with the Saami Parliament with regard to the budget process.

Turning to the Russian Federation, he asked whether laws would be created to safeguard the rights of the Inuit, Saami and other indigenous peoples in the face of industrial projects. He asked Sweden whether the deletion of references to the International Labour Organization's Convention 169 in its most recent human rights report meant it no longer intended to ratify it. The countries of Norway, Finland and Sweden were asked whether they would ratify the Nordic Saami

Convention, while the United States was asked whether it would implement the Indigenous Peoples' Rights Declaration, as the United Nations Committee on Racial Discrimination had just called on it to do.

Speaking in exercise of the right of reply, the representative of Colombia said that his country was committed to the struggle against drugs. Drugs had contributed to crime, environmental degradation and violence and terrorism over a number of years and Colombia was seeking to eradicate those crops and curb the violence. As the representative of Ecuador had mentioned, aerial spraying was among its strategies for doing so.

Turning to questions about the forthcoming report by the Special Rapporteur on the health effects of such spraying, which was expected to be published in May, he said his Government had presented reservations about that report in preliminary consultations. Once the report was made final, his country would consider its public response.

Meanwhile, he said that the spraying had been suspended unilaterally and in goodwill. In fact, spraying had been suspended for a long time and had only been re-launched because of an immense increase in the illegal growing of those crops. Yet there had been no further aerial spraying since early 2007 and crops were instead being manually eradicated. Colombia was committed to the manual eradication of those narcotics crops.

Special Rapporteur IDA NICOLAISEN presented her report on the structures, procedures and mechanisms that currently existed, or that might be established, to effectively address the human rights situation of indigenous peoples. The study had been conducted with Special Rapporteur Wilton Littlechild.

She recalled that the Permanent Forum had six mandated areas in relation to indigenous peoples: economic and social development; environment; health; education; culture; and human rights. In addition, the Forum responded to reports of violations of the rights of indigenous peoples brought forward at its sessions. Working on the basis of information provided by indigenous peoples, United Nations agencies and States, it had developed recommendations on human rights problems of indigenous peoples.

The study had been divided into five sections, including one on initiatives taken by the General Assembly and United Nations funds relating to indigenous peoples, she explained. It also outlined the work of the Permanent Forum to date. Another section tackled the future work of the Forum with respect to the impact of the adoption of the Declaration on the work of the Forum, and how the United Nations Human Rights Council would interact with the Forum.

She said she foresaw the Forum working to motivate States to comply with the standards contained in the Declaration. The Forum had already proven its ability to galvanize States to act in ways that were solution-oriented. She now called on the Forum to establish a step-by-step strategy to provide itself with the capacity to act effectively towards turning the Declaration into reality. She proposed the establishment of a United Nations Permanent Forum "chamber".

Mr. LITTLECHILD, Special Rapporteur and former member of the Permanent Forum, said it had been an honour to present this report. It had also been an honour to co-chair a session in Geneva on the United Nations expert mechanism. Through that mechanism, the rights and freedoms of indigenous peoples could be safeguarded and advanced.

KIRSTI GUVSAM, speaking on behalf of the Youth Caucus, saluted the States that had adopted the Declaration and encouraged those that had not to do so. On the whole, indigenous youth faced difficulties speaking their own languages, a long list of environmental and health violations, an inability to identify and be recognized as peoples and State-sanctioned repression, racism and educational and institutional oppression. Indigenous youth were particularly vulnerable to those human rights violations, which contributed to internalized self-hatred among those youth and resulted in high numbers of suicide, alcoholism and drug abuse.

Comprising more than 50 per cent of the world's indigenous population, indigenous youth were precious commodities, she said. Despite that, indigenous youths' voices, concerns and distinct experiences were often rendered invisible and underrepresented. Indigenous youth activists were labelled terrorists and insurgents. "We are not terrorists," she said, adding that her fellow youth were guided by elders and teachers, and carried the sacred responsibility to maintain their culture and defend the Earth. Unfortunately, indigenous youth were dying before their time.

Stressing the right to safety, security, culture and dignity, she said that the rights under the Declaration were not being made available to indigenous youth. Their rights were constantly compromised in the name of national progress, development and natural resources extraction. She called on States to implement articles 7 and 8 of the Declaration and on the United Nations to encourage States to educate their indigenous youth and general populations on the Declaration. She also urged States to recognize and incorporate indigenous youths' voices into human rights discourse. Indigenous youth issues were not only community issues, but also national issues, and as such, they should be addressed in tandem.

A representative of the Office of the High Commissioner for Human Rights recalled recent institutional developments in Geneva that were important to indigenous peoples. The Human Rights Council had created a Special Rapporteur on indigenous peoples, initiated its first human rights reviews of countries under the universal periodic review process, and created subsidiary advisory bodies, such as the expert mechanism on the rights of indigenous peoples.

She noted that, with the new process of reviewing countries' human rights, non-governmental organizations had the possibility of providing information that could be considered part of the review procedure. But very few indigenous peoples were using the new mechanism. They were encouraged to contribute to that process, and to reflect on the best ways to use the Human Rights Council's "expert mechanism", which would hold its first session in Geneva from 1 to 3 October. In addition, she pointed to the Committee on the Rights of the Child as a place where the Forum and indigenous participants could become engaged, especially as it took up its general comment on indigenous children at its June session. Likewise, the Durban Review Conference would hold its next preparatory session from 6 to 24 October, at which indigenous peoples were invited to play an active role.

As for the Office of the High Commissioner for Human Rights, she said it would continue to cooperate with various United Nations specialized agencies on furthering understanding of indigenous peoples in urban areas, and to elaborate policy guidance on voluntarily isolated indigenous peoples as follow-up to the expert meeting in Bolivia in 2006. It was also holding seminars on the extractive industries in the Russian Federation. In recognition of the challenges facing indigenous peoples in Africa, the Office was establishing a focal point on indigenous peoples in its regional office in Yaounde. The Office viewed itself as having a particular responsibility for the promotion of the Declaration and was committed to promoting it through its country programmes.

Mr. ALAKHDER ([Libya](#)), noting that his country had supported adoption of the Declaration, stressed that its support of indigenous peoples around the world was "crystal clear". The efforts of indigenous youth to speak out for their rights created optimism for the future of indigenous rights. Still, youth sometimes lacked wisdom and experience, and the Youth Caucus's criticism that Libya deprived its indigenous youth of using their indigenous language was unfounded. He urged indigenous youth to fight the common challenges faced by all humanity. Human rights discussions should include discussions of the right to food and the rights of the child before any talk of the right to education. Starving children could not learn. The Forum was not the right place to criticize each other, and he hoped that indigenous youth would not be misled by hidden agendas imposed on the United Nations by certain Member States. He wished indigenous youth luck in speaking out for their rights.

MICHAEL PAUL HILL, a Chiricahua Apache, speaking on behalf of the [Lipan Apache Women Defence](#), spoke against the fencing being built by the United States along the Mexican border. He urged the Forum to support the peaceful resistance efforts of the Lipan Apache Women land and culture defence and the Southern Athapaskan Alliance against the increasing assaults by the United States and Mexico on their lands, culture, livelihoods,

ceremonies and traditional sustenance. Of the 2,000-mile-long militarized conflict zone, over 1,400 miles of the United States-Mexico border was the traditional territory of the Apache people.

He said there were currently 18,000 United States soldiers occupying its border communities, with a build-up of up to 75,000 by 2010, and an estimated 8,000 to 10,000 Mexican soldiers currently deployed in border towns, positioned to crack down on indigenous protests against the construction of a Berlin-style wall dissecting several indigenous communities along the border. Indigenous women were particularly targeted by violence. The border wall would impede the travel of Apache people across the militarized zone. To allow for its construction, the United States had recently waived over 35 laws that used to provide some measure of protection to indigenous people's rights.

LLYOD BUSHEY (Nicaragua) said the new Government was fully complying with the decision to resolve the conflict between indigenous groups in Nicaragua with certain industries over the use of land. The Inter-American Court had ruled in favour of the indigenous communities and work was being done to deliver the land deeds to those communities. The Inter-American Court had also ruled in favour of the indigenous Yatama party, resulting in Nicaragua's election law being amended to promote the participation of indigenous peoples. The new Government was working with other branches to ensure compliance.

HASSAN ID BALKASSM, Forum member from Morocco, said he was encouraged by the participation of African voices, as they were often absent from the Forum's debate, and he thanked the Libyan Government's efforts to adopt the Declaration. The adoption did, of course, require Libya to take steps towards implementing the Declaration. Stressing the existence of indigenous languages and peoples in Libya, he said those steps included, among other things, protecting indigenous languages. There had been a prohibition on giving children indigenous names in Libya in the past, although that was changing. While noting that Libya's President had been particularly vocal in supporting the Declaration, he asked what had happened to the moral and political commitments required by the Declaration. North Africa's indigenous languages were being recognized in Algeria and Morocco, but that did not seem to be the case in Libya. He asked what Libya's strategy was for allowing the teaching and protection of that language.

The representative of Cuba said her delegation welcomed the study conducted by Mr. Littlechild and Ms. Nicolaesen. The Forum had a significant role to play in implementing and executing the Declaration and enforcing the laws and regulations that were provided for in the document. To that end, she asked how the Declaration could be channelled into the periodic review mechanism of the Human Rights Council. She further asked if the Member States who had proposed themselves as candidates had also expressed support for the rights of indigenous peoples.

STEPHEN ROSS, Murray Lower Darling Rivers Indigenous Nations, voiced concern over the gap between norms and practice in relation to indigenous rights, or the "implementation gap". The principles contained in the Declaration on the Rights of Indigenous Peoples expanded on the rights already contained in other rights documents, such as International Labour Organization Convention 169, which had been adopted long before the Declaration itself. Meanwhile, the Special Rapporteur had affirmed the wisdom of human-rights-based development, and recommended in his report that policies governing the development of indigenous peoples should originate within the communities themselves. In Australia, Government interventions in the Northern Territories should take account of that recommendation. He expressed a wish that the Government of Australia offer an open invitation to the Special Rapporteur to help develop the vision and strategy of Australia's indigenous peoples.

WILTON LITTLECHILD, a member of the Forum, responded to a statement by the delegate of Cuba, saying that consideration of indigenous peoples' rights had been elevated to new heights with the creation of the Permanent Forum, which reports to the Economic and Social Council, and establishment of the new expert mechanism under the Human Rights Council. Indigenous issues, especially human rights issues, must be dealt with "on the ground". Newly created rights mechanisms could use the United Nations Declaration on the Rights of Indigenous Peoples as its terms of reference.

He noted that the criteria governing the universal periodic review did not include a specific reference to indigenous peoples. Unless it was included as an agenda item, indigenous rights would not be dealt with adequately in that process. He expressed the belief that the United Nations expert mechanism would be of great value to the Human Rights Council for its ability to convene all parties to a dialogue, whether governmental or non-governmental, indigenous or non-indigenous.

MARIA XIMENA FIGUEROA, speaking on behalf of ONIC, CECOIN, Fuerza de Mujeres Wayuu and OPIAC, said the situation of the human rights of indigenous peoples in Colombia had deteriorated. Several members of Congress were under investigation for alleged ties to paramilitary groups, which were responsible for the murder, torture, confinement, forced displacement and rape of indigenous peoples. They were using landmines on indigenous territories, violating their sacred territories, and subjecting indigenous lands to militarization by illegal armed groups and State armed forces.

She expressed concern at the criminalization of indigenous peoples, who were working hard to protect their lands. There was insufficient interaction between the Government and indigenous communities. The Government's report on the state of indigenous peoples listed several laws approved many years ago. However, that did not necessarily indicate progress on indigenous issues. Some laws had been overthrown since then, and other regulations had been declared illegal by the constitutional court. She asked the Forum to urge countries not to criminalize the struggle of indigenous peoples. She also confirmed that aerial spraying was being conducted in indigenous territories.

Noting that she had participated in the struggle of indigenous peoples and women for many years, HILARIA SUPU HUAMAN, of the Indigenous Parliament of Peru, denounced the multinational companies that polluted and killed the lands of Peru's indigenous peoples. In Peru, oil and gas companies had gone into the forest to pollute the waters. They had also persecuted local leaders, accusing them of being terrorists. But indigenous peoples were not terrorists. Rather, they were driven to defend the lands where they and their ancestors had lived for thousands of years. Further, their actions were for all peoples and they were fighting to prevent the pollution of their lands, air and waters. In Peru, indigenous women had for years been sterilized in the name of economic development, and today those women were poorer and worse off than they had ever been. Thus, she had come to speak on behalf of those who were not consulted in the decision-making processes of their Governments. As a parliamentarian, she also asked for the United States and Canada to become a party to the Declaration.

JEAN-DANIEL VIGNY (Switzerland) said that article 42 of the Declaration meant that three United Nations bodies were particularly responsible for implementing and promoting respect for the Declaration. The Permanent Forum should have as its principle objective the promotion of the Declaration throughout the United Nations system. As the report presented by Mr. Littlechild and Ms. Nicolaesen recommended, the Forum should also integrate the Declaration in the specially-themed activities it undertook. It could also foster a creative dialogue to achieve concrete results on the ground. He noted that the Special Rapporteur also had a particularly important role to play in the Declaration. Reports to the Human Rights Council should be submitted by the Permanent Forum and the Special Rapporteur in close coordination.

BARTOLOMÉ CLAVERO, Forum member from Spain, took the floor to comment on Colombia and Nicaragua. Colombia's recent policies did not comply with their commitment under the Declaration and, in fact, appeared to go against the assurances of the rights of the indigenous peoples and the rights of Colombia's peoples. He said he underscored that case because Colombia was proceeding along a negative line.

Turning to Nicaragua, he welcomed the statement by Nicaragua's representative that the Nicaraguan Government was attempting to comply with intergovernmental rulings. But, he said, it would seem that the Government was blaming the indigenous communities above all, since it was waiting to implement the decisions of the Inter-American Court of Human Rights only after the problems of the indigenous communities were overcome. The Government did not seem intent on using the laws available to resolve the problems faced by the indigenous communities. He urged

Nicaragua's representative to set out a timeline for implementing the Court's decision that complied with the Declaration.

Mr. LITTLECHILD, a member of the Forum, who was also Regional Chief of the Assembly of First Nations, took the floor to deliver a joint statement on behalf of Assembly of First Nations of Canada, the International Indian Treaty Council, the Assembly of First Nations Quebec and Labrador, First Nations Summit of British Columbia and the Métis National Council.

He voiced appreciation for Mr. Stavenhagen's work and welcomed the new Rapporteur, Mr. Ayana. He asked that the Special Rapporteur fully integrate the Declaration on indigenous issues in his mandate, and that Canada immediately review its conduct in relation to the adoption of that Declaration. Canada's failure to uphold the highest standards in promoting and protecting human rights should be reviewed by the Council in accordance with its procedures. He asked that Canada endorse and implement the standards of the United Nations Declaration as adopted by Parliament on 8 April 2008, and that it consult with indigenous peoples in Canada in a manner that fully respected its treaty and constitutional obligations. He asked that Canada ensure that the rights of all First Nations and Métis citizens were respected by addressing fundamental fiscal inequities in education, housing, health care and other social conditions that were the source of poverty faced by First Nations and hindered their achievement of the Millennium Development Goals.

He noted that 29 May had been designated by First Nation leaders across the country as the second National Day of Action, on which all First Nations and other indigenous groups were called on to present a unified front to the Government of Canada in asking it to address the "shameful poverty" facing them. He then presented the outgoing Special Rapporteur with a traditional thank you gift and extended an invitation to the incoming Rapporteur to visit their region.

MARIANNE THOMSEN, Greenland Home Rule Government, responded to a series of questions posed by a member of the Arctic Caucus. She said both Commissions referred to by the speaker had completed their work regarding self-determination provisions contained in the Declaration on indigenous rights. Based on those recommendations, the Danish and Greenland Home Rule Governments were seeking to renew the criminal court of Greenland based on Greenland's customary law. It would enact a new civil procedure, which was expected to enter into force in 2010. It would upgrade the judicial system, with the aim of transferring future responsibility for the incarceration of inmates currently serving their sentences in Denmark, to Greenland.

On the agreement to extend self-government to Greenland, she said a document had been signed by Denmark and the premier of Greenland to that effect, and a referendum would be held on the subject on 25 November. The premier's office on self-governance was expected to carry out an information campaign.

MARIAN SANCHEZ, speaking for the Caucus Pueblos Indigenas de Abya Yala, said the Declaration was a minimum standard of coexistence. She stressed that mega-projects built against the will of indigenous populations created environmental degradation and she called for a suspension of such large-scale projects. She recommended that the Special Rapporteur make a visit to investigate the territories being affected in her country. She also called for the Forum to promote the participation of the indigenous peoples in all United Nations discussions. The Forum should ask its Special Rapporteur to address the situation of the people in the Amazon. Further, the Forum should suggest that the relevant financial agencies and development bodies suspend projects that destroyed the lands of indigenous peoples and current infringements by those groups should be investigated.

SAMUEL CARPINTERO, speaking on behalf of CEDHUNG, a lawyers association in Panama, said Panama had given a number of concessions to the North American conglomerate AES that, while supposedly intended to be development projects, had instead resulted in the environmental degradation of cultural and historical sites. Dams built by AES were not examples of clean development and the concessions had been awarded without the consent of the local communities. The energy produced was only for export to North America and did not actually

benefit the economic development of the local community. They were, in sum, an act of violence against the indigenous peoples there. Given the seriousness of those violations, he made a request on behalf of the local communities for a visit by the Special Rapporteur. He also urged the Panamanian Government to consult the indigenous peoples affected by those projects.

CHARLOTTA SCHLYTER (Sweden), responding to questions from the Arctic Indigenous Caucus, said the Government had not ratified International Labour Convention 169 because Swedish law did not concur with its provisions on land rights. As for why ratification of the Nordic Saami Convention had been deferred, she explained that work was ongoing on a draft. Last fall, the presidents of the three summit parliaments had agreed that once all parties had completed their analyses of related legal implications, they would create a ratification road map.

ANA MARIA GAUCHO, speaking on behalf of the Ecuador Caucus, asked States to suspend all land concession for natural resource exploration if it was done without prior, free and informed consent. She asked that consultations be conducted in indigenous languages. Before-and-after impact studies on the political, socioeconomic and cultural effects of “megaprojects” should be conducted. Indigenous peoples’ integral biodiversity should be protected in accordance with ancestral principles.

She asked that Governments and international bodies assign specific and adequate budgets for the design and implementation of culturally appropriate health and education programmes. Intercultural and bilingual education should be strengthened by means of immersion programmes with relevant curriculum and materials, to be taught by indigenous teachers. The Forum should advise States receiving displaced indigenous peoples to respect their worldview and to refrain from forcing them to assimilate the ways of the dominant culture. The Permanent Forum should recommend that the Colombian Government stop fumigating the area at the border.

SVEIN MICHELSEN (Norway) said he wanted to add to the comments made by the representative of Sweden in response to the questions posed by the representative of the Arctic Caucus. Because the proposed text of the Nordic Saami Convention was a negotiating text, it was premature to discuss the ratification of that document.

SANDRO CRUZ, Indigenous Peoples of Brazil, speaking on behalf of 13 indigenous leaders in the area, said there were several cases of human rights violations in Brazil, especially regarding land use. Other problems facing indigenous groups were the poor state of health services, the murder of indigenous leaders, and others. He asked that the Special Rapporteur consider a visit to Brazil. He wanted to strengthen dialogue between indigenous communities and the State, with the Rapporteur’s assistance. Brazilian authorities had announced plans to accelerate the growth of industries on indigenous lands, which were sure to bring negative repercussions.

SATO SISTONEN (Finland), responding to questions from the Arctic Caucus, said the Government saw the adoption of the Declaration on indigenous rights as a step forward in ensuring full and effective participation on the part of indigenous peoples in public life. It provided a framework for cooperation between the State and indigenous peoples, and was a standard-setting, political document.

Concerning forestry in reindeer herding areas, he noted that all actions by public authorities had been carried out within the bounds of domestic law and with the approval of the reindeer herders association. Individual complaints by the Saami to the Human Rights Council had led to a Government review, which revealed no violation of Saami rights. As for the Saami claim to the sole right to reindeer herding, he said the Government believed in equal treatment of individuals, so no such limits would be placed. The Finnish Government planned to develop a convention on the status and development of the rights of the Saami; at the latest, a complete background study would be completed by mid year.

TOMAS HUANACU, speaking on behalf of the peoples of eastern Bolivia, said that Bolivia’s indigenous communities had benefited after the ratification of the Declaration on the Rights of Indigenous Peoples and under the leadership of Bolivia’s President, Evo Morales. Stressing that the conversation under way was actually a philosophical debate in which the thought patterns of Western

Europe should be compared with the thought processes of indigenous populations to determine which promoted environmental protection and economic development. He suggested that the ideas should be openly debated in the Forum. Education should also be debated and those pedagogical theories that prized competition at the expense of the Earth -- and were currently at the heart of educational institutions and approaches -- should be discussed. The Forum should further issue statement in support of indigenous approaches to education.

Responding to the questions posed by the Arctic Caucus, BORIS V. CHERNENKO (Russian Federation) said his country had set up a forum for the protection of indigenous peoples. Work was under way to prepare normative documents to establish lands for the indigenous peoples, and a method to define those peoples' living habits had also been developed. In 2007, the Russian Federation had held a round table with international mining companies and indigenous peoples to discuss how mining could proceed without harming the human rights of indigenous peoples. A similar seminar had been held regarding environmental protection. The Russian Federation had established a budget, as well as alliances between groups in order to share knowledge on how to coordinate mining activities in ways that respected the rights of indigenous peoples.

DAMIAN CONDORI HERRERA, delivering a joint statement on behalf of several indigenous groups from Bolivia, outlined several grievances on the part of those groups. First, he drew attention to killings taking place among indigenous peoples, and "exile rights" given to the perpetrators by the United States Government. Next, he said small groups of landowners had taken over a million hectares of land and had made it difficult to negotiate a return of those lands to rightful owners, who were mostly indigenous peoples. Indigenous peoples were being subjected to slavery. In Bolivia, they were subjected to racism by "conservative families of the right", who happened to be "neo-liberal capitalists". He suggested that the Forum take a stand against those violations of human rights, as stipulated by the Declaration and similar international rights agreements.

CHANDA PUN, speaking on behalf of the Nepal Federation of Indigenous Nationalities, said Nepal was undergoing a democratization process. A new constitution was being developed by a 600-member constituent assembly. Political parties and Government ministries had been asked to designate indigenous representatives to that assembly. Unfortunately, that selection process did not allow for direct representation. The present election process had resulted in misrepresentation of indigenous peoples within the Nepalese Government, due to the dominance of non-indigenous political parties.

She said Nepalese indigenous peoples had lost power over their "nations" at different periods of Nepal's history, excluding them from a nation-building process that was racially discriminatory and dominated by the Hindu high caste. To ensure direct representation of indigenous peoples in Nepal, she asked that the Forum urge the Nepalese Government to meet international standards on human rights, in line with its international rights commitments.

JOAN CARLING, of the International Work Group on Indigenous Affairs, said the universal periodic review should be at the heart of the Permanent Forum's discussion. While the first session of the universal periodic review had recently been held, there had hardly been a full discussion of the rights of indigenous peoples. Noting that some States continued to deny the rights of their indigenous peoples, she urged the Forum to recommend to the Human Rights Council that the situation of indigenous peoples be incorporated in the scope and benchmarks of the universal periodic review. Not only should individual State reports address the concerns of their indigenous populations, but indigenous peoples should regularly be consulted during each review to ensure the independence of troika members and to improve information gathering. She also called on the Permanent Forum and the Office of the United Nations High Commissioner for Human Rights (OHCHR) to engage in the universal periodic review process.

BEVERLEY JACOBS, speaking on behalf of the Native Women's Association of Canada and a number of other groups, said indigenous women continued to be disproportionately discriminated against, because they were women, were often poor and rarely had sufficient access to fair judicial processes. Perhaps more alarming was the sexual discrimination against them that resulted from growing instances of human trafficking. While Governments had not paid enough attention to that issue, they were particularly neglectful of its

effects on indigenous women within their populations. She recommended that the Permanent Forum call on all relevant United Nations agencies to pay particular attention to the rights of indigenous women. She also called on States, civil society groups and international organizations to support indigenous women who suffered from human rights violations. She also urged Member States to implement the Secretary-General's recent call for increased participation of indigenous women in all United Nations discussions.

PAUL GIBBARD ([Canada](#)) said his country recognized that the situation of indigenous peoples around the world warranted significant action. It had not, however, supported the adoption of the Declaration on the Rights of Indigenous Peoples and its position on the matter remained unchanged. Saying that Canada had publicly noted several concerns during the General Assembly debate on the Declaration, he underscored the fact that many of those concerns had been shared by a number of countries that had ultimately voted for the Declaration's adoption. Addressing remarks made about Canada's position on the draft American Declaration on the Rights of Indigenous Peoples, he said his Government had already noted that it did not intend to stand in the way of those who sought to move forward with that Declaration.

CELESTE MCKAY, [Indigenous Americas Caucus](#), said a majority of States in North, South and Central America and the Caribbean supported the use of the United Nations Declaration on indigenous rights as a baseline for negotiations on a regional declaration, called the American Declaration. The Caucus had affirmed the principle that regional rights standards could not fall below international standards. Paradoxically, the United States and Canada had voted against the United Nations Declaration and continued to hold the position that that document did not apply to them.

Since then, she said, the Committee on the Elimination of Racial Discrimination had released recommendations in response to the United States periodic report last year, saying the Declaration on indigenous rights should be used to guide standards. In Canada, the House of Commons had endorsed the United Nations Declaration, yet the Government of Canada had replied that it could not use the text as a starting point. Such a stand amounted to a pre-emptive veto on the consensus that the Indigenous Americas Caucus was trying to build with a great majority of States.

A representative of [Nicaragua](#) said that, as part of the Mesquite community and a Member of Parliament, he could assure the Forum that the current Government was making an effort to comply with the decision of the Inter-American Court of Human Rights. It was looking into ways to ensure that the protection of the property rights of one community did not violate that of neighbouring communities. To comply with the decision relating to the demarcation of indigenous lands, he said the relevant governmental department was working together with indigenous leaders. He would be pleased to supply the Forum with a timetable. All actors were dedicated to successful completion of the demarcation process by the end of June.

In a concluding statement, Ms. NICOLAESSEN said today's intervention showed the need for all countries to adopt the Declaration. It also suggested that, when they worked closely together, the Human Rights Council, the Forum and the Special Rapporteur could move towards better implementation of the Declaration. It was clear, however, that the key players in the effort were the individual States and their indigenous peoples, as the Declaration had to be integrated into the country-specific legal and cultural systems. She had been struck by the Greenland Home Rule Government's observation that the Declaration had provided guidance to different ministries on how to protect and promote the rights of Greenland's indigenous peoples.

* * * * *

For information media • not an official record