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RIGHTS VIOLATIONS OF INDIGENOUS PEOPLES 'DEEP, SYSTEMIC AND WIDESPREAD'

SPECIAL RAPPOORTEUR TELLS UNITED NATIONS PERMANENT FORUM

Also Briefed by Chair of Human Rights Council's Expert Mechanism: Afternoon Session Devoted to Discussion of Indigenous Peoples in North America

"The violations of indigenous peoples are deep, systemic and widespread," United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, James Anaya, told the Permanent Forum on Indigenous Issues today, as he briefed delegates on the second year of his mandate.

During a half-day dialogue with representatives of Governments and indigenous caucuses alike, Mr. Anaya said he had been struck with fear to hear one speaker describe the Declaration on the Rights of Indigenous Peoples -- whose 2007 adoption by the General Assembly was a milestone event -- as a "potentially empty instrument" amid continued setbacks in education, health care and justice. To ensure that appropriate institutions were in place was not an easy task; it would take cooperation over many years. Acknowledging State efforts to implement the Declaration, he urged concerted action to tackle deep-seated problems.

On the issue of development, he described the irony of conservation programmes that, on the one hand, worked to secure the natural environment and, on the other, ignored indigenous peoples' rights. He continued to receive urgent information about indigenous peoples being forcibly removed from their lands in the name of conservation.

In opening remarks, Mr. Anaya voiced concern at "mega-projects" that aimed at developing the State as a whole, but actually had negative impacts on indigenous peoples. There was no adequate way for indigenous people to participate in their design or implementation. Moreover, to reduce indigenous peoples' social and economic disadvantages, efforts must include those to advance their self-determination. "Self-determination in the development process is a matter of basic human dignity," he stressed.

Also briefing the Forum, Jenn Lassimbang, Chairperson of the Expert Mechanism on the Rights of Indigenous Peoples, said the expert body she chaired used the Declaration as a framework for its work. The status of its implementation was a yearly agenda item. The Expert Mechanism was composed of five experts, and had been established in 2007 to assist the Geneva-based United Nations Human Rights Council in providing thematic expertise on indigenous rights. The Expert Mechanism, the Permanent Forum and the Special Rapporteur coordinated their work and actively participated in their respective annual sessions.

At the same time, "for the Expert Mechanism to become an effective vehicle and process for the advancement of indigenous peoples' rights, it is crucial that Member States, indigenous peoples and other stakeholders actively engage in its work," she stressed.

Bolstering that point, she said the body was completing its two-year study on "Indigenous peoples and the right to participate in decision-making". Experts were also continuing to encourage the establishment of national and regional human rights mechanisms.

Punctuating the need for such avenues, a speaker from the African Caucus, among

several indigenous groups that urged continued human rights abuses be firmly redressed, recommended that a special rapporteur be appointed to monitor the situation of indigenous peoples on the African continent. If approved, that mechanism should be immediately dispatched to areas where indigenous populations were under pressure. He further recommended the establishment of an international legal centre or similar mechanism to serve as a permanent link with treaty bodies to ensure the protection of indigenous women and children.

The day also featured a panel discussion on North America, focused on identifying challenges and cooperative measures to improve the situation of indigenous peoples in the region. On the panel were Fred Caron, Assistant Deputy Minister of Indian and Northern Affairs of Canada; Kimberly Teehee, Senior Policy Adviser for Native American Affairs of the United States; Tonya Gonnella-Frichner, Permanent Forum member for North America; National Chief Shawn A-in-chut Atleo of the North American Caucus; and Chief Oren Lyons, also of the North American Caucus.

While calling today's dialogue with the United States and Canada "amazingly different" from past discussions, Chief Oren Lyons said that land, and its jurisdiction thereon, had been, and always would be, the crux of the matter. Many First Nations had not succumbed to dominate cultures and continued their fight to preserve lands and languages. But with the adoption of the Declaration, "we finally became 'peoples'", he said.

In his presentation, Mr. Caron said Canada placed a premium on working with aboriginal partners in ways that respected aboriginal and non-aboriginal Canadians. However, he acknowledged gaps in health and well-being outcomes, and in employment, with the median income of aboriginal people 33 per cent lower than that of average Canadians. Economic development, education and self-governance were key themes in Canada's agenda, intended to result in healthy and prosperous aboriginal communities.

Picking up on that point, Eric Robinson, a Minister in the Canadian Province of Manitoba, said the grim legacy of colonialism had been etched in the faces of tribal leaders. Indigenous peoples were dying younger of preventable disease, were less educated and more likely to be incarcerated than their non-indigenous counterparts. But, he expressed hope about the First World Indigenous Games, to be held in Manitoba, as sports were often the only reprieve from people's daily dysfunction.

Also speaking in the morning dialogue with the Special Rapporteur were ministers and senior officials of Denmark, Australia, Nicaragua, Brazil and Colombia. The representative of Ecuador also spoke.

Also participating in the dialogue were representatives of the North American Caucus, Asian Caucus, Caribbean Caucus, Pacific Caucus, Youth Caucus, Inuit Circumpolar Council, Amazigne Caucus, International Union for the Conservation of Nature (IUCN) and Coordinadora Andia de Organizaciones Andinas.

Forum members Bartolomé Clavero (Spain), Hassan Id Balkassm (Morocco), Elisa Canqui Mollo (Bolivia) and Victoria Tauli-Corpuz (Philippines) also spoke, as did a representative of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

During the afternoon dialogue, Mick Dodson, Forum member from Australia spoke. Also participating in that discussion was the representative of the Government of Nunavut, Canada.

The discussion also featured statements from the representatives of the North American Caucus, North American Youth Caucus, National Association of Friendship Centres, Innu Nation, American Indian Law Alliance, Federation of Saskatchewan Indian Nations, Indigenous World Association, Assembly of First Nations, and Grand Council of the Crees of Quebec. A representative of the United Nations Environment Programme (UNEP) also took the floor.

The United Nations Permanent Forum on Indigenous Issue will reconvene at 10 a.m. Friday, 23 April, to hold a dialogue with the Secretariat of the Convention on Biological Diversity.

Background

The United Nations Permanent Forum on Indigenous Issues met today for a dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, and a half-day discussion on North America.

Briefings

JAMES ANAYA, Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people, said that, during the second year of his mandate, he sought to continue coordination with the Permanent Forum and the Human Rights Council's Expert Mechanism on the Rights of Indigenous People. Last August, he had attended the annual session of the Expert Mechanism and, in January, had met with representatives of both bodies to coordinate work. One outcome of those efforts was the holding of parallel meetings with indigenous peoples during the sessions of the Permanent Forum and Expert Mechanism.

Over the past year, he also had sought to coordinate with other United Nations and regional human rights entities. He had undertaken activities to monitor human rights conditions of indigenous peoples worldwide and promote steps to improve those conditions, which fell under four areas: promoting good practices; thematic studies; country reports; and responding to cases of alleged human rights violations.

Since assuming his mandate, he had worked to advance legal, administrative and programmatic reforms at the domestic level, and in the area of international cooperation, to implement the standards of the Declaration on the Rights of Indigenous Peoples. By way of example, he noted his visit to Ecuador to help with the development of a new law to strengthen respect for indigenous justice systems. Among the good practices he had sought to advance was the endorsement of the Declaration by States that had failed to affirm it at its 2007 adoption by the General Assembly, and he was thus pleased with New Zealand's announcement to support it, as well as the new positions taken by the United States and Canada.

Commenting on the theme of the ninth session, he said "the right to development is a right of all peoples, including indigenous peoples". Indigenous peoples had particular concerns that must, at all times, be taken into account regarding development initiatives that affected them. Such concerns stemmed from the extreme disadvantages that they typically faced across a range of social and economic indicators, the dispossession of lands and their historical exclusion from State decision-making.

In that context, he saw two broad areas of concern; the first relating to policies aimed at the development of the economy or infrastructure said to benefit the State as a whole, but which actually had negative effects on indigenous peoples. Those included natural resource extraction and "mega-projects", like dam construction, on indigenous territories. There was no adequate way for indigenous peoples to participate in the design and implementation of such initiatives. He also had noticed a lack of mitigation measures that took into account indigenous environmental concerns, a failure to recognize indigenous property rights and an absence of equitable sharing in the benefits of development projects.

The second area of concern related to State development initiatives, pursued with the backing of international actors, which aimed to reduce indigenous peoples' disadvantages in the social and economic spheres. He said an integrated approach was needed to advance indigenous peoples' self-determination and their rights to distinct cultural identities, languages and connections with traditional lands. "Self-determination in the development process is a matter of basic human dignity," he stressed.

In that regard, he believed that various objectives must be pursued to enhance indigenous self-determination; among them, the strengthening of indigenous education and skills capacity in relevant areas. State programmes to improve indigenous education should be enhanced in ways outlined in his country reports. Further, States and the global community should promote training and capacity-building that would allow indigenous peoples to design and implement development activities, including in relation to large-scale projects. Indigenous peoples' capacity to pursue their own development priorities required boosting their self-government structures, which would empower them to take control of affairs in all aspects of their lives. Related to that was the opportunity to participate -- as equal partners -- in the development process, as there had been a general lack of consideration of options for

indigenous peoples to do so.

In closing, he emphasized that indigenous peoples must be allowed the opportunity to improve decision-making concerning development on their own terms, and to remedy shortcomings through their own forms of internal regulation and accountability. States should take care to avoid conditioning their development assistance on predetermined outcomes that were presumed, by outsiders, to be the "correct outcomes". Indigenous peoples must be allowed the opportunity to make mistakes, learn from those mistakes and build ever greater capacity to advance their own development objectives.

Next, JENN LASSIMBANG, Chairperson of the Expert Mechanism on the Rights of Indigenous Peoples, said the body she headed up was composed of five experts, and had been established in 2007 to assist the Geneva-based United Nations Human Rights Council in providing thematic expertise on the rights of indigenous peoples. To that end, it focused mainly on studies and research-based advice. While the Expert Mechanism did not have the mandate to adopt resolutions or hear specific allegations of violations, she believed that the five-member body nevertheless contributed to a better understanding of the aims of the United Nations Declaration on the Rights of Indigenous Peoples and other instruments aimed at protecting and promoting those rights.

She informed the Permanent Forum that the Expert Mechanism's third session would be held in Geneva from 12 to 16 July. As a discussion forum, that meeting would be open to all, including organizations without consultative status approved by the Economic and Social Council. The Expert Mechanism, the Permanent Forum and the Special Rapporteur all coordinated their work and actively participated in their respective annual sessions. The Expert Mechanism had also developed close working relationships with treaty bodies and regional groups, such as the African Commission Working Group on indigenous populations and communities.

"For the Expert Mechanism to become an effective vehicle and process for the advancement of indigenous peoples' rights, it is crucial that Member States, indigenous peoples, and other stakeholders actively engage in its work," she continued, adding "it is also vital that the Expert mechanism is perceived as meaningful and useful for indigenous peoples". She, therefore, invited indigenous peoples' advocacy groups, United Nations bodies and other stakeholders to participate in the Mechanism's work and to make constructive use of the reports the expert body produced.

She went on to say that that, during its first two sessions, the Expert Mechanism had completed a study on the lessons learned and challenges to achieving the rights of indigenous people to education. The current two-year study, "Indigenous peoples and the right to participate in decision-making", was being completed. The Declaration was used as a framework for the Expert Mechanism's work, and the status of its implementation was a yearly agenda item. Further on their work, she said the experts continued to encourage the establishment of national- and regional-level human rights mechanisms. Funding to indigenous people to attend the Mechanism's sessions, as well as those of the Human Rights Council and the treaty bodies, through the United Nations Voluntary Fund, had been approved, and the Human Rights Council had requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a document evaluating the practical application of extending the Fund's mandate to that end.

Finally, she said the Expert Mechanism had been very encouraged by the positive response to its work expressed by Member States and indigenous groups alike. The experts would continue to undertake wide consultations and coordinate with other United Nations mandates, as it prepared its thematic studies. Contributions in the form of written submissions, and participation in the annual sessions of the Expert Mechanism, as well as follow-up on the thematic studies and advice issued by the body, would not only enhance cooperation, but also promote the common goal of protecting indigenous peoples' rights.

Dialogue

In the dialogue that followed, Forum members, as well as representatives of Governments, indigenous caucuses and other organizations, put forward their perspectives on development and initiatives to improve conditions for indigenous people.

The Special Rapporteur was invited by several indigenous speakers to review the situation of peoples in their regions, including their claims that national laws were discriminatory and inconsistent with international laws and standards, such as the Declaration. Others pressed the Forum to hold workshops, in cooperation with the Special Rapporteur, and to make funds available for them. The Forum was also asked to help integrate indigenous rights into the work of regional associations, such as the Association of Southeast Asian Nations (ASEAN).

One speaker of an indigenous caucus pointed out that community organizations normally viewed development projects in terms of activities that destroyed land. Human rights violations were normally related to Government activities -- trespass, injunctions or legal "mischief" -- that forced indigenous people into the court systems. The Forum's responsibility was to define what such violations were vis-à-vis mainstream concepts of development and human rights. "Our human rights are deeply engrained in our land," he said.

BARTOLOMÉ CLAVERO, Forum member from Spain, said committees such as those on economic and social rights, and on racial discrimination could be present at the Forum's sessions on a continued basis. Those bodies were United Nations mechanisms. In the reports of those organizations, there should be mention of indigenous rights.

In the case of Colombia, he noted that the Special Rapporteur's report had recommended that the Special Adviser for the Prevention of Genocide be watchful of the situation in that country. A report submitted by the Colombian Government to the Forum indicated an understanding of obligations vis-à-vis indigenous peoples, particularly related to International Labour Organization (ILO) Convention 169. The Special Representative had made clear that the State's duty was to take up indigenous rights in line with the Declaration and ILO Convention 169.

HASSAN ID BALKASSAM, Forum member from Morocco, said today's dialogue provided an "historic opportunity" for all stakeholders to discuss the challenges facing indigenous peoples. It was essential for States, United Nations agencies and mechanisms, and, of course, indigenous people themselves, to be actively involved in efforts to identify ways to ensure those peoples could exercise all their rights, especially in the political and social spheres of the countries in which they lived. He called for an overhaul of national constitutions to ensure respect for cultural and traditional heritage, especially in countries that saw the "cultural identity" and traditional practices as a threat to the authority of the State.

Responding to concerns expressed about Colombia's Awa people, VIVIANA MANRIQUE, Vice-Minister of the Interior of Colombia, said the Special Rapporteur had visited her country in 2009 to investigate the human rights situation of indigenous peoples there. Since then, the Government had maintained a dialogue with the country's main indigenous structures, including those of the Awa people. It had also established a round table for regular discussions with the main indigenous groups, and, for the first time in Colombia, there was a clear framework in place regarding prior consultation.

She also said an inter-agency plan was in place to ensure food security, promote productive projects, such as eco-tourism, and to monitor especially vulnerable indigenous groups. A draft law on prior consultation had been completed, and was being discussed with OHCHR. She reiterated her Government's invitation to the Permanent Forum to visit the country to see first hand the changes under way and the situation of indigenous people there.

Speaking on behalf of the Youth Caucus, MISS DU called for broad support of the United Nations Declaration, which her delegation saw as the framework for providing a better future for the world's indigenous youth. Indeed, indigenous young people continued to suffer setbacks, in education, in health care and in justice. She urged the Special Rapporteur to press Governments on "language revitalization" tools to ensure that indigenous youth would be able to learn in their own languages and perpetuate their cultural heritage. That mechanism was also urged to raise awareness about "restorative justice" through indigenous courts, so that indigenous youth would not continue to suffer colonial justice.

ALAMED ALJERRAR, speaking for the African Caucus, said problems related to water and climate change amounted to "ecological and climate genocide", since so many challenges, tensions and conflicts on the African continent stemmed from lack of access to fresh water,

environmental degradation and natural disasters caused by weather anomalies. For example, such issues had sparked conflict among northern Kenyan indigenous communities, as well as similar communities in Somalia and Sudan.

He went on to say that indigenous African women were routinely discriminated against and subjected to rape and other forms of violence. They were in dire need of international protection. Moreover, human trafficking was a major problem across the African continent. He recommended that a special rapporteur be appointed specifically to monitor the situation of indigenous peoples on the African continent. If approved, that mechanism should be immediately dispatched to areas where indigenous populations were under pressure. He further recommended the establishment of an international legal centre or similar mechanism to serve as a permanent link with treaty bodies to ensure the protection of indigenous women and children. Finally, he said that indigenous peoples must be involved in all United Nations-backed efforts to tackle climate change.

He was among several speakers who raised the issue of injustices perpetrated against Africa's indigenous groups. The advocates generally agreed that traditional practices and land claims of Africa's indigenous communities, if they were recognized at all, frequently came into conflict with the objectives and policies promulgated by Governments, corporations and surrounding dominant societies. They believed that the resulting marginalization, and the abuse and discrimination that often followed, served to only heighten the need to protect and promote indigenous peoples' collective and human rights, and to ensure that measures were in place to maintain the continuity of their individual cultures.

On other issues, VICTORIA TAULI-CORPUZ, Forum member from Philippines, said today's first-ever commemoration of International Mother Earth Day was a major development and provided an opportunity for everyone to reflect on the state of the planet and to consider the importance of biological and ecological protection.

She went on to say that the increasing awareness of the links between conservation and human rights was another important development. Conservancies and States were beginning to change their methods to better incorporate indigenous communities when setting up parks and nature preserves.

That was a major change, she continued, noting that ever since the Forum had been established, it had received countless complaints that conservation groups routinely ran roughshod over indigenous communities in their attempts to preserve the very lands that native peoples had shepherded for generations. "The view has always been to just keep all the people out [...] and ignore indigenous knowledge," she said, urging the Special Rapporteur to continue to raise the issue of human rights and conservation in his country visits.

BLANCA CHANCOSA SANCHEZ, Coordinadora Andia de Organizaciones Andinas, said she had not found, in any Government or United Nations agency report, signs they had responded to situations in which indigenous peoples had been at risk for years. "We'd like to hear solutions to the problems," she stressed. For more than 30 years, an indigenous leader had been in prison for defending his community; family rights were being violated. Another from Peru was living in exile. She urged the Forum and the Special Rapporteur to make more efforts for their immediate release.

Among the Government representatives who took the floor, CARSTEN STAUR (Denmark) said promoting and protecting indigenous peoples' rights was high on his country's agenda. To bolster that point, he informed the Forum that Denmark had doubled its financial support for the Trust Fund on Indigenous Issues relating to the Second International Decade of the World's Indigenous People. He also asked the Special Rapporteur to elaborate on his country visits, and especially highlight any information related to the right to free, prior and informed consent, as well as access and benefit-sharing.

ALEXANDRA OCLES (Ecuador) said that, last December, her Government had invited the Special Rapporteur to obtain first-hand information on events that had taken place in the Ecuadorian Amazon. He had met directly with indigenous organizations and, following his visit, the Government had received a questionnaire asking for more information, which had been sent. Indeed, Ecuador was implementing a "plurinational" plan to eliminate discrimination, in the framework of its Constitution, which outlined equality. Also, last September, the President had signed Decree no. 60, which promoted a year to combat racism and discrimination.

Responding, Mr. ANAYA said he had heard the Youth Caucus representative refer to the Declaration as a "potentially empty instrument", striking fear in him to hear it described in that manner. In carrying out his mandate, he had focused on implementation of the Declaration. "The violations of indigenous peoples are deep, systemic and widespread," he stressed. To ensure that the appropriate institutional structures were in place was not an easy task -- it would take a lot of work and cooperation through the years. He acknowledged steps taken by States to implement the Declaration; however, there were ongoing problems. Referring to his reports, he reiterated that steps for concerted action be taken to address deep-seated problems.

On the issue of development and those related to conservation, he described the irony found in conservation programmes that, on the one hand, focused on securing the natural environment and, on the other, generally ignored indigenous peoples' rights. He continued to receive urgent information about serious situations in which indigenous peoples were being forcibly removed from their lands in the name of conservation. He was pleased at steps taken by the International Union for Conservation of Nature (IUCN) to integrate indigenous rights with conservation programmes. Indeed, such initiatives must become more than just words.

In addition, he said that culturally appropriate education incorporated respect for traditional language. He described education as a transversal right, without whose full realization it would be difficult to envision the achievement of other rights.

Rounding out the day, Ms. LASSIMBANG noted the increasing work that the Special Rapporteur had undertaken. Measures raised by States today were the way forward in terms of dialogue, but it was also important to implement what was contained in the Declaration. Although a new body, the Expert Mechanism's findings were in line with the issues that had been raised today.

Specifically, she said, the right to participate in decision-making was an important aspect of work which had to be elaborated. That work must culminate in measures that could be put into action. Indigenous governance was another vital area, as it allowed indigenous people to control development in their territories.

On the topic of education, she said that, beyond ensuring culturally appropriate education, it would be important to have financial and political support for indigenous learning institutions. That way, knowledge would be controlled by indigenous peoples themselves.

Forum Chairperson CARLOS MAMANI CONDORI closed the dialogue by encouraging Governments in regions with human rights violations against indigenous peoples to invite the Forum for a visit. The Forum would work constructively to find joint solutions.

Discussion on North America

The Forum then began a discussion on North America, which focused on identifying the issues, challenges and cooperative measures to improve the situation of indigenous peoples living in all states within the United States and all provinces and territories of Canada.

Taking part in the panel were Fred Caron, Assistant Deputy Minister of Indian and Northern Affairs of Canada; Kimberly Teehee, Senior Policy Adviser for Native American Affairs of the United States; Tonya Gonnella Frichner, Permanent Forum member for North America; National Chief Shawn A-in-chut Atleo, North American Caucus; and Chief Oren Lyons, North American Caucus.

Launching the discussion, Mr. CARON said Canada placed a premium on working with aboriginal partners in a way that respected aboriginal and non-aboriginal Canadians. Economic development, education, protecting the vulnerable, reconciliation and self-governance were key themes intended to result in healthy and prosperous aboriginal communities. Examples included negotiations on matters related to land claims, and control over healthcare, education and child and family services.

The 2006 census had identified 1.1 million aboriginal people in Canada -- or 4 per cent of the population, he said. Nearly half of all registered Indian people lived on reserves. Canada sought to establish partnerships with key stakeholders, and, over the past year, efforts had been

made to strike agreements with aboriginal communities and most programmes were delivered in partnership with them.

The 3 March "Speech from the Throne", which outlined national priorities, committed Canada to making safe water on reservations a national priority, and the Government would introduce legislative measures to further that goal, he said. Canada had taken recent steps to introduce legislation to protect the distribution of real property assets in case of death, and would address unsolved cases of murdered or missing aboriginal women.

On economic development, he said the median income of aboriginal people was 33 per cent lower than that of average Canadians and he discussed one act intended to increase participation of aboriginal men and women in the economy. However, education was the key to success, and in Canada, efforts had been made to raise the education level of aboriginal people. Collaborative efforts were needed to achieve better results. Successes included the 2008 "First Nations Student Success" programme and the 2009 signing of the Inuit education accord. Canada would foster partnerships so that aboriginal people could take advantage of better employment opportunities.

To protect the vulnerable, he said, Can\$1.4 billion of the 2009 national economic plan had been allocated for aboriginal skills and training, health, housing, education and water, among other areas. To tackle health gaps, over Can\$2 billion was dedicated annually to culturally relevant health-care programmes, among others.

Turning to the resolution of land claims, which covered much of Canada's territory, he said those agreements must be approved by indigenous communities, Parliament and provincial legislatures alike. There were 22 treaties involving 91 communities. Some C\$2.2 billion had been made available to aboriginal groups. Some agreements contained provisions to deal with mining companies; others allowed for aboriginal input into development. Also, reconciliation was an ongoing process to maintain a framework for living together in Canada. Canada's aboriginal agenda was also based on finding solutions with other Governments, and Canada had concluded, in March, a Memorandum of Understanding with the United States allowing both countries to benefit from sharing experiences. A joint work plan would be developed.

In closing, he said Canada's hosting of the 2010 Olympic Winter Games had included four First Nations, an "unprecedented" aboriginal participation, which he hoped would continue.

Next, Ms. GONELLA-FRICHNER said that today's dialogue was an important opportunity for indigenous people to discuss shared concerns with representatives of the Governments of Canada and the United States, especially since both those countries had just announced plans to review their positions on the United Nations Declaration on the Rights of Indigenous Peoples. Yet, she hoped it was the beginning of what would become "a much larger, detailed and fruitful dialogue with regard to the original and human rights of indigenous peoples, both individual and collective rights, including the rights to land, territories and resources; to free, prior and informed consent; treaty rights; and the right to sovereignty."

Those and other rights were critically important to prevent further desecration and destruction of indigenous peoples' sacred sights and places of significance by so-called "development projects" based on the Western worldview, such as ecologically destructive mining and other extractive industries on the lands and territories of indigenous nations and peoples. Turning specifically to the topic at hand, she recalled the long history of "dialogue" between the United Kingdom, United States and Canada and the Indian Nations of North America. That dialogue had taken the form of a wealth of treaties and United States Supreme Court decisions.

However, despite decades of treaties confirming Indian nationhood, First Nation leaders had nevertheless been forced to turn to the League of Nations in the 1920s and to the United Nations during the 1970s having found no means to address their grievances within domestic laws. "The domestic, indeed dominating, doctrinal framework [of the United States and Canada] is used to claim a superior right to our lands, territories and resources, despite the treaties and international standing of indigenous nations and peoples," she continued. The preliminary study of the so-called Doctrine of Discovery had recently been submitted to the Permanent Forum's Secretariat. It showed how that Doctrine had been used against First Nations and peoples to violate their lands, sacred birthrights and fundamental human rights.

That Doctrine had been based on the discovery by "Christian people [...] of lands inhabited by natives, who are heathens," she said, quoting an 1832 Supreme Court decision. United Nations Secretary-General Ban Ki-moon's statement to the opening of the Permanent Forum's current session that indigenous peoples were "full and equal members" of the international community was a message of support for all such peoples who continued to suffer human rights abuses. At the same time, everyone should acknowledge the long-term consequences of the presumption of a rightful Christian dominance over "heathens" and their lands continued to be seen in efforts to wipe out and destroy indigenous languages, force assimilation and desecrate ancestral lands.

She said that the official policy of the United States and Canada was that they would deal with indigenous nations and peoples only by means of domesticating language, and domestic laws and policies. "However, we cannot pretend that the very same domestic laws and policies that drove indigenous nations and peoples into the international arena in 1923 and 1977 will magically serve as the means to redress and end those human rights violations," she said. Full endorsement, support and implementation of the Declaration, which was a reaffirmation of indigenous peoples' fundamental human rights, was critically important and necessary step towards ending those human rights violations, she declared.

Next, Ms. TEEHEE said the United States had relationships with 554 recognized Indian tribes, through treaties, statutes and judicial decisions. Tribal communities had contributed to her country's cultural and social traditions. Native religious practices endured and flourished, despite attempts to extinguish them. From the American Revolution to its engagement in Iraq, Native Americans had served in the armed forces. Many had shed blood for the country.

"We have not always responded in kind," she said, noting that federal policies often undermined efforts to promote strong tribal communities. The history of the First Americans was one that must be acknowledged. "Native people once owned this continent," she said. When they stood in the way of western expansion, they were removed in the "trail of tears" relocation movement, or by the tip of a bayonet. There had been other attempts at forced assimilation, outlawing native religions and taking children into schools that banned their native dress.

The most recent history had shown the importance of tribal self-determination, the belief that tribal governments were in the best position to decide their future, she said. Tribal self-determination had been successful, allowing tribal governments to enhance tribal institutions and infrastructure to address the welfare of their communities. Empowering tribes to take advantage of opportunities would result in tribal communities that thrived.

However, Native Americans were still haunted by the past, she said. Some reservations had unemployment rates of 80 per cent. One quarter of all Native Americans lived in poverty. Native communities were at increased risk of youth gangs and the drug trade. One in three native women would be raped; "an assault on our national conscience", as President Barack Obama had said last year. Native Americans had the highest college dropout rates and disproportionate health outcomes.

She said that President Obama believed that tribal leaders must be part of the solution. A new relationship must be started based on mutual respect and a "government to government" approach. Steps had been taken to boost that relationship. The White House had held listening sessions with tribal leaders on health, energy development, job creation and education. Those efforts continued outside Washington, D.C., with unprecedented outreach. However, Native Americans needed representation in the federal Government, as failure to include their voices had all too often led to undesirable results.

President Obama was committed to regular communication and consultations with tribal leaders, she said, noting that one recent memorandum mandated every agency to have a process for meaningful input from Native Americans in policies that had tribal implications. A comprehensive response to address tribal needs meant that agencies must work together.

"We have serious work ahead and we are making progress," she declared, underscoring that the 2011 budget requested \$18.25 billion in federal funding for Native American programmes. The Administration recognized that education was essential to ensuring prosperous tribal communities. The Government supported a more flexible use of funds to meet the needs of native students. Addressing crimes against Native American women was also priority, as was renewable energy development. New jobs were being created and the

Government was working closely with tribes in the exploration of tribal lands and in finding ways to bring affordable, clean energy to Native American communities.

The next panellist, Chief OREN LYONS, said today's dialogue with the United States and Canada was "amazingly different" from the tenor of past discussions at the United Nations. Still, in this dialogue, as ever, the crux of the matter was land and jurisdiction thereon. "Land is the issue and it will always be the issue," he said, recalling that, in decades past, there had been little or no justice on that issue -- or any other human rights issues -- in domestic courts. In fact, when Native Americans had first attempted to address the United Nations in the 1970s, a phalanx of police had prevented their delegation from even crossing the street.

"Well, now here we are, addressing you from the General Assembly Hall, and you have to admit, that's quite a change," he said, adding that such change had admittedly come at the expense of much effort and many lives. Certainly there was a long ways to go, but major steps had been made, especially with the adoption of the Declaration, towards ensuring "a peoples' right to be". First Nations, which had persevered for years, were now in a phase of repair. There were many who had not succumbed to dominate cultures, and continued the fight to preserve lands and languages, but with the adoption of the Declaration, he said: "We finally became 'peoples'."

Now, there was a need to look forward. There was a need improve the situation of the lives of indigenous peoples and nations. To the representatives of Canada and the United States, he said that he appreciated their presentations, but he wondered: "Since the discussion is us, where are the Indians?" He went on to say that the world was approaching a time when more cooperation and coordination between States and indigenous peoples would be crucial for its survival. Indeed, climate change and global warming were set to wreck societies and economies. The planet was in peril and the best philosophy was the long-term philosophy that had always been practiced by indigenous peoples: to protect the land and all its inhabitants, including the waters, the trees and deer. "It's going to take a lot of discipline to look out for the best interest of us all," he said finally.

The last speaker, Chief SHAWN A-IN-CHUT ATLEO, said that, as his Grandmother had listen to the apology by the Canadian Government to Native Americans, she had said: "They are beginning to see us, grandson. They are beginning to see us." Now, with the adoption of the Declaration on the Rights of Indigenous Peoples, he said it was perhaps time for all peoples to find the strength to "turn a heavy page on a dark chapter" and move towards a more positive future together.

At the same time, he said, it was high time for Canada to fully endorse the Declaration, especially since it affirmed, among other things, the right of indigenous peoples to determine their own citizenship. Indeed, in Canada, the "Indian Act" and other laws continued to violate the rights of First Nation peoples to determine their citizenship, affecting a range of other domestic issues. The Declaration also backed land and water rights for indigenous peoples, he continued, stressing that the current legal framework in Canada denied fundamental rights to water and limited participation in decision-making. He noted that the processes under way in the United Nations to elaborate some sort of treaty on water must include indigenous peoples.

He went on to highlight the important role of the Forum, and said action was needed now to address the needs of indigenous women, especially in light of the astoundingly high numbers of missing indigenous women in Canada and across the globe. In addition, efforts were needed to address education, health care and other social issues concerning indigenous women. He also called for the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples to visit Canada and investigate the situation of indigenous women in that country. In closing, he said he had been moved by Chief Oren Lyon's address and would take the opportunity to call on all indigenous young people to carry on the work that had led to significant progress in the past, including the adoption of the Declaration.

Following those presentations, WILTON LITTLECHILD, International Organization on Indigenous Resource Development, and former Forum member, joined the other speakers in thanking the United States and Canada for taking steps to endorse the Declaration. At the same time, he was concerned, because Canada's announcement had made it seem as if that country was headed towards a "qualified" endorsement. Such a qualified endorsement -- one that did not fully embrace all the tenets of the Declaration -- would be a step backwards, he said, stressing that the Declaration, the result of 20 years of negotiations, was the key to harmonious relations

between indigenous peoples and States.

Continuing, he said the Declaration allowed for full consideration of international and domestic laws that affected 370 million indigenous people worldwide. The United States and Canada must seize the opportunity to stand with those who had always stood up for their dignity and rights. He stressed that, in the two years since the Declaration had been adopted, none of the supposed negative effects of its implementation had emerged. Moreover, it provided a crucial context for ensuring justice for, and the dignity of, indigenous people in North America and elsewhere.

On other matters, he said that, as the Declaration was being implemented and the work of the Permanent Forum was becoming better known, it was time for the establishment of a forum within the Organization of American States on the human rights of indigenous peoples. Recalling that this was the International Year of Rapprochement among Cultures, and the importance of sports in promoting dialogue and cultural exchange, he announced that the First World Indigenous Games were set to be held in Winnipeg, Manitoba, in August 2012. In closing, he said he agreed with the panellists that today's dialogue had put States and indigenous nations on a new course. "For me, this is a great day," he added.

Taking the floor next, MICK DODSON, Forum member from Australia, supporting Mr. Littlechild's remarks, said the idea to hold the Games had been presented in a resolution to the World Councils on Indigenous Peoples. From that vision, an idea to form a sports body — Win Sports — had been created. In 2008, what once had been only a dream had become a reality, with the help of the Deputy Premier of the Government of Manitoba. The First World Indigenous Games would celebrate traditional indigenous games and cultures, and would coincide with the International Day for Indigenous Peoples, on 8 August. With that, he called on States to back the Games and help indigenous peoples enjoy their right to sport.

NAULLAQ ARNAQUQ, Department of Culture, Language, Elders and Youth, Government of Nunavut, Canada, said 85 per cent of those living in her area were Inuit. To achieve equitable outcomes for Inuit, there must be support for high-quality, culturally relevant education. Passing on Inuit values was essential to their lives and sense of dignity. That was what the International Covenant on Economic, Social and Cultural Rights guaranteed. "Our language is not just a collection of words," she said, it was a precious documentation system of lessons that the Inuit had learned about the environment and how to live in it. She urged the Forum to advocate that States provide funding for the protection, promotion and revitalization of indigenous languages and culturally relevant education.

ERIC ROBINSON, Minister, Province of Manitoba, Canada, said "turtle island" was the name for North America in his native language. He was a member of the Cree Nation and his people had endured many attempts at forced assimilation. He had been taken at age 5 to a residential school, whose aim was to "take the Indian out of the child". He had witnessed the effects of abuse against children perpetuated by church members, among others. Many people had become drug addicts and alcoholics. In the last 40 years, there were nearly 600 cases of missing aboriginal women.

Indeed, the grim legacy of colonialism was etched in the faces of tribal leaders, he said. Many people were battling alcoholism, family dysfunction, suicides and gangs. Indigenous people died younger of preventable diseases, were less educated and more likely to be incarcerated than their non-indigenous counterparts. His province was pleased at Canada's steps to endorse the Declaration. He expressed hope that the Government would partner with Manitoba to make his province home to the First World Indigenous Games. Sports were often the only reprieve from indigenous people's daily dysfunction.

As the dialogue continued, speakers continued to call on the United States and Canada to take concrete steps to fully support the Declaration without reservations or qualification.

Several participants stressed the importance of ensuring indigenous peoples played an important part in the efforts to address climate change, with one speaker noting: "The American Dream comes at the expense of indigenous people, their ancestral lands and waters", and it was, therefore, crucial to use indigenous knowledge to curb the planet's destruction.

Racial profiling, sexual exploitation, and forced labour were all cited as challenges facing indigenous peoples and several speakers urged the Special Rapporteur to visit North America and investigate such human rights violations. Other speakers called on the United

States and Canada to address border concerns, particularly those that affected the lives and livelihoods of indigenous peoples.

ARMAND MCKINZIE, Innu Nation, drew the Forum's attention to Canadian bill C-300, which would mandate that extractive companies based in Canada live up to human rights norms as they carried out their operations at home and abroad, and specifically in developing countries. That bill was being massively opposed by lobbyists, even though it was receiving broad support from labour unions, civil society groups and a majority in Parliament. He urged the Canadian Government to pass the bill, as it was consistent with laws already in effect in the country, as well as with the tenets of the United Nations Declaration on the Rights of Indigenous Peoples.

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