Speeches Item 4b

Utilisation of IPs land by non-indigenous authorities, groups or individuals for military purposes.
IPACC and Africa Caucus Statement on Militarization in Indigenous Territories in Africa

UNWGIP - 31 July - 4 August 2006

Distinguished Experts of the Working Group, distinguished members of the diplomatic community, indigenous brothers and sisters, ladies and gentlemen.

We wish to address in the general sense the continuing vulnerability of indigenous peoples in Africa during armed conflicts. According to the Ploughshares Monitor of 2006 (vol 27: 2), in the preceding year there were armed conflicts in 13 African countries, representing 41% of the world's armed conflicts.

We wish to elaborate on statements made by IPACC, its members and the African indigenous caucus to the Permanent Forum earlier this year.

Indigenous peoples are frequently the victims during times of armed conflict. In Rwanda in 1994, approximately one third of the Batwa people were killed during the 100 day genocide. The Batwa were on neither side of the armed conflict, they were caught in between. After the peace accords, Batwa remained disproportionately affected by imprisonment, loss of homes, poverty and displacement.

Frequently, indigenous territories include special ecological zones which become attractive for armed movements. In Rwanda, the Gishwati Forest became the base for rebel groups, and hence was destroyed the government forces. The Gishwati Forest was home to thousands of Batwa people, who permanently lost the natural resources which had sustained them for millennia.

We regularly see large scale poaching of wild animals by the military during armed conflicts and even in peace time. When the wildlife is destroyed, indigenous peoples are forced into the cities where they become beggars and prostitutes. When the wildlife is restored, indigenous peoples are usually told that this is now a nature reserve and they may not return.

For indigenous peoples in Africa, peace is not just the absence of war; it includes continuous secure access to our traditional natural resources, the full recognition of our identities, our languages and our citizenship, and the right to maintain our specific economic practices in our territories.
We cite some important concerns for further attention of the Working Group:

- We are submitting a report from West Africa on US military activities in the Central Sahara which are affecting domestic relations between nomads and central governments;
- We note our deep concern for the situation of indigenous nomadic peoples in Chad, Sudan, northern Uganda and Somalia;
- We note with extreme concern the slow response of the UN and the international community to the vulnerability of 'Pygmy' peoples in the Eastern DRC. We refer you to the Minority Rights Group report 'Erase the Board'. DRC is going through its national elections and yet most indigenous peoples still do not have identity cards and are treated as second class citizens;
- We note the increasing violence in northern Kenya and the urgent need for indigenous peoples to be active players in finding solutions to land and natural resources conflicts;
- We praise the government of Burundi for promoting the participation of indigenous peoples in the Parliament and Senate. We note with concern the continued instability in certain parts of the country;
- We note with joy the end of the armed conflict in Angola, but we remind the UN and African Union that indigenous Xun and Khwe San peoples still need secure rights and to be recognize as full citizens of Angola with their specific indigenous identity;
- We note with concern the heavy handed approach to resolving disputes over territories and natural resources in the Niger Delta region;
- We remind the WGIP, that if African soldiers and national police stopped extorting bribes from vulnerable indigenous peoples, there would be more money in rural areas and the MDGs would be closer to being achieved than they are today.

We wish to draw your attention to the report from the Permanent Forum meeting of its concern for Africa's indigenous groups. The PF is "urging African Governments to ensure the full participation of indigenous peoples in the development of policies regarding implementation of the Millennium Development Goals, and, among other things, to invite representatives from indigenous peoples' organizations to participate in round-table dialogues, as a way to resolve conflict, while protecting indigenous peoples from armed conflict, particularly in the Sudan, the Great Lakes region, Niger Delta and Sahara regions." [Extract from ECOSOC report http://www.un.org/News/Press/docs/2006/hr4898.doc.htm]

**Recommendations**

- We call on the office of High Commissioner for Human Rights to assist indigenous peoples in Africa in researching and reporting on human rights violations committed by armed forces and police;
- We ask the African Union and the UN to specifically monitor the vulnerability of nomadic peoples in arid areas, and forest-based indigenous peoples affected by armed conflicts in Africa;
- We call on the WGIP and the Special Rapporteur on the Human Rights and Fundamental Freedoms of Indigenous Peoples to investigate the situation of indigenous Pygmies in the Great Lakes Region, and in the Central and Eastern Sahara / Sahelian regions.
Statement of Mr. R. J. Lakra, WORLD ADIVASI COUNCIL (WAC) AT THE UN WORKING GROUP ON INDIGENOUS POPULATIONS
Geneva, 31July - 4 Aug. 2006 24th session

Agenda Item No. 4(b): Principal theme: "Utilization of indigenous peoples' lands by non-indigenous authorities, groups or individuals for military purposes"

Respected Mr. Chairman and distinguished members of the UN-Working Group,

This statement emphasises the serious of the grave situation of a large number of indigenous peoples whose habitat and lands have been taken away or being taken away on the pretext of national development or national security or military purposes. According to the study of World Watch Institute, Washington (Indigenous Peoples and the health of this earth) if this trend continues, than half of the indigenous peoples of this world will be vanished from the surface of this earth by the middle of this century.

Most of the countries of third world are utilizing indigenous lands for military purposes. Particularly in the so called emerging or fast developing countries, most of the lands nearly four times or more are taken away in the name of national progress for the industries, mining or (large or small) dam construction than for the military purpose. There are no official data available in this regard but our assessment reveals that very large area of lands are being taken away whereby the percentage of the lands taken away from indigenous peoples are disproportional and very high. More over vast majority of the people are not at all resettled or adequately compensated. Just to give an impression of the dimension of the problem we like to mention that according to our estimation in the last 50 years for the construction of large dams and similar projects about 40 or^ more millions people in India have been displaced or affected and nearly only 25 percent have been resettled whereby the rest have received no or inadequate compensation. Indigenous population in India is only 7 percent but the lands taken away from them are somewhat 23 percent.

Considering the above mentioned, we like to make following recommendations:

1. Depriving indigenous peoples of their very livelihood and lands without adequate and real compensation, hence slow genocide, should be considered as a crime against humanity which can be brought to justice in international court.
2. Protection of forests and indigenous lands must get top priority in ail development considerations. (There is no hope of survival for a large number of indigenous peoples without these measures.) In many countries indigenous peoples are being replaced by dominant peoples. The struggle for resources has already started.
3. A world-wide family is of utmost important in this regard because, most of the countries of the third world are already over populated and the dominant society is grabbing the lands of weaker society like the indigenous people by all means.

May I thank you, Mr. Chairman and my brothers and sisters, for your kind attention and I hope as well as request for your cooperation that the suggestions find sympathetic consideration in the respective institutions / bodies.
Dear Chairperson,

Thank you for this opportunity to speak. My name is Adelard Blackman, Special Emissary for Buffalo River Dene Nation in Northern Saskatchewan, Canada. I wish to make this statement on behalf of our Chief Louis Chinalquay and the people of Buffalo River Dene Nation.

Within our traditional territory we have what is known as the Primrose Lake Air Weapons Range, covering about 90,000 sq. km. In 1952, the Canadian government removed our people without free, prior and informed consent or proper consultation. This move has destroyed a way of life of our people that was not supposed to happen under the signing of Treaty No. 10 and other Treaties affected by this unilateral move of the government of Canada. It was understood by our people that this was a lease for 20 years and that we could return, needless to say, this has not happened.

It is no coincidence that the Canadian government so adamantly opposes the adoption of the Draft Declaration of the Rights of Indigenous Peoples. They believe that it will present a threat because of the power that will give to Indigenous Peoples, especially in the area of free, prior and informed consent as it applies to lands, territories and resources. However, they should realize that the Declaration simply recognizes the rights that we have always had as Indigenous Peoples, many of which were also recognized and affirmed, albeit in a different form, in the Treaties agreed to by the Indigenous Nations. These are only some of the reasons why the Canadian government opposes our rights as enunciated in the Declaration.

The Canadian government knew prior to 1952 that our territory is very rich in natural resources, which includes the world's largest oil sands deposit. At the time of removal of our people, the multinationals did not have the technology to extract the oil. Now, it is estimated that there will be over 100 billion dollars spent over the next 20 years [the estimated volume of oil reserves is over 1.6 trillion barrels, this is larger than the Saudi Arabia oil reserves] to feed the frenzy of the world for oil and gas.

It was a calculated move by the government and multinationals to gain control of our traditional territory and natural resources contained in it. Now, they are making moves to increase the exploitation of the oil, gas, forest, diamonds, uranium and water. Furthermore, the government is attempting to put a nuclear waste disposal site within our territory without any consultation with our people.

Although this was initially done under the guise of the common good of all Canadians, of the territory confiscated by the government, only 1% is still used for military purposes. The effect that all of this has caused on Cold Lake First Nations and other reserves surrounding the Weapons Range including Buffalo River Dene Nation, is devastating. It has destroyed our people and a way of life and it presents serious threats to our well-being.
Today, we are here to inform the Working Group on Indigenous Populations that we, the Buffalo River Dene Nation, will no longer tolerate these actions taken by the government and multinationals. As of October 17, 2005, we have retaken back control of our traditional territory and natural resources. This is an unprecedented move against the Canadian government, the military and the multinationals. No development will be allowed until Buffalo River Dene Nation decides how and when this will happen, if at all. We will protect our way of life, our people, and our traditional territory by any means necessary.

We are asking the Working Group on Indigenous Populations, the Permanent Forum, and all Indigenous Peoples of the world to monitor, investigate and document our struggle and the situation that we are in. We know there will be a backlash and retaliation by the government because of the moves that we are making, including taking the Canadian government to the International Court of Justice in September 2007 for Human Rights violations.

In closing Chairperson, we are in support of the continuation of the mandate of this Working Group on Indigenous Populations because it is clear to us that we will never receive justice in our domestic courts. One of the future and ongoing mandates of this Working Group is, and should continue to be, the establishment of an International independent Alternative Dispute Resolution mechanism for Indigenous Peoples such as ourselves who cannot find just recourse within our country situation. This can be done either by the establishment of an independent international tribunal for Indigenous Peoples or by the remandating of existing bodies such as the International Court of Justice or similar regional mechanisms.

For further information, please go to; http://brdnngo.googlepages.com/
I thank the Chair for giving me the opportunity to speak on the issues pertaining to my community. It is a great privilege and honor for me to intervene in this 24th session of the WGIP.

Respected Chairperson, distinguished members of the Working Group, Govt. Representatives, Representatives of UN Agencies and my fellow Indigenous Delegates from around the World - I bring greetings to you from the Adivasis, the Indigenous Peoples of India- JOHAR!!!! I speak on behalf of "Indian Confederation of Indigenous and Tribal Peoples", India

The Indian Army has been using Netarhat and other areas falling in the Adivasi (Indigenous) dominated districts of Gumla, Palamau and Latehar, in Jharkhand, for Heavy Artillery Firing Practice since 1965. During the firing drills, the local population is asked to vacate their houses or stay indoors. This goes on for a period of ten days, during which people have to either flee to the jungles or look for alternative shelter while their habitat is being bombarded with shells, often wounding and KILLING several people. The firing drill also causes enormous damage to the standing crops, fields, houses, trees and livestock in the region. There have even been reports and instances of rape and sexual harassment of tribal women by the army personnel. The "inconvenience" caused to the locals due to the firing practice by the Army is compensated with a measly amount of 1.50 rupees (now US$0.03) a day, barely the cost of 100 grams of rice, as compensation by the government. In this exercise the damage to wildlife, forest vegetation and the local ECO system is not even considered by the Government.

Two state orders dated 25th November 1991 and 25th March 1992, under section 9(1) of the Manoeuvres Field Firing and Artillery Practices Act, 1938, notified an area of 1471 sq. km (covering 245 villages in 6 blocks of 2 districts) for periodical field firing and artillery practice for ten years as the Netarhat Field Firing Range.

The above mentioned anti democratic and anti people State orders have been strongly opposed by the affected people. The protests from the locals took form of an organized movement in 1993 after the army put up a Pilot -Project proposal to the State of Bihar requesting for acquisition of land to set up a permanent Army Camp in the area. The Army claimed that only 206 Sq. Km of the 1471 Sq. Km notified for the Range covering 34 villages will be acquired, displacing approximately 29000 people (Times of India, 11-1-94). However, according to the Hindustan Times (Patna, 14-1-94) and the local people's organizations, an area covering 1 laldi Sq. Km is proposed to be acquired, displacing more than 2,000,000 people, from 245 villages, of which nearly 78% are Adivasis i.e. Indigenous Peoples.

In a tripartite discussion in 1997, between the people, the state administration and the army, the government gave its word that no army acquisition project would come up and no firing would take place in the region against the wishes of the people. Despite the widespread protest and the word given to the people, the government of Bihar renewed the notification of the area for routine field firing for another twenty years, commencing from 2002 up to 2022.
Violations

Article 21 of the Indian Constitution - "right to live with dignity" Continuing to allow the firing practice in the area is a violation of this article.

Provisions under the Fifth Schedule of the Constitution
This region has a large tribal population and falls under the 5th Schedule to the Constitution, which was intended to preserve tribal autonomy, culture and to ensure social and political justice, and economic empowerment. The Firing Range against the wishes of the people contradicts the spirit of the fifth Schedule.

The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996
The spirit of the 5th Schedule has been further encapsulated in the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996. Section 4m (iii) gives the Gram Sabha the power to prevent alienation of land in scheduled areas and take appropriate action to restore any unlawful alienation of land of a schedule tribe. The 73rd amendment to the constitution recognizes the Gram Sabha as the supreme decision making body at the village level. However, not involving and seeking the consent of the local Gram Sabhas, which have strongly rejected the continuation of Firing Range, is a clear violation of the Panchayat (Extension to Scheduled Areas) Act.

Recommendations

- WGIP and UN agencies like the UNHCHR make recommendations to the Government of India for relocating the Military Firing Range as India has no dearth of open space and let the Indigenous Peoples of the region live in peace with nature.

Francis Hembrom
Salomi Besra
UN – 24th Session of the Working Group on Indigenous Populations

31st July – 4th August, 2006

Statement under Agenda Item 4 (b)

Made on Behalf of, all nomadic pastoralists' communities from Kenya, whose daily lives and livelihoods are being affected by Military Activities.

Mr. Chairperson,

Introduction

In the 1960s, the British colonial regime in Kenya, took upon itself, to expropriate most of the pastoralists' ancestral lands in Kenya into; commercial Beef ranches, conservations areas such National Parks & reserves and the rest converted into military training ranges, where the Kings African Rifles and British military used for their training exercises and to establish bases.

During World War II, the British colonial authorities used most of the northern Kenyan rangelands as a base from which to counter the Italian insurgence in Ethiopia and Somalia. They planted mines and bombs that no one has ever cared to remove. These lands have remained death traps for locals as unexploded ordnance remained strewn all over and have continued to loll, injure and maim both humans and livestock to date.

After independence, Kenya Army was established in 1969 (under cap 119), this was followed by formation of other forces such as the Kenya Navy, Kenya Police, Kenya administration police and specialized Para military forces such as the General service Unit, Anti Theft Unit. The Kenya army itself has close to 100 regiments most of which are spread in pastoralists communities in north Kenya. The pastoralists' lands continue to be viewed by authorities as empty arid and unproductive and they are using these baseless arguments to legitimize the use of pastoralists' lands for military exercises which, they say, advances national security- a national priority- so they say!

These military actions have continued to disrupt the pastoralist's patterns of living, traditional and social way of life, including their livelihood coping and survival strategies. The pastoralists who are already victims of "progress" under several development policies continue to be alienated and treated as lesser citizens.

The British Authorities established Military training agreements with Kenya. Every year close to 3,000 British army personnel, including their affiliate armies such as the Ghurkhas, Scottish regiments come to Kenya for training mainly in Laikipia and Samburu. The agreement was renewed last year, despite, objections by the pastoralist communities and then-leaders.

The US Marines have, of late, joined the fray and have been training In Wajir Kenyan coast and Isiolo.

This agreement has converted most pastoralists lands such as Samburu, Isiolo, Marsabi, Wajir, Garissa, Turkana, Lailupia among others into "military Olympic village" where their Annual Grand Prix Military Training Exercises take place.
The local and foreign military training and activities in Kenya include the use of heavy artillery, air bombing, shelling, air shows, parachuting, ground maneuvers, night war games, mock helicopter raids and rescue missions, war games using live and dry munitions, ambushing among others.

The impact on the pastoralists' communities and their environments can be summarized as follows:

a) **Loss of life and related injuries**

Death is among the worst of the effects related to military training. The deaths and injurious are the direct result of victim-triggered bomb explosions. Most victims, mostly women and children, meet their predicament while herding and normally encounter unexploded ordnances that, unknowingly, they use to play. The objects explode are killing, maiming and injuring them. The last two cases to be reported happened two week ago - a woman was seriously injured and a week after another woman was blown to pieces. The cases have been reported to the Kenyan police.

In 2000, die pastoralists' communities through their own organizations engaged international human rights lawyers to pursue the case. In an out of court settlement, The British Government accepted 65% liability and paid out compensation to 1300 pastoralists' for injuries and deaths related damages. They agreed to clean up the areas of all munitions left behind. They refused any collective damages suffered by the community and use of their land. The Kenya authorities have refused to accept any liabilities and the communities are still looking legal aid to pursue the case.

b) **Gender based violence; Rapes, disruption of family life, social harassment and increased work load for pastoralists women**

Since 1960s, close to 1000 cases of rapes legations have been documented. Mixed —race Children have been bone of these rapes and others of consensual relations but have been remained fatherless. The mixed race children feel discriminated by society. Women have to live in perpetual fear due to continued military training presence in the area. The military training grounds have annexed water sources, firewood and pasture ground and women have to spent much time walking and fetching firewood — which normally result in domestic violence at the household level.

Through the human rights lawyers in London, the community notified the British and Kenyan authorities of rapes. The Kenyan Government remained non committal. The British government sent the Royal Military Police to investigate the rapes. The Royal Military Police were allowed unlimited access to official records. The Community lawyers were denied any access to the same documents and this has affected the filling of the case. It is an abuse of justice for the British authorities to allow left arm to investigate its right hand and refusing the request put forward by the community that a joint and independent judicial commission of inquiry be established to investigate the allegations of rapes. Two years down the line the RMP has not released its report.

c) **Forced relocation and displacement**

The pastoralists' have been relocated to pave way for different development and military actions. This has been done without the due process of law and any semblance of consultations to the concerned communities. The pastoralists living close to the gazetted military trainings are removed forcefully to allow for the military training to take place. Some of the pastoralists have been forced to move of out of their ancestral lands to pave wav for training ground, camps and bases. The military has been used to intimidate them to move out of completely. Relocation has affected about 1 million pastoralists in Kenya since independence.

d) **Increased resource-related conflicts**

The military training camps are normally set up within specific and selected areas, notably the Archers post and Do, Dol. The army camps have to rely on communal water sources for their water supplies. The water bowsers/tanks dominate the water point, causing the communities great stress and suffering, as the army has to be given priority over water. The relocated communities end up moving to other areas triggering natural resource based conflicts with other pastoralist's areas. The Laikipia air base in Laikipia has so much land lying idle (originally Maasai) and the pastoralists are just grazing on the road sides. On a weekly basis about 100
pastoralists are arrested due to illegal grazing and none of them has ever been charged in a court of law-instead they are fined by a military kangaroo courts.

e) Negative effects on communal Health and Environmental degradation and erosion of biodiversity

Indiscriminate felling of trees without prior community consent dominates the training exercises. The military personnel camps are fenced using Uve tree branches and twigs. The biodiversity in these areas is being threatened and, with time, will be lost. The rangeland productivity and recovery is diminished in the process, given that the arid lands in Kenya are faced with crises of desertification and degradation. The use of heavy artillery, bombs, shells, rubber bullets and other training gadgets, which are left behind, pollutes the environment, not to mention polythene bags and other non-biodegradable material strewn over the grazing areas. These are known to have killed numerous livestock as the livestock consume these bags, which are not digestible, and die in the process.

The British do their swimming exercises upstream of Ewuaso Ng’iro River, which pastoralists use as drinking water further downstream. They do not care about the health hazards they pose to the communities, which have no other alternative for drinking.

The military activities have never undergone the mandatory Environmental impact assessment

f) Abuse of cultural values

Trees with medicinal value or used in spiritual practices are cut down without being replaced. Among the pastoralists, there is not one tree without value, and indiscriminate cutting abuses the indigenous knowledge and intellectual property that the community attaches to these trees and to the entire environment. The military activities lack respect for the traditional land and tree tenure. The armies have also cut down trees in areas considered to be of spiritual value to communal rituals, thus desecrating these areas.

The British soldiers entice herds' boys and girls by using sweets. One of the worst examples is when they use human waste and food leftovers in paper bags and use it to test the children's reaction, making fun of their poverty and hunger!

The soldiers' habit of walking almost nude at the water points is perceived negatively by the community and it is, in fact, a total abuse of the community understanding of ethical living. Taking photos of herds' boys and girls without individual authority is an abuse of individual Lights.
f) Trauma and Psychological effects
The victims and the community at large are subjected to constant trauma. The trauma of being disfigured, maimed or even killed by explosives is evident, much so, in families which have victims or have lost members. The injured victims suffer a sense and state of hopelessness, despair and of not being wanted. Members of the family have to live with the emotive pain of having to deal with a disfigured person who is no longer productive. Most victims have lost limbs and thus cannot contribute to earning a living and they have to be supported by the rest of the family. The community at large lives in constant fear and is traumatized as they do not know whose is going to be next!

g) Racial discrimination.
The foreign soldiers often exhibit racist behavior. When they undertake training on the neighboring white-owned ranches, they normally provide compensation but they have done very little for the indigenous communities in comparison with what these latter are losing. In their employment procedures, the foreign military normally employ members of other communities and leave out the pastoralists. The only positions the indigenous people are offered are those of security guards, where they are subjected to inhuman working conditions against the ILO declaration on the principles and conditions of work. The soldiers have also used young boys in their war games and have subjected them to mistreatment. The same soldiers have done clean-up exercises after training in the commercial ranches but they have rarely done the same on the pastoralists' land, unless it is demanded.

In conclusion, Mr. chairperson, I which to state that; The Kenyan government has contravened several of the rights enshrined in constitution, among them: the right to life and livelihood, the right to own and dispose of private property, the right to development and culture and the right not to be discriminated against.

Kenya is a signatory to the OAU charter, the Algiers Declaration on Peoples' Rights and the Arusha Declaration on People's Empowerment, which was later adopted by the head of states, all of which put great emphasis on the right to property, livelihood and justice.

The OAU charter stipulates in its preambular paragraphs that, "freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples". This is not true in the case of indigenous peoples in northern Kenya, as they have been and continue to be denied the right to earn a living due to disruption of their pattern of living and traditional economy.

Article 22 of the OAU Charter on Human and Peoples' Rights has been contravened by the Kenyan government. The article reads, "all people shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind."

Article 19 of the same instrument states in part that, "nothing shall justify the domination of a people by another". Article 21 of the African Charter elaborates that, “all peoples shall freely dispose of their wealth and natural resources and in case of spoliation the dispossessed people shall have the right to lawful recovery of its property as well as to an adequate compensation".

ILO Convention 169 of 1989 on indigenous and tribal peoples in independent countries reinforces the stand of the pastoralist communities in Kenya in its article 7 (4) - among others -where it states that, "governments shall take measures, in cooperation with the people concerned, to protect and preserve the environment, the territories they inhabit." Kenya, Britain and USA have NOT ratified this instrument. However, by being member states to the ILO, they have social and moral responsibility to promote social justice as expounded in the ILO constitution and Principles of work.

Britain, USA and Kenya are signatory to the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights respectively- which they have chosen to ignore - in
Finally the affected pastoralists communities are recommending that's:

- **Concerned authorities** take decisive measures to clean up the areas and remove all unexploded munitions
- That the Kenyan government must take due consideration of the rights of the affected pastoralists communities to use and own the land and they must be given priority.
- Due compensation for affected communities and households
- Both the Kenyan and British take urgent measures to establish an independent judicial commission of inquiry to investigate the allegations of rapes so to pave the way for the realization of justice.
- The media and international human rights fraternity need to further investigate the human rights and atrocities committed by states under the veil of "national security"
Misión de Bolivia ante las Naciones Unidas y otros Organismos Internacionales

Grupo de Trabajo de Pueblos Indígenas 31 de
Julio al 4 de agosto de 2006

Gracias Presidente,

Si bien tengo que mencionar que en este primer discurso como representante de Bolivia ante la familia de Naciones Unidas en Ginebra, se me ensombrece el corazón por acontecimientos internacionales recientes, por otro lado es un verdadero orgullo representar en este Grupo de Trabajo sobre Pueblos Indígenas a mi país, el cual es conducido, desde enero de 2006, por primera vez en la historia por un Presidente Indígena, representando a los pueblos indígenas de occidente y oriente que constituyen más del 60% de mi país y que antes estuvieron marginados y casi prácticamente vetados para participar en los procesos políticos de Bolivia. Como mencionara el Compañero Presidente, Evo Morales, en un discurso ante una concentración reciente, desde ahora todos los pueblos indígenas son presidentes, todos somos presidentes.

En Bolivia estamos en tiempos de cambio, de cambios estructurales. Hace 10, 20 años nunca se habría pensado, o nunca se habrían imaginado que los aymaras, los quechuas, los guaraníes u otros pueblos indígenas y originarios bolivianos llegarían a la alta función de Gobierno, elegidos democráticamente. Por ello nuestra intención como Gobierno es realizar transformaciones en democracia, en permanente dialogo con todos los actores sociales, buscando que las transformaciones sean pacíficas, y de esta manera garantizar estos cambios en la Asamblea Constituyente, que junto a otras importantes medidas, como la recuperación de nuestros recursos naturales, son pasos definitivos en la construcción de una sociedad boliviana más justa, donde las personas no sean discriminadas ni excluidas y tengan igualdad de oportunidades.

En días anteriores, surgieron interrogantes sobre los pasos que esta llevando a cabo el nuevo gobierno en Bolivia, permítame mencionarle que frente a ustedes tienen un Gobierno que incluye en su conformación a dirigentes indígenas y sociales, a mujeres, a empresarios privados, clase media, intelectuales, que representan la forma en que queremos transformar nuestro país, sin ningún tipo de exclusión, y valorizando los aportes de cada sector, incorporándolos en la vida cotidiana de nuestra República. Permítame presentarle dos ejemplos: el Congreso Nacional incluye una representación mayoritaria de pueblos indígenas y movimientos sociales y en el Gabinete 4 de los miembros son ministras, en temas tan importantes como Justicia, Desarrollo Económico, Seguridad Interior o Salud.

Es importante destacar que mi Gobierno tiene mandatos muy claros de la amplia mayoría que lo eligió y que continúa apoyándolo, principalmente para cambiar la organización del Estado boliviano, revalorizando, promoviendo el reconocimiento y llevando a la práctica la riqueza cultural y tradicional de los pueblos indígenas.

Estos cambios se han iniciado y ya se empiezan a sentir. Nunca antes los pueblos indígenas participaron en la redacción de las diferentes constituciones, hoy en día tienen, por primera vez una oportunidad de hacerlo a través de la Asamblea Constituyente que iniciara su labor el 6 de agosto de este año, el día de la independencia de Bolivia cuando esperamos celebrar un nuevo capítulo en nuestra historia, un capítulo de esperanza.
Uno de los cambios que este gobierno trajo consigo es la cultura del dialogo antes que el de las armas. En este sentido, los diferendos que antes eran solucionados a través del uso de la fuerza militar avasallando las tierras de los pueblos indígenas o de colonos de origen indígena, serán convertidos poco a poco en cosas del pasado. Hoy en día, gracias al dialogo, la concertación y la responsabilidad compartida más de 5,000 hectáreas de hoja de coca serán substituidas voluntariamente hasta fin de año, cuando antes se necesitaba del uso de fuerzas militares no siempre nacionales, para tales efectos, lo que en muchas ocasiones representaba abusos a los derechos humanos e incluso algunas víctimas letales cada año. Estas prácticas ensombrecían nuestra democracia, hoy dejamos de lado estas prácticas nefastas para abrirnos a la cultura del dialogo, que es la cultura de los pueblos indígenas de mi país.

Señor Presidente, deseaba referirme al futuro de este Grupo de Trabajo. Es de opinión de mi país que cualquiera que sea el futuro de las reformas en el ámbito que los Derechos Humanos es esencial que los pueblos que están presentes en esta sesión cuenten con un ámbito propicio para expresar sus opiniones, denunciar las injusticias a las que se enfrentan así como compartir las mejores prácticas en diferentes países.

Por último, deseaba invitar a todos los presentes a este Grupo de Trabajo para asistir a la inauguración de la artista boliviana, Alejandra Bravo, que ha recuperado el arte plumario de los pueblos indígenas de Bolivia de la Amazonía y de los Andes, para crear un trabajo original y contemporáneo. La cita es a las 18:30 hoy día, frente a la puerta cuarenta.
Dans notre région, précisément en grande Kabylie, dans la wilaya de Tizi-ouzou, en Algérie, exactement à Freha centre, on trouve une concentration militaire, en l'occurrence la gendarmerie nationale qui dépend du Ministère de la Défense Nationale. Elle occupe des terres à vocation agricole, et même une structure qui était destinée à devenir un centre de formation professionnelle pour absorber les jeunes éjectés des bancs d'école, afin de bénéficier d'une formation professionnelle.

Il y a même un nombre important de jeunes qui ont fait des inscriptions, qui ont déposé des dossiers, mais en vain. Ces lieux sont squattés par les autorités de ce pays, qui veulent réprimer davantage le peuple autochtone berbère et instaurer un état dictature et policier. Ce projet de mise en place d'un centre de formation pour le corps de la Gendarmerie Nationale a été installé en 1980, juste après les événements du Printemps Berbère très dramatique, qui ont fait basculer toute la région, et même tout le pays, car il y a eu des morts et des blessés à cause d'une revendication légitime qui demandait la reconnaissance de la langue amazigh comme langue nationale et officielle, mais le pouvoir a usé de tous les moyens pour étouffer ce mouvement de protestation populaire.

De nos jours, ce camp militaire est considéré comme un poste avancé du pouvoir central à Alger qui s'appuie sur le système jacobin et qui a essayé d'avoir la mainmise sur toutes les décisions importantes, surtout sur le plan politique, et de contrôler tous les mouvements des organisations de masse, comme les syndicats, les partis politiques, les associations à caractère culturel ou sportif, ou social, etc.

A titre d'information, notre localité, Freha centre, où je réside, qui a une population de plus de 15000 habitants, ne possède pas de service de police, malgré la Constitution et les lois de la République Algérienne démocratique et populaire, qui stipule qu'à partir de 15000 habitants la localité ou la ville a droit à des services de police. Malheureusement, la police existe, mais pas à notre niveau. L'objectif de cette aberration c'est bien de militariser et de réprimer la société berbérophone, et de créer un climat de peu et de psychose et d'avoir le contrôle sur toutes les actions de la société civile. Comme ils ont décrété l'état d'urgence à la capitale, Alger, ils ont encouragé l'implantation de la Gendarmerie en Kabylie, ils ont essayé d'infiltrer les comités de village, les associations, toutes les organisations de masse, afin de maintenir leur régime dictatoriel pour dilapider les biens publics et se partager les richesses du pays entre eux (pays riches, peuples pauvres).
Un autre point très important c'est que les autorités sensibilisent et informent à notre échelle les jeunes pour les incorporer dans leurs rangs. Toutes les portes sont ouvertes pour les stages, le recrutement dans l'armée nationale et surtout à la gendarmerie nationale, chaque début septembre. De l'autre côté, même les fenêtres sont fermées devant notre jeunesse, lorsqu'elle essaie de trouver un poste de travail dans un établissement étatique. Le rôle de la Gendarmerie Nationale c'est la lutte contre le banditisme, la criminalité, la drogue, le terrorisme, la dilapidation des deniers publics, la sécurité des personnes, la protection des biens des personnes. Malheureusement sur le terrain on voit le contraire.

Revenant aux événements du Printemps Noir, en avril 2001, dont la première étincelle a été le coup de rafale d'un gendarme sur un jeune âgé de 21 ans, en l'occurrence Guermah Massinissa, ils ont même tiré sur des jeunes manifestant pacifiquement à 300 mètres de leur brigade avec des balles explosives dans le dos. Ils ont commis un génocide en Kabylie, dont 129 jeunes tués. Enfin c'est un corps discrédité par tous les citoyens de cette région, en particulier la nouvelle génération., vu les crimes, les dépassements de tout genre.

D'ailleurs la revendication actuelle du mouvement citoyen de Kabylie c'est bien la délocalisation des brigades de gendarmerie et leur remplacement par un service de sécurité digne de son nom, exemple les services de police, parce que ces derniers ont fait des massacres pendant plus de 3 années. D'avril 2001 jusqu'en janvier 2004, où les négociations ont débuté entre le pouvoir central et la délégation du mouvement citoyen de Kabylie. Plus grave encore, les tueurs de nos frères et sœurs ne sont pas encore jugés par la justice algérienne, ou bénéficient de l'impunité. C'était une décision politique préméditée et planifiée pour atteindre leur objectif de diviser pour régner.

Genève, le 30 juillet 2006
24th session du Groupe de travail des Nations Unies sur les droits des peuples autochtones
Palais des Nations, Genève, 31 juillet-4 août 2006

Thème de la session ;
«L'utilisation des terres des Peuples Autochtones par des autorités, des groupes ou des personnes non autochtones a des fins militaires»

Le Congrès Mondial Amazigh (CMA), ONG Internationale de défense des droits du peuple amazigh, se félicite du choix du thème de la présente session du GTPA car il donne aux peuples autochtones l’occasion de dévoiler une autre façon de les spolier de leurs terres et territoires, cette fois-ci par les forces armées des Etats et par les groupes armés clandestins.

Le peuple amazigh est le peuple autochtone d'Afrique du Nord dont les composantes sont éparpillées sur tous les pays de cette région, y compris l'archipel canarien et le Sahara qui est le pays des Touaregs.

Comme l'ont précisé ou le préciseront mes collègues de chaque pays ou région, les terres et territoires des Amazighs connaissent différentes formes d'utilisation à des fins militaires ou de contrôle militaire. Dans tous les cas, l'installation des forces militaires ou des groupes armés non autochtones sur les terres et territoires amazighs, se fait de manière tout à fait arbitraire, sans aucune consultation de la population. Face à une armée régulière ou des groupes armés clandestins, les populations sont totalement démunies, incapables de contester quoi que ce soit.

C'est le cas dans l'archipel canarien qui sert de base militaire non seulement à l'Espagne mais aussi aux Etats Unis d'Amérique et à l'OTAN. Les forces armées se sont appropriées des terres et les eaux territoriales de chacune des sept îles de l'archipel où elles s'adonnent à des expérimentations militaires dont on ignore l'objet et les conséquences.

En pays Touareg (Sahara algérien, malien, nigérien, libyen et mauritanien), sous le prétexte désormais classique et imparable, de lutte contre le terrorisme islamiste, les armées des Etats, notamment algérien, malien et nigérien, avec l'aide intéressée des puissances comme la France et les USA, militarisent progressivement la région. Le but inavoué de ces manoeuvres militaires est à la fois stratégique et économique : contrôler cette région tampon entre l'Afrique du Nord et l'Afrique sub-saharienne et son peuple Touareg et prendre possession de ses richesses actuelles et potentielles.

En Algérie, depuis l'indépendance du pays il y a 44 ans, c'est le règne quasiment sans partage des militaires qui usent et abusent de leur pouvoir illimité, en toute impunité. Les ressources pétrolières et gazières qui se trouvent sur le territoire traditionnel des Touaregs sont contrôlées par la puissance militaire qui les détourne à son profit et à
celui des cercles du pouvoir. Les populations et régions qui osent réclamer à voix haute leurs droits fondamentaux, sont implacablement soumises à un contrôle renforcé, donc à la militarisation. C'est le cas de la région amazighe de Kabylie où le rapport militaires/habitant est le plus élevé du pays. Des casernes de gendarmes, de policiers anti-émeutes et de militaires sont installées de manière hautement excessive, dans le but évident non pas de protéger la population, mais de la surveiller et d'intervenir contre elle en cas de besoin, comme cela a été le cas en 2001 où 127 personnes ont été tuées par les gendarmes, lors de manifestations pacifiques.

La Kabylie, région montagneuse proche d'Alger, est également utilisée comme base de repli par les groupes islamiques armés (GIA), ce qui constitue à la fois un facteur d'insécurité et un prétexte pour l'Etat algérien de maintenir une présence excessive de ses forces de sécurité dans cette région.

Comme en Algérie, le Maroc s'appuie sur les lois coloniales françaises pour s'approprier les terres et territoires des Amazighs et pour installer manu militari ses casernes et ses équipements militaires. Les ressources naturelles comme l'eau et les forêts font parfois l'objet de détournements au profit des forces armées, privant les populations d'une ressource de vie, les obligeant à se déplacer sur d'autres territoires, avec les conséquences que cela entraîne. Nous sommes en train de procéder au recensement de tous les cas d'expropriation afin de solliciter le droit national et international sur ce problème grave qui menace la survie des populations.

La situation est similaire dans les autres pays (Tunisie, Libye) où l'occultation des droits des populations autochtones, fait que les autorités utilisent et usent à leur guise des terres, territoires et ressources des Amazighs.

En définitive, il nous paraît que seule la restauration de la souveraineté des Amazighs sur leurs terres, territoires et ressources naturelles, conformément au droit international, est susceptible de mettre fin définitivement au déni du droit et à tous les abus qu'ils subissent depuis des siècles.


Lounes
Thank you Mr Chairperson

Honourable delegates, ladies and gentlemen, my name is Mofak SALMAN, I am honoured today to have been granted this opportunity to partake in the twenty-fourth session, Indigenous peoples and conflict prevention and resolution. My objective is to draw your attention to the current situation of Turkmen and Utilization of Indigenous peoples' lands by non-indigenous authorities of Iraq and conflict prevention and resolution.

Over the centuries, Turkmen played a constructive role in Iraq, by defending the country against foreign invaders and contributing to the building of Iraqi society. Turkmen lived in harmony with all ethnic groups around them but since Iraqi independence from the British Mandate in 1932, the government of Iraq has failed to implement a democratic and pluralistic constitution and government, one that endorses, protects and secures the right of the Turkmen nation.

Commencing in 1968, the Ba'ath party rule, opened one of the darkest chapters in Turkmen history. During much of the 1970s and 1980s, the Turkmen and Kurd populations were forcibly relocated in order to bring about a change in the demographic nature of northern Iraq. A policy that is commonly referred to as Arabisation ("ta'rib") was invoked by the Iraqi government programme where Arab families were resettled from southern Iraq to replace and dilute the Turkmen population. Many Turkmen and Kurdish villages were bulldozed, and new Arab settlements were built nearby. Turkmen were forced to change their national identity to Arabic, all Turkmen schools and cultural associations were closed and the Turkmen political leaders were arrested, imprisoned and executed.

The Ba'ath Council banned the Turkmen from acquiring real estate in Kerkuk, with its resolution number 434, dated 11 September, 1989, and its resolution number 418, dated 8 April, 1984. The Turkmen who owned arable lands were deported to the southern regions by force. The Iraqi government, under a variety of pretexts, demolished Turkmen-populated areas in Kerkuk City, in addition to a large number of Turkmen villages demolished by the Iraqi government. For example, Beshir, Kombetler and Yaychi were destroyed, and the residents of these villages were left homeless. Moreover, a large number of Turkmen houses were confiscated in order to split up the Turkmen localities. Arab families were brought to Kerkuk from the south of Iraq and resettled by force, with the financial support of the government, in order to change the demography of the area.

The Turkmen, who wanted to purchase properties or sell their properties in Kerkuk, were under the obligation to obtain official permission from governmental authorities. With the resolution number 1081, dated 27.09.1984, the Turkmen lands were expropriated and allotted to the Arabs who were brought from the south. There was a very strict ban on all sales of real estate in Turkmen regions.
Turkmen could only sell his/her land or building to an Arab. Turkmen could neither obtain building permissions on their own lands nor could they purchase real estate. These restrictions were published in official newspapers and openly enforced.

On the other hand, Arabs were encouraged to buy real estate and settle in Turkmen regions, with interest-free loans. The lands that the Turkmen owned and their title deeds were expropriated by the Iraqi regime at a price much lower than their real value. The lands expropriated in the district of Kerkuk, namely, Tisin, Hasa Timan, Beyle, Shaturlu, Sari Kehya, Gavurbagi, Arasa and the village of Bulawa, were sold to members of the Ba'ath Party, security personnel and officials of Arabic origin at low prices.

Arab families were given financial incentives to move to the oil-rich areas in the north of Iraq. The Iraqi government embarked on housing construction projects to bring more Arab families north in order to change the demographic makeup of the north and, especially, Kerkuk which is dominated by ethnic Turkmen. The decades of state persecution of Kurds and the repeated forced displacement in the north of Iraq have tremendously contributed to the change in the demographic nature of the Kerkuk region.

After the occupation of Iraq, the Turkmen, Arab and Chaldo Assyrians had high expectations of the interim administration established after April 9, 2003. The Turkmen expected to see democracy, fairness, an end to discrimination, the right to self-determination and an end to violence. Unfortunately, the opposite has occurred in particular concerning the Iraqi Turkmen.

Presently the Turkmen have been undergoing Kurdization campaigns by the Kurds in Turkmeneli in an often more brutal fashion than carried out on Kurds by Saddam Hussein. The Iraqi Kurds are attempting by various methods to eliminate Turkmen identity especially from Kerkuk City in order to dilute them into Kurdish society. Despite the fact that the Turkmen had been given assurances by the US forces that the Kurdish militia would not be allowed to enter Kerkuk and Mosul, the Kurdish onslaught did take place. During the occupation of Kerkuk, the Kurds burnt the Registry Office and the land deeds for the Turkmen have been taken from the Registry Office intentionally and this makes it difficult for the Turkmen to establish the original inhabitants of the province. This orchestrated looting was a purposeful act meant to remove all official evidence proving the Turkmen presence in Kerkuk.

However, in April 2004, the Americans created the Iraqi Property Claims Commission to rule on restitution. By the end of 2004, the commission had received 10,044 claims from Kerkuk province. The commission's statistics show that judges have come to a decision only on 25 cases. The head of the commission said in an interview that only two judges, both Kurds, were working on cases in Kerkuk. The commission has been unable to assign more judges because Kurdish political parties insist that only Kurds review the claims, which limits the number of qualified people.

After the occupation of Iraq, the Kurdish authorities have controlled almost the entirety of northern Iraq using military militia with the help of the US forces. Since then, the Kurds and US forces have been using the lands of the indigenous people to finance their military machine to terrorise the indigenous people in the north of Iraq, for example;

There has been an oil exploration deal agreed between the KDP (Kurdistan Democratic Party) and the Norwegian DNO Oil Company. This exploration started to take place on November 2005 in the Border City of Zakho. It is my understanding that no approval was obtained from the central government of Iraq for this
exploration. I am deeply concerned that this situation could become potentially explosive, fostering further ethnic and sectarian tensions.

It is to my own and other Turkmen’s astonishment and outrage that such a deal could be allowed to take place in light of the new draft constitution, which was approved in October 2005. Clearly the aim of the constitution is to involve all government parties in the formation of energy policy and to agree compensation for all areas of the country that were affected, deprived and damaged by the former regime.

Since the occupation of Iraq in 2003 all revenues generated by the KDP have been distributed away from the rest of Iraq, which goes totally against the remit of the constitution. In other words there is a power abuse by the Kurdish Militia generated by the absence of strong central government and the existence of occupation forces. On behalf of myself and other Turkmen, we believe that the wealth generated in northern Iraq should be equally distributed throughout the whole of the country regardless of race, religion or ethnic background.

If it is the true intention of the DNO to help the Iraqi people then surely the exploration of Iraqi oil should be part of a democratic process involving representation from all of Iraqi society. In this way the needs of the Iraqi peoples can be met without prejudice and in total agreement with the new constitution. The DNO’s action in the North of Iraq could be interpreted as treating the north of Iraq as a separate country and also encouraging the Kurds to implement their aspirations of independence while providing them with essential revenue and resources. We feel strongly that the DNO’s action in the north of Iraq could be a major contributory factor to civil war. As a result of this, Norway could be considered in the eyes of the Iraqi people as an occupying force. There is a possibility that the position of the Norwegian government would therefore be in serious jeopardy.

- The Turkmen of Iraq would like to see urgent Norwegian government involvement on the above matter in order to halt the oil exploration in Northern Iraq.
- Turkmen demand the cessation of the Kurdisation policies, changing the demography of Turkmeneli and demand a more active role from central government in Baghdad to halt both Kurdish parties from changing the demography of the North of Iraq.
- The closure and immediate evacuation of government buildings from the previous Ba'ath regime that have been utilised and converted by the Kurdish militia into interrogation, torture and imprisonment centres.
- Financial compensation should be provided to the Turkmen people who were forcibly deported from Kerkuk and the surrounding regions by the previous regime. The Governor of Kerkuk should facilitate the return of these indigenous people.

Mofak SALMAN
Iraqi Turkmen Committee

Turkmen ¹ The Iraqi Turkmen live in an area that they call 'Turkmenia' in Latin or 'Turkmeneli' which means, "Land of the Turkmen. It was referred to as "Turcomania" by the British geographer William Guthrie in 1785. The Turkmens are a Turkic group that has a unique heritage and culture as well as linguistic, historical and cultural links with the surrounding Turkic groups such as those in Turkey and Azerbaijan. Their spoken language is closer to Azeri but their official written language is like the Turkish spoken in present-day Turkey. Their real population has always been suppressed by the authorities in Iraq for political reasons and estimated at 2%, whereas in reality their numbers are more realistically between 2.5 to 3 million, i.e. 12% of the Iraqi population.

Turkmeneli ² is a diagonal strip of land stretching from the Syrian and Turkish border areas from around Telifier in the north of Iraq, reaching down to the town of Mersin on the Iranian border in Central Iraq. The Turkmen of Iraq settled in Turkmeneli in three successive and constant migrations from Central Asia, which increased their numbers and enabled them to establish six states in Iraq.
Statement of Dr Dhuni Soren, World Adibasi Council (WAC)

4. (b) Principle theme: Utilisation of Indigenous Peoples' lands by non-indigenous authorities, groups or individuals for military purposes.

Mr. Chair person, delegates, ladies and gentlemen. Please accept my very humble greetings for the day. I wish to bring to your kind attention to some of the important points regarding utilisation of Indigenous Peoples' lands for military purposes and its effect on the cultural, spiritual, mental and physical well being of indigenous peoples and their natural habitat. The majority of military establishments of countries are located at far flung hilly and mountainous areas away from the well developed and populated areas.

1. These areas are the natural habitat of the Indigenous Peoples of the world and they depend on these lands for their livelihood.

2. They are culturally, spiritually and historically linked with the environment and natural resources of these areas. They live, work, worship, enjoy their lives and die on these lands.

There is abundant and growing evidence of the damage to human health and the environment caused by military munitions and ranges. They pose danger at each step of their life cycle.

Production and testing sites, firing ranges and disposal sites contaminate the environment and threaten the public health and natural habitat.

I would like to give you some examples of these in different parts of the world;

1. The army have trained in the Makua Valley of Hawaii since before world war two and appropriated the entire Valley when the war broke out evicting families and damaging over 40 endangered species including one found nowhere else in the world. The training and disposal operations have caused fires destroying homes, the local churches and indigenous Hawaiian temples, contaminating soil and groundwater and denying the community access to their sacred lands.

2. Eagle River Flats Impact Area in Alaska has been used since 1949 affecting the natural habitat of rare birds and the health of the people living there.

3. Netarhat Firing Range in Jharkhand, India has been used since British Raj days and is still used displacing the poor tribal people without adequate compensation and rehabilitation.

4. Similarly there are many other sites in the rest of the world affecting the livelihood and wellbeing of indigenous people. Measures recommended;

1. All nations to recognise and respect the indigenous people, their culture, language and the way of life,
2. Restoration and reparation of their lost ancestral lands.
3. Proper rehabilitation and adequate compensation in similar natural habitat, where restoration is not possible.
4. To establish conflict arbitration committees in all states
5. The international institutions should monitor and supervise military activities and use of indigenous peoples' lands.

I thank you Chair person, ladies, gentlemen and fellow delegates for you kind attention.

THANK YOU
Uso de la tierra de los pueblos indígenas para propósitos militares en el Archipiélago Canario

El pueblo indígena del Archipiélago Canario, de etnia amazigh, sufre una autonomía corrupta de corte colonial con la que España perpetúa su hegemonía sobre el Archipiélago, soslayando los acuerdos de descolonización de la Asamblea General de Naciones Unidas de 1.960, y la declaración del Comité de Coordinación para la Liberación de los Pueblos de África (CCLPA) del 68 en que proclamó el derecho a la autodeterminación e independencia de nuestras islas.

En la sangrienta invasión militar del siglo XV, los canarios fueron ahorcados, arrojados al mar con pesas en los pescuezos, a otros les cortaron pies y manos vivos, otros fueron empalados y a muchos los tiraron mar adentro, de forma que no pudieran llegar nadando a las islas.

Sus gentes, mujeres y niños mayormente, vendidos en los mercados del mediterráneo. Su cultura e idioma prohibidos, sus tierras, agua y animales robados, y ellos, los naturales de las islas, convertidos en pastores esclavos de sus propios ganados.

En 1902, el canario universal Benito Pérez Galdós, en carta al embajador León y Castillo decía...

El General "...Weyler relevó á mi hermano de la Capitanía General de Canarias. El motivo no ha sido otro que el de dar gusto á los militares que allí se han empeñado en tratarlos como á raza inferior. ...

Últimamente, (...) mi hermano se veía obligado por los deberes de su cargo á tener en continuo arresto á numerosos oficiales, á fin de impedir colisiones y rozamientos peligrosos con los hijos del país...”

Nietos y bisnietos de aquellos hijos del país, dijeron NO a la OTAN en referéndum, no obstante, el colonialismo está ampliando sus instalaciones militares para servicio de intereses hegemónicos

En julio, la prensa española dijo: "la OTAN vuelve a Canarias para demostrar la inutilidad del Arsenal"... y la necesidad de trasladar la Base Naval a otro punto capaz para portaviones y buques de gran calado.

Los daños de la OTAN a la fauna y la geología volcánica, no podrán ser evaluados. No se tiene información del uso de cargas de profundidad, torpedos u otros materiales bélicos, pero de los 68 años varados en las costas de las islas, un 78% murió coincidiendo con sus maniobras militares.

Las pérdidas, negadas por las autoridades españolas, eran evidentes. La Universidad de Las Palmas informó que los cetáceos murieron por embolia gaseosa-grasa. La causa de muerte en los últimos casos conocidos, fue el uso de un sonar de gran potencia.

Con la ocupación, el pueblo del Archipiélago Canario es usurpado de su derecho a administrar su territorio. El colonialismo español explota nuestra situación geoestratégica a niveles, comerciales, petrolíferos y por tanto, militares, negociando con nuestras aguas, tierras y espacio aéreo.

Por eso, nos gustaría saber más sobre los bombardeos con NAPALM efectuados en Umdreiga al pueblo Saharaui durante su éxodo a Tinduf, en febrero y marzo de 1976, que según el Frente POLISARIO, fue efectuado por aviones
franceses. Nos preguntamos si es cierto o no que los franceses usaron el aeropuerto de Gando para esas maniobras. De ser esto así, estaríamos más cerca de confirmar que años más tarde, por fuera de la Bahía de Gando, se arrojaron al mar las bombas de fósforo sobrantes de aquella barbarie.

En 1991, cuarenta y nueve estados africanos firman en El Cairo el **Tratado de Pelindaba**, estableciendo la desnuclearización militar para el Continente, islas y archipiélagos africanos.

El Protocolo III del Tratado, compromete a EE.UU. Reino Unido, y a China. Rusia no firmó; Francia firma además, por su posesión colonial del Archipiélago de Reunión y de la Isla Mayotte; España se niega a la firma, negando el derecho a la desnuclearización militar a los territorios africanos ocupados de Ceuta, Melilla y Archipiélago Canario.

La carencia de respeto mostrada históricamente por España a sus colonias, hace que en Canarias se diga que...

"España no tiene historia, tiene antecedentes penales".

Lo dicho y la más que probable existencia de petróleo en el subsuelo marino canario, nos hace rechazar que España nos use como moneda de cambio en la geoestrategia de los perturbados creadores de guerras.

i NO a las guerras, SI al respeto por la vida y por el ser humano!

**Solidaridad Canaria**
Comunicado

El pasado 27 de julio, las fuerzas represivas españolas en Canarias, agredieron una vez más a los ciudadanos que protestaban por la exhibición de uno de los pendones de la conquista de Tenerife, que llevaba dos años sin exhibirse en procesión cívico-militar dado el rechazo habido en años anteriores.

En 1984, en Gran Canaria, una pantomima en la que los canarios mostraban su rechazo a la celebración de la cruenta derrota y posterior colonización que sufrió el Archipiélago en el siglo XV, logró la suspensión de dicho acto militar en Las Palmas. No obstante, el colonialismo persiste en su deseo de celebrar anualmente la derrota que el Pueblo Canario sufrió ante los ejércitos mercenarios del Reino de España.

El Pueblo Canario rechaza estas celebraciones de la sangrienta invasión militar del siglo XV al Archipiélago, en la que nuestros antepasados fueron ahorcados, arrojados al mar con pesas en los pescuezos, desmembrados vivos, empalados y muchos tirados mar adentro de forma que no pudieran llegar nadando a las islas. Sus gentes, mujeres y niños mayormente, vendidos en los mercados del mediterráneo. Su cultura e idioma prohibidos, sus tierras, agua y animales robados, y ellos, los naturales de las islas, convertidos en pastores esclavos de sus propios ganados.

NINGUN PUEBLO HA DE CELEBRAR SU PROPIA DERROTA
Intervention de l'organisation autochtone de la République Démocratique du Congo.

Thème :
Utilisation des terres autochtones par des autorités, groupes ou personnes non autochtones à des fins militaires (Sud-Kivu, Nord-Kivu, Katanga et le District de l’Ituri)

Pacifique Mukumba, Centre d'Accompagnement des Autochtones Pygmées et Minoritaires Vulnérables « CAMV » camvorg@yahoo.fr

Monsieur le Président,

Dès 1996 à ce jour, les terres des autochtones Pygmées en RD Congo sont utilisées à des fins militaires par des autorités, groupes et personnes physiques non autochtones. Des poches de résistance des divers groupes armés nationaux et étrangers y utilisent les Pygmées comme pisteurs, manœuvres et transporteurs. Et cela, pour des fins hégémoniques, économiques et superstitieuses qui ne se préoccupent guère des droits humains les plus élémentaires.


Octobre 1996 on voit éclater la guerre de l'Alliance des Forces Démocratiques pour la Libération du Congo-Zaïre (AFDL). Cette rébellion est appuyée par le gouvernement de Kigali venu aussi pour régler les comptes à ces réfugiés qu'il qualifie de génocidaires, soldats des anciennes Forces armées rwandaises (ex-FAR) et miliciens Interahamwe. L'AFDL et l'APR recourent également aux Pygmées pour faire la chasse aux réfugiés rwandais et résistants Mai-Mai dans la forêt. Tous ces groupes armés maltraitent les Pygmées en les prenant pour les guides ou les combattants des uns des autres … sur leurs terres.
Entre temps, les terres des autochtones Pygmées subissent des préjudices énormes. Les arbres sont abattus sauvagement pour du bois de chauffe, de logis de fortune et autres fins. Les récoltes et petits élevages sont réquisitionnés sans autre forme de procès. Les différents belligérants s'aperçoivent également que le sous-sol des autochtones recèle des minerais tels que la cassitérite, le coltan, l'or ... ils l'exploitent systématiquement pour avoir les moyens de poursuivre leurs guerres, ils essaient d'occuper définitivement ces contrées pour des raisons hégémoniques, économiques et superstitieuses.

Cela étant, l'exploitation scandaleuse des terres des autochtones Pygmées et la maltraitance flagrante de ceux-ci perdurent jusqu'à ce jour malgré que l'Accord de paix de Sun City ait été signé en Afrique du Sud en 2003 et que le pays soit engagé aujourd'hui dans un processus électoral devant mettre fin à une période post-conflit transitoire de 3 ans.

Des groupes armés congolais nationaux etétrangers sèment la terreure et la désolation sur les terres autochtones Pygmées de la province du Sud-Kivu. Les Interahamwe et les milices Mai-Mai d'un certain colonel Mabolongo 106 utilisent les Pygmées comme pisteurs, manœuvreurs et transporteurs dans l'exploitation des minerais (cassitérite, coltan, or) et pierres précieuses (tourmaline, saphir, ...) dans les secteurs de Bunyakiri et Kalehe Centre en territoire de Kalehe au Sud-Kivu.

Ces combattants hutus rwandais et les Mai-Mai de différents seigneurs de guerre ne cessent d'errer pour les mêmes fins dans la forêt de Shabunda en territoire portant le même nom. Pour ce qui est de la forêt d'Itombwe en territoires de Mwanga et Shabunda dans la province du Sud-Kivu, il faut ajouter l'exploitation du chanvre en quantité industrielle aux trois minerais précités et les rebelles burundais du Front national de libération (FNL) aux exploitants susmentionnés.

Les Interahamwe et Mai-Mai écoutent l'axe Mangurujipa - Graben - Isale dans le territoire de Lubero en province du Nord-Kivu. Ils exploitent la cassitérite, le coltan et l'or grâce à la main-d'œuvre Pygmée corvéable à souhait.

Les soldats du général Laurent Nkunda réfractaires à la formation de la nouvelle armée républicaine font la loi dans les contrées des territoires de Masisi et Rutshuru qui regorgent de la cassitérite, du coltan et de l'or au Nord Kivu.

Le district de l'Ituri dans la province Orientale est une véritable boîte à crabes. Les terres des autochtones Pygmées de la forêt d'Irumu sont sous la botte du Mouvement Révolutionnaire Congolais, une nouvelle rébellion composée de deux ethnies du pays (Ngiti et Hema) et des ressortissants ougandais. Le MRC occupe pratiquement Boga, Nyakunde et
Chabi qui sont des contrées regorgeant de bois, du pétrole et de l'uranium. Une forte présence des rebelles ougandais de ADF/NALU est signalée dans la forêt d'Erengeti en territoire de Mambasa. Ces rebelles étrangers y exploitent du bois avec des tronçonneuses portatives. Tous ces belligérants dans cette province recourent aux Pygmées comme guides, manœuvres et portefaix...

Il en est de même de diverses milices Mai-Mai qui exploitent également la cassitérite, le coltan et l'or autour de quelques localités (Kalemie, Nyunzu, Kongolo) dans la province du Katanga tout comme de celles de Punia au Maniema et de Walikale dans le Nord-Kivu sur les terres des Populations autochtones.

Force est de constater que la guerre n'est pas terminée en RD Congo. Elle persiste sur les terres forestières des autochtones Pygmées pour des fins hégémoniques, économiques et superstitieuses. Elle perdure sur le dos des autochtones Pygmées dont la propriété et la personne en paient les frais.

Cela étant, nous dénonçons la persistance du pillage systématique des ressources naturelles de la RD Congo et la flagrance des violations massives des droits humains sur ses citoyens en général et des autochtones Pygmées en particulier.

Madame la présidente, Nous recommandons à l'Organisation des Nations Unies (ONU) - à travers sa mission en RD Congo (MONUC) :

• de renforcer le processus Désarmement, Déémobilisation, Regroupement, Réinsertion, Rapatriement (DDRRR) des groupes armés étrangers ; nous l'exhortons à faire pression sur quelques puissances étrangères voisines afin qu'elles puissent dialoguer avec leurs compatriotes en armes se trouvant sur le territoire congolais pour faciliter leur retour dans leurs pays respectifs ;

• nous demandons au gouvernement congolais de multiplier les efforts pour restaurer son autorité sur le territoire national et de faire respecter la Déclaration Universelle des Droits de l'Homme.

Pacifique Mukumba, Centre d'Accompagnement des Autochtones Pygmées et Minoritaires Vulnérables « CAMV » camvorg@yahoo.fr
Declaración sobre:

"La utilización de las tierras de los pueblos indígenas por autoridades, grupos o individuos no indígenas con fines militares"

Organización Aymara/Quechua
Taypi Ceqe

Julia Quispe Yanique.

Introducción

Debemos estar conscientes que en realidad a nivel mundial existen 3 factores constantes que amenazan vulnerar el derecho de las sociedades primogénitas a vivir en sus tierras de origen: 1). Los proyectos de desarrollo sin consulta, tanto del gobierno como de la empresa privada. 2). Los programas de privatización de la tierra que divide al territorio, patrimonio no individual, en bien público. 3). La presencia desmesurada del ejército, que en su lógica de guerra, ocupa, de manera ilegal territorios para su despliegue estratégico.

Para lograr imponer los dos primeros factores mencionados, también se utilizan efectivos militares, sin embargo, el motivo de esta reunión es para tratar el último factor.

La ocupación de tierras indígenas por motivos de "guerra regular", conflictos bélicos entre países, es un problema gigantesco y por demás desesperante para las poblaciones que se encuentran en medio de fuego cruzado, por eso la ONU ha puesto especial atención a este problema. Sin embargo, existen, a la vez otros conflictos bélicos de menor tamaño, pero de igual impacto angustioso, como son los frentes de guerra armado por:

1). Grupos subversivos armados y los efectivos militares que intentan reducirlos, como en el caso de algunos países latinoamericanos (Colombia, Ecuador, México, o Perú).

2) Entre narcotraficantes y militares y/o organismos especiales de lucha contra el narcotráfico.

Ambas formas bélicas, actúan, también, bajo la lógica de guerra regular, que afecta gravemente a los derechos de las poblaciones indígenas que se encuentran en medio.

El caso del Chapare boliviano, región de mas concentración de efectivos militares y/o organismos especiales de control y lucha contra el narcotráfico, en gobiernos anteriores, a pretexto de erradicación de la hoja de coca, han actuado sin consulta en tierras perteneciente a las poblaciones indígenas que habitaban en la región del trópico cochabambino. Como consecuencia de estos actos se ha sufrido:

- La apropiación de tierras sin consulta.
- Desplazamientos forzados de poblaciones indígenas sin compensación alguna.
- Convivencia forzada con tropas militares y/o unidades policiales especiales de lucha contra el narcotráfico que ha ocasionando distorsiones en la practica de valores familiares ancestrales.
- Reclutamiento de jóvenes indígenas para rastreo y ataque en contra de sus propios hermanos.

Con el pretexto de erradicación de la coca, ahora amenazan ingresar hacia Los Yungas, La Paz, región de plantaciones de coca permitida.

La posición del actual gobierno, Evo Morales, es luchar contra los narcotraficantes y no contra los cocaleros, según palabras expresadas a ocasión del aniversario de la de la FELCN (Fuerza Especial de Lucha Contra el Narcotráfico), a fines del mes de julio. Creemos que esta posición es correcta, pero nadie nos garantiza que no sufriremos las mismas consecuencias que el caso Chapare.

La aplicación de la Ley 1008 ha sido cruel y dura, porque la mayoría de los que se encuentran en sus cárcellos son hermanos indígenas que fueron guiados por su pobreza.

Por lo tanto, necesitamos, que esta ley sea revisada en presencia de una comisión sobre los Derechos de los Pueblos Indígenas y con la participación de los pueblos amenazados.

A la vez, puedan elaborar normas y reglas específicas para la convivencia forzada con militares y organismos especiales de lucha contra el narcotráfico.

Para esto es preciso que los países relacionados con el tema del narcotráfico consideren en su legislación La Declaración sobre los Derechos de los Pueblos Indígenas, pues esta, en parte garantiza nuestro derecho sobre nuestras tierras.

Como aporte para solucionar el problema del narcotráfico y, tomando en cuenta que la coca es también un recurso natural, sugerimos que los Gobiernos productores relacionados como Bolivia, Colombia, Ecuador y Perú, puedan reunirse para planificar estrategias de control de cultivo más efectivos, así mismo su comercialización e industrialización, cuidando siempre el consumo interno tradicional, nutricional y medicinal.

Julia Quispe Yanique
Organización Aymará-Quechua
Taypi Ceqe.
Para el Grupo de Trabajo celebrado en Ginebra, del 31 de Julio al 4 de Agosto de 2006.
24th Session of the Group on Indigenous Population  
July 31 – Aug 4 2006  
Geneva, Switzerland

Damvanti Sinku  
Secretary  
Jharkhand Adivasi Gram Vikas Kendra  
Argora Housing Colony, Argora  
House No H-78 P.O. HinOO  
Ranchi- Jharkhand-State (INDIAN)  
Email Address anu_meenu@Rediffmail.com

Greeting to Madame Melanie Clerc, members of the working group, to all my indigenous brothers and sisters and to other participants who have gathered this important occasion.

Indigenous people contribute around 4% of the total population of the world living in each continent of the world. In most of these countries indigenous people are in minority. The original population is today completely or factually developed of the right of their own sources. They have limited influence in the national state to which they belong.

- Jharkhand, the newly formed 28th state of India has one of the largest connecting indigenous people in India. The Socio-economic life of the people revolves around the land. Many are engaged in Agriculture and they developed the emotional attachment with their land. In recent years, many indigenous people have become the victims of development projects. Their land have been utilised in many developmental projects and military purposes. The Major projects in Jharkhand are Netarhat field fire range project where lakhs of people are suffered to displaced. Mother projects like Koel Karo Project, thermal power stations, Hydro power station, industrialisation and urbanisation etc are likely to displace lakhs of people in the state. If had been seated a lots of hardship and problem to the people, it had made too much population pressure on land, unemployment and seasonal unemployment. In recent time, manufacturing industries, power projects, exploitation of forest resources have greatly been accelerated. The displacement has uprooted many villages; lots of people have migrated, losing their land, traditional occupation and lifestyle of tribe. It has been created great frustration, socio-cultural and psychological adjustment and lastly facing the crisis of our identity.

- We the Jharkhand Adivasi Gram Vikas Kendra are insistently working to promote socio-economic development of disadvantaged people specially the tribal poor. We are also involved in promoting women self help group and credit group for income generation like Beekeeping, Mushroom cultivation, fishiness etc and women empowerment. We are assisting poor groups communities in making linkages between the basic service provides such as block, village market etc to avail the services meant for them for increase their income. The primary focus of JAGVK Gram is to enhance livelihood through improving the husbandry of natural resources and bringing up the potential of human resources through grassroot actions.

Thank you Mr. Chairperson
Declaración de Marcelino Robles Yacani
Mburuvicha Guasu de la Capitanía Guarani del Alto Parapeti - Ñumbuite
Tema: Utilización de las tierras de los pueblos indígenas por autoridades, grupos o personas no indígenas para fines militares

Distinguido/a Señor/a presidente, autoridades en general:

En representación de mi pueblo guaraní de Bolivia les hago llegar un cordial saludo.

En el tema de la utilización de las tierras de los pueblos indígenas para fines militares, queremos poner a su conocimiento los abusos cometidos desde hace muchos años en la Capitanía Guarani de Kaami.

Esta Capitanía tiene legalmente consolidado su territorio como tierra comunitaria de origen (TCO Kaami) pero sufre constantes atropellos de los Regimientos Avaroa y Achaval instalados dentro de este territorio. Es así que las comunidades de Guapoy, Puente Viejo, Alto Camiri e Itanambicua han sufrido el desconocimiento de sus autoridades y son objeto actualmente de maltratos y prepotencia de los militares.

En la comunidad de Guapoy y Puente Viejo es común que los oficiales manden a los soldados con la misión de "conseguir" animales, es decir con la orden de robar los pocos animales que la comunidad logra criar para su sustento. También se adueñan de las tierras comunales más fértiles sin consultar a la comunidad. Asimismo instalan campos de entrenamiento donde disparan granadas y morteros cerca de las viviendas.

En la comunidad de Alto Camiri, hasta los niños son amedrentados por los militares que han hecho un polígono de tiro y una granja a 50 metros de la Escuela comunal. Por supuesto los niños tienen miedo de acudir a la escuela, pero además, hace tres años en la misma comunidad los militares han cercado un río que proveía agua a toda la comunidad y cualquier animal que encontraban dentro era confiscado sin explicaciones. En una ocasión el joven de 17 años Ángel Viruez fue brutalmente golpeado por haber intentado desatar su animal, retenido por el sub. Oficial Carrasco.

En la comunidad de Itanambicua que ha construido su sistema de agua, se dio el caso de que los militares desviaron las canalizaciones de agua que llegaban a las casas, llevando toda el agua al cuartel, la comunidad tuvo que luchar y denunciar el caso para recuperar el acceso al agua. Sin embargo desde entonces los militares cortaron el paso por el camino vecinal que lleva a la Escuela de manera que ahora los niños tienen que dar toda una vuelta por el río para acudir a la escuela.
Cualquier reclamo de los dirigentes de las comunidades es respondido con insultos y burlas como "capitán sin grado" o negando que eran de la comunidad. Además es inútil lograr acuerdos con un oficial porque cuando lo cambian, los que le suceden repiten los mismos abusos.

La Capitanía de Kaami tuvo una audiencia con un Almirante para solucionar el problema pero no hubo diálogo porque la discriminación es muy fuerte. Después de muchos intentos de buscar justicia la Capitanía ya no sabe donde acudir por eso hacemos llegar estas denuncias al Grupo de Trabajo sobre Poblaciones Indígenas para exigir que los militares desocupen inmediatamente la TCO de Kaami. En este grupo de trabajo queremos resaltar que es necesario que los militares conozcan las Leyes que nos amparan y respeten nuestros derechos.
Thank you Mr. Chairman

- The Arab-Bedouins are a unique Palestinian community that has lived in the Negev (today Israel's Southern Region) for centuries. In 1948, they constituted the vast majority of the population of the Negev, numbering approximately 70,000 people. After the establishment of Israel, there were only about 11,000 Arab-Bedouins left in the Negev, the rest having left or been expelled to Jordan and Egypt.

- Following the 1948 war, Israeli authorities did not recognize the Arab-Bedouins' traditional ownership rights. Dispossessed of the lands they had owned for centuries, the 160,000 Arab-Bedouins (27% of the Negev population) are now the most disadvantaged citizens in Israel. Almost half of the Arab-Bedouin citizens live in seven failing government-planned towns. The remainder live in 45 villages that are unrecognized by the government, and do not receive basic services like running water and electricity,

- in the early 1950s, the Arab-Bedouins were concentrated from the entire Wegev area into a tight geographical area. Most of the population was internally transferred for "security reasons." They were promised that after six months they would be able to return to their land. To this day they have not been allowed to go back.

- Today, more than 24% of the lands claimed by the Arab-Bedouins as their ancestral lands are located in declared military zones. For example: the military zone of Ayanim was declared a military zone in July 2000 and encompasses a territory of 50 square kilometres, of which 13 square kilometres are claimed by the Arab-Bedouins and populated by thousands of people. The military zone located north of Dimona was declared as such in 1996 over a territory of 140 square kilometres. Arab-Bedouins claim 39 square kilometres of that territory. In both zones, there are no actual military facilities.

- In November 2005, Israel adopted a Strategic Plan for Negev Development. As part of this plan, five different military training bases will be relocated from central Israel to the Negev. This will jeopardize future settlement solution for the Arab-Bedouin community in the Negev.

- Israel must stop forcing the Arab-Bedouins out of their ancestral lands by declaring military zones and should adopt the international standards of taking steps to return the Arab-Bedouins land and territories that were traditionally owned by them and only when this is not possible, due to factual reasons, fair and prompt compensation should be granted. Where possible, this compensation should take the form of lands and territories.

Thank you for your attention.
UTILIZATION OF THE MOKO-OH PEOPLES LANDS BY THE GERMAN AND BRITISH GOVERNMENTS FOR MILITARY PURPOSES DURING COLONIZATION

PRESENTED
BY MRS. MUSONGONG CECILIA, FOUNDER, SECRETARY GENERAL AND COORDINATOR OF THE ASSOCIATION FOR THE RECONSTRUCTION AND DEVELOPMENT OF THE MOKO-OH PEOPLES CAMEROON
(AFTRADEMOP) TELEPHONE: (237) 769 29 45, EMAIL:aftrademop@yahoo.com
website: moko-ohpeoples.uk.tt

Background Information:
The Moko-ohs are the People of Upper Moghamo, the clan that makes up Batibo Sub-Division, in Momo Division of the North-West of Cameroon, in Central Africa. About 650 years ago, Ekwen, Gumbo and Guwu, 3 villages each headed by a Chief lived alongside Afong and Dom. These five villages constituted the Moko-oh Community. Meanwhile a migrant tribe called Bali-Nyonga arrived the Moko-ohs' Community from the Northern Cameroon, and were hosted by Fonjengoh, Chief of Guwu village. This tribe had had interactions with the Arabs from North-Africa. So when the Germans arrived in the Moko-oh's Community in 1889, the Bali-Nyongas easily made friends with them because of their familiarity with the white skin; which was strange to the Indigenous Moko-oh Peoples; and in contravention to international, law; the Germans armed the Bali-Nyongas with 1000 rifles to facilitate the subjugation of neighbouring villages to ease the collection of taxes and economic exploration and exploitation.

Before Chief Fonjengoh of Guwu village could know it, the Germans with the assistance of the Bali-Nyonga Armed Group had transformed his village into a concentration camp, where he and his fellow Moko-oh Chiefs were held hostage and subjected to captivity. The Moko-oh 5 villages were burnt down, their oil and wine palm plantation deliberately demolished, their markets closed down and the population forced into the Concentration Camp; where they were subjected to forced labor, torture and tyrannic captivity.

This concentration camp later became a German bastion, with an armory stocked with all sorts of sophisticated and dangerous weapons.' During the I’ world war, the Moko-oh's ancestral villages became a major battle field between the Germans and the British. If one visits the Moko-oh community today, one will still see tunnels and fortresses dug by the Germans in 1914. On the defeat of the Germans in 1914, the British continued to run the concentration camp, even though most of the Moko-oh captives had succeeded to flee the camp, following the German withdrawal of their rifles from the Bali-Nyongas at the beginning of the war.

In an attempt to recuperate the former inmates of the concentration camp, the British, with the help of the Bali-Nyonga Armed Group, instituted a policy of perpetual and incessant armed patrols and raids on the Moko-oh villages. This diabolic policy terrorized and chased the Moko-ohs into the wild, away from their ancestral Lands, where they have lived as internally displaced persons till date.

A.c. Duncan, Acting Resident, Cameroon Province 1921
CONSEQUENCIES

At independence, the German Bali-Nyonga Armed Group became a dominant traditional setup, recognized as such by the Cameroon Administration. It continued to terrorize and prevent the Moko-oh's from returning to ancestral villages, while it embarked on exploiting and plundering the Moko-oh peoples natural resources, for its development and education of its children. Whereas the Moko-ohs continue to wander about, perching from place to place, from benefactor to benefactor, with no means of livelihood, which forced the Moko-oh child to remain illiterate and backward for a whole century. All their endeavours, efforts and attempts to obtain justice have been futile.

The sons and daughters of this armed group have grown to occupy high and influential positions in the Cameroon Administration; positions which they now use to protect and enable this armed group to perpetrate its activities and to terrorize and harass the Moko-ohs and other neighboring villages with impunity. This situation has imposed unbearable hardship on the Moko-ohs who's Land is their Life and their life is their Land, and forced them to yield to slavery and servitude to this armed group during the late 70s; by paying money to, or working for this armed group before having access to little portions of their ancestral land to do just subsistent farming.

Moko-oh women and girl children are sexually exploited and abused on the farms and subjected to all forms of degrading and inhumane treatment by the Bali-Nyongas with the assistance of a 2nd generation German Armed Group, which perpetually patrols the Moko-oh Lands which have developed into a thick forest. In 2003, this armed group attacked and wounded 16 Moko-ohs, killing one, on the farm. And till date, the group has not been prosecuted as they are being protected by a Bali-Nyonga son who holds a high Office in the Cameroon Ministry of Justice. If by the 21st century, this armed group can still operates this way, it is not hard to imagine what took place during colonization.

This is how the Moko-ohs saw their Lands invaded and transformed into a war zone, while the indigenes were chased away and deprived of all their Resources for a whole Century; in gross violation of all International and Regional Legal Instruments protecting and guaranteeing the Fundamental and Inalienable Rights and Freedoms of Peoples.

PAÍS: ECUADOR. PARTICIPANTE:
Teresa Jimbicti. PUEBLO: SHUAR.
COMUNIDAD SHUWAR: INIMKIS,
CANTÓN: MORONA. PROVINCIA:
MORONA SANTIAGO.
ORGANIZACIÓN: CONSEJO DE MUJERES INDÍGENAS DEL ECUADOR-
AMAZONIA ECUATORIANA- CONMIE.

E-MAIL: sechanua@yahoo.com
Conmie.ecuador@yahoo.es

TEMA: " Utilización de las tierras de los pueblos indígenas por autoridades, grupos personas no indígenas para fines militares.

Señor presidente, distinguidos delegados, hermanos indígenas y no indígenas presentes todos.

Es la primera vez que una mujer indígena de la nacionalidad y pueblo shuawar de la amazonia ecuatoriana participa en este grupo de trabajo tan importante, sobre poblaciones indígenas en el palacio de las Naciones Unidas en Ginebra.

Consideramos que es una puerta de oportunidad nueva habierta para nosotros los pueblos y nacionalidades indígenas de la amazonia ecuatoriana, donde podemos expresar nuestras preocupaciones y propuestas y así contribuir con la información pertinente a la discusión sobre el tema tan importante como es la : « Utilización de las tierras de los pueblos indígenas por autoridades, grupos o personas no indígenas para fines militares »

Iniciare mi exposición, enfocando un preámbulo sobre la cosmovisión que tenemos acerca de nuestras tierras y territorios. Los pueblos y nacionalidades indígenas de la amazona venimos de la tierra la cual nos ha dado nuestra vida. No lo consideramos a la tierra como una propiedad, sino que la relacionamos como nuestra madre, la tierra es nuestra madre porque en sus entrañas habitan los prototipos míticos de la mujer indígena amazónica como son Nunkui en lengua Shuwar y Nunguli en lengua Kichuwa, mujeres que crearon a las plantas y que luego de enseñarlas la agricultura y las técnicas de la alfarería a las mujeres, volvieron a habitar en subsuelo desde donde da vigor a la vegetación.

Nuestro papel y responsabilidad es proteger nuestra madre tierra de la destrucción y trato abusivo en destruir nuestras tierras y territorios. Porque en ello tenemos, el mercado natural que es la alimentación, nuestra farmacia natural que es la medicina, la educación ancestral y otros.

Con esto quiero decir que como nacionalidades y pueblos indígenas. nuestra visión sobre los territorios incluye dimensiones en el campo espiritual, social, cultural, política, económica, entre otros.
Las tierras y territorios indígenas son bienes colectivos inembargables, inalienables e imprescriptibles estando en estrechísima relación con el ejercicio de nuestra libertad, porque sin tierras ni territorios los pueblos indígenas no somos libres ni lo seremos.

Esta visión, contrasta con el estado que considera a nuestras tierras y territorios como algo enajenable, transferible, susceptible de gravámenes y de prescripción, además el estado se adjudica el derecho que el subsuelo, los recursos no renovables, los recursos forestales, la fauna, las lagunas, los ríos son de propiedad del estado. Para ello ha creado leyes y reglamentos dando lugar a una desintegración de nuestros territorios motivo por el cual el control se ha vuelto dificultoso dando lugar a graves conflictos que afectan incluso a los territorios legalmente reconocidos. Como es el caso de Sarayaku y los territorios Shuawar y Achuar de las provincias de Pastaza y Morona Santiago, afectados por las empresas transnacionales de los bloques petroleros 23 y 24, la explotación minera, explotación de los bosques, recursos genéticos y los conocimientos milenarios ancestrales.

Todas estas situaciones hace que los pueblos y nacionalidades y indígenas especialmente de la amazonia ecuatoriana observamos con mucha inquietud como el uso del poder de parte del estado y de las compañías transnacionales tratan de obstaculizar los procedimientos legales de ejercicio de nuestros derechos indígenas en donde se pretende explotar el petróleo habiendo previamente militarizado como es el caso de la comunidad de Sarayaku y posterior posible otras comunidades de las provincias que se ha enunciado, acusando que los pueblos indígenas son terroristas.

La población indígena de la amazonia ecuatoriana haciende a 134.318 según el censo del 2001, pero los pueblos indígenas no aceptamos porque no son verídicos en la cual los senadores eran mestizos que no entienden nuestros idiomas y estamos agrupadas en varias nacionalidades y pueblos indígenas como son: Kichuwa, Shuwar, Huaoranis, Zaparos, Cofan, Siona, Secoya, Andoa, Achuar y Shiwiar.

ALGUNAS PREOCUPACIONES SOBRE LOS TERRITORIOS OCUPADOS POR LOS PUEBLOS Y NACIONALIDADES INDÍGENAS.

La falta de reconocimientos de la relación existente entre las tierras y territorios de los pueblos y nacionalidades indígenas, sus conocimientos y su biodiversidad. La falta de control de los pueblos y nacionalidades indígenas sobre sus tierras y territorios, sus recursos naturales y el medio ambiente, incluso la biodiversidad. Esto se refiere también a los pueblos y nacionalidades indígenas desalojados de sus tierras ancestrales, territorios y recursos y a las tierras y territorios de estos pueblos y nacionalidades que han sido militarizados por la llamada protección de «Áreas Protegidas» como la franja de seguridad declarado por el estado ecuatoriano de unos 20 kilómetros desde la frontera con el Perú hacia el interior donde están asentadas la mayoría de las nacionalidades y pueblos indígenas de la amazonia ecuatoriana, que lo cual con el levantamiento indígena del año /90 y /92 lo hemos parado porque La visión de los pueblos indígenas no existe límite alguno y somos libres. La falta de reconocimiento de la importancia de los conocimientos, funciones y responsabilidades de las mujeres indígenas en relación con la biodiversidad biológica.

RECOMENDACIONES.
Desarrollar mecanismos y procesos para asegurar el control de las nacionalidades indígenas sobre sus tierras y territorios para el aseguramiento de la biodiversidad:
Reconocer los derechos inalienables de las nacionalidades indígenas, el derecho de autodeterminación y reconocimiento jurídico de tierras y territorios indígenas.
Reconocer la relación que existe entre las tierras y territorios de las nacionalidades indígenas y sus conocimientos, innovaciones y prácticas relacionadas a la biodiversidad.

Reconocer el derecho a que autónomamente demarquemos nuestras tierras y territorios cuando esta sea decidida por las nacionalidades y pueblos indígenas. Desarrollar procesos para restituir las tierras y territorios de las nacionalidades y pueblos indígenas.

Muchas gracias por escucharme, estimados hermanos.

Tersa Jimbicti
DIRIGENTÃ MUJERES WDÍGENAS-ECUADOR.
Background Information:
The Moko-ohs are the People of Upper Moghamo, the clan that makes up Batibo Sub-Division, in Momo Division of the North-West of Cameroon, in Central Africa. About 650 years ago, Ekwen, Gumbo and Guwu, 3 villages each headed by a Chief, lived alongside Afong and Dom. These five villages constituted the Moko-oh Community. Meanwhile a migrant tribe called Bali-Nyonga arrived in the Moko-ohs' Community from the Northern Cameroon, and were hosted by Fonjengoh, Chief of Guwu village. This tribe had had interactions with the Arabs from North-Africa. So when the Germans arrived in the Moko-oh's Community in 1889, the Bali-Nyongas easily made friends with them because of their familiarity with the white skin; which was strange to the Indigenous Moko-oh Peoples; and in contravention to international law; the Germans armed the Bali-Nyongas with 1000 rifles to facilitate the subjugation of neighbouring villages to ease the collection of taxes and economic exploration and exploitation.

Before Chief Fonjengoh of Guwu village could know it, the Germans with the assistance of the Bali-Nyonga Armed Group had transformed his village into a concentration camp, where he and his fellow Moko-oh Chiefs were held hostage and subjected to captivity. The Moko-oh 5 villages were burnt down, their oil and wine palm plantation deliberately demolished, their markets closed down and the population forced into the Concentration Camp; where they were subjected to forced labor, torture and tyrannic captivity.

This concentration camp later became a German bastion, with an armory stocked with all sorts of sophisticated and dangerous weapons. During the World War, the Moko-oh's ancestral villages became a major battlefield between the Germans and the British. Ifone visits the Moko-oh community today, one will still see tunnels and fortresses dug by the Germans in 1914. On the defeat of the Germans in 1914, the British continued to run the concentration camp, even though most of the Moko-oh captives had succeeded to flee the camp, following the German withdrawal of their rifles from the Bali-Nyongas at the beginning of the war.

In an attempt to recuperate the former inmates of the concentration camp, the British, with the help of the Bali-Nyonga Armed Group, instituted a policy of perpetual and incessant armed patrols and raids on the Moko-oh villages. This diabolic policy

1. A.C. Duncan, Acting Resident. Cameroon Province 1921
terrorized and chased the Moko-ohs into the wild, away from their ancestral Lands, where they have lived as *internally displaced* persons till date.

**CONSEQUENCES**

At independence, the German Bali-Nyonga Armed Group became a dominant traditional setup, recognized as such by the Cameroon Administration. It continued to terrorize and prevent the Moko-oh's from returning to ancestral villages, while it embarked on exploiting and plundering the Moko-oh peoples natural resources, for its development and education of its children. Whereas the Moko-ohs continue to wander about, perching from place to place, from benefactor to benefactor, with no means of livelihood, which forced the Moko-oh child to remain illiterate and backward for a whole century. All their endeavors, efforts and attempts to obtain justice have been futile.

The sons and daughters of this armed group have grown to occupy high and influential positions in the Cameroon Administration; positions which they now use to protect and enable this armed group to perpetrate its activities and to terrorize and harass the Moko-ohs and other neighboring villages with impunity. This situation has imposed unbearable hardship on the Moko-ohs *whose Land is their Life and their life is their Land*, and forced them to yield to slavery and servitude to this armed group during the late 70s; by paying money to, or working for this armed group before having access to little portions of their ancestral land to do just subsistent farming.

Moko-oh women and girl children are sexually exploited and abused on the farms and subjected to all forms of degrading and inhumane treatment by the Bali-Nyongas with the assistance of a 2nd generation German Armed Group, which perpetually patrols the Moko-oh Lands which have developed into a thick forest. *In 2003, this armed group attacked and wounded 16 Moko-ohs, killing one, on the farm. And till date, the group has not been prosecuted as they are being protected by a Bali-Nyonga son who holds a high Office in the Cameroon Ministry of Justice.* If by the 21st century, this armed group can still operates this way, it is not hard to imagine what took place during colonization.

This is how the Moko-ohs saw their Lands invaded and transformed into a war zone, while the indigenes were chased away and deprived of all their Resources for a whole Century; in gross violation of all International and Regional Legal Instruments protecting and guaranteeing the Fundamental and Inalienable Rights and Freedoms of Peoples.
Groupe de travail des nations unies sur les populations autochtones, Vingt-quatrième session 31 juillet au 4 août 2006 Déclaration de l'organisation tamaynut sur le thème principal de la session "utilisation des terres autochtones par des autorités, des groupes et des personnes Non autochtones à des fins militaires" Mr le président,

Les représentant de l'organisation TAMAYNUT MAROC qui défendent les droits des peuples amazighe sont heureux de pouvoir prendre la parole à cette session et formuler des observations dans le cadre de ce thème et étant donné que nous sommes tenu par des considérations d'être succincts vais entrer dans le vif du sujet qui se compose du constat de deux cas au Maroc;

Le premier cas est que : Le gouvernement procède à la destruction des matériaux militaires dans la région de tighjijt dont les terres expropriées par les militaires appartiennent aux amazighes, opération qui cause plusieurs dégâts que voici :
1-par le fait des explosions on démolie les habitations
2-Pollution de l'air, des eaux et la toxification des hommes et des animaux et par conséquent l'apparition de plusieurs cas maladies pulmonaires.
3- et vue que la pauvreté sévit dans la région les habitants ont découvert dans ces décharges un champs à exploiter pour la récupération de cuivre afin de le revendre - 13dhs le kilo- chose qui a causé la mort de deux petit bergers suite à leur pénétration dans la zone de destruction non surveiller par les militaires...

Suite à cet événement notre organisation s'est manifestée par l'envoi des requêtes aux responsables de l'état pour mettre fin à ce préjudice mais vis à vis de leur indifférence; les propriétaires traditionnels ont engagé des actions judiciaires...
-et étant donnés les préjudices causés nous recommandant que les militaires cesse de pareil opérations et procède aux nettoyages immédiat de ces terres.
- et que l'état s'engage à la non utilisation des terres amazighe sans la consultation et le consentement préalable
- indemnisée tout préjudice porté au propriétaire traditionnel

le deuxième cas pertinent c'est que : l'état a lancé un projet de construction d'une caserne militaire dans la région de bouizakarne terres fertiles dont les propriétaire traditionnel st les amazighe qui se voient privés de ressources et de revenu puisque leur survie dépend de l'agriculture et de pâturage chose qui entrainera l'immigration contraint de ces tribus ainsi la perte de qualité de vie puisque l'existence de tout peuple autochtone, sa culture, son savoirs traditionnel...etc dépend de son attachement à ses terres.

Dans cette région aussi les propriétaires traditionnels se sont manifester par l'envoi des écrit aux autorités responsable, et dans l'attente d'une résolution juste de problème nous formulons la recommandation suivante:
1-Respecter le consentement préalable en connaissance de causes en ce qui concerne tout acte d'expropriation des terres autochtones.

Organisation tamaynut
STATEMENT ON
Agenda Item 4: Review of developments
(b) Principal theme: "Utilization of indigenous peoples' lands by non-indigenous authorities, groups or individuals for military purposes"

1. In the area of our work, the region known as South Asia, and more specifically, the North Eastern region of India, we have found a disturbing consistency in the situation of indigenous lands and territories that resonate with the observations of Mr. Miguel Alfonso Martinez, a member of the Working Group on Indigenous Populations ("Indigenous peoples and conflict resolution" E/CN.4/Sub.2/AC.4/2004/2) regarding the militarisation of the lands belonging to indigenous peoples.

2. The recent reports of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people have repeatedly dwelt with concern on this particular problématique linking indigenous peoples' lands, natural resources, militarisation and occupation for military purposes with conflict, major development projects, and human rights violations including war crimes.

3. We would like to highlight especially the use of juridical instruments such as special or extraordinary legislation in India to justify the prolonged utilisation of indigenous peoples' lands and territories by non-indigenous military corps or units for various purposes.

4. Since the early 90s, the Working Group has been repeatedly apprised by various indigenous peoples' organisations of the use of the draconian Armed Forces (Special Powers) Act 1958 (AFSPA) in the North Eastern region of India in a several decades long attempt by the Government of India to address a claimed law and order problem by military means in this region. This law is well established today as contravening international legal standards including core human rights treaties of the UN to which India is party.

5. The 48-year-old AFSPA, which grants special impunity powers to India's security forces, has long been in force in a number of areas affected by armed insurgencies, including the north-eastern states of Manipur, Assam, Tripura and Nagaland, as well as Jammu and Kashmir. The Act has empowered security forces to occupy indigenous lands including agricultural lands, schools, religious and community institutions, sacred and cultural sites for the establishment of bases, camps, outposts and check-posts in the India States of Assam, Manipur, Nagaland and Tripura on a basis that cannot be but termed as permanent in nature, without the free and prior consent of indigenous communities or their local and traditional authorities.

6. The Leimakhong Army base, the largest army base in Manipur, has been repeatedly involved in encroachment of land, and local indigenous communities have taken the

LuiMuige/i:
Nongmeibung Nambam Chuthek Imphal
East '95001, MAN4PUR Ti-i/Fax: -91 3S5
244 48 45, 244 13 19 i:nau:
t'oreioisanp-ieni?frmail.coTi
matter to the Gauhati High Court. Army authorities were also taken to court for violating rules of operating "Firing Ranges", where creation of firing ranges near Leimakhong Army base led to indiscriminate impact on civilians and cattle.

7. The promulgation of this temporary legislation for almost five decades with no tangible or effective solution to the existing situation in this region populated by over 15 million indigenous peoples, had led to continuous massive human rights violations that has evoked worldwide denunciation including the UN Human Rights Committee and the UN Committee on the Rights of the Child. Almost exactly two years since fresh widespread public protests against this Act, the government is yet to repeal the law.

8. In November 2004, the government of India constituted a five-member panel led by former chairperson of the national Law Commission, Justice B. P. Jeevan Reddy, to review the AFSPA's provisions. This panel submitted its report in June 2005 and its members were unanimous in their key recommendation - the repeal of AFSPA. However, the Government of India is yet to act on this panel recommendation, which was consistent with recommendations of UN treaty monitoring mechanisms.

9. On the other hand, security forces also increasingly occupy our lands for the security of major development projects and environmental protection. Security forces are being deployed to protect construction sites for mega projects that failed to adhere to existing social, environmental, indigenous peoples' and human rights norms and standards in several parts of India's North East region. The construction of Mapithel (Thoubal) Multipurpose Project in Manipur is currently being pursued vigorously with heavy deployment of armed forces, Assam Rifles and Border Security Forces in and around the Mapithel Dam site against the will of local indigenous communities. The deployment led to massive takeover of agricultural and other land including sacred and cultural sites of indigenous Naga and Meitei communities.

10. The Government of India's defiance exhibited in the face of international and national recommendations illustrates the deeply rooted and complex problem of military occupation of indigenous peoples' lands justified by domestic juridical instruments that violate international law.

11. Though there is little official data on the extent of indigenous lands being forcibly occupied by the military and their installations, we see in our lands, these substantial prime areas of substantial extent, adding up to at least a half a million hectares. These lands are located in the centre of towns and villages comprising a serious threat to human life and security, especially given the endemic situations of conflict prevailing in our territories. Similarly the appropriation of strategic areas and precious fragile lands of our villages, forests, sacred and historical sites, precious and fragile natural heritage sites and other lands for a range of purposes including retirement colonies, afforestation and conservation projects intended to provide military training, a tolerable mask to military public image and supplement its profitability by allowing it to conduct "development projects"

12. In fact the presence of the military in each of these guises is an act of occupation in these lands and their activities invariably over exploit available natural resources, introduce radical terraformation and bio-degradation and either enslave or evict
Joint statement of the Saami Council and the Inuit Circumpolar Council on:

Item 4 b: Review of developments:

Principal theme: "Utilization of indigenous peoples'lands by non-indigenous authorities, groups or individuals for military purposes."

Thank you Mr. Chairman;

As it is my first intervention I want to congratulate you for your election as chairman for this working group.

It is the policy of the Inuit Circumpolar Council and the Saami Council that the Arctic peoples homelands, including their lands, marine areas, air space, sea-ice areas etc. must only be used for purposes that are peaceful and safe and that the Arctic must not be used for the storage or disposal of hazardous substances of any kind, including of spent nuclear fuel and radioactive wastes.

I have some examples how one non-indigenous authority utilize our land for military purpose in Greenland.

Mr. Chairman;

In 1953, the Inughuit of the Thule District of the Northern most part of Greenland were forcibly removed from their traditional homelands in order for the Thule Air Force Base to be constructed by the United States government. The Air Force base is still in use.

The Inughuit have been requesting that the Danish Supreme Court direct the Danish government to return the ancestral lands of the Inughuit to the rightful owners and to reconsider the inadequate compensation. The case failed at the Danish Supreme Court and now is on the hands of the European Human Rights Court. In addition, due to the insulting response of the court and the government, the Inughuit have pursued communications within the International Labour Organization, the Human Rights Committee, and the Committee on the Elimination of Racial Discrimination.

The case of the Inughuit forced removal and relocation of the Inughuit because of military purposes is still and always will be a current, real life example of the need for respect of the human rights of Indigenous Peoples, not only in the Arctic, but all over the world.

On top of this Mr. Chairman.
an environmental scandal broke out a couple of years ago, when a secret report was leaked, documenting the American military dumping of toxic materials in more than 50 areas in Greenland, contaminating the soil and the sea and therefore setting our health at risk.

These specific examples demonstrate that the human rights and the right to healthy environment of the Indigenous People of the Thule district and the people of Greenland in general, are not respected.

Mr. Chairman;

It is time for the international community to understand, that there is an urgent need to do surveys on forced relocations of the Indigenous Peoples from their lands and territories to make ways for military bases and on the environmental disasters around the world resulted of use of lands and territories for military purposes.

I want recommend to the WGIP to recommend to the Human Rights Council that comprehensive surveys on military use of indigenous peoples lands and territories be effectively started by the UN Special Rapporteur on Indigenous Issues as soon as his mandate be extended by the Council.

Qujanaq.

Thank you Mr. Chairman.
Ginebra 31julio de 2006-05-01
Grupo de Trabajo de Pueblos Autóctonos del Mundo
XXIVa sesión.
Rosario Blanco Cumanagoto
Embajadora de Los Pueblos Indígenas Cumanagoto
De La Republica Bolivariana de Venezuela

Titulo de la conferencia: Los territorios de Los Pueblos Indígenas utilizados por el gobierno, por grupos privados o por personas extranjeras a Los Pueblos Indígenas con fines militares

Sr. Presidente, autoridades invitadas, colegas y representantes de las diferentes instituciones que aquí presentan, hermanas y hermanos. Tengo nuevamente la satisfacción y el orgullo de estar presente en nuestra reunión anual de nuestro Grupo de trabajo aquí en Ginebra. Ya son nueve años de trabajo solidario en esta noble, importante y difícil tarea de defender y reivindicar los derechos de nuestros Pueblos a través de una lucha pacífica. También es un orgullo haber trabajado con Ud. Sr. Presidente y con las personas que tan honorablemente han trabajado y trabajan a su lado. Gracias a todos Uds; y gracias al cuerpo de voluntarios que nos ayudan y nos reconfortan, gracias en nombre de nuestros Pueblos y de nuestra patria La Republica Bolivariana de Venezuela. Permitame Sr. Presidente hacer una breve introducción.

En nuestro país se está llevando a cabo una de las más bellas Revoluciones de nuestro planeta. Nuestro Presidente Hugo Chavez la llama la Revolución Bonita y con mucha razón porque es la primera vez en nuestra historia que un sistema de gobierno que lucha al lado de su Pueblo para llevar a cabo transformaciones sociales y culturales radicales de interés público, respetando las leyes constitucionales y dando la palabra al Pueblo. Nuestro gobierno se proclama pacífico reforzándose para la paz y no preparándose para la guerra. Por las actuales amenazas verbales de la parte de grupos y personas opositoras a nuestra Revolución es lógico y natural sensibilizar la opinión pública, verbalmente, y prevenir una tragedia nacional y prepararse psicológicamente y mentalmente para una posible agresión extranjera. Es por estas razones Sr. Presidente que nosotros los indígenas, y en estos momentos me refiero a todos los Pueblos Indígenas de nuestra Republica, basándome en el trabajo de campo y de encuesta durante dos meses que realicé a principio de este año en mi país, después de haber participado con tres conferencias al Foro Social Mundial, al Foro de las Americas y al II Congreso de Cumanagoto, puedo y podemos asegurar que nuestros territorios indígenas no son utilizados por nuestro gobierno con fines militares, ni por ninguna autoridad administrativa o militar representativa de nuestra Republica.
Sr. Presidentes amigos todos: en el Estado Bolívar y en el territorio amazonas, que son en su mayoría jungla y selva cerrada, ocupado por 19 etnias, todas diferentes con sus idiomasa, costumbres, tradiciones y culturas propias se ataca un grave conflicto provocado de una parte por buscadores de oro y piedras preciosas, llamados garipieiros y por otro lado aventureros y otras personas ajenas a los Pueblos Indígenas, que buscan instalarse en estas tierras sin pedir permiso a nuestras autoridades y representantes indígenas. Estos dos grupos de personas utilizan métodos de agresión física y moral contra nuestras populaciones para obligarlos a desplazarse y a abandonar sus tierras. Si nuestros hermanos se oponen son violados, heridos y muchos son asesinados. Esta es una lucha diaria en estos territorios alejados de las ciudades y el acceso de nuestras fuerzas armadas es penoso, pesado y muy difícil por las condiciones naturales del teiTeno. Nuestro gobierno trata de ayudar nuestras gentes y aunque es una tarea terriblemente ardua estamos seguros que nuestras fuerzas armadas y nuestra policía resolverán esta situación a corto plazo. El Presidente defiende nuestros derechos en sus alocuciones directas con nosotros respaldado por nuestra constitución del año 1999. Hugo Chavez junto con nuestro gobierno esta llevando a cabo una lucha practica y cotidiana contra estos invasores y son muchos los indígenas y militares que lo ayudan.

Sr. Presidente en la frontera oeste con el país hermano Colombia tenemos también graves conflictos de confrontación entre ciertos grupos de poblaciones colombianas, extranjeras y venezolanas. El gobierno de Venezuela conjuntamente con el gobierno hermano colombiano trata de resolver estos problemas amigablemente haciendo prevalecer los intereses de la mayoría de los ciudadanos de nuestras naciones. En la frontera sur, en los límites con nuestro país hermano Brasil también tenemos conflictos armados con extranjeros, pero en ningún caso los territorios son utilizados con fines militares. Nuestro hermano y aliado Luis Ignacio Lula apoya nuestra Revolución y colabora fraternamente abriendo un dialogo de amistad y solidaridad. La lucha es contra los delincuentes invasores de nuestros países. Los buscadores de oro y ladrones de piedras preciosas llegan a estas tierras como olas intermitentes tratando de instalarse definitivamente o por un largo tiempo paleando con garrotes y asesinando nuestras hermanas y hermanos.

Los líderes indígenas y una gran mayoría de compatriotas pedimos a nuestro gobierno que continúe interviniendo para acabar con estos desastres. Deseamos que secciones permanentes de la policía y de las fuerzas armadas se mantengan en los lugares más codiciados por estos invasores. La riqueza del subsuelo venezolano y la fertilidad de nuestra tierra, la abundancia de agua y oxígeno ha sido aprovechada negativamente en perjuicio de nuestros Pueblos desde la época de la colonización española. Deseamos que esto cambie, tenemos urgencia en este particular y le damos las gracias Sr. Presidente por haber tratado este tema tan importante y delicado. Gracias Sr. Presidente gracias a todos.
Congrès Populaire Coutumier

Organisation non gouvernementale de Libération Nationale Kanak IKC

CHO Roger
Coordinateur du Congrès Populaire Coutumier
Tel(00687)81-96-34
Mail: cho_rl@yahoo.fr

Déclaration à la 24ème session des peuples autochtones ONU Palais des Nations Genève Suisse du 31.07.06 au 04.08.06

Thème principal: "L'utilisation des terres des peuples autochtones par des autorités, des groupes ou des personnes non autochtones à des fins militaires"

"Monsieur le Président, merci de me laisser ce temps de parole.
Chers frères et sœurs, délégués autochtones, bonjour,

Avant la lecture de ma déclaration, je voudrais rendre hommage au vice-président du Comité de Coordination CNDPA, le regretté HAMUE Hamue qui nous a quitté cette année à l'âge de 75 ans. Il a été un des leaders du réveil de la conscience Kanake. Je voudrais aussi rendre hommage à tous nos ancêtres autochtones qui nous ont précédés dans ce combat.

Notre terre, celle que nous héritons de nos ancêtres par le droit inné, se situe dans l'océan pacifique à l'Est de l'Australie et à 22 000 km de la France.

Notre pays fut découvert par le navigateur et capitaine anglais James COOK le 4 septembre 1774 et le baptisa Nouvelle-Calédonie en souvenir de son Écosse natale.

Le 24 septembre 1853, le capitaine de vaisseau Louis TARDI de MONTRAVEL prend possession de la Nouvelle-Calédonie au nom de l'empereur Napoléon III, par le biais d'acte de prise de possession unilatéral. La découverte de notre pays ancestral par les navigateurs militaires occidentaux du 17ème au 18ème siècle, s'inscrit dans une logique de colonisation des terres et d'asservissement des peuples autochtones.

Dans un premier temps notre terre avait servi au bagne français ceci à la suite de la révolution française de 1789, qui amena l'abolition de la monarchie et vit apparaître les prémices de la République française. Certains des bagnards à leurs libérations ont bénéficié de concessions foncières à mettre en valeur de même qu’en 1897 le gouverneur FEUILLET a mis en place une politique de peuplement de notre terre ancestrale avec la venue de plusieurs familles de France, ainsi que de nombreuses familles autochtones provenant des premières colonies françaises.
Il est clair qu'à partir de ces situations de colonisation foncière les clans, dans l’ensemble de leurs structures hiérarchiques traditionnelles, ont été repoussés sur des terres arides et délimitées avec pour statut les réserves Kanakes, et qui à l'heure actuelle, suite aux accords de Nouméa, sont dénommées terres coutumières, mais dont la superficie reste celle du 18ème siècle.

Puis vint en 1873, la découverte du nickel qui sera extrait de nos montagnes par le procédé de mines à ciel ouvert, par la Société Le Nickel et le Baron de Rothschild avec des répercussions négatives sur l'écosystème. Le nickel brut est revendu aux pays asiatiques et en Europe et permet, après transformation, d'obtenir de l'acier inoxydable.

Quand fut déclarée la première guerre mondiale notre terre devint un point stratégique militaire dans le Pacifique pour la France et ses alliés et il en a été de même pour la Seconde Guerre mondiale. Le nickel a servi à fabriquer des armes revendues à des fins militaires jusqu'à la fin des armées 80 chez nos frères autochtones d'Afrique et d'ailleurs.

La terre autochtone Kanak ne constitue plus un enjeu militaire pour la France car elle s'est dotée de l'arme nucléaire, mais reste un enjeu économique en étant troisième producteur mondial de nickel, avec un cours qui s'est élevé 23 075 dollars la tonne.

A l'heure actuelle la répartition des différents types de propriété foncière en Nouvelle-Calédonie dont sa surface globale est de 22 000 km2 est composée de trois types :
   1. les terres du domaine des collectivités qui incluent les terres militaires, 40%
   2. les propriétés privées, 30%
   3. les terres coutumières, 20%

Le Congrès Populaire Coutumier est pour le partage de la terre mais sur une vraie reconnaissance de structures hiérarchiques traditionnelles à travers une souveraineté autochtone Kanake.

Pour conclure Monsieur le Président, nous sommes reconnaissants et satisfaits du travail effectué par le Groupe de Travail et le Caucus Général sur l'avancée de l'adoption provisoire de certains articles de la résolution 1994-45, et plus particulièrement de l'article 24 à l'article 28bis.

La coutume est ma religion naturelle, elle est ma constitution. C'est ma vie et celle de ma société.

Merci".
Mr. Chairperson, distinguished government delegates, honorable indigenous sisters and brothers.

I am a representative of indigenous Jumma people from Chittagong Hill Tracts, CHT in short, the south-eastern part of Bangladesh. The CHT region is one of heavily militarized areas in the world. In order to suppress the Jumma people, the CHT has been militarised by the Government of Bangladesh soon after the independence. From the very beginning, the successive Governments have been trying to solve the political problems of the CHT with military might. However, the efforts for the military solution have been miserably failed and ultimately the government has signed the CHT Peace Accord with the PCJSS in 1997 for political solution of CHT issue.

The CHT Accord provides that all the temporary camps of the army, Ansars and VDP (Village Defense Party) shall be taken back from CHT to permanent cantonments. In spite of that the government did not withdraw the temporary camps of security forces from the CHT. As an eye-wash, only 31 temporary military camps, out of more than 545 camps, have been withdrawn so far. The army still holds the supreme authority and control over the general administration. The army still carries out human rights violation activities on Jumma through killings, torturing, rape etc. The government still continues military rule replacing Operation Dabanal' (Operation Wildfire) with Operation Uttoron' (Operation Upliftment) in 2001.

Under this Operation Uttoron', the army personnel can commit any kind of atrocity with impunity. In the post-accord period, the army committed at least 6 (six) large-scale communal attacks in CHT. The military authority continues to be final policy making and law enforcing authority in the CHT. They are aiding the Bengali settlers for the forcible occupation of more and more Jumma peoples' land. Even the military authority itself is acquisitioning more and more Jumma's land on one pretext or another. For instances, the military authority have taken
initiative to acquire 9,560 acres of land for the expansion of Ruma Cantonment, 30,000 acres of land to open a new Artillery Training Center and 26,000 acres of land to open a new Air Force Training Center without any prior consent from the Jumma people.

In August 2003, more than 350 houses of indigenous Jummas in Mahalchari sub-district were burnt, two people were killed and 10 Jumma women were raped by uniformed and armed soldiers and Bengali settlers. We have been told that Lt. Col. Abdul Awal, the concerned Zone Commander who led the incident, had returned to Bangladesh after completing UN peace-keeping duties abroad just couple months before this incident.

The Jumma people have no redress against this injustice. Further the military authority still receives over 10,000 metric tons of food grains every year for so-called Pacification Programme to rehabilitate more and more Bengali settlers with an aim to uproot the indigenous Jumma people from their ancestral land and outnumbering them in their territory.

So, the indigenous Jumma people need international support to help convince the Bangladesh Government:

- To implement CHT Peace Accord properly and immediately;
- To stop human rights violations on and land grabbing of indigenous Jumma peoples.
- To withdraw all temporary military camps including de facto military rule Operation Uttaron from CHT very soon;
- To ensure after careful scrutiny that those soldiers and officers involved in human rights violations in the CHT and elsewhere in Bangladesh are not allowed to join the UN as peacekeepers.

Thanks all.
Mi nombre es Myriam Sánchez estoy en representación de la Comunidad Integradora del Saber Andino “CISA” y “CONMIE” además en nombre de las Organizaciones de base de los pueblos indígenas que me han encomendado su voz desde el Ecuador.

UN REFERENTE DE NUESTRAS TIERRAS Y TERRITORIOS

Es difícil para los pueblos indígenas referirse al desarrollo sin mencionar los derechos básicos a las tierras, territorios y sus recursos, la cultura, la identidad, y la libre determinación. El uso frecuente de minerales, petróleo y gas a gran escala y con fines comerciales, la tala de bosques, las consecuencias negativas sobre la biodiversidad, la construcción de represas para megacentrales hidroeléctricas y de autopistas, la agricultura con utilización a gran escala de productos químicos, las plantaciones forestales industriales, la designación de áreas que incluyen tierras pertenecientes a pueblos indígenas como “zonas de protección ambiental”, etc. es la imposición de las denominadas políticas “de desarrollo”, mediante mega proyectos que desplazan a nuestros pueblos de sus tierras y en nombre de la modernización o construcción de una nación. Estas “nuevas políticas” inventan palabras con tal de no llamar las cosas por su nombre enmascarándolas de humanitarias, es decir no mencionan jamás Genocidio, tortura, empobrecimiento, conquista, explotación y sangre: se violan los derechos humanos, se empobrecen y sacrifican a nuestros pueblos indígenas, sin la posibilidad de que los afectados hayan dado su consentimiento libre, previo e informado. Y si ahora llamamos todos los atropellos de nuestros derechos humanos y en especial a los desplazamientos forzados de nuestras tierras y territorios donde siempre hemos vivido con nuestras tradiciones y riquezas culturales, estamos perdiendo la esperanza, la alegría, y las oportunidades de llegar a tener nuevamente una vida digna, con educación, salud, y manutención de nuestros propios recursos naturales.

RECOMENDACIONES:

- Exigimos que se tome en cuenta la recomendación del FPCI en la 4ta sesión, en donde se recomienda al sistema de Naciones Unidas, que el proceso y órganos gubernamentales siga resolviendo el consentimiento previo, libre e informado, del pluralismo de los pueblos indígenas. (Artículo 6 del Convenio 169 de la OIT).

- Aumento dramático del desplazamiento forzado, asociado a las amenazas colectivas y las detenciones masivas / Pérdida de territorio / Pérdida de autonomía

- Creación de “zonas de paz indígenas libres de cualquier operación militar, bajo supervisión internacional”

- Sentar las bases para establecer un Tribunal Internacional de Pueblos Indígenas que vigile el cumplimiento por parte de los estados las recomendaciones del
sistema de la ONU y de la comunidad internacional. Sobre el aumento de la violencia directa contra nuestros pueblos como recursos de control político y territorial.

- Que se garantice la seguridad e integridad cultural, espiritual, ambiental, social y económica de los pueblos indígenas en áreas de frontera (Artículo 32 del Convenio 169 de la OIT).

- Se vigile el impacto de los Megaproyectos en tierras y territorios de los pueblos indígenas.

- Instamos a los estados a reconocer y garantizar con pleno derecho a los pueblos indígenas el derecho a conservar la propiedad imprescriptible sobre sus tierras y territorios, que históricamente han ocupado; que serán inalienables, inembargables, e indivisibles; así como la administración, uso y usufructo de los recursos naturales.

- Que los estados implementen y apliquen eficazmente el acuerdo 169 de la OIT, del respeto de los derechos de los pueblos autóctonos y tribales en los países independientes.

- Que las autoridades judiciales del Ecuador realicen investigaciones sobre las represiones, detenciones arbitrarias a líderes indígenas y los recientes asesinatos a pueblos Taromenanes y Tagaeri en la Amazonía en zonas intangibles.

- Exhortamos a los estados suspender todo tipo de proceso sobre concesiones y explotación de los recursos naturales, encontrados en tierras y territorios ancestrales; garantizando nuestro derecho al consentimiento previo, libre e informado, como pueblos indígenas.

- Exhortamos a los estados a implementar medidas jurídicas en las constituciones y que garanticen la protección efectiva de los derechos de propiedad de tierra y posesión. En general promover legislaciones que permitan cumplir a cabalidad con lo dispuesto en el Art. 6 del convenio 169 de la OIT.

Muchas gracias.....
Statement of Bobby Castillo Leonard Peltier Defense Committee *item 4*

Review of developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples (b) Principle theme "Utilization of Indigenous Peoples' Lands by Non-Indigenous Authorities, Groups or Individuals for Military Purpose"

Mr. Chairperson,

The last major campaigns by the U.S. Army against Indigenous People in North America took place in the late 1800s. But the military is still dangerous to Indigenous Peoples in the Western hemisphere today. A recent study contends the dramatic expansion of U.S. military bases during the 20th century was largely concentrated in the same remote, arid places where Indian reservations were located. That means Indigenous People's could be disproportionately exposed to toxic chemicals and unexploded bombs, compared to non-Indigenous People's, according to the report by Gregory Hooks of Washington State University. Two world wars and the Cold War "pushed the United States to produce, test and deploy weapons of unprecedented toxicity," the study said. "Native Americans have been left exposed to the dangers of this toxic legacy."

The Department of Defense has acknowledged the problems, quoting a 2001 department report that said Indian lands have "hazardous materials, unexploded ordnance (UXO), abandoned equipment, unsafe buildings, and debris." The government estimates that unexploded ordnance, which can include mines, nerve gases and explosive shells, probably contaminates 20 to 50 million acres of land in the United States and would take centuries to clean up at current rates.

By 1916, the U.S. Army owned about 1.5 million acres of land, and expanded dramatically during World War I. By 1940, the Army owned about 2 million acres of land. The huge buildup to World War II saw the Army acquire another 8 million acres. Most of those lands were in the vicinity or contiguous to Indian reservations. Conventional weapons in World War II were far more lethal than weapons from previous wars, and the United States has led the world in the production of weapons of mass destruction, including nuclear, biological and chemical weapons.
Today there are plans for a Pentagon-led experiment that involves detonating 700 tons of explosives at the Nevada Test Site on Western Shoshone traditional land which is part of an effort to design a weapon that can penetrate solid rock formations in which a country might store nuclear weapons or other weapons of mass destruction.

The test will involve nearly 40 times the amount of commercial ammonium nitrate and fuel oil explosive set off in the largest open-air, non-nuclear blast at the site to date. In 2002 18 tons of explosives were set off at the Nevada Test Site. The Western Shoshone sovereign nation has always condemned the use of their traditional lands for bomb testing. They consider such practices as a violation of their treaty rights.

The Leonard Peltier Defense Committee condemns also all military test on Indigenous lands or elsewhere which are especially being designed to kill our brothers and sisters in Iraq, Palestine and Lebanon today. Indigenous people traditional values consider that all life is sacred so we cannot support State governments who are using military forces to bring death and destruction.

To conclude, we fully support Professor Alfonso Martinez words on its working paper on "Indigenous peoples and conflict resolution", stating "This is a major source of conflict, which often results in either the forced eviction of indigenous peoples, or life-threatening circumstances connected with nearby warfare. The State's power to 'extinguish' aboriginal titles to lands on the basis of national security needs is often used to give license to armed forces to launch national defense projects on indigenous lands including the construction of military bases, testing grounds and territory for war games."

No indigenous land should be used for military reason because this is against our values and traditions.

Thank you Mr. Chairperson,

Bobby Castillo

LPDC International spokesperson
Mr Chairperson,

My delegation wishes to exercise its right of reply to clarify some issues raised by in its statement earlier today.

We would like to state for the record that there are no indigenous peoples on the Chagos Archipelago and that the Chagossians who used to inhabit and work on the Chagos Archipelago are all from Mauritius. All Chagossians are full-fledged citizens of the Republic of Mauritius and they derive their status as citizens of Mauritius from the Constitution of Mauritius.

The Government of Mauritius has always expressed concern over the plight of the Chagossians who were forcibly displaced from the Chagos Archipelago as a result of the unlawful detachment of that Archipelago from the territory of Mauritius prior to its independence, for the purpose of establishing a military base.

Mauritius maintains its sovereignty over the entire Chagos Archipelago, including Diego Garcia, as it has always done in the past. The Government of Mauritius will continue to press for the exercise of its sovereignty over the Chagos Archipelago whilst also supporting the right of return of the Chagossians to the Chagos Archipelago.

I thank you, Mr Chairperson.
Check upon delivery

Canadian Presentation
on the theme of:
"Utilization of indigenous peoples' lands by non-indigenous authorities, groups or individuals for military purposes"

UN Working Group on Indigenous Peoples
(WGIP) Geneva,
August 2006

Vérifier à l'audition

Présentation du Canada Sur le thème de : 'l'Utilisation des terres des peuples autochtones par des autorités, groupes et individus non-autochtones à des fins militaires"

Groupe de Travail des Nations Unies sur les Peuples autochtones
(GTPA)
Genève, août 2006
UN Working Group on Indigenous Peoples

Title: The Impact of the Rule of Law on Canada's Utilization of Indigenous Peoples' Lands for Military Purposes in Canada

Canada's legal system is founded on the rule of law and this principle is well entrenched in the legal framework that governs Canada's armed forces and defence activities, including the issue of utilization of indigenous peoples' lands.

The values affirmed by Canadian society and represented in domestic federal legislation such as the National Defence Act, the Canadian Human Rights Act and the Indian Act directly impact Canada's armed forces. With respect to Canada's indigenous peoples specifically, aboriginal and treaty rights are recognized and affirmed within section 35 of the Constitution Act, 1982. The Constitution Act also includes the Canadian Charter of Rights and Freedoms that serves to enshrine fundamental freedoms for all Canadians, to protect individuals and groups from arbitrary and unreasonable action on the part of the state and to moderate the authority of government to utilize Canada's armed forces other than in the manner prescribed by law. Canada's armed forces share with other government institutions the responsibility of ensuring all legislated and constitutional obligations toward Canada's indigenous peoples are upheld.

Without question, land use by Canada's armed forces is an important feature in achieving its operational and defence mandate. Canada's armed forces utilize about 18,000 square kilometres of land in pursuit of these mandates. Canada's use of indigenous peoples' lands for military purposes is carried out in accordance with the rule of law and takes into consideration the interests of Canada's indigenous peoples. Examples include:

a. provision of notice to aboriginal groups in instances where the Minister of National Defence exercises the authority to use land pursuant to the National Defence Act;

b. planning of training activities to take in consideration the activities and interests of affected aboriginal groups, such as programs aimed at preventing conflicts between training activities and aboriginal activities, consultations with aboriginal groups, and, in some cases, formalized access arrangements;

c. consultation with affected aboriginal groups in accordance with Supreme Court of Canada jurisprudence that imposes a duty on Canada to consult with aboriginal groups when military activities could have an adverse impact on asserted rights and title. In some cases, that duty will include a duty to accommodate the aboriginal group;

d. processes that permit aboriginal groups to bring claims against the government for damage to their land as well as in respect of any loss caused by their inability to exercise aboriginal rights over that land;

e. agreements with indigenous groups that include arrangements for land clearance and rehabilitation and the payment of compensation in the event of damage caused to the land; and

i. negotiation of treaties with aboriginal groups which include provisions relating to military use of treaty settlement lands, such as: provisions that permit temporary access to settlement lands by members of the military in accordance with federal laws; the conditions under which access for military training is permitted, including consent of the First Nation with respect to
Groupe de travail sur les populations autochtones de l'ONU

Titre : L'incidence de la primauté du droit sur l'utilisation des terres des peuples autochtones à des fins militaires au Canada

Le système juridique du Canada se fonde sur la primauté du droit et ce principe est bien ancré dans le cadre législatif qui régît les activités des Forces armées canadiennes et les activités de défense, y compris en ce qui concerne la question de l'utilisation des terres des peuples autochtones.

Les valeurs de la société canadienne telles qu'elles sont représentées dans la législation fédérale du Canada, comme la Loi sur la défense nationale, la Loi canadienne sur les droits de la personne et la Loi sur les Indiens, ont une incidence directe sur les Forces armées du Canada. En ce qui concerne tout particulièrement les peuples autochtones du Canada, mentionnons que les droits ancestraux ou issus de traités sont reconnus et confirmés à l'article 35 de la Loi constitutionnelle de 1982. La Loi constitutionnelle inclut également la Charte canadienne des droits et libertés, laquelle consacre les libertés fondamentales de tous les Canadiens, protège les personnes et les groupes contre les actes arbitraires et abusifs de l'État et restreint le pouvoir du gouvernement d'utiliser les Forces armées canadiennes autrement que de la manière prescrite par la loi. Les Forces armées canadiennes partagent avec d'autres institutions du gouvernement la responsabilité de veiller au respect de toutes les obligations envers les peuples autochtones du Canada qui sont prescrites par les lois et par la Constitution.

Il ne fait pas de doute que l'utilisation des terres par les Forces armées canadiennes constitue une condition importante de la réalisation de ses mandats opérationnel et de défense. Les Forces armées canadiennes utilisent environ 18 000 kilomètres carrés de terre pour accomplir ces mandats. L'utilisation des terres des peuples autochtones à des fins militaires se fait en conformité avec la primauté du droit et prend en compte les intérêts des peuples autochtones. En voici des exemples :

g. la remise d'un avis aux groupes autochtones lorsque le ministre de la Défense nationale
exerce le pouvoir d'utiliser des terres en
h. la planification des activités d'entraînement de manière à prendre en compte les activités et les intérêts des groupes autochtones affectés, tels que les programmes visant à prévenir les conflits entre les activités d'entraînement et les activités des autochtones, les consultations auprès des groupes autochtones et, dans certains cas, les ententes d'accès formelles;

i. la consultation des groupes autochtones affectés conformément à la jurisprudence de la Cour Suprême du Canada qui impose au Canada l'obligation de consulter les peuples autochtones lorsque des activités militaires risquent d'avoir un effet préjudiciable sur les droits et les titres ancestraux revendiqués; dans certains cas, cette obligation inclura une obligation d'accommodement à l'égard du groupe autochtone;

j. les mécanismes qui permettent aux groupes autochtones d'engager des poursuites contre le gouvernement pour les dommages causés à leurs terres ainsi que pour toute perte consécutive à leur incapacité d'exercer leurs droits autochtones sur ces terres;

k. les accords avec les groupes autochtones, ce qui comprend des ententes de déminage et de remise en état des terres et le paiement d'indemnités dans l'éventualité de dommages causés à leurs terres;
Gracias, Sr. Presidente:

Como es la primera vez que tomo la palabra en este importante evento, en nombre de la República Bolivariana de Venezuela, le felicitamos por haber sido electo Presidente de la Mesa y saludamos a los demás integrantes de la misma, cuyas intervenciones siempre son valiosas. Asimismo, saludamos a todos los delegados de los demás países y organizaciones no gubernamentales especializadas en la materia que han acudido a este periodo de sesiones en el que nuestro Gmpo de Trabajo enfoca como tema principal la "Utilización de las Tierras de los Pueblos Indígenas por autoridades, grupos o personas no indígenas para fines militares".

Valoramos el documento preparado por la Secretaria, E/CN.4/Sub.2/AC.4/2006/2, que permite enfocar el debate en atención al equilibrado "examen de los acontecimientos recientes" relacionados con dicho tema principal, en el que se destaca objetivamente en el párrafo 32 el amplio respeto que a nivel legal, y más aún, a nivel Constitucional le damos en Venezuela a las tierras indígenas y el necesario consentimiento previo y libremente otorgado por parte de los pueblos indígenas frente a diversas actividades que les involucran.

La Constitución de la República Bolivariana de Venezuela de 1999 ha reconocido por primera vez la existencia de nuestras comunidades indígenas, su propia organización social, política y económica, sus culturas, usos y costumbres, idiomas y religiones, así como su hábitat y derechos originarios sobre las tierras que ancestrales y tradicionalmente ocupan y que son necesarias para desarrollar y garantizar sus formas de vida.

Para la República Bolivariana de Venezuela, los pueblos indígenas forman parte de nuestra Nación, nuestro Estado y como tal son pueblo venezolano, el cual es único, soberano e indivisible; y como tal tienen el deber de salvaguardar la integridad y soberanía nacional.

Con la participación de los pueblos indígenas, compete al Ejecutivo Nacional demarcar y garantizarles el derecho a la propiedad colectiva de sus tierras, las cuales son inalienables, imprescriptibles, inembargables e intransferibles de acuerdo con lo establecido en la Constitución y en la ley.

En la República Bolivariana de Venezuela no se utilizan las tierras de los pueblos indígenas por las autoridades con fines militares, y en el marco de los Principios de Seguridad de la Nación se le da prioridad a la atención de las fronteras, protegiéndose de manera expresa, entre otros, los parques nacionales y el hábitat de los pueblos indígenas allí asentados.

Como gran logro de reconocimiento constitucional, nuestros pueblos indígenas eligen, repetando sus costumbres y tradiciones y de acuerdo a la ley electoral, diputados que les representan en el Poder Legislativo Nacional. Esta efectiva representación es la que tiene

CARLOS ENRIQUE ELOREST.
Afrecado Laboral / 02 Agosto, 2006
como valúe el haber materializado en diciembre de 2005 la aprobación de la "Zev Orgánica de Pueblos y Comunidades Indígenas" que desarrolla, entre otros, todos los citados postulados constitucionales e incluso de orden internacional previstos en pactos y convenios validamente suscritos y ratificados por la República, que reconocen y protegen a nuestros indígenas y se pone fin al hecho colonial que enfocaba a los pueblos originarios en una condición de subordinación política, explotación económica y subvaloración cultural e ideológica.

Nuestra ""Ley Orgánica de Pueblos y Comunidades Indígenas" estipula la futura creación del "Instituto Nacional de Pueblos Indígenas" y la creación del "Fondo para el Desarrollo Integral de los Pueblos Indígenas", además de "Comisiones Regionales de Demarcación del Hábitat y Tierras Indígenas", en las que la participación de las comunidades indígenas es de expreso reconocimiento.

Los pueblos indígenas cuentan con la institución de la Defensoría del Pueblo para que vele por sus derechos y ejerza las acciones necesarias para sus garantías y efectiva protección; más aún, a nivel de nuestro Tribunal Supremo de Justicia existe la "Defensa Pública Indígena", cuyos miembros son abogados conocedores de la cultura y derechos de los pueblos y comunidades indígenas; se les reconoce a los indígenas el uso de sus idiomas originarios en todo proceso administrativo o judicial; no obstante que de manera previa también se les reconoce que pueden aplicar en su hábitat instancias de justicia con base en sus tradiciones en la medida que sólo afecten a sus integrantes según sus propias normas y procedimientos, siempre que no sean contrarios a nuestra Constitución, a la ley ni al orden público.

Sr. Presidente y demás miembros de la Mesa de este Grupo de Trabajo, para el Gobierno de la República Bolivariana de Venezuela es de gran orgullo el valor integral que en nuestro país se le da a los pueblos indígenas, y es oportuna la ocasión para reiterar lo que en anteriores reuniones hemos afirmado, en cuanto a que contamos con recursos económicos presupuestados para aportarlos al "Fondo de Contribuciones Voluntarias de las Naciones Unidas para las Poblaciones Indígenas", los cuales aún no se han podido materializar en virtud que estamos a la espera que esa organización nos envíe las correspondientes certificaciones bancarias que nos exigen los controles de nuestra Oficina Nacional del Tesoro; esperamos que ello se concrete en los próximos días, ya que la disponibilidad existe y no es imputable a nosotros el no haber transferido hasta la fecha estos recursos.

Por último, enfatizamos que en la República Bolivariana de Venezuela no se utilizan las tierras de los pueblos indígenas por las autoridades con fines militares. El gobierno vela por la integridad y protección de los derechos de los pueblos indígenas, evitando se produzcan los indeseables aislamientos de sus comunidades.

Sólo bajo el enfoque del gobierno revolucionario de la República Bolivariana de Venezuela, es que se han podido concretar todos estos beneficios y se continuarán consolidando las protecciones a favor de los pueblos y comunidades indígenas en nuestro país.

Muchas gracias, Sr. Presidente.

C,ROS ENRIQUE FLORES T.
Agregado Laboral / 02 Agosto, 2006
Los cuatro pueblos indígenas arhuaco, kogi, kankwamo y wiwas habitan la Sierra Nevada de Santa Marta ubicada al norte de Colombia. En este territorio se desarrollan estos pueblos de acuerdo a sus saberes culturales y espirituales regidos por las leyes de origen establecidas en el momento de la creación del mundo.

Después de 500 años de resistencia para preservar su cultura y territorio, los pueblos indígenas de la Sierra Nevada se enfrentan hoy a la militarización de su territorio por varios actores. Las riquezas naturales que tienen la Sierra Nevada han despertado nuevos intereses económicos con sus respectivos grupos armados que invaden nuestros territorios ancestrales y sagrados.

Por un lado, la Sierra viene siendo utilizada por narcos para sus cultivos de uso ilícito. Su negocio siempre está acompañado de bandas armadas que controlan zonas e impiden el desarrollo de la dinámica vivencial de las comunidades indígenas. Parte de este negocio esta retomado por los supuestos desmovilizados de las autodefensas que se "reciclan" en los cultivos de uso ilícito.

Luego se extiende la presencia paramilitar de las denominadas AUC quienes afectan a la autonomía de los pueblos a través de los reclutamientos a los jóvenes indígenas, asesinando a los líderes y controlando partes de los resguardos. También se mueven frentes guerrilleros de las Farcs y del ELN por la Sierra Nevada defendiendo sus intereses militares y económicos. La guerrilla recluta igualmente a jóvenes de las comunidades y suelen impedir la libre migración espiritual de las comunidades.

Finalmente se aumentan las bases y operativos militares en la Sierra Nevada por parte de la fuerza pública. Durante los últimos años se estableció un batallón de alta montaña del ejército nacional en territorio indígena. Además de aumentar las confrontaciones armadas en el territorio, esta militarización parece responder a intereses de explotación de los recursos naturales de la Sierra. Pues, la privatización del agua, la extensión de cultivos de Palma aceitera y de la ganadería extensiva son algunos de los factores que conllevan a la militarización de los territorios de los pueblos nativos y al saqueo de la biodiversidad y medio ambiente de la región.

El aumento de la militarización convierte al territorio sagrado en una zona de confrontación continua y muerte que lastima al buen desarrollo social y espiritual de los habitantes de la Sierra. Las minas antipersonales que siembran los distintos grupos armados para defender sus respectivas zonas, se vuelven un peinazo cotidiano para los indígenas. La comunidad indígena que reclama autonomía se ve continuamente señalada por los distintos actores como colaboradores del otro por no querer hacerse partícipe de la guerra. Esta situación ha conllevado al atropello y al encarcelamiento de representantes de las comunidades indígenas por parte del ejército nacional.

Por todo lo anterior, los cuatro pueblos de la Sierra Nevada piden al gobierno nacional y a las organizaciones internacionales, abrir escenarios de diálogo con los distintos actores que respeten y garanticen la permanencia de las comunidades indígenas en su territorio con autodeterminación. Es decir que se tome a la Sierra Nevada como un escenario de paz. diálogo y respeto al pensamiento de sus habitantes mas no un teatro de guerra y ¡nuene. De manera inmediata, los cuatro pueblos exigen el cumplimiento de lo establecido en la Constitución Política Nacional y en el convenio i69 de la 01T con respecto a los pueblos indígenas y a la autonomía territorial de los mismos.
24 sesión del Grupo de Trabajo de Naciones Unidas sobre Pueblos Indígenas
Ginebra, Suiza 31 de julio al 4 de agosto de 2006

Presentado por:
Centro de Cooperación al Indígena CECOIN
Organización Indígena de Antioquia OIA
Consejo Regional Indígena del Cauca CRIC

A. Se siguen militarizando arbitrariamente los territorios indígenas y la violación de los derechos humanos no disminuye

1. El gobierno colombiano se ha esforzado en hacer creer a la opinión pública, que la denominada "política de seguridad democrática" es una estrategia eficaz para garantizar los derechos humanos a los pueblos indígenas. El gobierno muestra como un logro la mayor presencia de la fuerza pública en los territorios indígenas y sostiene que hay una disminución de los hechos violatorios de los derechos humanos. Sin embargo, esta política no ha significado en ninguno de sus elementos una disminución de la violencia contra los indígenas, y por el contrario, todos los indicadores de violencia se incrementaron.

2. Desde el año 2003, el gobierno instaló 6 nuevos Batallones de Alta Montaña (BAM). Todos ellos afectan directamente a territorios indígenas.

3. El Sistema de Información de CECOIN, construido con base en la información de los propios pueblos y organizaciones indígenas, registra que en este gobierno se han presentado por lo menos 1.643 casos de violencia política contra indígenas, frente a los 1.231 que tuvieron lugar en el gobierno anterior, consistentes especialmente en los asesinatos políticos, las detenciones arbitrarias, los heridos por abuso de autoridad y las amenazas individuales. Al mismo tiempo, el número de desplazados forzadamente no merma, y por el contrario se incrementa a niveles alarmantes. De más de 5.100 personas indígenas desplazadas, registradas en 2002 se pasó a más de 23.700 en 2005, mientras en 2006 la cifra ya asciende a 5.487 personas. Estos desplazamientos corresponden principalmente a casos ocurridos en los departamentos de Chocó, la Guajira, Nariño, Cauca y el Huila, las zonas donde se incrementó la presencia militar del Estado.

4. El Sistema de Información de CECOIN, con base en las denuncias de las comunidades, indica que todas las variables de violencia política incrementaron la participación absoluta y proporcional de agentes del Estado. De 276 violaciones a los derechos humanos e infracciones al DIH, registradas en el período de 1998 a 2002, cuyos presuntos autores son agentes, se aumentó a 666 casos en el periodo 2002-2006.

B. La presencia militar es un detonante de la violación de los derechos humanos

5. Además de los Batallones de Alta Montaña y las Brigadas Móviles, la utilización directa de territorios indígenas para construir instalaciones militares es factor recurrente de la política gubernamental, tal como ha sucedido en el caso de los indígenas Guayaberos, los indígenas Uitoto del Predio Putumayo; en inmediaciones de los Resguardos de Coco Viejo y Coayaré (territorio de los Curripacos en el Guainía, en Puerto Inírida), en el resguardo de Sabanitas. En Barranco Minas, territorio de los Piapoco del Guainía y Vichada, 2.000 infantos de marina y 1.000 soldados.

Los datos sobre migración forzada combinan los de la ONIC y de Cecoin.
ocupan escuelas, sede de la organización indígenas y territorio. En Carurú (Vaupés) y en Taraira ha ocurrido otro tanto.

6. Ninguna de estas bases, ni los Batallones de Alta Montaña, se ha construido con un **proceso previo de consulta** como lo establece el Convenio 169 de la OIT y el Decreto 1397 de 1996. Tampoco se han realizado los **estudios de impacto ambiental y socio-cultural** que deberían tener. No hay un caso en que se haya hecho con el **consentimiento libre e informado** de los pueblos indígenas.

7. La protección de estas bases militares se hace con minas antipersona, alambradas, trincheras excavadas y los mecanismos de vigilancia de guerra casi siempre movidos por la paranoia. Estas medidas han dejado víctimas indígenas como es el caso de San José del Guaviare y de un pescador Curripaco.

8. Las bases militares modifican el conjunto de dinámicas socio-culturales indígenas, la calidad y usos de las tierras, y las dinámicas poblacionales de la fauna. En un reciente taller de mujeres indígenas (julio 14 al 16 de 2006), las participantes hicieron denuncias sobre cientos de casos de jóvenes embarazadas y madres solteras como resultado de relaciones sexuales con soldados e infantes de Marina, las cuales no son consentidas o son mediadas por el engaño. En Puerto Inirida se reportan 123 denuncias de abusos contra jóvenes mujeres indígenas, en San José de Guaviare se conocen 5 casos de indígenas embarazadas, y en Atánquez (Sierra Nevada de Santa Marta) se ha recibido denuncias de mujeres Kankuamas igualmente embarazadas por soldados regulares.

9. Se presenta la utilización de nombres indígenas para sus operaciones, grupos de tarea e instalaciones; en San José del Guaviare el gobierno sigue utilizando el nombre "Nukak" para identificar una Escuela de Formación de Contra Guerrilla precisamente en cercanías del territorio Nukak y en medio del Resguardo de los Guayaberos.

10. Las fuerzas militares en territorios indígenas suplantan a las autoridades indígenas, interviniendo en problemas comunitarios y aplicando justicia de forma arbitrariaEn la Alta y Media Guajira son reiteradas las denuncias por la prohibición que han hecho a los **palabreros** del pueblo wayuu para mediar en los conflictos interclaníles.

11. Las fuerzas militares, asumen que los indígenas deben prestar apoyo a sus acciones militares, y ante la negativa indígena a ser involucrados, son señalados como simpatizantes de la insurgencia.

12. Las fuerzas militares en territorios indígenas están involucradas en varios de los asesinatos de indígenas detenidos y posteriormente presentados como "muertos en combate"; tal como sucedió en el caso del asesinato de un indígena Kankuamo, el cual recientemente tuvo sentencia condenatoria.\(^\)

13. El gobierno ha justificado la presencia militar en territorios indígenas arguyendo la protección de la infraestructura productiva del país y la soberanía. La evidencia indica, por el contrario, que en muchos casos se trata de intimidar a las comunidades que resisten a la imposición de obras de infraestructura y grandes proyectos de obras civiles e inversión, como la Represa Urará, los bloques petroleros en Putumayo, Llanos Orientales y Cordillera oriental, o las plantaciones de palma africana y bosques maderables.

14. En relación con la presencia militar en nuestros territorios, la respuesta del Estado a la recomendación del Relator es desafiante frente a la comunidad internacional. En efecto, el Relator insistió en atender prioritariamente la demanda de los pueblos indígenas para que todos los actores armados respetaran las zonas neutrales y desmilitarizadas indígenas, y resaltó la urgencia de crear zonas de paz indígenas libres de cualquier operación militar, bajo supervisión internacional. Hace 3 meses, en reunión entre funcionarios del Estado, delegados de la ONIC y del Consejo Regional Indígena de Risaralda CRIR y el Comandante de la Brigada del Ejército con sede en Pereira, en el marco del Proyecto de Comunidades en Riesgo del Ministerio del Interior, este último oficial frente a delegados de la Defensoría del Pueblo afirmó que no reconocía

\(^\) Hace cinco semanas, la oficina del Alto Comisionado de los DH en Colombia y los medios de comunicación, denunciaron que 24 personas presentadas como "terroristas muertos en combate" eran en realidad ciudadanos desarmados que fueron detenidos, desaparecidos y asesinados por la IV Brigada con sede en Medellín.
ninguna autonomía de los territorios indígenas, que no aceptaba que hubiesen colombianos especiales, y que lo que realmente había en esas regiones (se refería al territorio Embera Chamí de Risaralda) eran "terroristas disfrazados de indígenas". De más está decir que ante tales posturas una posible zona desmilitarizada indígena sería atacada militarmente por el Estado.

**D. Se siguen requiriendo las recomendaciones del Relator Especial**

15. Respetuosamente solicitamos al Consejo de Derechos Humanos de las Naciones Unidas que ratifique las recomendaciones hechas por el Relator Especial para pueblos indígenas en el caso colombiano, y que en consecuencia inste al gobierno a cumplir con sus obligaciones internacionales. En particular, y en referencia al tema que ocupa a este Grupo de Trabajo, consideramos de alta importancia para los pueblos indígenas y para la paz en Colombia la creación de la comisión independiente para vigilar la aplicación del DIH en los territorios indígenas y el respeto a las zonas desmilitarizadas indígenas que se proponen o que se construyan de hecho por las autoridades de los pueblos.

16. De forma urgente se requiere que los Estados se comprometan en la realización de los estudios de impacto ambiental y socio-cultural previamente a la construcción de obras militares en territorios indígenas, y por consiguiente que realicen sin obstrucción las consultas previas previstas en el Convenio 169 de la OIT. Este proceso de consulta debe conducir a conversaciones donde prime el consentimiento libre e informado como criterio de realización de las obras.
Monsieur le président,

SOS OASIS Organization est une ONG marocaine qui milite pour la promotion de l'avenir de la communauté Amazigh (Berbére) qui habite dans le désert marocain (Territoires arides).

Ceci dit, Permettez-moi de vous soumettre deux problèmes majeurs qui menace notre communauté et qui sont suscités par la militarisation de nos terres.

1. **Premier problème** :

L'État marocain a construit dans nos territoires et nos villes des casernes et a y fait loger des milliers de soldats majoritairement jeunes et célibataires.

Le problème que nous avons c'est que nous avons constaté une relation étroite entre la présence des casernes militaires et l'augmentation de taux et l'ampleur du commerce des stupéfiants et de la prostitution.

Cette relation qui s'élargit continuellement et d'une manière spectaculaire est traduite par le fait que nos jeunes filles et nos jeunes hommes qui sont dans l'obligation de se prendre en charge ou prendre leurs familles en charge et ne trouvent pas de travail sont obligés de se proposer pour travailler dans le marché des stupéfiants et de la prostitution.

Plusieurs jeunes filles et jeunes hommes sont déjà frappés par cette malédiction mortelle. Mortelle pourquoi? Parceque en s'adonnant à de telles préoccupations ils sont exclus, parce que ce sont exclus eux-même, de notre communauté; les jeunes personnes, les plus motivés, de notre génération future sont en train de devenir des dealers de stupéfiants et plusieurs filles sont en train de se glisser dans le monde de la prostitution.

Ceci d'une part, et d'autre part les autres jeunes qui ne sont pas active en tant que des dealers dans ce business sont exposés au danger de devenir des consommateurs des stupéfiants.

Ainsi, Monsieur le Président, nous sommes entraînés de perdre notre avenir, je veux dire nos générations futures.

Alors, ayant pris conscience de ce phénomène qui est en train de dévorer nos jeunes et réduire la notoriété morale et éthique de notre communauté, nous demandons à ce que l'État marocain déplace progressivement ces casernes militaires et les soldats qui y sont logés et de les remplacer par des usines et des projets générateurs de revenus dans la dignité.
2. **Deuxième problème** :

Il y a une partie de notre communauté qui vit selon le mode de vie nomade, c'est à dire qu'elle se déplace avec ses troupeaux de bétail et de chameaux sur des territoires qui s'étendaient jadis et jusqu'à l'époque de protectorat sur l'actuelle frontière maroco-Espagnole.

Maintenant, et surtout, avec le conflit du Sahara qui a généré une course acharnée entre le Maroc et l'Algérie vers l'armement et vers la construction des frontières en terme de la mise en place des surfaces de mines antipersonnelles et de déploiement des milliers de soldats derrières les deux côté de ces frontière, nos nomades deviennent extrêmement limité dans leurs mouvements et leurs troupeaux régressent en nombre et en qualité.

Cette situation a approfondi la pauvreté, déjà initiée par les changements climatiques, de l'aile nomade de notre communauté et, bien entendu, a obligé ses jeunes à émigrer vers toute destination susceptible de leur permettre un revenu pour vivre et aussi faire vivre leurs parents.

Donc il est urgent pour nous, Mr le président, que des opérations de démilitarisation des terres touchées soit entreprise immédiatement afin d'éviter la réduction de nos nomades à une pauvreté absolue et, à terme, leur extinction.
Nagaland is one of the states in the North-Eastern region of India sharing its boundary with the States of Assam, Arunachal Pradesh and Manipur. Nagas are indigenous peoples occupying approximately 0.2% of the country's geographical area with a population of about 3 million. The Nagas constitute about 50 tribes in total, with 18 major tribes. One of them is the Sema (Sumi) Tribe, to which I belong.

At this point, it will be important to go back to history briefly so as to create a link with the main theme of this session. Historically, Nagaland was a free territory, with no outside interference or subjugation. Until the late nineteenth century, each Tribe distinct in itself in terms of culture, language, customs, and tradition had separate political systems governing their communities, living in villages that were spread across their respective tribal boundary.

In the mid-twentieth century, with the British leaving India, issues with regard to the future of the people of Nagaland also came up. The Nagas, had as early as 1929 submitted a memorandum to the Simon Commission, declaring their sovereignty and the desire to be left alone in the event of India gaining independence. A voluntary plebiscite that was held in May 1951 to determine whether Nagas would join the Indian Union, or live by themselves revealed that 99% of the Naga population was in favor of an Independent Sovereign Naga Nation.

One of the major turning points in our history was the signing of the 'Shillong Accord' in 1975, between a section of the Naga leaders and the Indian government, which lead to a split in the Naga underground movement. Thus, with the intensification of the Naga people's struggle for self-determination, which has lasted more than five decades, the presence of the Indian Armed forces has become more conspicuous over the years.

The Naga people, like other indigenous populations of the world, are deeply attached to their land, as land is held sacred and forms our very identity. Our society is primarily agro-based with the majority of the population still living in villages, dependent on their land for basic survival.

The land use by the Indian Armed forces is both direct and indirect. They have made direct use of indigenous land by way of random and willful occupation of mostly private and community land. This in turn has discouraged investment hampering the development process as substantial amount of the lands occupied by them are in central commercial areas, further disturbing the economy.

Furthermore, given the historical violence inflicted by the armed forces on our people, which is continuing in many places, and the unceasing visible presence of the Indian Armed forces along with the enforcement of draconian law such as the Armed Forces (Special Powers) Act, 1958 has created an environment of fear which successfully suppresses the voice and courage of the indigenous people to speak up even when it

Whereas on the one hand, the presence of the Armed Forces gives an impression of stability and control, on the other hand the Armed Forces stationed in these border areas have ignored the large-scale infiltration and settlement of illegal non-indigenous
immigrants on indigenous land. Such a trend not only affects the indigenous land rights of the Naga people but also their socio-economic and political rights as well.

Proposals:-

• There is a need for proper assessment of extent and use of indigenous land by the Indian Army for military purposes and to check the trends having negative impact on the indigenous population.

• There is a need for shifting the Armed forces base from populated commercial and civilian areas, so as to remove psychological threat and barriers, and to create an environment that encourages indigenous economic initiative in the developmental process.

• There is a need for an International and independent National Monitoring Agency and process to check and control the so-called 'invisible population' of immigrants settled on indigenous land.

• There is a need to investigate the reasons which lead to such large-scale permanent military presence in the indigenous lands of Nagaland and their purpose today, and to devise measures to control and end the misuse and exploitation of the Naga people and their land.

Thank you, Mr. Chairman.
Thank you very much Mr. Chairman for the opportunity:

Land expropriation and land confiscation of indigenous Ahwazi-Arab land began with the emergence of the modern nation-state of Iran in 1925

More than five million indigenous Ahwazi Arabs live in Khuzestan (known as al-Ahwaz by its indigenous names) province in south-western Iran, near the southern border of Iraq. It is an important oil producing area. Historically, this indigenous Arab community has been marginalized and discriminated against, including expropriation of land without compensation. This official policy of successive regimes in Iran has intensified in the past 27 years under the Islamic Republic of Iran.

In the past ten years, under directions given by the highest levels of government of the Islamic Republic of Iran, over 500,000 hectares of indigenous Ahwazi farmers’ land have been confiscated and given to non-indigenous non-Arab Persian settlers, to government authorities or to the Iranian military, the Revolutionary guards and to Para-military Basseiji forces.

From 1991-2004, 250,000 hectares of indigenous Ahwazi farmers land was confiscated for use of military-industrial-security projects called Sugar-Cane, 47,000 for the Shilat complex, 6,000 for the Isargaran military's complex, 90,000 for the Army 92" division, more than 10,000 hectares for the Shahid Beheshti military garrison in Kut Abdullah, thousands of hectares for Shahid Rejai military complex. Quads brigade and Emn-Khomiini militaPv' bases in Kut Abdullah. Additionally, in 2002 over 40,000 hectares of indigenous Ahwazi land in the Jufir area were expropriated to house military families.

During the Iran-Iraq war, hundreds of indigenous villagers have been forcefully evicted and the land was confiscated along Iraq borders never given back 18 years after the end of the war.

In the latest instance in Oct 2005, 155 sq km of Ahwazi farmers’ land was confiscated. The inhabitants of at least fourteen Arab villages were forcefully evicted to make way for the "Arvand Free Zone" military-industrial complex that stretches 30 km form Abadan along the eastern bank of Shat-Al-Arab for Iranian revolutionary Guard, military and Para-militay (Baseej
we urge the WG Special Rapporteur to organize a fact finding trip to the province of Khuzestan, in the Islamic Republic of Iran to investigate land confiscation of indigenous Ahwazi-Arab land and the militarization of their homeland.

Thank You

Kanm Abdian, Ph.D Executive Director.
Ahwaz Human Rights Organization
WORKING GROUP ON INDIGENOUS ISSUES : 2006 SESSION

Theme : Utilization of Indigenous Peoples' lands by non-indigenous authorities, groups or individuals for military purposes.

Keihawla Sailo General Secretary ZORO Sir/Madam,

Thank you for this opportunity.

I beg to remind you that the Zo people's land comprise from the Chindwin river to Chittagong Hill Tracts and from the Arakan Hills to Ngaihban Tlang area and some parts of Manipur. The Zo kingdom was divided into three by the British Colonial Rule on administrative convenience followed by the tri-parties divisions ceding them into East Pakistan, India and Burma inspite ofthe fact that these fragmented lands were all Excluded Areas viz., Lushai Hills, Chin Hills, Arakan Hills and Chittagong Hill Tracts.

Firstly, almost all the villages in Mizoram were forcibly^ouped together for a period of20 years. The village safety reserves were devasted by Indian Security Forces using forced labours withQut paying royalties. They are still occupying many lands as appended herewith tiaving pre-agreement with the land-owners.

Secondly, using the Panglong Agreement as a corner stone, the Union ofBurma was founded with the Constitution of1947 which provided for creation ofnew states in Sections 199 and 200 and for a Right of Secession for the constituent states in Sections 201 to 206. A proposal to amend the Constitution was made in 1962, and as ill-luck would have it, the military regime led by Gen. Ne Win disbanded the Constitution. Since then, law is at the hands of the military dictatorship resulting in arrests ofpoliticians and activists and influx ofrefugees into neighbouring countries.
More than 3000 Sq. km of lands are confiscated for Shwe Natural Gas Pipeline Project in Arakan of Burma, which is the enterprise of 100% military owned Myanmar Oil and Gas Enterprise. Cultivation is prohibited all along the pipeline. In addition to these, about 2000 sq. km of lands is being contemplated to acquire within Mizoram.

Thirdly, in 1960, the then Pakistani Government persuaded the policy of establishing mega industrial project like Paper-mill and Hydro-Electricity at Kaptai in the Chittagong Hill Tracts with the promise of developments. The then military dictatorship commissioned the Project in 1964 creating employment opportunities for non-indigenous people who swamped over Chittagong Hill Tracts and soon outnumbered the indigenous people resulting to devastation of their traditional way of life. Their lands were acquired for the project and hence, being landless and jobless, they left their native lands which are under the disposal of Bangladeshi Government coupled with military regime intermittently. All the stakes of the Project go to the benefits of the military built-up at the expense of the indigenous people.

I would, therefore, appeal to this session requesting you all with heart and soul together to come forward to arrive at a concerted effort without further deliberation, to let all the indigenous peoples of the world, have re-instatements of their legitimate Human Rights which may tantamount to Self-determination, particularly whose lands are utilized for military purposes divided by provincial or International boundaries, for taking precautionary measure against political enthusiasm perhaps unrest, keeping in heart that State Governments may come and go but the aspiration of the Indigenous Peoples of this planet will persist as ever amidst militarism and neo-colonialism. How long will the world community give ear to these?

Thank you.
Zo indigenous people's lands being occupied by Indian Security Forces from 1996 till now.

1. At Aizawl (capital of Mizoram):
   (i) Bawngkawn-lands belonging to 51 families.
   (ii) Zemabawk/Thuampui belonging to 45 families.
   (iii) Military Hospital area at Zemabawk/Thuampui belonging to 12 families.
   (iv) Near M.E.S., Zemabawk belonging to 8 families.
   (v) Zemabawk/Falkland belonging to 106 families.

2. At Lunglei District Headquarters.
   (i) Pukpui belonging to 234 families.
   (ii) Kawmzawl belonging to 10 families.

3. Para Military Forces are also still occupying large plots of lands at Seleng, Tlabung and Champhai without any rental.

   The rates of rentals per year being paid every 10 years are as follows:-

   1. At Aizawl, Indian rupees 5/- per Sq. ft. (about 10 cent)
   2. At Lunglei, Indian rupees 3/- pr Sq. ft. (about 0 cent)
   3. Others, Indian rupees 1/- per Sq. ft. (about 2 cent)

   The rentals are far below the prevailing local market rates and are not agreeable to the land-owners, and hence, this system of Utilization of lands for military purposes is contradictory to Universal Law and is against Human Rights.

(KEIHAWLLA SAILO)
General Secretary, ZORO
PARTICIPACIÓN DE 24 SESIONES DE GRUPOS DE TRABAJOS DE LA UTILIZACIÓN DE LAS TIERRAS DE LOS PUEBLOS INDÍGENAS POR AUTORIDADES DE USO MILITAR.

JUNTA PARROQUIAL DEL PUEBLO SALASACA

Le. Sonia Masaquiza

PRESIDENTA JPS.

kuvavsonia(2)hotmail.coni telf de oficina 2 748476 - 091161610

Ubicación

El pueblo Salasaka, es una comunidad indígena netamente Kichwa y se encuentra ubicado: País Ecuador, Sud América, Provincia del Tungurahua, Cantón Pelileo, Entre 2.200 y 2.800 metros sobre el nivel del mar, la extensión de la comunidad tiene 14 Km cuadrados organizados en 22 comunidades y otras en las parroquias aledañas; su población es de 10.000 habitantes.

En la actualidad Salasaka se encuentra localizado en pequeños montes y colinas, carece de vegetación, por la zona corre un pequeño río que se llama Pachanlica, que significa grandeza. A esta cuenca alimentan numerosas vertientes o fuentes de agua, aunque en estas décadas el "desarrollo" a contaminado en un 95% de las aguas y suelo. El suelo de la micro-cuenca es húmedo, la parte alta arenoso, Geólogos consideran semidesierto, siendo propicio para cultivos de maíz, firéjol, trigo, arveja, calabaza, quínoa, cebada, habas, papas, zapallo etc. La fauna esencialmente es casera, y cuentan con: ganado vacuno, lanar, porcino, aves de corral y otros. El clima es fí-fo debido a la influencia ejercida por el Nevado cercano el Chimborazo y el Volcán Tungurahua, la pluviosidad varía de acuerdo a las estaciones produciéndose cambios climáticos continuos.

Problemas

Los principales problemas que vive la sociedad Salasaka es variado. Salasaka es una población rural, con escasos recursos naturales, escasa pluviosidad, el espacio cultivable muy reducido y fraccionado.

En el caso de Salasaka, de la Historia, oral y archivos, desde la invasión, la colonia y en vida republicana seguimos siendo usurpados de nuestro espacio territorial, se encuentra instalado la coca cola, la fábrica de gelatinas, curtidurías y las aguas servidas de las ciudades de: Quero, Cevallos y Mocha contaminan nuestro río, cuando quitan nuestras tierras quitan toda, nuestra existencia.

Una fuente de información un libro titulado "El wgo Feudal" hace memoria de los terratenientes, en los años 1948, en periódico "El Comercio" en anuncios clasificados de la siguiente manera se vende una hacienda 300 hecái'eas. con 10 huertos de manzanas, 200 cabezas de ganado vacuno. 1.000 cabezas de ovejas, caballos, asnos.
establos, bodegas, casa de campo para el patrón, 40 indios para la labranza del campo, con sus mujeres, 25 hijos de estos para el servicio de los capataces ... etc.

Como pueden ver la invasión y ocupación de las tierras es dura y amenazante, es mas esta actividad en la presente época continua porque el INDA Instituto Nacional de Desarrollo Agrario, continua entregando escrituras publicas de los espacios considerados zonas protegidas por las comunidades indígenas Ej. El cerro Teligote en los años noventa tenía la cobertura vegetal 300 hectáreas hoy tiene la cobertura de un 30%, antes los habitantes de Salasaka se proveían de plantas medicinales, tintes naturales y pequeños maderos para sus trabajos cotidianos, en estos días, no hay vegetación, las caminatas hacia este lugar sagrado su naturaleza devastada no presta las condiciones propias, es decir no territorio ni hay diversidad, las plantas medicinales ya no están, lo han deforestado, los tintes naturales no se encuentran, lo han quemado y las autoridades no dicen nada, a estos daños, desde allí que escasean las lluvias, los cultivos en las partes bajas donde habitamos los Salasakas no crecen, repercusión es la falta de alimentos, mal nutrición de la población.

A esto se suma que este grupo Kichwa se ubica dentro de los perímetros urbanos de las ciudades de Ambato, Pelileo, Quero, Cevallos y Mocha, sus cindadelas y barrios están en continuo expansión año tras año van reduciendo el pequeño espacio territorio Salasaka, el mismo que es tan frágil y fraccionados que se llaman micro-fundios, lotes retaceados de: 4 metros por 5.

En estos últimos años desde la década del 1990 los Pueblos y Nacionalidades Indígenas hemos realizado levantamientos y protestas contra estas actitudes de los gobernantes, que no dicen nada, ni hacen nada para proteger los territorios y sus habitantes.

Es visible que los indígenas somos mal vistos en las oficinas públicas, teníamos que sacar el sombrero para saludar al funcionario pendenciero con los indígenas, en los buses no permitían que tomáramos asiento, en los mercados nos humillaban.

En la actualidad somos humillados en las embajadas por una visa que tenemos que salir nos ponen muchos obstáculos para que el indígena no participe en los distintos encuentros como pueblos Indígenas. En donde esta la dignidad de los altos funcionarios.

**Política**

A las autoridades locales el gobernante disponía del personal a su gusto o su familiar. Desde los 90 mediante los levantamientos reclaman el respeto a la biodiversidad de la naturaleza y de los Pueblos y Nacionalidades. Este proceso a logrado insertar- espacios políticos y la participación electoral alcanzando algunos autoridades desde abajo, en el caso del Salasaka, mi persona ocupo la presidencia de la Junta Parroquial del Pueblo Salasaka y otro Com.pañero ocupa el cargo de alcalde Cantonal.

Muchos se preguntarán como es se quejan de las cuestiones cuando tienen cargos políticos, quisiera decir que alcanzar una dignidad no es todo, desde estos espacios estamos luchando para la transformación con la finalidad insertar nuestra agenda política y cambiar el sistema tradicional que vienen practicando desde hace 513 años.
PRESENTACIÓN DE LA DEMANDE DE RETIRO DE LA PRESENCIA DEL ESTADO CHILENO DEL TERRITORIO MAORI RAPA NUI

AGRADESCO LA PALABRA SEÑOR PRESIDENTE

1 CON MI INTERVENCIÓN QUICIERA ANTE TODO SEÑALAR EL HECHO HISTÓRICO DE AGRESIÓN COLONIAL PERPETRADO POR EL ESTADO CHILENO EN AGRAÍDO DE EL DERECHO DE LIBRE DETERMINACIÓN DEL PUEBLO MAORI RAPA NUI. EN EFECTO, 1888 EL ESTADO CHILENO ATRA VEZ DE UN INTERVENCIÓN ARMADA PENETRO ILEGALMENTE EL TERRITORIO DE LA SOCIEDAD MAORI FIAAPA NUI CON LA FINALIDAD DE DERROCAR Y DE DESTRUIR EL REINO MAORI RAPA NUI y ASI APODERARSE DE SUS TERRITORIOS y DE SUS RIQUEZAS NATURALES Y PARALELAMENTE PONER EN PIE UN CONJUNTO DE INSTITUCIONES POLÍTICAS Y MILITARES DE CARÁCTER COLONIAL

2 LAS CONSECUENCIAS DE ESTE NEFASTO EVENTO HISTÓRICO SE VIVE HASTA EL PRESENTE Y SE DEJA PERSIRIV POR LAS RADICALES TRANSFORMACIONES QUE A SUFRIDO y SUFRE LA SOCIEDAD MAORI BAJO EL REGIMEN COLONIAL IMPUESTO POR EL ESTADO CHILENO. EN EFECTO ESTOS CAMBIOS SE VEN EN LOS BAJO niveles de vida, EN LAS PRECARIAS CONDICIONES DE SALUD, POR LOS BAJO niveauS EDUCATIVOS, POR LAS INSUFICIENCIAS EN MATERIA DE POLÍTICA SOCIAL y DE DESARROLLO.

3 FRENTE A ESTAS INJUSTICIA QUE POSTERGAN Y SOMETEN EL PRESENTE Y EL DESTINO DE LA SOCIEDAD MAORI RAPA NUI SE RECLAMA COMO UN PRIMER PASO REVENDICATIVO DE CONTENIDO ANTI COLONIAL EL RETIRO DE TODAS LAS INSTITUCIONES MILITARES Y CIVILES. DE LAS FUERZAS CHILENAS OCUPANTES.

4 SE SEÑALA IGUALMENTE, EN ESTE SENTIDO QUE ESTE PRIMER PASO DE EXPULSION DE LAS FUERZAS OCUPANTES SERA SEGUIDO POR UNA DEMANDA DE REPARACIÓN ANTE LAS AUTORIDADES INTERNACIONALES COMPETENTE. HAGO REMARCAR QUE LAS RECLAMACIONES EN CUESTIÓN SE CENTRAN PRINCIPALMENTE EN DOS PUNTOS, 1.- POR LA USURPACIÓN TERRITORIAL DEL ESPACIO MAORI RAPA NUI, 2.- POR LA FALSIFICACIÓN DEL DOCUMENTO DEL CONVENIO DE VOLUNTADES ENTRE, DE UN LADO, EL REY ATAMU TEKENA Y DE SU CONSEJO DE JEFES, Y POR OTRO LADO, EL REPRESENTANTE DEL ESTADO CHILENO DON POLICARPO TORO HURTADO.

5 EL PUEBLO MAORI RAPA NUI, Y EL QUE HABLA COMO AUTORIDAD SOBERANA DEL REINO MAORI RAPA NUI, ACTUALMENTE REACTUALIZADO POR EL DOCUMENTO DE INSCRIPCIÓN DEL TERRITORIO A NOMBRE DE LOS DUEÑOS Y SOBERANO MAORI RAPA NUI DEL 9 DE SETIEMBRE DE 1888 REAFIRMADO POR EL RETORNO SYMBOLICO DE NUESTRO REY SIMEON RIRO KAIANGA ROKO ROKO HETAU. SEñALAMOS QUE LA PRESIDENTA BACHELET CON TODAS SUS AUTORIDADES, EJECUTIVO, LEGISLATIVO, JUDICIAL Y TODOS LOS COMANDANTES EN JEFES DE LA ARMADA DE CHILE ENTREGARON LOS RESTOS SIMBÓLICOS DEL REY ENVENENADO EN VALPARAISO DE CHILE A SUS FAMILIARES Y A LAS OTRAS FAMILIAS REALES DE LA SOCIEDAD MAORI RAPA NUI Y AL CONJUNTO DEL PUEBLO EN GENERAL.

6. SALUDOS Y AGREDECIMIENTOS POR EL VIVO INTERÉS PRESTADO Y POR LA SOLIDARIDAD OFRECIDA DE LA PARTE DE LOS PUEBLOS INDÍGENAS HACIA LA SOCIEDAD MAORI RAPA NUI. POR LA HISTORIA Y POR LA JUSTICIA DE LOS PUEBLOS MUCHAS GRACIAS.
Item 4 b. Utilisation of Indigenous peoples lands by non-indigenous authorities, groupes or individuals for military purposes.

Position paper read by Adeewale Adeoye, Green Peoples Environmental Network, GREPNET-Member of the International Alliance on Indigenous and Tribal Peoples of the Tropical Forest, IAITPTF. Grepnet2003@yahoo.com

Good day the chairperson. I feel honoured to be called upon to address this wonderful congregation of beautiful and peace loving peoples from all over the world. I stand before you to speak on the hundreds of indigenous peoples in my country. Permit me to remind you that my has a very significant place in global political economy, being the 8* largest producer of oil in the world and the largest black nation on the continent. Every one out of 5 African is a Nigerian. However the situation at home does not call for joy. My country is one of the poorest nations on earth yet some of her few leaders are some of the worlds richest with the best of houses in Europe and America.

Permit me to say that Switzerland, the soil on which we all stand today will be having in her banks not less than 500 million dollars of Nigerian stolen public funds. In recent times, the Swiss government had helped to repatriate stolen public funds in the range of over 400 dollars kept by greedy leaders that have dominated Nigerian political space for several decades. Apart from being the axis of corruption and ineptitude, Nigeria is a kingpin in the dehumanisation and degradation of indigenous peoples and their homelands. The new civilian regime that came to power in 1999 has not changed the gory equation. Since the civil war that ended in 1970, indigenous homelands, mainly in the SouthEast and the SouthSouth, the producers of Nigeria’s oil mainstay have been perpetually militarised by the authorities. Several military infrastructure have been cited to aid and abet the persecution of indigenous peoples in Nigeria who today are agitating for ethnic autonomy under the Nigerian garrison state.

This agitation has been reinforced with the increasing relevance of oil as a weapon for sustaining the affluence of the few oppressors and their international collaborators. At present, the greater part of the Niger delta are completely militarised with new military brigades being established to checkmate the continued agitation of the oil producing communities for self actualisation. New weapons are being procured from Israel to fortify the Niger-Delta Military Task force nicknamed operation restore hope. now permanently fixed in the oil producing Niger-Delta and some parts of Eastern Nigeria, where the Movement for the Actualisation of the Sovereign State of Biafra, MASSOB has been calling for a separate Republic, born out of frustration in a country where leader consider human life not worth than a cockroach on the sidewalk.

The creation of new military formations in the South East and Niger-Delta has brought in its wake the violation of human rights, the raping of women, the mass murder of civilians, as it is the case recently in Anambra state where several members of MASSOB were killed and buried in shallow graves. In Ijaw territories, the military invasion has become part of the common-day language of the people. The invasion has led to the complete militarisation of the zone and a lot of young people now have arms, the state having lost the moral legitimacy to give social and political security to the people. The hopelessness of the people has pushed them into armed attack on state infrastructure and personnel, kidnapping of foreigners, proliferation of small arms, armed banditry and even plans by many nationalities in Nigeria, to declare their own sovereign state outside of Nigeria. Instead of the state to seek for dialogue, the government has responded with military onslaughts and air raids of indigenous communities. The state continues to assure the international community that haven will not fall, when to many rationale Nigerians, a violent brake-up of the country remains a major scenario.

The indigenous peoples of Nigeria, are today calling on the international community to ignore the lies and propaganda of the Nigerian state that peace is still. At best what Nigerians witness today js nothing but the peace of the graveyard. And we continue to advice that a brake-up of bottled up disenchantment of indigenous communities in Nigeria will have dare and catastrophic consequences for West Africa and African regional security. The true message is that if the International communality does not rise up to the Nigerian challenge, a humanitarian crisis is in the offing.
Unfortunately in Nigeria, the voices of the traumatised majority are stifled through a combination of western power's nonchalant attitude and the share emphasis placed on Nigeria as an oil-hub than on human liberty and freedom of the perpetually chained indigenous communities.

We call for the appointment of a Special repertoire to visit Nigeria so as to ascertain the real situation. We call on the Nigerian government to hearken to the clamor for a Sovereign National Conference that will address the legal and institutional framework that keeps indigenous peoples in perpetual bondage. We can make the hay only when the sun shines. Like the proverb of my people: *A dog that is destined to go crazy will never listen to the whistle of the owner.* Time is running out, we must all act to save Nigeria and her gluttonic leadership from the pathway of self-destruction, if only for the sake of the poor majority.
Señor Presidente y Expertos del Grupo de Trabajo.

ustedes un afectuoso saludo y a todos a los hermanos presentes. Permítanme referirme a la situación de las comunidades del pueblo Mapuche, el gobierno chileno con sus prácticas de militarización al interior de nuestra comunidades, los mapuches estamos condenados a desaparecer como pueblo.

En la actualidad, existe una política gubernamental de judicialización y criminalización de las demandas territoriales, sociales y culturales de las comunidades mapuche, por Ej. la construcción del camino en forma ilegal en mi comunidad Juan Paillalef que hasta ayer la policía la mantiene ocupada para facilitar la construcción de un camino que beneficia a las empresas transnacionales.

El Gobierno chileno no investiga las demandas jurídicas de las comunidades, manda las Fuerzas Especiales de Policía, los que hacen uso irracional allanando en forma permanente y maltratando a las familias, encarcelando a los dirigentes y autoridades tradicionales.

Aplicación del sistema judicial en forma racista a los comuneros, ejemplo aplicación de Ley Anti-terrorista para procesar y condenar a muchos mapuches por defender nuestras tierras y el derecho a la vida

La falta de transparencia de defensoría cuando se trata de casos mapuches. Ejemplo: Caso de 4 huelguistas de hambre no tuvieron una defensa adecuada, como resultado, se les condeno a 10 año y un día, sin investigar los hechos y su

No existe un reconocimiento de derechos, el sistema chileno obliga y hace dependiente a las comunidades, mientras se niega ratificar el Convenio 169 de la OIT y el derecho de los pueblos a la auto-determinación.

La militarización en el territorio mapuche es tan grave, se mantiene una cantidad retenes móviles de policía al interior de las comunidades, para amedrentar a niños, mujeres, mientras que los hombres son constantemente detenidos y deben permanecer fuera de sus tierras, causando daño familiar, agravando tremendamente la situación económica.
La policía tiene como objeto de salvaguardar la tala de árboles nativos y desplazamiento de las maderas de empresas forestales, así como las plantaciones masiva de pinos y eucaliptos que se realizan en territorio mapuche.

Ruego a ustedes que esta situación sea considerada por los expertos del Grupo de Trabajo.

Muchas Gracias,
Lonko Juana Calfunao, Ginebra, 3 de agosto, 2006
LIGUE NATIONALE DES ASSOCIATIONS AUTOCHTONES PYGMEES DE LA RD CONGO « LINAPYCO »

Utilisation des terres autochtones BAMIBUTI/BATWA de la République Démocratique du Congo par les groupes armés. C'est un génocide. Par Kapupu Diwa Mutimanwa

Monsieur le Président, Mesdames,
Mesdemoiselles et Messieurs, Chers sœurs et frères Autochtones, Distingués invités.


Les terres de ces derniers ont été non seulement utilisées par les groupes armés mais aussi occupées par ces derniers. Cette utilisation de leur terre a eu un impact social, économique, politique, culturel et environnemental négatif. Ils ont été victimes de viol et d'humiliations sexuelles, de massacres, assassinats, pillages de leurs ressources, et d'autres actes dégradants et inhumains que l'humanité n'a jamais connus. Les infrastructures sont brûlées et occupées par des groupes armés et le taux de mortalité infantile a pris l'ascenseur. Certains autochtones ont abandonné leurs terres pour devenir des déplacés et des réfugiés au Congo-Brazza, Burundi et en Tanzanie.

L'utilisation et l'occupation abusive des villages et/ou des terres des autochtones Bambuti/Batwa par les rebelles du Front pour la défense et la libération du Rwanda (FDLR), les milices Interhamwe rwandaises et les rebelles burundais de Force Nationale de Libération (FNL) sont opérationnels au Sud-Kivu et au Nord-Kivu ainsi que les milices et groupes armés à Ituri dans la province orientale. Enfin, les forces de résistance Mai-Mai au nord du Katanga ont arrêté et affecté négativement les activités quotidiennes dont la chasse, la cueillette, le ramassage, l'agriculture, l'élevage et la pêche, le petit commerce etc.

Cette utilisation forcée n'a pas permis à certains autochtones Bambuti/Batwa de jouir de leurs devoirs civils et civiques, de s'enrôler et d'élire leurs futurs dirigeants dont les premières élections démocratiques, libres et transparentes ont eu lieu ce 30 juillet 2006 en RDC. Les autochtones Bambuti/Batwa ont perdu leur diversité culturelle car ils ne sont plus sur leurs terres ancestrales.

Enfin, l'utilisation de leurs terres par les groupes armés a provoqué une destruction méchante de la biodiversité que les autochtones protégéaient jalousement avant que leurs terres soient utilisées et occupées par les groupes armés et les milices qui sont disséminés sur toute la côte orientale du Congo.
Pour terminer, nous demandons à l'opinion tant nationale qu'internationale de mener une campagne de démobilisation de tous les groupes armés et rebelles afin que les peuples autochtones BAMBUITI/BATWA puissent retourner, occuper et utiliser leurs terres et reprendre leurs activités quotidiennes. La Cour Pénale Internationale poursuit de son côté les responsables des crimes de guerre, des crimes de génocide, et des crimes contre l'humanité commis à l'égard des victimes autochtones Bambuti/Batwa de la République Démocratique du Congo.
Enfin, nous demandons qu'une réparation des dommages soit faite. C'est ça la justice.

Je vous remercie. Kapupu
Diwa Mutimanwa Président
National
Bonjour, je m'appelle NICOLE TAGLANG, notre délégation représente la culture CELTE considérée d'autochtone par les historiens. Il reste en Europe six nations celtes culturelles.

DIEU TU AS DONNE AUX FEMMES LE DON D
ENFANTER, MERCI DE TA CONFIANCE, CE
MOMENT EST UN ETAT DE GRACE
IL N'A PAS UN ETRE HUMAIN DANS CETTE
SALLE QUI NE SOIT PAS PASSE DANS LA
MATRICE MATERNELLE
Vous REPRESENTANTS DE LA PAIX,
DIPLOMATES SOUTENUS PAR LES DIFFERENTS
PEUPLES DE LA PLANETE
POUVEZ VOUS NOUS EXPLIQUER POURQUOI EN
2006 LES CRIS DE PEUR ET DE DESESPOIR DES
ENFANTS ET DE LEURS FA MILLES RESONNENT
ENCORE SANS QUE LEURS BOURREAUX NE
SOIENT INQUIETES
ALORS QUE LES OBJECTIFS DE CETTE MAISON MERE OU NOUS SOMMES TOUS REUNIS SONT DE SAUVER LES POPULATIONS DE LA GUERRE

NOUS VOUS CONFIR MONS SŒURS ET FRERES AUTOCHTONES QUE NOUS SOMMES SOLIDAIRES DE VOS REVENDICATIONS ET SI VOUS PENSEZ QUE NOUS POURRIONS VOUS SOUTENIR NOUS NOUS TENONS A VOTRE DISPOSITION POUR ACCUEILLIR VOS TEMOIGNAGES

MERCI A TOUTES CELLES ET CEUX QUI NOUS ONT GUIDÉ DEPUIS PLUSIEURS ANNEES AU PALAIS DES NATIONS A LA RENCONTRE DE VOS DIFFERENTES CULTURES ET ENERGIES

BONNE CHANCE
NOS PRIERES VOUS ACCOMPAGNENT

TAGLANG NICOLE

S/LVIE PLEDET DELEGATION FEMMES CELTES
Statement Paper Presented
By Chong Thao, an International Representative
Hmong Chaofa Federated State, Saysomboun Special Zone Laos

Honorable Chair
Distinguished guests and Indigenous Brothers and Sisters

My name is Chong Thao, an International Representative for the Hmong Chaofa Federated State, Laos. The Hmong Chaofa are an Indigenous People living in the central, northern and eastern provinces of Laos. The Hmong people are unique and distinct in Culture, Custom, Religion and Linguistic.

In 1975, the Lao Peoples Democratic Republic Party captured and murdered the Lao King. At that point the country split into two states, the Pathelao State and the Hmong Chaofa State.

1. The Lao PDR, also known as Pathelao Party, in the past was lead by the red prince Souphanouvong, who was allied with the North Vietnam following the guidance of Marx-Lenine and Ho-Chi Minism.

2. The Hmong Chaofa a State on the other hand was lead by president Zong Zoua Her, who was recognized by the United State President Reagan. The Hmong Chaofa followed our Founding Father, the Democratic way, practice and followed the teaching of our mother writing of messianic figure Yang Shong Lu, in his given of the Hmong Linguistic Pahawh and Faith of Shongluism which only wishes to bring peace and harmony to all people and among all human kinds with non violence. We, the Hmong people believe in our Faith that the Creator with his intention has created this planet for all living beings including human kinds to live in peace and harmony and to share the natural resources among each others.

Even though after the country has split into two Ruling State Systems, the Lao PDR continued denying our rights to exist. Therefore, the Hmong indigenous people continue facing the Human Rights Violation of racial discrimination, persecution and genocide by the Lao PDR, including:

1. Employed chemical weapons including yellow rain, and mine fields which not only kill the Hmong people especially women and children in the jungle, but also endanger the natural eco and other resources of the Hmong territories.

2. The use of military and foreign mercenaries forces from Vietnam to force and displace the Hmong people from our land, so they can expand the Hmong Indigenous's land for foreign investors to build hydro electric damps, mining precious metals and lumber goods.

Today, I'm asking all of the UN members. Experts of the Working Groups on Indigenous Popoulations and the Members of the Human Rights Commitees of the United Nations including Committee on the Elimination of Racial Discrimination CERD, Committee on the Rights of Child CRC, Committee on Economic, Social and Culture Rights CESCR, and the Committee on the convention on the Elimination of all forms of Racial Discrimination against Women to take an immediate action to


2. Call for immediate cessation of all violences in all areas of conflict in the Hmong Chaofa state especially in the Saysomboun Special Zone, and to end the genocide of the Hmong Indigenous people in Laos.

3. Support and recognize the Hmong Indigenous in the Hmong Chaofa State for self-determination, so we can develop our economic, social, cultural and religious rights and be integrated with and be part of the international and indigenous communities.

Thank you very respectfully for your attention.
To

The 24th session of the Working Group on Indigenous Populations
31 July to 4 August 2006
United Nations
Geneva, Switzerland

Statement by the Association of Indigenous Peoples in the Ryūkyūs
Presented by Nariko Omine

Main theme: Utilization of indigenous peoples' lands by non-indigenous authorities, groups or individuals for military purposes

Thank you, Mr. Chairperson. My organization welcomes the focus of this year's WGIP on the issue of militarization of indigenous lands.

Okinawa (The Ryūkyūs) is a small island chain that today is considered part of the Japanese state. Until 1879, however, it was the independent Kingdom of the Ryūkyūs. Japan sent its military troops to forcibly annex the Ryūkyū Kingdom in the 1870s. Because my people's deep-rooted sense of loyalty toward the deposed kingdom was an obstacle to creating loyal subjects of the Japanese emperor, the Japanese government banned the Ryūkyū language, traditions, customs, and spiritual beliefs as part of its strict colonial and assimilation policies.

The final land battle between Japan and US-led Allies at the end of World War Two not only led to the loss of 200,000 Okinawans lives, but also the destruction of cultural treasures, livelihoods, community buildings, countless homes and the environment. The defeated Japanese government then traded the Ryūkyū Islands to the United States in exchange for its own independence under the 1952 San Francisco Peace Treaty.

Okinawans were forced to live under US rule for 27 years. A local Ryūkyū Government was established under the US occupation, but the United States continued to use military force with impunity to confiscate land to create a massive network of military bases around the islands. The Ryūkyū Government was also unable to bring to justice those US military personnel who committed rape, assault, murder and other crimes against Okinawans.

Our voices were further ignored when the islands were reincorporated into the Japanese state in 1972. Okinawans expected a large-scale reduction of US military forces and the return of our land when the US occupation ended, but we were utterly betrayed. Not only did US military bases remain in Okinawa under the umbrella of the US-Japan Security Treaty and Status of Forces Agreement, but they in fact increased because the two governments also agreed that several US bases in Japan would be relocated to Okinawa.

Today, fully 75% of all US military installations in Japan are concentrated in Okinawa, even though the islands constitutes less than one-half of one percent (0.6%) of Japan's total land mass. 50,000 American forces and their dependents maintain 37 installations on the main island of Okinawa alone. These facilities occupy 20% of Okinawa Island. But it is not just our land that is used for military purposes. The US military also controls 29 sea zones and 20 separate air spaces around Okinawa.

Although the US government has recently publicized its plan to reduce troop levels on Okinawa by 9000, what the US and Japanese governments have not been broadcasting is that the US military plans to build several new installations in Okinawa, including a massive air
base and naval pier in our pristine coastal waters, and 8 large training helipads in the jungle forest. Make no mistake; the US military is not reducing its footprint on our territory; it is modernizing and strengthening its presence. What is more, the 9000 troops are not being sent home, they are being imposed on our indigenous brothers and sisters of Guam.

In May of this year, UN Special Rapporteur Doudou Diene came to Okinawa to observe the situation. At that time, Mr. Diene observed, "The number of US military bases positioned in Okinawa is astonishing. With the history of Japanese colonialism and assimilation policies, their existence is clear discrimination."

For more than 60 years, the vast majority of Okinawans whose land was stolen by the US military are still unable to access the land where they were born and where their ancestors' graves remain. The few who are able to gain some access to grave sites are severely restricted.

The Japanese government ignores landowners' demands for the return of their land and instead seeks consent by increasing its lease payments for the land used by the US military. It also gives huge sums of money to those cities and towns adjacent to US bases. Despite this kind of pressure, however, Okinawans continue our struggle to end the human rights abuses that go hand-in-hand with US military presence. We struggle for something much more valuable than money. We struggle to protect our spirit. We struggle to create a peaceful island without military bases—so that battles like the one that took so many lives on Okinawa will cease.

We demand that our right to self-determination be recognized.

The Association of Indigenous Peoples in the Ryūkyūs demands that the Japanese government end its support of the US military occupation of our land, sea and air. We demand that the United States government return our lands immediately and leave Okinawa once and for all.
Mr. Chairperson,

Since this Working Group came into being started, the indigenous peoples of the CHT have regularly spoken about our problems and about our land used or taken away from us for various purposes mainly military use. Many of our colleagues spoke several time about the CHT Accord, popularly known as "CHT Peace Accord" and also mentioned that many crucial provisions of the Accord, including withdrawal of military camps, establishment of self-government, return of lands forcibly taken over by settlers and military, and so forth, remain unimplemented. Although the former guerillas have laid down their arms, a just and meaningful peace is yet to achieve. Hundreds of military camps still remain, and non-indigenous settlers continue to illegally and forcefully occupy our lands with the support of the military forces.

The indigenous women are the direct victims of the militarisation in CHT. As child-bearers are considered important for the biological continuation of a nation; therefore rape is used systematically as a deliberate tactic to destroy or damage the 'enemy'. Jumma women were victimised by the military as a member of the 'enemy' and as a female individual in CHT. Abduction and Forced Marriage of Jumma woman are used as a technique to integrate the Jummas in to the Islamic Bangladeshi Society.

For instances. This year on 10 April one Subedar Kobad Ali of Dwi-Tila army camp under Baghaihat army zone raped an innocent Jumma widow Ms. Rupali Chakma (26 years). On 29 January 2006, a group of Bengali settlers directly protected by local army attacked Jumma villages at Maischari under Mahalchari
upazila where two women were raped and 11 Jummas were injured. In 26 August 2003, in a massive communal attack in Mahalchari, 10 indigenous women were raped by the army and settlers.

A particular case in this point is abduction of Ms. Kaipana Chakma, the Organising Secretary of Hill Women Federation and women rights activist. She was abducted on 12 June 1996 from her home at Lalyaghona village by Lieutenant Ferdous with 11 soldiers of Kojoi chari army camp in Baghaichari. It is feared that she might have been killed. She had been vehemently criticising Bangladesh military reparations and harassment on the Jumma men and woman. All these activities turned her into the direct target of the Bangladesh army. She is still missing.

After the signing of the CHT Accord, militahty violence is still continuing against the Jumma women. During post-Accord period, the military forces have raped 16 women including 4 teenagers and physically tortured 19 women. Now the indigenous Jumma women are passing days with fear and insecurity.

Thank all of you for patient hearing.
MILITARIZACIÓN DE TIERRAS Y TERRITORIOS DE PUEBLOS Y NACIONES INDÍGENAS POR EL SAQUEO DE SUS RECURSOS NATURALES

1.-Las premisas y las causas de la usurpación de tierras ancestrales, la explotación de sus riquezas y recursos naturales y la esclavización de pueblos y naciones aborígenes, sin duda remontan a los albores de la conquista y colonización del Continente americano.

2.- En este ámbito, Martínez Cobo, en su monumental trabajo sobre la discriminación contra los pueblos indígenas subraya: "es esencial que se reconozca y comprenda la relación especial profundamente espiritual de los pueblos indígenas con sus Tierras como algo básico en su existencia, como tal en todas sus creencias, costumbres, tradiciones y culturas".

3.- Por otro lado, el estudio sobre las poblaciones indígenas y su profunda relación con la tierra, realizado por la Relatora Especial Dra. Erika Daes, constituye un valioso aporte a la lucha secular de naciones indígenas por la posesión de un pedazo de tierra que les vio nacer, crecer y sufrir.

4.- Sin embargo, no se trata simplemente de dejar constancia de la profunda relación material y espiritual de los pueblos aborígenes con sus tierras y territorios. Lo que importa es saber encarar la cuestión de la tierra y sus recursos naturales a la luz de los juegos de la economía de mercado cuyos efectos se revelaron mortales para la supervivencia de las comunidades originarias.

5.- En 1885, el Gran Jefe Indio Seattle de la tribu de los Dwamiches, interpelaba al Presidente de los Estados Unidos: "La tierra no pertenece al hombre, es el hombre quien pertenece a la tierra (...), el hombre blanco trata a la tierra y al cielo como objetos que se compran, se saquean y se venden como cameros y perlas brillantes. Su apetito va a devorar la tierra y detrás de sí no dejará más que un desierto".

6.- Esta visión profética pronunciada hace 120 años es diametralmente opuesta al concepto occidental del desarrollo y medio ambiente. Los colonizadores siguen creyendo que tienen todo el derecho de colonizar la tierra; mientras que los indios piensan que pertenecen a la madre tierra y que ellos mismos no son, sino el producto superior de la naturaleza.

7.- Siglos después de una industrialización depredadora, a la dictadura colonial sucede una dictadura de otro tipo igualmente ideológica, la dictadura del mercado de connotaciones devastadoras. Hoy más que nunca las poblaciones indígenas son víctimas de sus propias riquezas que son codiciadas por las empresas transnacionales cuyos centros de decisión se encuentran en los países altamente desarrollados.

8.- En la estrategia del nuevo orden económico internacional, las riquezas dormidas en las tierras férteles de amazonía han despertado la fantasía y la obsesión de las empresas transnacionales que no tienen otro objetivo que el de obtener y acumular máximos beneficios y ganancias.
9.- Al amparo de la globalización, los Gobiernos de turno continúan otorgando concesiones a nuevos inversionistas extranjeros, compañías madereras, nuevos terratenientes, y buscadores de oro que operan en las tierras vírgenes del vasto territorio amazónico. Mientras los indios Caimanes, Triptanos, Mojemos y Huaraz son despojados de tierras y privados de sus recursos naturales.

10.- A diferencia de los indios más "atrasados", quienes desde tiempos inmemoriales sabían cultivar sus tierras con veneración y respeto, cuidar sus plantas con amor, cazar los animales estrictamente en función de necesidades, el hombre "civilizado" el colonizador ha transformado nuestras tierras en una simple mercancía que se vende y se compra en el mercado como cualquier objeto. Es cuando, a la propiedad colectivista sobre las tierras y el patrimonio cultural sucede la economía de mercado con sus propias leyes que ha sometido a su control y su servicio a toda la actividad humana. Mientras el indio, despojado de sus medios de subsistencia, el paria, el vencido, el que nunca pide nada para sí y el que da todo al Estado se encuentra ante el dilema de ser o no ser.

11.- A más de 500 años de dominación colonial y neocolonial, ningún problema ha tenido y tiene la abismal profundidad que comporta el de la tierra y el de su expresión humana, que es el indio, no como una cuestión étnica sino, como una entidad social y política. De donde se deduce que, la tierra, los recursos y el indio forman la trilogía de una sola identidad - la identidad indígena.

12.- En el inicio del siglo XXI, vivimos la nueva colonización del mundo, la militarización de tierras y territorios indígenas y no indígenas y las guerras de agresión y ataques sorpresivos en los rincones más oscuros del mundo con el único objetivo de apoderarse y apropiarse de los recursos estratégicos como el uranio que mueve el complejo militar-industriales, los recursos energéticos (petróleo, gas), vitales para desarrollo mundo occidental. Esta tierra frágil por cuyos senderos marchamos a lo largo de la historia, es vital para la conservación de la especie humana.

13.- Las poderosas empresas agro-industriales y farmacéuticas tales como Mosanto, Bayer, Caiçuill, Neslé, Novartis y otras tantas empresas petroleras y de armamentos están omnipresentes en tierras y territorios indígenas y, al amparo de las políticas neoliberales codician las riquezas y recursos genéticos, conocimientos tradicionales, considerados como estratégicos para el desarrollo del mundo occidental.

14.- La crisis mundial de los recursos hídricos es grave. Según estimaciones de la ONU, en el planeta hay 1.300 millones de personas que no tienen acceso al agua potable. Cada 8 segundos mere un niño por indigestión de agua contaminada. Se calcula que para 2025 unos 2.700 millones de personas serán víctimas de la escasez del agua dulce.

15.- Si durante el siglo XX se desencadenaron conflictos y guerras de agresión por el control y posesión de las reservas mundiales de petróleo, las guerras y conflictos del siglo XXI se librarán por el saqueo y usurpación del agua- elemento vital para la supervivencia de la especie humana. En América Latina ya empezó las batallas por el agua. La primera guerra por el derecho al agua estalló en la ciudad de Cochabamba, Bolivia.

16.- Las grandes movilizaciones sociales, justas y legítimas, los movimientos sin Tierras, los movimientos indígenas en América Latina por la defensa de la soberanía sobre sus recursos naturales e hídricos, la tierra y la dignidad, en defensa de la paz y contra las intervenciones militares, hoy son víctimas de nuevos atropellos y violaciones de derechos humanos, en virtud de decretos y leyes antiterroristas. En aplicación de dichas leyes anticonstitucionales, muchos dirigentes y líderes indígenas son criminalizados, acusados de supuestos actos terroristas y considerados como peligrosos para la" seguridad del Estado". El hermano Leonardo Peltier sufre la condena.
17.- El proceso de militarización en Colombia, llamado El Plan Colombia, presentado irónicamente al mundo como Programa de lucha contra el narcotráfico se inscribe en la estrategia imperialista de dominación y tiene por objetivo el control de tierras y sus recursos estratégicos en territorios indígenas, tales como el petróleo y los recursos básicos endormidos en la Amazonia.

18.- En el último decenio, el Gobierno de Washington, en el marco del Plan Colombia entregó al Gobierno colombiano millones de dólares en forma de ayuda militar destinada a la erradicación de plantaciones de coca y combatir a los guerrilleros que, en el lenguaje del Gobierno colombiano son "combatientes subversivos, narcotraficantes y terroristas.

19.- La creciente militarización de tierras y áreas rurales donde vive 23% de la población tiene como objetivo crear condiciones favorables y "seguridad y protección" para las operaciones de los inversionistas extranjeros y multinacionales petroleras que conlleva el desplazamiento masivo de las comunidades enteras y afro-descendientes.

20.- Según la política denominada "la seguridad democrática" que se inspira de US Patriot Act, el Gobierno colombiano ha puesto a comunidades indígenas y afro descendientes en la lista de terroristas. Por ejemplo, en el caso de la resistencia a la penetración de las multinacionales, un líder U'wa fue amenazado, torturado y más tarde ejecutado por haberse negado a firmar un contrato de concesión parte de su territorio en beneficio de una empresa petrolera de Estados Unidos de América.

21.- Por otro lado, en Chile, las comunidades mapuches y sus dirigentes son víctimas del terrorismo de Estado. En el contexto de la militarización de territorios indígenas, miles de mapuches fueron arrestados en los últimos dos años y cientos de dirigentes mapuches son objeto de persecución criminal, bajo imputación de una "asociación ilegal, conspiración, daños y planificación terrorista" utilizando la legislación antiterrorista.

22.- En realidad, los dirigentes mapuches fueron condenados a largos años prisión por los tribunales, no por la acción de quemar bosques y montes, sino por el sólo delito de defender sus tierras y proteger sus recursos forestales de la voracidad de las empresas transnacionales.

23.- La prolongada huelga de hambre de los comuneros mapuches y simpatizantes de su causa, acusados por "delitos de terrorismo o por una supuesta pertenencia a una o varias "asociaciones ilícitas" ha puesto en evidencia la seudo-democracia del Gobierno chileno. Habida cuenta de las graves violaciones del pueblo mapuche, incompatibles con la Carta de las Naciones y los instrumentos internacionales de derechos humanos, instamos a este Grupo de Trabajo a que exhorte el Gobierno chileno la liberación incondicional de los presos mapuches.

24.- En momentos que los conflictos desgarran el mundo, es imperativo que los Gobiernos de América Latina, en particular el Gobierno de México retiren sin tardar sus fuerzas represivas de tierras indígenas y exigimos la desmilitarización total y completa del territorio de Chiapas, (véase la propuesta de Tupaj Amaru).

25.- Señor presidente, me permito llevar a conocimiento del Grupo de Trabajo que, el 23 de mayo 2006, comenzaron maniobras militares de la OTAN en el Caribe, denominadas "Joint -Caribe Lion 2006" en las que participaron 4.000 soldados procedentes de Bélgica, Canadá, Estados Unidos, Holanda y Francia. El propósito de esta nueva injerencia en los asuntos de países soberanos es la formación de una fuerza militar anti-terrorista para actuar en la Triple frontera, en territorios de Argentina, Brasil y Paraguay.

Estas maniobras militares conjuntas de los Estados Unidos y los Estados miembros de la OTAN forman parte de la política intervencionista estadounidense, la de militarización del Continente y se inscriben en la estrategia global de guerras de agresión contra los pueblos, en particular Venezuela y Cuba.

26.- Hoy más nunca se plantea la necesidad de elaborar un código de conducta capaz de regular
las actividades de las corporaciones transnacionales en tierras indígenas está condicionada por diversos factores: En primer lugar, las multinacionales actúan de manera irracional y no se someten a la legislación nacional y se comportan como súper-Estados en los Estados nacionales. Su objetivo esencial consiste en generar el máximo de ganancia y los DH no les interesan.

27.- En su estrategia de "perfeccionar el mercado de las tierras" que consiste en garantizar las inversiones privadas, los Gobiernos neoliberales en América Latina han sustituido el valor de uso tradicional por el valor del cambio mercantil y han remplazado el derecho originario y colectivo a la tenencia de tierras por el de la gran propiedad privada, provocando la concentración de grandes extensiones de tierras en pocas manos.

28.- En contraste y claro desafío a la resolución 1803 de la Asamblea General, titulada "soberanía permanente sobre los recursos naturales, los gobiernos que optaron por el modelo neoliberal continúan entregando de manera incondicional, las riquezas y recursos a manos de transnacionales a través de la privatización de los sectores básicos de la economía, considerados como estratégicos para la soberanía del Estado, tales como los recursos energéticos, la minería, ferrocarriles, Telecom e incluso la educación y la salud.

29.- Despojados de sus tierras, vencidos por la ley del mas fuerte, poblaciones enteras toman el camino de exilio en su propio país, otros se convierten trabajadores agrícolas a salarios de hambre y los que resisten al imperio neoliberal sucumben lentamente en la pauperización.

30.-En los foros internacionales a los pueblos más pobres nos piden que protejamos los bosques, cuando los bosques que nos procuran el oxígeno son mutilados por las empresas transnacionales. Los países altamente industrializados exigen a los pueblos indígenas que protejan las aguas y la atmósfera, pero son sus propias transnacionales las que están exportando tecnologías contaminantes, desechos tóxicos y productos transgénicos a los países pobres. Finalmente, quién tiene derecho de exigirle a quién?

Palacio de las Naciones, 2 de agosto 2006
United Nations, Geneva
Working Group on Indigenous Populations, 24* Session
31 July - 4 August, 2006
Agenda Item 4 b

JOINT STATEMENT:


I am Vaughn Vang, nominated by Hmong Leaders and Hmong organizations in exile, to speak on behalf of the Hmong Lao relatives, who are forced to hide in the mountainous jungles of Laos, and for those who fled Laos - seeking refuge and safety in Thailand.

These Hmong inside Laos are at this very moment surrounded, chased, attacked and eliminated by the Government of the Laotian and Vietnamese military forces.

Since the Vietnam War ended, thousands and thousands of Hmong Lao, who did not have a chance to escape Laos, have been subject to genocide. I do know that this word should not be used lightheartedly, Mr. Chair, but the truth is, our people are being hunted and killed like animals.

Even Though vehemently denied by Vietnam and Laos, Our organizations provided since many years credible evidence that indeed our people are eliminated by their military aggressions.

The Hmong Lao in-hiding are first, second and third generations of parents, who may have been former recruited CIA soldiers, recruited to support the US to prevent the spread of communism during the Vietnam conflict, but most of those in-hiding are villagers, who fled into the safety of remote jungles after experiencing unprovoked attacks by soldiers.

31 years after the Vietnam Conflict ended, Hmong families still live in-hiding and are running for their lives. Most of them are innocent women and children.

It seems to us, that the current military aggressions are not simply revenge for former engagement by Hmong people In the Vietnam conflict, at present our people are being used for Vietnamese and Laotian military training purposes.

The Special Zone, closed to foreigners - including the UN, is a military area, as large as 4 provinces, where most of our intimidated people in-hiding live.

Even so there some organizations and some media, who characterize our people in-hiding as "freedom-fighters" or "rebels", we want to stress this point very strongly, Mr. Chair, the Hmong-in-hiding are not an armed resistance movement, they do NOT want to create a separate Hmong Country, their goal is not to overthrow the Laotian government.

Our people are trapped and surrounded by military forces, and they are simply hiding for their lives.

If caught by these soldiers, our people are tortured without pity; mutilated, giris and women get gang raped, chopped into pieces, children’s bellies are slit open with their intestines hanging out so they will suffer a slow death. One survives who is found by the soldiers. Our people are eliminated after enduring terrible torture in the silent forests. Only the survivors can testify to what they have witnessed.
Those who decide to come out of hiding meet an uncertain fate. Many get murdered; from others we never hear again. Just last month, 3 small groups of starved, sick and weak women and children came down from the highest mountain Phou Bia, to surrender. They were taken into the military camps. The grandmothers got killed, the women and girls were abused as sex slaves. Girls, as young as 9-10 years old, endured gang-rapes one by one by the soldiers until they died. Only three mothers escaped and were able to directly report to us what has happened to them, which so far was only told by the villagers.

Mr. Chair, we submitted an independent and comprehensive Report written by Rebecca Sommer, based on claims made by Hmong Lao in-hiding from the amied conflict areas in Laos, and the refugees who recently fled to Thailand.

That Report holds carefully selected and compiled credible evidence, testimonies, and summaries of eyewitness, from non-related sources. Hmong leaders and numerous Hmong organizations assisted on the compilation of information and the translations, and fully endorse the accuracy of the information provided in this independent Report, which at present is the most valuable document to clarify the complex situation of our people.

Mr. Chairperson, we are more than grateful and relieved to know, that the United Nations and governments have started to have this issue on a high priority agenda. However, their approach by governments and the UN is low-key diplomacy. These people have no time for low-key diplomacy, we are losing lives!

We request, on behalf of the Hmong-in-hiding to the UN family, and governments:

To ensure that our message and the above mentioned Report is used as a basis of credible and useful information to effectively address the ongoing genocide on the land our people have endured since generations.
To see to it, that the Lao PDR and Vietnam immediately stop employing military forces against our people in-hiding and the villagers, and that the military units are removed from the land they live.
To help create a safety zone in the traditionally populated areas for the Hmong Lao, who live currently in hiding.
To request full access to the Special Zone in order to monitor and ensure these people’s safety.
To assist Laos in finding a peaceful and permanent solution in partnership with the Hmong groups in-hiding, to ensure their free, prior and informed consent.
To allocate funds and programs to assist the Hmong to come out of the jungle in safety.
To create programs and funds to help those who come out of hiding to find their place within the Laotian society
To provide humanitarian aid, healthcare, education and sustainable development projects designed in accordance with the way of life and culture of these people.
That the Human Rights Council created a indigenous People Task Force to address the urgent issue of genocide of the Hmong Lao-in-hiding.

Mr. Chair, in closing, we remind, that there is only one solution to stop the waves of Hmong Laos fleeing from Laos and flooding into Thailand's refugee camps,

. Laos must stop the racial, religious and cultural oppression and discrimination, and the genocide against the Hmong Lao in-hiding.

If these Hmong were allowed to live in peace, trust, and without racial and religious discrimination and oppression, there would be no need to flee the land which these Hmong was born, loves and left involuntarily.

Thank you
Saoudata ABOUBACRINE : Tin Hinan/Tasglat a 24 erne la Session du GTPA,
Thème 4, b) : Utilisation des terres des Peuples Autochtones par des autorités, groupes ou personnes non autochtones a des fins militaires.

Je vous remercie Mr le président, toutes mes félicitations pour votre élection a la présidence de cette 24 me session du GTPA. Je serai brève dans mon intervention mais je vous demanderai une mn de silence pour toutes les victimes autochtones innocentes massacres par des armées depuis les temps coloniaux a nos jours.

L'historique des violations graves des Droits des PA par des armée sur les territoires traditionnelles voir des génocides aux massacres les plus récentes en Afrique dates des années 1900 a 1918. Immédiatement après la colonisation occidental dans les années 1960, les peuples autochtones dans la plus part des régions Africaines ont été soumis a une militarisation sous une forme aussi violente que celle de la colonisation, a Kidal (Mali) par expie, juste après le départ des Français il y a un militaire par habitant dans cette région et cette situation s'est soldé par une décennie de rébellion ou conflits. Il y a depuis ces trois dernières décennies des séries de violations atroces, violes des femmes et filles par les militaires de l'armée régulièrre, massacres collectifs y compris la destruction de l'environnement végétal et des animaux. Des séries d'accord ont été signes entre les gouvernements et les différentes rébellions mais ces conflits perpétuent. La société civile dominante qui n'inclue pas les autochtones Touareg semble ignorer toute cette histoire qu'ont vécu ces autochtones sur les propres territoires. Nous trouvons des articles dans certaines presses comme le journal Indépendant au Mali qui utilisent souvent la notion de l'unité nationale et l'intégrité territoriale pour nier tous les Droits des peuples autochtones et les minorités sur les territoires traditionnelles et inciter les militaires et le Gouvernament a massacres les touaregs comme dans les annéesJ-ééS". y/0^^

La militarisation touche également les domaines de l'environnement tel que les déchets toxiques qui ont été déversé dans le Sahara touarègue qui se trouvent entre l'Afrique du Nord et l'Afrique de l'Ouest, l'utilisation des mines anti personnel dans les périodes de conflits par certains armées nationales, les conséquences des compagnies d'exploitation minières comme celle de l'uranium a Arlit (Niger) avec toutes leurs conséquences sur leurs populations autochtones et leur environnement.

L'implantation et la collaboration de certaines puissances mondial avec les armées national des pays qui abritent les territoires autochtones touarègues sous prétexe de lutter contre le terrorisme sans consentements de ces communautés autochtones et sans préparatifs préalables.

Nous recommandons des études faites par ou avec les experts autochtones et les experts des nations unies sur toutes ces questions aussi tôt que possible. Ces violations des droits des PA affectent la vie et l'environnement des autochtones et le reste de la société civile aux niveaux de ces différents pays. Ces effets peuvent s'étendre sur toute l'humanité.

Nous recommandons que cette histoire tragique soit connue de tous, enseignée dans les écoles pour que toutes les sociétés civils dans nos pays ne continue pas d'ignorer ces tragédies qui affecte une partie des communautés de leur Pays et couvent des conséquences graves sur le rests des populations de nos Pays.

Je vous remercie,
Las comunidades del pueblo Wayúu que han optado por la resistencia civil contra las expresiones del paramilitarismo, el neoparamilitarismo y en general los actores armados del conflicto presentes en la Media y Alta Guajira, se permiten abiertamente ante la 24 sesión Grupo de Trabajo las siguientes

CONSIDERACIONES

1. En la Media y Alta Guajira al igual que en otras zonas de territorios indígenas en Colombia, las estructuras paramilitares lejos de llegar a su fin y desmantelarse se han consolidado y expandido desde el momento en que se han escenificado las "desmovilizaciones" de las llamadas Autodefensas Unidas de Colombia (AUC). A partir de las "desmovilizaciones" que han tenido lugar se observa que se ha venido configurando una suerte de neoparamilitarismo que ha venido haciendo más funcional el fenómeno paramilitar.

2. La sistemática negación de la existencia y accionar de estructuras paramilitares en territorio Wayúu y en otras áreas del departamento de la Guajira en Colombia, impunemente pasa por alto que en la región las estructuras paramilitares, incluidas las pertenecientes a las llamadas Autodefensas Unidas de Colombia (AUC), expandieron y consolidaron su accionar asociadas al tráfico de drogas y armas, al contrabando en gran escala, a la realización de actividades mañobras de todo tipo y a la sistemática violación a los derechos humanos y colectivos del pueblo Wayúu. Adicionalmente si se tiene presente que la Corte Constitucional en su reciente sentencia referida a la conocida como Ley de Justicia y Paz dejó establecido que el paramilitarismo en modo alguno puede ser considerado como un delito político y menos equiparse al de rebelión, es bastante cuestionable, la insistencia de sectores gubernamentales y estatales por establecer marcadas diferencias a partir de una línea inexistente que separa a los grupos paramilitares de ayer y de hoy.

3. Desafortunadamente los impactos que en el pueblo Wayúu de la Media y Alta Guajira y otras zonas del departamento ha acarreado la violencia paramilitar y el conflicto armado no son tan fácilmente visibles, dadas sus características identitarias, como la polirresidencialidad y la amplia movilidad geográfica, la persistencia de conflictos intraétnicos, y la posesión de un territorio binacional que propicia la condición de doble nacionalidad colombovenzolana de sus miembros, entre otras, le dan una impronta sui generis a las situaciones que se presentan, que a la
postre terminan por impedir que se aprecien en su entera dimensión los desplazamientos internos, el desarrollo de acciones armadas contra la población civil, la militarización y el cruce de la frontera con Venezuela para escapar de la violencia, por citar unos ejemplos.

Es claro que en Colombia mientras sectores gubernamentales insistan en no reconocer explícitamente que el pueblo Wayúu sigue siendo víctima de la violencia paramilitar y sigue soportando violaciones a sus derechos humanos y colectivos, a causa de la militarización de sus territorios no se podrán definir estrategias estructurales encaminadas a resolver la crisis humanitaria por la que están atravesando distintas comunidades.

II

En razón de las consideraciones planteadas anteriormente

DEMANDAMOS Y SOLICITAMOS

Que las entidades y organismos concernidos informen abierta y públicamente a las organizaciones del pueblo Wayúu sobre los siguientes aspectos:

1. Que el Gobierno Nacional, con la participación de la Defensoría del Pueblo, del Sistema de Naciones Unidas y de organizaciones del pueblo Wayúu, conformen una comisión de trabajo de alto nivel que aboque seria y estructuralmente el análisis de la situación humanitaria por la que atraviesa hoy por hoy el pueblo Wayúu, con la finalidad de definir estrategias sostenidas de acción e intervención dirigidas a proteger los derechos humanos y colectivos del pueblo Wayúu.

2. Que las Oficinas en Colombia y Venezuela del Alto Comisionado de las Naciones Unidas para los Derechos Humanos y del Alto Comisionado de las Naciones Unidas para los Refugiados, con el acompañamiento de la Defensoría del Pueblo y contando con la participación activa de organizaciones del pueblo Wayúu y de organizaciones de derechos humanos colombianas y venezolanas, lleven a cabo una misión de verificación al territorio Wayúu de la Media y Alta Guajira con la finalidad de indagar y visibilizar las siguientes cuestiones:

2.1. Situación de la población Wayúu desplazada tanto a los cascos urbanos, como internamente en las áreas rurales del territorio Wayúu.

2.2. Situación de la población Wayúu que ha retornado a sus comunidades de manera espontánea o que lo han hecho en el marco de acciones gubernamentales.

2.3. Situación de la población Wayúu que se ha visto precisada a cruzar la frontera con Venezuela por razones asociadas a la violencia política y al conflicto armado.
2.4. Situación en materia de derechos humanos y derechos colectivos del pueblo Wayuu que se presenta en su territorio, a lo largo de la frontera colombo-venezolana.

2.5. Ante la reciente aparición de fosas comunes, z siguiendo las recomendaciones del Relator Especial Rodolfo Stavenhaguen, solicitamos acelerar el proceso de reconocimiento de los cadáveres encontrados para dar con el paradero de los Indígenas Wayuu que se encuentran desaparecidos.

Winpumüjn (Woumain),

Cabildo Wayuu Nouna de Campamento
Cabildos y organizaciones del Pueblo Wayuu de La Guajira - Colombia, afectados por el conflicto armado.
Intervention: 4(b) Principal Theme: "Utilization of Indigenous Peoples' lands by non-Indigenous authorities, groups or individuals for military purposes".

Under this agenda item our delegation would like to focus directly on U.N. Document E/CN.4/Sub2/AC.4/2006/2 [14 June 06] paras. 36-39 on page 8, Re: B - Violations of Treaties and Agreements. Because Special Rapporteur Martinez, in his U.N. Treaty Study selects Treaty No. 6 for analysis, I will not comment further than to the note by the Secretariat. In our view, paras. 36 to 39 are very accurate and relevant.

Our Treaty No.6 is a Peace Treaty that allows for "peaceful settlement, (and) immigration and other suitable purposes"and provides a basis for a relationship and partnership. It was an agreement to share territorial surface.

As has been mentioned by previous speakers, the new Human Rights Council, in its second official decision, voted to adopt the U.N. Declaration on the Rights of Indigenous Peoples. In an intervention to the Inter-Sessional Working Group on the U.N. Declaration, we stated that virtually every article of the U.N. Declaration is about Treaty Rights.

We note that on page 10 [paxa.48], "the Working Group might want to make recommendations on the principle theme, taking into account the relevant articles of the United Nations [draft] Declaration on the Rights of Indigenous Peoples..." Mr. Chairman, we read the articles: 3 on self-determination; 20 on the principle of free, prior and informed consent and 26 on Lands, Territories and Resources with article 36 on Treaties.

Since our delegation co-chaired the sessions on Treaties with Canada and because we still have concerns as to what could happen at the General Assembly, we would refer this august body to the U.N.P.F, 5th Session recommendation on paragraph 68 page 12 of our report.

"The Permanent Forum is convinced that a declaration on the rights of Indigenous Peoples will be an instument of great value through which to advance the rights and aspirations of the world's Indigenous Peoples. The Permanent Forum therefore recommends the adoption without amendments of the draft declaration on the rights of Indigenous Peoples as contained in the proposals of the Chairperson of the working group of the Commission on Human Rights on the draft United Nations declaration on the rights of Indigenous Peoples [see E/CN.4/2006/79, annex IJ by the General Assembly during its sixty first session in 2006. This would represent a major achievement for the Second International Decade of the World's Indigenous People."

We would therefore very respectfully call on this Working Groups' 24th Session to recommend to the U.N. General Assembly adoption of the U.N. Declaration on the Rights of Indigenous Peoples, without any amendments. Mr. Chairman, we know it is not perfect, but any attempt to weaken the current text any further must be prevented. Finally, we will comment in further detail, the U.N. Declaration under Agenda Item 6(e). Thank you.

Mr. Wilton Lillechjld, I.P.C.
August 2, 2006
Indigenous Peoples and Nations Coalition  
Geneva, Switzerland  
Angull2002@yahoo.com phone 079 541 9430

Working Group on Indigenous Populations 24' 
session 31 July to 4 August  
Ambassador Ronald Barnes

The United States of America continues to claim Alaska as a strategic national security zone which is a holdover from the Cold War. Taking Indigenous lands and territories in the name of national security and using it without just compensation and restoration is commonplace in Alaska. In the 1958 referendum to remove Alaska from the list of non-self-governing territories, the United States of America designated their military personnel as eligible to vote to annex Alaska. I personally received bragging comments from retired military serviceman who stated that they were paid 5 dollars to vote during the 1958 referendum, which at the time he stated was a night on the town.

It has been a few years since I collaborated with the Alaska Community Action on Toxics in Alaska with the Director Pam Miller, who does very good work on documenting the impact of military use of lands in Alaska. I have protested with ACAT the testing of bombs using depleted uranium at specific military sites in Alaska. I will read the summary from the website of the Alaska Community Action on Toxics. This also includes the effect of the PCB's from the use of sprays and aerosols.

"Alaska is a site of great strategic importance to the Department of Defense from World War II through the Cold War and into present times. There are approximately 700 formerly used defense sites in Alaska, many in close proximity to Alaska Native communities and traditional fishing and hunting grounds and waters. Alaska has been used as an experimental testing ground for the military's nuclear, chemical, and biological warfare programs. Weapons testing ranges encompass an area approximately the size of the state of Kansas. Alaska is perceived as "remote," with small populations of isolated communities that lack the political clout to resist the intrusions. On the Aleutian Island of Amchitka (reports enclosed), the U.S. Atomic Energy Commission detonated three nuclear blasts between 1965 and 1971, including the world's largest underground nuclear test, the 5 megaton Cannikin test. At Fort Greely in Interior Alaska, the Army operated a nuclear reactor to make weapons-grade nuclear materials. The Army concealed radioactive contamination that affects workers, residents of nearby communities and the natural environment."

Department of Defense policy has been to leave contamination in place, relying on institutional controls such as fences and signs to "prevent exposures to toxic chemicals. Many of the sites have significant PCB contamination, in addition to massive fuel spills, solvents, herbicides/pesticides, heavy metals, chemical weaponry materials, and radioactive waste. Information about these sites is often shrouded in secrecy—FOIA requests take months or years. All sampling information is conducted and controlled by DoD. The DoD frequently prepares grossly incomplete site characterizations and vested-interest science using contractors with no accountability to affected communities. Most sites lack a comprehensive assessment of the nature and extent of contamination. Although millions
The Indigenous Peoples and Nations Coalition
Geneva, Switzerland

Much of the money spent on site assessments in Alaska is wasted through the conduct of poor science and lack of accountability.

The Distant Early Warning (DEW) Line stations, built to detect missiles and bombers heading toward North America, included 63 military radar stations along the 66°N parallel across Alaska, Canada, and Greenland. The Arctic Monitoring and Assessment (AMAP) Report estimates that 30 tonnes of PCBs were used in the stations, with an unknown amount disposed in landfills. The sites in Canada have been more thoroughly studied. The Canadian government has measured PCB levels ranging from 1-10,000 nanograms per gram in soils. The AMAP report states that: "these numbers can be compared to remote background areas with 0.9 nanograms PCBs per gram soil. As is apparent from measurements in soils and plants, the severely contaminated soils have served as a source to nearby areas." The DEW Line and other PUD sites in Alaska hold significant stores of PCBs, many along the margin of the Bering, Chukchi, and Beaufort Sea coasts, providing a ready path into the marine and/or freshwater environment and the fat-rich food web of fish and marine mammals—animals used by Alaska Natives and others for subsistence.

Alaska Native peoples express profound concerns about the health of traditional foods and human health. Many sites in Alaska warrant objective investigation as NPL sites. A Congressional investigation of the effectiveness of DoD site investigation, remediation, and accountability would be very helpful.

Thank Mr. Chair

The cleanup sites are all around Alaska

1. Map of remote Air Forces sites in Alaska. Courtesy of the 61st Civil Air Squadron. See the web site http://www.dec.state.ak.us/spar/csp/dod_sites.htm
Oral intervention By: Pelpina Sahureka Bangsa & Adat Alifuru,

Mr Chair,

We fully support the Indigenous Caucus statement on Militarization but would like to elaborate further on the situation of the indigenous Alifuru people in Maluku.

Indonesian military occupation in Maluku is not decreasing. On the contrary, military build-up is increasing. Since 27th of July dozens of battalions of occupying Indonesian forces is strengthened by another battalion of Kodam 4 Diponogoro from Java.

Of great concern to the people is the recent nomination of Sudarmadjils as head of the Indigenous People in Malaku the Commander of the Indonesian occupying forces in Maluku. Representatives of the Indigenous Alifuru People have issued an official statement as a strong protest against this absurdity.

Transmigrates from mostly the island of Java enjoy full support of the Indonesian military. Not only are the indigenous people forcibly driven away from their ancestral grounds, but also thousands of hectares of our rainforest have to make way for either total devastation or Indonesian rice plantations.

Splitting the traditional lands of Maluku was merely to accommodate military purposes, but the presence of the Indonesian army also secures the settlement of the transmigrates. To do so, the Indonesian military have banned the Indigenous people from returning to their ancestral grounds.

The indigenous people traumatized by war, forced islamization, female genital mutilation, rape, forced marriages etc. still suffer and receive no help whatsoever. Extrajudicial killings, rape. Torture, kidnapping, terror, etc. are still taking place and are not officially recorded, because of the fear for reprisals by the Indonesian soldiers and/or paramilitary groups. In the meanwhile, the perpetrators, the Indonesian military and their Laskar Jihad are free to move around throughout Maluku,

The Alifuru people in Maluku appeal to the United Nations to continue to monitor their situation.
The 24" UNWGIP Asian Indigenous Caucus Statement
Agenda Item: 4 (b), Utilization of Indigenous Peoples' Lands by Non-Indigenous Authority, Groups or Individuals for Military Purposes

Mr. Chairman,

On behalf of the Asian Indigenous Peoples Caucus, I would like to take this opportunity to express our congratulations for your election of Chairperson for this Working Group. I would also like to say thank you for choosing the theme for this Working Group, which was proposed by the Asia Indigenous Caucus in 2004.

In the case of Asian indigenous peoples, militarization in indigenous territory is the main problem; utilization of indigenous peoples' lands for military purposes is merely a predicament.

Therefore, I would like to draw your attention to militarization in indigenous territories in Asia, which is increasing at an alarming rate and threatening the existence and survival of indigenous peoples. In fact, militarisation in indigenous territories is the root cause of human rights violations against indigenous peoples.

In order to freely militarize and utilize indigenous peoples' lands, resources, and territories, the governments enact laws, or issue decrees and orders for legal protection, that result in impunity for perpetrators. Marshall Law is still imposed in some provinces where indigenous peoples live in Thailand. Similar law was also imposed in Nepal after February 2005, and though there is a cease-fire, there is still a need to bring the military under the full authority of the new Constitution. In the Philippines the Lumad people find themselves to be victims of peace negotiations between the government and the Moro forces. Indigenous territories in Burma are classified as "Black Areas" in which 'scorch earth' policy is applied, and a shoot-on-sight order is still valid in these areas. The Arms Force Special Power Act is enforced in most states of North-East India. US army camps in Okinawa Islands are established in accordance with the Japan-U.S. Security Treaty. Presidential decrees in Indonesia facilitates not only the militarization but also the confiscation of indigenous lands. Militarization in Chittagong Hill Tracts is conducted under the name of "Operation Uttorofilski". Similar conditions also prevail in East Asia.

Due to the above mentioned laws, decrees and orders:
- Thousands of women were raped and rape has been used as a weapon of war.
- There are over 1500 mine victims a year.
- Porters are used as human minesweepers and human shields during military operation.
• The number of internally displaced persons is estimated to range between one to two million.
• Hundreds of thousands of indigenous peoples' children are recruited in the regular army and sent to conventional war.
• Hundreds of thousands are forced to labor.
• An estimated 600,000 refugees currently live in their neighboring countries.
• Thousands and thousands of acres of indigenous lands are confiscated to build training centers, camps, and other military purposes without any compensation.
• Extra-judiciary killing is profoundly rampaging in conflict areas.

Mr. Chairperson,

In accordance with the recently adopted DD by the Human Right Council, I quote PPIO:

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world, (end quote)

The Asia Caucus recommends that the WGIP:

1. Shall conduct, or cause to be conducted, a study on "identification of laws, decrees and orders that facilitate to freely militarize and utilize indigenous peoples' lands, territories, and resources, and its impact on indigenous peoples by imposing such draconian laws, decrees, and orders in the concerned indigenous territories. Its report shall be freely available to all as a UN official document.

2. Shall urge governments to immediately abolish the aforesaid draconian laws, decrees and orders. Indeed, these draconian laws completely contradict existing international human rights standards.

3. Shall focus attention-through a specific study and in setting the future agenda of the WGIP and Human Rights Council-on the issue of indigenous peoples' religious freedom and upon the use and abuse of our sacred sites and respected places.

Mr. Chairperson,

Recognizing that good governance, democracy, the rule of law and respect for human rights are essential to achieve sustainable peace and development.

We call on all member states of the UN to adopt the recently adopted DD by Human Rights Council in the forth coming UNGA in which we underline that the states shall strictly respect OP article# 28 and 28 bis.

Thank you Mr. Chairman.
Sr. Presidente, distinguido público, señoras y señores y compañeros de otros pueblos indígenas.

Rapa Nui es una isla de forma triangular situada en el hemisferio sur. La costa de Chile se encuentra a 2300 millas náuticas al este y Tahiti a 3900 millas náuticas al oeste. Es el lugar habitado más remoto de la tierra, célebre por sus cerca de 1000 estatuas monumentales llamadas Moai.

La civilización Rapa Nui fue independiente hasta 1888, año en el que el gobierno de Chile reclamó la isla en el supuesto Tratado de Anexión, escrito en español y traducido literalmente a Rapa Nui, dando lugar a dos versiones con distinto significado.

La población Rapa Nui fue expulsada de sus tierras y confinada en el pueblo Hanga Roa. La isla y sus habitantes fueron cedidos en un contrato de arrendamiento a una compañía internacional de cría de ovejas que los obligó a punta de pistola a trabajar como esclavos. Más de 250000 ovejas arrasaron el suelo, la flora indígena y varios yacimientos arqueológicos, situación que se sigue dando en la actualidad. El Rongo-Rongo, nuestra escritura jeroglífica, se perdió cuando el gobierno chileno envenenó a nuestro último Rey. La cultura Rapa Nui sobrevivió a pesar de todo.

Hoy el pueblo Rapa Nui exige que el gobierno de Chile le devuelva sus tierras ancestrales y reconozca legalmente a la isla como propiedad de los Rapa Nui.

Además, en 1996, la UNESCO declaró a Rapa Nui Patrimonio de la Humanidad. Sin embargo, este reconocimiento no ha supuesto una participación activa de la UNESCO en la protección del patrimonio Rapa Nui. Por eso pedimos que la comunidad internacional y la UNESCO actúen haciendo que el gobierno de Chile responda por el expolio de nuestros yacimientos arqueológicos.
Además existe la cuestión de las donaciones otorgadas a la comunidad Rapa Nui por parte de organizaciones internacionales y otros países, que nunca llegan a la isla puesto que el gobierno de Chile lleva a cabo tácticas corruptas para ocultar tales donaciones. Pedimos a los países y a las organizaciones internacionales que tan amablemente colaboran con nuestra comunidad a través de donaciones, que continúen haciéndolo pero que lo hagan contactando directamente con el Parlamento Rapa Nui que es el que representa los intereses de nuestra comunidad.

Concluyo, Sr. Presidente, pidiendo al Estado de Chile que reconozca sin concesiones de una vez y para siempre que la isla Rapa Nui pertenece al pueblo Rapa Nui y no al Estado de Chile. Es el momento de llegar a un compromiso de diálogo de mantenerlo para encontrar soluciones en colaboración activa con el Parlamento de Rapa Nui, pero sin tomar medidas unilaterales que ignoren por completo a los verdaderos dueños de la isla de Rapa Nui, el pueblo de Rapa Nui.

Gracias Señor Presidente.
Mr Chairman

This statement is on behalf of the Pacific Caucus of Indigenous Peoples. We submit this joint statement with the knowledge that a number of our peoples are submitting individual interventions.

We hope to bring to the attention of the Working Group our concerns that militarization of the entire Pacific region is of great concern and should be addressed as a specific situation.

Unlike other oceans of the world the Pacific Ocean is the home for many peoples. Our region is important to humanity because of the enormous diversity that exists. However our existence, as smaller populations, living in remote conditions on small islands and in inter-dependent relationships with the marine environment, is under threat.

For centuries we have been subject to the most negative impacts of colonisation by European powers. We have also experienced imperialism by Asian nations.

For many of the Indigenous populations the colonisation continues in a later manifestations. Militarisation of the Pacific region is one of these manifestations. Hawai‘i for example was invaded in 1893 for military strategic advantage. The US military fleets of the Pacific are now used for actions in distant regions of the world such as the middle east. The US military forces of Okinawa are now relocated to join the forces in Guam. Non-Pacific countries, including China, Japan and Russia, do military strategic exercises using large areas of the territories belonging to the Indigenous Peoples.

Our region continues to be exploited for its resources, its environmental values and its strategic importance.

States which are not part of the Pacific region perceive the region as an opportunity to create off-shore military installations.

This regional militarisation impacts upon our cultures, our environment, our freedoms and our economic development.

We draw attention to the following matters which are examples of the way in which the Pacific Region is being exploited through militarisation.

Moluccas

The government of Indonesia has appointed a military commander as head of the Indigenous Peoples of Molluccas. This appointment is not supported. The appointment of a military leader is not consistent with recognition of the right of self-determination and right to autonomous government for the Indigenous Peoples. The traditional systems of governance, justice and social order are being ignored and therefore threatened.
WEST PAPUA

In West Papua the population continues to be intimidated by occupying forces of the government of Indonesia. The Indigenous leaders including the women are being assassinated and otherwise threatened and intimidated. The military perpetrators of crimes against humanity are not held to account and, upon complaints being made, are simply relocated to other regions. The government of Indonesia continues to support the major infusion of non-Indigenous population, especially military, to create alternative interests and deny Indigenous self-determination.

KANAKI (NEW CALEDONIA)

In Kanaki, the government of France allows the exploitation of the Nickel mineral deposits without due regard for the rights of the Indigenous Peoples. The nickel deposits are amongst the largest in the world, and this mineral was being used primarily for military purposes but is now used for economic purposes. The traditional owners of the lands and resources continue to be displaced despite the increased awareness and understanding in the United Nations, the multinationals and the international community. Of 22,000 square kilometres, 40 percent is used for military purposes, 30 percent is for private property and only 20 percent is left for the Indigenous Peoples.

HAWAII

The US military recently deployed 'striker brigade' and confiscated 10,000 acres of ceded Hawaiian lands to conduct military training. The striker brigade is a new military weapon, an all-terrain vehicle, for advanced invasions of foreign lands. This is just a contemporary example of how priority is given to the military advantages for the US, taking priority over the Indigenous Peoples, the Kanaka Maoli, of the Pacific. Another example is Makua Valley, a sacred area of 'the creation', where live ammunition testing continues while the Hawaiians of the Leeward Coast live in dispersed, homeless situations.

RAPANUI (EASTER ISLAND)

The government of Chile uses Rapanui's location in the Pacific as a strategic base for its armed forces. While the Maohi Rapanui fight for self-determination, self government and economic development, the government of Chile will not concede these rights because of the military advantages in defending its homelands through remote military installations.

AUSTRALIA

The Australian defense system relies upon using remoteness and dry environments as strategic advantages. This inevitably leads to military interests in those lands where Aboriginal title
ROPUESTA DE EXPOSICIÓN AL 24° PERIODO DE SESIÓN DEL GRUPO DE TRABAJO SOBRE LAS POBLACIONES INDÍGENAS

POR: Ollanta Amaru Salas Ccacho. E mail: ciencias89@hotmail.com
Secretario de Juventudes y Relaciones Internas y Externas Coordinadora Nacional de Criadores de Alpacas y Llamas del Perú CONACANP
E mail: conacanp@hotmail.com

UTILIZACIÓN DE LAS TIERRAS DE LOS PUEBLOS INDÍGENAS POR AUTORIDADES, GRUPOS O PERSONAS NO INDÍGENAS PARA FINES MILITARES

Siendo el Grupo de Trabajo Sobre Poblaciones Indígenas, al inicio de este siglo XXI es la única instancia y tribuna libre para los millones de indígenas RUNA, sin voces y sin representación.

Como es de conocimiento, en el proceso histórico del desarrollo de la evolución del hombre en ABYAYALA, (América) en cada ayllu, pueblo, nación se establecieron y acentuaron, según el desarrollo de su cultura y costumbre, con idioma, arte, ciencia y tecnología en agricultura y ganadería, con propias experiencias y saberes ancestrales.

El uso de la tierra en el Tawaintinsuyu, (kollasuyo, chinchasuyu, kuntisuyu, Antisuyu), fue, y es de uso colectivo, comunitario de los ayllus y de los pueblos originarios.

Estas tierras y los diferentes pisos ecológicos, fueron sabiamente utilizados para la producción agrícola y ganadera, sin depredar ni contaminar el medio ambiente.

Los centros poblados, santuarios, templos ceremoniales y las viviendas estuvieron en lugares estratégicos, que no obstaculizaban las actividades agrícolas y ganaderas. Por eso admirablemente se desarrollaron en grandes centros de germoplasma y hasta ahora con grandes aportes a la humanidad en la alimentación, ganadería, agricultura y ciencia arquitectónica.

Desde la invasión sanguinaria española, y la destrucción del tawaintisuyu se inicio el despojo y la usurpación de las mejores tierras agrícola, ganadera, destinado para usos indignificantes de cuarteles militares, y las mejores tierras para los cleros que delinquen hasta la actualidad en el nombre de su Dios.

Con este pretexto acantonando y arrinconando a los runas originarios quechuas a lugares desérticos inaccesibles, haciendo perder el uso y la costumbre de los ayllus Los Andes, valles o yungas desde 1821 durante toda la era republicana hasta la fecha con el argumento de inversión privada miles de hectáreas de tierras comunales indígenas vienen siendo afectados por los gobiernos criollos del hoy llamado Perú,

Todos estas compañías mineras están ubicadas en áreas verdes pastizales y bofedales de crianza de alpacas llamadas y vicuñas (camélidos sudamericanos) la actual explotación minera viene matando y contaminando el ecosistema de las praderas y la ganadería, protegidos por policías particulares contratados.

Estas tierras han sido vendidas o entregadas amparados a la Constitución Política del Dictador Fujimori y a la Ley de Promoción e Inversión Privada, han sido cedidas en concesión sin consulta ni permiso de las comunidades originarias quechua y Aymará, los dueños de estos consorcios empresariales han construido verdaderos muros de la muerte, con alambres con púas cercos eléctricos para que nadie pueda ingresar. A lo largo del tiempo se han convertido en territorio libre de las transnacionales donde han instalado bases militares del ejercito, utilizados como campos de entrenamiento, fábrica, almacén de armamentos de guerra.
Es el caso de las tierras de los nativos Machiguengas donde explotan el gas de Camisea, las plantas petrolíferas de Pucalpa Iquitos. Mediante el Decreto Supremo del Gobierno peruano han declarado campos de reserva nacional como la de Pacaya Samiria en Madre de Dios, Cuzco y Puno donde se han instalado bases militares de la DEA de los gringos de Estados Unidos para su entrenamiento militar, supuestamente para erradicar el cultivo de la hoja de coca. Estas realizan la caza y tráfico de especies nativas en extinción.

En los supuestos zonas fronteriza entre Tacna y Puno con Perú y chile, en tierras de las comunidades indígenas aymarás desde muchas décadas están minadas con bombas, para no cruzar las fronteras, en estas áreas son miles de indígenas fallecieron, en su propio territorio y otros ha quedado inválidos.

Para ingresar a esos lugares privados, los documentos nacionales DNI, PASAPORTES no valen para nada, los dueños de las empresas transnacionales emiten y otorgan sus propios documentos de identidad, que son los únicos validos, es decir en nuestro propio territorio somos sujeto a xenofobia y enajenados como dueños tenemos que aceptar obligadamente las normas y reglas privadas, que violan el derecho a tierra y territorio.

En esos campos de concentración y entrenamiento los jóvenes indígenas Quechua y Aymará, son reclutados forzosamente y entrenados para defender el fortín de las transnacionales y luego enfrentados indígena contra indígena, hermano contra hermano, para matar a su propia raza, en nuestro propio territorio.

Para apoderarse de nuestras tierras, con una ley los gobiernos de turno, regalan nuestras tierras, con el cuento de que es patrimonio del estado Peruano, a las transnacionales, a cambio de nada, porque estos mismos, son estado y gobierno.

Este pequeño grupo gansteril de las transnacionales no pagan ningún justiprecio, ni piden autorización, para instalarlo. Ellos por su poder económico con apoyo de sus testaferros instalados en el poder, en el congreso sacan leyes sin piedad, ni respeto a los Convenios y Tratados Internacionales, si a esto protestamos somos los acusados, amedrentando, torturando y desaparecidos, y ninguna institución de DD. HH. protege ni sanciona estos hechos de genocidio que ocurrió y sigue ocurriendo en el Perú.

Frente a esta situación propongo y pido:
A la comunidad internacional, a la corte de Derechos Humanos, una urgente sensibilización e instar al nuevo gobierno de ALAN GARCIA PEREZ y a las empresas transnacionales a no expropiar ni despojar las tierras indígenas.

En el marco de los Derechos de los Pueblos indígenas pido a todos los gobiernos industrializados, a los dueños de las corporaciones transnacionales, contaminadoras del planeta tierra, que es nuestra sagrada PACHAMAMA. A que devuelvan nuestras tierras y territorios a nuestras comunidades indígenas, llamamos a que cumplan las Declaraciones, las Cartas, los Convenios, los Tratados Internacionales. A la mesa Directiva de este Grupo de Trabajo Sobre los Pueblos Indígenas propongo, a que consideren, aprueben y rubriquen. Que las tierras y los recursos naturales renovables y no renovables, del suelo y sub suelo se declaren PATRIMONIO DE LOS PUEBLOS Y DE LAS COMUNIDADES INDÍGENAS, mas NO, PATRIMONIO DEL ESTADO DE CADA PAIS, por que con este argumento son los gobiernos los que deciden y definen, con el mal llamado "Democracia del pueblo". Entregan y hacen utilizar las tierras de las comunidades indígenas para fines militares.

Que, este Grupo de Trabajo recomiende y exhorte al alto Comisionado de los Derechos Humanos al Foro Permanente para las Cuestiones Indígenas, Que se Declaren, que se prohíba, que las tierras de las comunidades indígenas no podrán ser utilizadas por el estado, o grupos de personas naturales, con fines militares. Muchas gracias por atender a este joven indígena, que ha venido desde QOSQO Perú, capital del TAWANTINSUYU; tierra de mis abuelos los Incas y me incorporo para nuevos escenarios y jornadas, por los derechos de los pueblos indígenas ....... tukananchikama ..........kausachum Grupo de Trabajo de los Pueblos Indígenas, (hasta luego y que viva el GTPl )

( QOSQO - PERU)
La historia del archipiélago de chagos y de sus habitantes ha seguido siendo un punto negro constante en la historia de la guerra fría del Reino Unido. A través de un acuerdo secreto con los Estados Unidos tenía previsto construir su principal base militar en el océano índico en estas idílicas islas y no deseaba población alguna que pudiese entorpecer sus labores. Desde entonces los chagosianos han protestado en forma regular por su trato recibido a todos los niveles, el caso ha sido llevado ante la justicia sin éxito alguno. Esta es una clara evidencia de militarización hacia los territorios chagosianos, sin respetar ningún acuerdo internacional por parte del reino Unido. Mientras, los chagosianos intentaban recuperar su tierra. En el año 2000, la Corte Suprema de Londres falló que la expulsión de los isleños fue ilegal y que podrían regresar a su tierra natal. Sin embargo, esto nunca ocurrió. Los poderes británicos decían que los estadounidenses no lo permitían, y viceversa.

Lo que ocurrió realmente fue que el gobierno de Tony Blair utilizó un real decreto que sólo necesita de la aprobación de la Reina. Este decreto, basado en poderes medievales, no necesita justificación ni explicación. Sólo se aprueba. Esto es lo que se utilizó en los años 60
para expulsar a los habitantes de las Islas Chagos, y no hace muchos años para prohibir que volviesen. La realidad nos dice que ahí viven 4.000 personas, entre militares y personal contratado. Es la mayor base fuera de los Estados Unidos, desde donde se atacó Afganistán e Irak.

La Gran Bretaña ha hecho todo lo contrario a las recomendaciones del comité de derechos del hombre, puesto que en el año 2001 no reestableció a los chagosianos en sus islas, ni le dado hasta el día de hoy compensación alguna portodos lo daños sufritdos durante más de 30 años por el despojo total de sus tierras con fines totalmente ajenos para lo que naturaleza los había destinado, por parte de Gran Bretaña.

En el año 2004, la Reina Elisabeth, en consejo, a firmado dos edicto reales prohibiendo a los chagosianos el retorno a sus tierras que les pertenece por derecho propio.

Exigimos y Reiteramos una vez más, el retorno inmediato de los chagosianos a sus tierras, que las bases militares desaparezcan.

Gracias.

Comité Suisse de Soutien aux Chabessiens
I am going to present some important issues of Indigenous people of Jharkhand in India. There are more than 260 million indigenous people worldwide. They are living in around seventy countries. The indigenous peoples are being termed as the fourth world. These peoples are the country's aboriginal population, who today are completely or partly deprived of the right to their own territory. This people have the little say in the national state to which they belong.

Council of indigenous people distinguished the way of life of indigenous peoples form those of the 1st (highly industrialised), 2nd (Sovalish block) and third (developing) worlds. The 1st, 2nd and 3rd worlds believe that - "The land belongs to the people" whereas the fourth world believe "the people belong to the land".

Indigenous peoples are strikingly difference and diverse in their culture, religion and social & economic organisations. They have maintained a close living relationship to the land. There exists a cooperative attitude of give and take, a respect for the earth and the life it supports.

In the last few decades, indigenous people have greatly suffered from the consequences of some of the developmental projects. They have been and are being separated from their traditional lands and ways of life, deprived of their means of livelihood and forced to live in a society in which they feel like aliens.

Jharkhand, a small and hilly state in India, constitutes 26% of indigenous population. It has one of the largest concentrations of tribal population in India. Santhal, oron, Munda etc. are the major tribal groups in the state. Many of them are now settled agriculturists. Agriculture is the major source of livelihood. The people
have great emotional attachment with their land. Jharkhand is the richest state in mineral deposits, but unfortunately, development has become a nightmare for the indigenous people. The utilization of tribal land in developmental as well as military projects have been continued in such a way that the so called target group or beneficiaries became victims of progress and development. The tribal land has been utilised mainly in military installations, weapons testing ground, hydro-electric projects and irrigation projects, mining and quarries, super thermal and nuclear power plants, industrial complexes, railway and roads, sanctuaries and park technology.

Among major land struggles at present in the Jharkhand are — The Netarhaat pilot project testing range in Gumla & Latehar districts, which is likely to displace about 3 lakhs people and thousand of villages. The koel-karo dams in Ranchi and simdega districts threatening to displace about 1 lakh people. Coal mines in Dhanbad, Bokaro, North karanpura etc. may cause displacement of about a lakh of people. Subemrekha dams in singhbhum district threatening to displace another one lakh tribals. Other states have the similar trend. All such developmental activities led to increased stress both psychological and socio-cultural, feeling of alienation, great frustration, facing the crisis of identity, helplessness and powerlessness.

Adivasi Chattra Sangh, an energetic and dedicated students union is working in this field since last six years. Since the inception of Chattra Sangh, it has made great efforts to protect the tribal lands and to aware the people of its consequences. The A. C. S. has been involved in many socio-religious as well as political movements to aware the indigenous people for this rights and privileges. For example A. C. S. has demonstrated against the installation of Netarhat field fire range in which lakhs of people would be displaced & many villages would be uprooted. A. C. S. is organising demonstration, dharna and gherao to the Govt, against the utilization of tribal lands for various purposes.

A. C. S. demands a clear cut policy in order to accelerate socio economic development of the indigenous people and their protection against the exploitation. We believe that world community has to adopt a separate strategy with the objective of (1). To protect them from exploitation by various groups and (2). To make
aware the people to their rights and power. These need for a detailed scrutiny of all legislations like -Chottanagpur Tenancy act, Santhal-Pargana act etc. in Jharkhand affecting tribal land. All existing rules and regulations should be examined by a tribunal constituted by the Govt, with the ultimate object of preventing completely the transfer of tribal lands to non-tribals and other purposes. In coming days, that is on 18th August, 2006 A. C. S. is going to demonstrate before the Governor house in the state seeking the immediate constitution of a tribunal for the protection of tribals and tribal lands. The role of the Governor of the state & Chief Minister seems conspicuous because they have never been faithfully exercised their power in favour of welfare of indigenous people. We, the students of A. CS. have made our motto - *Parainge aurhakke liye Larange* i.e. study and fight for the right.

Thank you, very much Jai Adivasi Jai Jharkhand.

Mr. Arbind Oraon  
(Secretary)  
Adivasi Chhatra Sangh  
Swaranrekha Adivasi P.G. hostel  
Karamtoii Ranchi-834001  
Jharkhand-India  
Email: arbind_oraon@yahoo.co.in
24a. SESIÓN DE GRUPOS DE TRABAJO DE PUEBLOS INDÍGENAS, SÍNTESIS SOBRE LA SITUACIÓN DE GRUPOS ARMADOS EN COLOMBIA

La situación en Colombia sobre la presencia de grupos armados en los Territorios Indígenas es dada a circunstancias externas y que provocan muchos males en las diferentes regiones y localidades del país, afectando la cotidianidad de los Pueblos Indígenas, las negritudes, room y sectores sociales en general.

Como todos lo Pueblos del mundo sabemos que la guerra no tiene argumentos, mas que el sentido de acaparar y mantener el poder; es allí donde convergen desde los detalles mas pequeños, medios y poderosos del planeta, dejando en casos de sentido extremo, la indefensa Legal de los Pueblos Indios y los sectores sociales que están en el entorno.

Sabemos que hay logros de defensa, cuando hablamos y actuamos en conjunto; pero la mayor parte se concentra en las actividades relacionadas con la economía y la parte armada donde existe involucramiento de personas no indígenas que manipulan el ejercicio de la defensa propia, como ocurre con algunas ONGs, que tienen amplios conocimientos de la vida y realidad de los Pueblos, de allí que desestabilizan la marcha de las organizaciones nacionales, regionales, local, y en ciertos casos extremos hasta la misma Autoridad Tradicional de los Pueblos ya que se encierra o se da mediocres posibilidades personales, con el objeto de manipular y sectorizar la fuerza de las organizaciones internas Indígenas. El otro aspecto grande con efectos maliciosos esta en la proyección de los Estados, cuando se involucra al indígena, al campesino y demás sectores en el cuento del soldado campesino como el caso de Colombia, donde muchos de nuestro jóvenes son llevados a fuerza de voluntad y con intenciones de involucrar ocasionalmente la investigación de argumentos no existentes al interior de los Pueblos.

Mirando la presencia armada no se descarta la historia desde 1.492 cuando comienza la Invasión más grande a nuestros territorios del mundo Indio desde las costas, la zona andina, los llanos y la amazonia, con la presencia o llegada del mundo español; pues no seria el caso de las armas de fuego únicamente, ya que la cruz, el látigo y la espada, sirvieron para empezar la mayor invasión, masacre y discriminación de nuestros Pueblos Indios, como lo anota Frav Bartolomé de las Casas en su diario y denuncias de la época que operaron en la fecha en las regiones de Norte, Centro y Sur, con los Pueblos aztecas, mayas, muiscas, incas y otros pueblos de alta importancia en el mundo Indio. En el caso del Putumayo en el sur-oriente de Colombia, podemos citar desde 1536 año presencia de los españoles, luego la lucha de los Taitas, especialmente CARLOS TAMABIOY, quien se preocupó por dejar un legado a sus hijos de los Pueblos Inga y Camentsa, en 1.700 realiza la compra de una amplia región del alto Putumayo al virrey Solís de España, y con el paso de los tiempos en 1.911 y 1.916 se complementa la invasión feroz de los territorios, con la fundación de Colon. En 1.960
en adelante se hacen entrega de algunos lotes de tierras a los Pueblos Inga y Camentsa por parte de INCORA, volviendo las amenazas e invasión por parte del colono.

En 1.980 aproximadamente inicia la nueva colonización de la región del Putumayo especialmente de la zona baja y media, con el auge de los cultivos ilícitos, especialmente la Coca que es tomada con ese sentido perjudicial y quitando la propiedad del mundo, sentimiento y compatibilidad de la parte alimentaria y medicinal, ya que se da paso a los intereses de los productores de cocaína externos a los Pueblos, y esto acarrea la presencia de la guerrilla por firmes propuestas de mandar sobre los territorios, de allí que se presente la fuerza publica para combatir el cultivo ilícito, seguidamente los grupos de defensa de los intereses de producción y cuidado del mercado por parte de los narcotraficantes, dando pie a la conformación de grupos de autodefensas dirigidos desde Cali y Medellín, provocando fuertes enfrentamientos que han venido obligando abandonar los territorios a los Pueblos Indígenas como los Ingas, Quichuas, Sionas, Witotos, Cofanes y otros Pueblos de la región a zonas o centros poblados como Mocoa, el Valle de Sibundoy, Departamentos de Huila, Cauca, Bogota y países como Ecuador y Venezuela.

En 1.999, 2.000, 2.001, comienza la toma más fuerte protagonizada por las FARC de la región del Putumayo, dejando sin trabajo ni alimentos a todos los centros poblados del Departamento durante dos meses. (2.000). En el año de 2001, con la presencia de las AUC, comienza una escalada de asesinatos de personas de los Pueblos Inga, Camentsa y Colonos, lo que obliga a la Iglesia de la región a realizar una marcha grande y con la presencia de los sectores sociales y el acompañamiento de ONGs de Derechos Humanos, para hacer publica las denuncias de asesinatos de gente humilde, con el consentimiento del ejercito y la policía, por parte de las autodefensas.

Es importante colocar en mesa y conocimiento de los Pueblos Indígenas participantes en la Sesión 24ª, que la guerra en Colombia sigue con fuerza desmedida por parte de los actores, pues regiones como el Cauca los NASA de la región del Naya, Tourna los Pijaos , en Caldas los Embera-Chami, en Santa Martha los Aruwacos, en el Choco, en la Guajira los Wayu, los llanos y otras regiones que siguen sufriendo el impacto con la presencia de los grupos armados de todo tipo de razones sin justificar.

Nuestra razón de participar en este importante evento mundial como AUTORIDADES INDÍGENAS DE COLOMBIA AICO, es para dejar un precedente cómo organización que involucra a las Autoridades Tradicionales del país, y para que entre Pueblos Indígenas del Mundo veamos las formas de cortar este flagelo que esta destruyendo nuestra razón de la pervivencia en la cultura, el medio ambiente, nuestra medicina, nuestros sistemas educativos natos y todo lo que nos rodea dentó de la Madre Tierra, pueda ser de valor para la naturaleza humana en el mundo, orientado hacia el futuro, ya que nuestros hijos siguen el trayecto de ser cuidadores de nuestros valores.

Naciones Unidas deberá hacer mejor y mayor presencia en las regiones del mundo, siempre con personal propio de los Pueblos, a fin de establecer una conexión cercana para el tratamiento de los Derechos Humanos con la parte interna de los pueblos y vigilada por sectores externos, para facilitar que nuestros territorios no sean de
propiedad de los actores Justificantes de DD.HH y los actores armados, en cualquier parte del mundo donde estemos los Pueblos Indios
Speeches Item 4c

Indigenous Peoples and conflict prevention and resolution.
The Philippine Indigenous Peoples Rights Act (IPRA) recognises the role of indigenous authorities to manage their territory, settle disputes and resolve conflicts. Elders have come here repeatedly to report on their efforts to use indigenous laws to resolve disputes over the use and abuse of indigenous lands by Transnational corporations and the military.

We have in the past highlighted the case of a Canadian mining company, TVI Pacific, who was refused permission to operate for many years by the traditional authorities and the by the local government. Indigenous Subanon from other areas and tribes were imported into Canatuan to work for TVI as security and construction workers and the company has supported the claims of these usurpers to be recognised as the ancestral land holders having the right to grant permission for the mine of their employers and drive away those who oppose the mine.

The Subanon elders, as a court, considered the genealogical claims of the various people involved. It concluded that those traditional land holders under the leadership of Timuay Jose Anoy and Timuay Lino Tii who strongly oppose the mine are the legitimate land holders with authority over the land. They concluded that those supporting the company and granting permission to mine the area were neither genealogically eligible to lead, nor were they in most cases even entitled to reside within the lands of Canatuan being far removed from their various ancestral domains. The Gakom imposed traditional fines on these violators.

The Philippine government’s National Commission on Indigenous Peoples and the Mines Agency (MGB), and the Canadian mining company and the Canadian embassy have chosen to ignore these indigenous law rulings and continue to recognise those who have usurped the powers and lands of the traditional landholders. As a result a mine has been allowed to defile the sacred mountain and displace the people. The conflict and division in the community has grown worse and HR abuses proliferated. More than 100 armed company security are active in the area. They and the illegitimate organisation recently dismantled the house and forcibly removed one local family and threatened to do the same for others at the mine site. Timuay Anoy who is recognised by other Subanon as the local leader and was directly recognised by the President of the Philippines is now threatened and barred from his home solely because he opposes TVI.

Across the Philippines there are many examples where viable traditional authorities and legal systems which the IPRA law says will be respected are being ignored, manipulated or its practitioners threatened and attacked, especially where they are seen as critical of government policies and critical of the exploitation of indigenous lands. The tactic of replacing legitimate traditional authorities with compliant dummies of Government and corporations is widespread and has brought the law on indigenous peoples rights into disrepute. Mr Chairman we are deeply concerned by such developments because they cynically undermine the progress in me recognition of indigenous rights.
Even when Indigenous authorities who reject mining are joined by local government authorities the Philippine government ignores its obligations to its own relevant laws (both to the IPRA and the Local Government Code) and its international obligations.

There is an alarming rise in extrajudicial killings of community leaders and legitimate legal critics of government policies that is generating heightened conflict, fear and human rights abuses. Over 70 indigenous leaders are among more than 710 extrajudicial killings that are fully documented to have occurred under the Arroyo administration. It is widely believed that the Philippine military are directly responsible for many of these murders and threats.

Where mining projects are planned we find a rise in killings and abuses. More than 20 have died in the TVI case and others wounded. In the last 2 months, when the CPA in Kalinga is legitimately protesting the illegitimate granting of Free Prior Informed Consent to foreign mining companies 2 leaders of CPA have been murdered one one wounded and other bystanders killed. Joan Carling Chairperson of CPA and well known in this forum is one among many on military death lists.

Mr Chairman
The Philippine Govt is, at the best, abjectly failing to protect its indigenous and other citizens.
We call on the Philippine Government to investigate all cases including those of the murder of Markus Bangit and Alyce Claver, prosecute HR violators and bring an immediate end to the killings.
Amnesty International has cautioned the Government and urged action to halt to the killings.
It is clear to us that foreign companies benefit through these murders and other abuses.
We call on corporations that genuinely value their obligations to Human Rights to suspend activities in the Philippines unless and until the killings end and the legitimate rights of communities to exercise Free prior informed consent and freely determine the future of their lands is respected in line with Philippine law.

We call on bilateral and multilateral lenders and all governments to review all cooperation with the Philippine Government in the light of current killings and use their influence to immediately halt the gross violation of human rights.

We recommend the Working Group commission a study and expose potential manipulations of indigenous authority everywhere and in cooperation with indigenous peoples strengthen the acceptance of the principle of mutual recognition by Indigenous authorities as one key to the proof of their legitimacy.

We urge the Working Group, aware of the work of the Subcommission on formulating standards for the activities of transnational corporations, and aware of the ongoing work of Prof John Ruggie, the UN Sec General's special representative on human rights and the activities of transnational corporations to develop standards that specifically relate to the protection of indigenous peoples from human rights abuses caused by the activities of corporations.
We call for the Special rapporteur on extra-judicial killings to be invited to the Philippines and report.
We urge Special rapporteur, on the HR and FfIP, Professor Stavenhagen to follow through on his first visit.
We appeal for these reporteurs to pay special attention to the issue of assassination and harassment of indigenous leaders.
Mr. Chairperson,

On behalf of the Leonard Peltier Defense Committee, I would like to express our thoughts on the theme "Indigenous peoples and conflict resolution".

On February 27, 1973, members of the American Indian Movement (AIM) began their seventy-two day occupation the village of Wounded Knee on the Pine Ridge Lakota Reservation. Their goal was to protest injustices against the indigenous nations, violations of the many treaties, and current abuses and repression against their people. The US government responded with a military style assault against the protesters.

Throughout the next three years, long referred to by local Indigenous Peoples and by the U.S. Commission on Human Rights, as the "Reign of Terror," the FBI carried out a Counterinsurgency war on the Pine Ridge Reservation. During this "Reign of Terror," some sixty-four local Native Americans were murdered. Virtually all of the victims were either affiliated with AIM or their allies from the Lakota Nation. The FBI had jurisdiction to investigate major crimes, yet these deaths were never adequately investigated nor resolved.

The strife between the FBI and AIM culminated in a shootout on June 26, 1975 in Oglala. When the shootout ended, AIM member Joseph Killsright Stuntz lay dead, shot in the head by a U.S. Government sniper. His death has also never been investigated. Two FBI agents also found death that day. As you well know, Mr. Chair, these events led to the wrongful incarceration of Leonard Peltier.

After more than 30 years, the U.S. Government still won't recognize nor correct the wrongs of the past. Therefore again this year, the Lakota people of Oglala organized another Commemoration last June 26th under the theme "Let the Great Healing Begin" to remember the people who died during the Reign of Terror and to call for the release of Leonard Peltier. The community uses traditional ways such as prayers, ceremonies and conferences with youth and elders to heal the sacred hoop. Truth, justice and reconciliation are needed between Indigenous Peoples and States around the world.

We should all together be able to heal the transgressions of the past and to find a way to put an end to the injustices historically perpetrated on Indigenous peoples. We feel that wounds and scars of our peoples will heal one day. We are led to believe that most issues in our struggle to survive encourage forms of alternative justice and traditional, as well as contemporary ways of conflict resolution.

Mr. Chairperson, as it is mentioned on last years' report (E/CN.4/sub.2/2004) paragraph 40: 'Serious consideration should be given to arbitration as a means of conflict resolutions'. Therefore our organization would like to renew our call for the creation of an international mechanism with the mandate to act as an impartial third parties to help establish...
dialogue between States and Indigenous peoples for peaceful resolution. Such mechanism would have been important this year during several conflicts involving indigenous peoples (in Osweken/ Six Nations in Canada, community of Atenco or in Chiapas - Mexico, in indigenous lands in Colombia or in Kanaky). Also, we would I /e a thought for the Beduin peoples and ail civilians suffering in Palestine and Lebanon.

I need to find ways to help us survive these difficult times. Therefore we are grateful that this Working Group has initiated this very important debate on Indigenous peoples and conflict resolution. This shows the importance valuable work of this Working Group because it give an opportunity to us indigenous peoples to present development of our fundamental rights and to the United Nations to act at different levels by standard setting dependent review. We hope that all together we will find solutions to build a world of peace, justice and equality.

thank you, Mr. Chairperson.

Bobby Castillo
LPDC International spokesperson
United Nations
Economic and Social Council

Working Group on Indigenous Populations
Twenty-fourth session
Item (c) of the Agenda

Indigenous peoples and conflict prevention and resolution

Presenter Marielle Lansink of iPcN interCultural on behalf of the Association of West Papua Students, (AMP),

Dear Chair, Tribal & Indigenous Peoples, Secretariat, Government representatives, ladies & Gentleman,

At this meeting, I am speaking on behalf West Papuan Tribal peoples and the indigenous Papuan students, submit our aspiration for self-determination as our solution to conflict in West Papua. We know the colonised tribal people of West Papua have wanted and deserved an United Nations administrated Self-determination since 1962 when the Republic of Indonesia signed an agreement with the Kingdom of the Netherlands to transfer administration without the people's consent, of the colony, West New Guinea which we call West Papua.

We remind the United Nations that the UN General Assembly Resolution 2504 in November 1969 did not state whether the so called 1969 ‘Act of Free Choice’ complied with the United Nations Charter articles 1, 73, 74, or with the United Nations General Assembly Resolutions 1514 and 1541 of December 1960 of which the Republic of Indonesia approved at that time.

We remind the United Nations and world that the indigenous people of West Papua continue to demand their rightful self-determination and the removal of the colonial military forces from West Papua, from the United Nations and its members. We call on the United Nations under UN Charter article 1 and 74 and under UN General Assembly Resolutions 1514 and 1541 to help the Republic of Indonesia to facilitate a true act of West Papuan self-determination by "all adults, male and female, not foreign nationals" and "in accordance with international practice" as was stated in Article XVIII of the 1962 Agreement between the Republic of Indonesia and Kingdom of the Netherlands, and in which the United Nations had promised to help.

We hope the United Nations and Republic of Indonesia will show good faith and human respect for the traditional land owners of West New Guinea by supporting self-determination without being reminded of the many decades of human rights abuses, of jihad training camps now established inside West Papua, of HIV/AIDS and other medical illnesses introduced to the people of West Papua, of forests felled for foreign wood markets or to make space for a foreign population of farmers from over-populated parts of Indonesia.

We remind the United Nations and the Republic of Indonesia that the large military presence in West Papua can only increase discrimination against West Papuan indigenous peoples by non-indigenous domination in many sectors. Excessive Indonesian military presence spreads human misery; murder, rapes, unlawful persecution, arrest, abductions, disappearances and the lose of parents and other family members by many children who then can not continue their culture or schooling.

At the end of 1960, according to Dutch government data the West Papuan population amounted to 800,000, more than the 600,000 people of their brothers and sisters in Papua New Guinea (PNG). But the Indonesian statistics office in 2004 said the West Papua indigenous people amounted to only 1,500,000 million, where as the PNG indigenous population had grown to 6 million. We fear that corrupt business interests have wanted to deny West Papuan self determination until foreign nationals outnumber our indigenous population, making us a minority in our own land.

In 1961 natural resources like copper & gold deposits which Freeport admitted was near Timika was under regulation of the elected West New Guinea parliament for the benefit, only, of the people of West Papuan. But since transfer of colony to Indonesian administration the Indonesian military has taken control over natural resources in West Papua, this has resulted in many illegal activities; illegal logging, illegal fishing, even illegal prostitution is a project with full backing by Indonesia military.

Our Recommendations:

• We call for self-determination with United Nations assistance to restore our rights as tribal peoples; to our
lands, to political freedom, to economic and social prosperity. We have these rights under Article 1 of the UN Charter, General Assembly Resolution 1514 (XV) of 14 December 1960, General Assembly Resolution 1541, General Assembly resolution 2625, the International Covenant on Civil and Political Rights, and the International Covenant on Social, Cultural and Economic Rights. The International Court of Justice also says that all states must respect the right of self-determination.

We request the United Nations to revisit West Papua and provide an environment where the native West Papuans have a real opportunity for the self-determination, as described in THE INTERNATIONAL HUMAN RIGHTS, Universal Declaration of Human Rights, as Adopted and proclaimed by General Assembly resolution of 10 December 1948 - Paragraph C. THE RIGHT OF SELF-DETERMINATION - No. 8. Declaration on the Granting of Independence to Colonial and Peoples, General Assembly resolution 1514 (XV) of 14 December 1960.

We ask, this Working Group, to expeditiously ask the state of Indonesia why it is preventing the UN representative on Human Rights from entering West Papua.

Furthermore to stop the 1000's of deaths of innocent West Papuans, every year the increasing sale of arms to an already mass murdering military has to be halted. I ask all of you here, my brothers and sisters to help us. If your country is selling arms to Indonesia, please help us by getting them to stop.

I make this statement as a representative of West Papuan Tribal peoples and especially on behalf of the students of West Papua. We ask the United Nations to restore and recognise our rights as tribal peoples with our own distinct cultures. We especially ask for respect for our way of living as tribal peoples.

Thank You

Your Sincerely

Edyson Wenda

International Spokesman for Papua
Student Alliance (AMP)
To
Hon Defense Minister,
Defence Secretary, Defence Ministry Govt.
Singh Durbar, Kathmandu.

Subject: Letter of Memorandum.

Honorable,

The indigenous inhabitants Limbu, who use to live in Limbuwan the eastern part of Nepal, have their own religious, rituals and culture. Their lives are closely connected with natural things like mountains, hill, forest, river, stream etc of their locality. They worship the nature. In accordance with death ritual, they bury the dead body in the height of forest or hill. After cremating traditionally, they use to build tomb in deaths memory. It is called chinan chautara. From centuries back, they worship different places. Such things and places have cultural, historical as well as architectural value too.

The state's duty is to protect and preserve such valuable places. But if is felt that the state is not paying attention towards state's duty. So, by this memorandum we want to draw attention for taking positive action. The indigenous Limbus of Myanglung and Tumphula village are using the land which is situated in ward no 9 of Myanglung VDC. According to surveyed scale, kitta No. 411 was 25-0-3-1 of land. The border of the land is kitty No. 548, 550 from the east, kitty No. 420 and 421 from the west and kitty No. 428 and main road from the south.

But Nepali army has occupied 16 to 17 Ropanees of land from kitty No. 411 since 2059-060 BS. The army already surrounded the area by fence. Due to army's capture of the land the limbu's traditional religion and its chinan chautara and other monuments and architectural things may likely disappear.

That is why occupied land should return to Limbu immediately and necessary action has to be taken to protect and preserve it. Here with we enclosed the scale kitty No. 411, which was provided by Teharathum district branch office of survey dept.)

By this way Nepali army is trying to register the other piece of land or behalf their name. The land is 17 thum Goeswari mandir. (Yuma manghim) where is situated in Chokmagu-3 Lobrekuti of Panchthar district. They wanted to establish military base camp there. We strongly demand to stop such activities in immediately.

Arjun Limbu
Chairman

Cc:
Honorable, Bijaya Subba M.P (Tehrathum)
Hon. Dambar Sambahangphe M.P (Panchthar)
Hon. Basanta Nemwang M.P (Panchthar)
Comments on Preliminary Working Paper on indigenous People and Their Relationship to Land

We have received UN-ECOSOC document on the Human Rights of Indigenous Peoples: Indigenous People and the Relationship to land, a Preliminary Working Paper prepared by Mrs. Erica-Irene Daes, Special Rapporteur and circulated it to our members. We organized three meetings of our members and other distinguished persons of our ethnic group (Limbu) for the discussion on this paper. We have come to the conclusions to make the following comments on behalf of our organization, Kirat Yakthung Chumlung, so that it can also reflect our issues and sentiments.

There is no doubt that the paper is precise, excellent and throws light on several aspects of indigenous peoples' problems and difficulties. However, the processes, patterns, forms and nature of the violations and encroachment on the rights of indigenous peoples in relation to land, territories and resources differ from country to country and place to place. In brief we want to make the following comments:

1. Doctrine of dispossession :

The paper describes the history, background and impact of the doctrines of dispossession that seem to be relevant to the colonized countries. But we have different experiences. We, the Limbus (Yakthung) of Nepal, believe ourselves to be autochthons of our territory "Limbuwan". As regards the doctrine of dispossession, our historical accounts reveal that national integration, often described as painful process of Nepalization (Gaige, 1975; Bista. 1982; Subba, 1995) characterized by Sanskritization or Hinduization and marginalization of indigenous peoples (Gurung, 1994), destruction of indigenous values and social order and imposition of Brahmanic (high caste) values, discriminatory laws and legal treatment. concentration of powers in the hands of a few Hindu high caste people such as Brahmans and Chhetris, subjugation of indigenous peoples by any means and disregard of human rights has become the basic doctrine of dispossession in Nepal. It has caused irreparable loss and immense suffering to indigenous peoples. It legitimized absolute powers to the rulers/administrators and oppression of the indigenous peoples of annexed territories and established the supremacy of Indo-Aryans or high-caste Hindus over indigenous peoples. We believe that not only the colonization of indigenous territories by colonial powers, non-recognition of indigenous peoples rights. Christianization of indigenous peoples are the doctrines of dispossession, but internal colonization or the ruthless process of national unification is also equally powerful doctrine of dispossession. So the paper should
incorporate the process of national integration/unification or internar colonization as a doctrine of
dispossession citing the example of Nepal.

2. Framework for the analysis of contemporary problems regarding indigenous land rights:

As regards to the framework for the analysis of contemporary problems regarding indigenous land
rights, we would like to present our case and refer some points to be included in the framework.

The land tenure system confined to the indigenous peoples of Mongoloid origin is known as Kipat.
This system was prevailing among Limbus till the later half of 1970s. Kipat includes land, territories,
resources and traditional social system. This system was recognized to the Limbus again by the first
ruler of unified Nepal through a royal decree (treaty) of 1774. Kipat areas of Limbus cover
approximately 11,302.2 sq. km and this territory is known as Limbuwan. Kipat is a land cleared and
occupied by first settlers and so, it is an inalienable land of autochthons (Chemjong, 1959). Kipat is a
communal form of land tenure and under this system, land is held on a tribal, village, kindred or family
basis and it is usufructuary (Regmi. 1977). Kipat is not only a land of all physical categories, such as
homesites, dry lands, paddy fields and pastures, but also overall forests, water and mineral resources
(ibid.). Kipat, as delineated by eminent anthropologist Lionel Caplan (1990), was a form of
"inalienable wealth", for Limbus and it stood for their way of life and thus symbolized the cultural
vitality and continuity of the community. He further mentions: To the Limbus, the loss of Kipat
represents not simple a material loss, for Kipat transcended its own materiality. With its abolition the
Limbus were denied a part of their past and so, inevitably, of their sense of continuity in the present.
Kipat provided a means of belonging, to a place and a distinctive community - the one not separable
from the other. In short, it defined them as a "tribe". Dr. Caplan (1970) is also of the opinion that Kipat
is fused with and articulates the culture and "any assault on Kipat is seen as a threat to the very
existence of the Limbu as a separate community within the society" and "thus cultural identity becomes
political identity in the context of the struggle to preserve the Kipat system". Another French
Anthropologist Phillippe Sagant (1996) concludes in a study that Kipat tenure system guaranteed the
stability of clan and preservation of traditional institutions. This Kipat system was repeatedly
confirmed afterwards till 1961 (Shrestha, 1985). But in actual practice, several measures were adopted to
dispossess Limbus of their Kipat (Regmi, ibid; Shrestha, ibid; Sagant, ibid:). These were gradual
processes of encroachment on Kipat system. Some of the measures were:

i) encouragement by the government for the settlement of non-Limbus in Kipat area in various ways
   i.e. government's immigration policy (1974 onwards);
ii) introduction of the system of revenue settlement that expedited the process of conversion of Kipat
    into Raikar or land under state's ownership (during 1774-1820; 1820-1960; and 1960 and 1960-
    1995);
iii) expropriation of Kipat holdings of fugitive Limbus and granting such lands to non-Limbus
    i.e. indo-Aryans and converting into Raikar (during 1881);
iv) no legal restriction to alienate Kipat prior to 1883;
v) permission to alienate the dry lands to non-Limbus settlers (since 1903);
vi) introduction of alien Hindu practices of credit, loan and mortgage system and long stipulated
    redemption period;
(vii) legal provisions for conversion of Kipat land into Raikar in the expiration of stipulated period;

(viii) lack of legal provision to redeem Limbus from vicious circle of indebtedness that forced for land alienation; (ix) lack of documentary evidence of title due to customary rights on lands that paved the way to favor non-Limbu settlers, i.e. Indo-Aryans for land alienation; (x) orders not allowing resumption of lands (Kipat) where homesteads were constructed by non-Limbus; (xi) survey of the Kipat land, that allowed to convert Kipat into Raikar each time; (xii) introduction of the system of becoming Subba, a tax collector, dispenser of justice at certain territory and responsible official for local management, by surrendering 60 Muris of land, i.e. land that exact Rs. 30 as land revenue; (xiii) confiscation of reclaimed land in favor of informants, who were non-Limbus and its conversion into Raikar; (xiv) promulgation and enforcement of various laws such as Acts relating to forests, mineral resources, tax/revenue, and land tenure, Panchayat (Local Bodies of Political System), and land reform that undermine, encroach and terminate the once-recognized rights of Kipat of Limbus; and (xv) enforcement of discriminatory laws and policies from time to time to promote Kipat alienation and deprive Limbus of their own resources and territory.

In fact, the treaty of 1974 was not abrogated nor was the legislation introduced to extinguish or terminate rights of Limbus on Kipat. It was "nibbled at, not swallowed whole" (Caplan, 1970). Eventually, Limbu became landless in their own territory and their resources are exploited for the benefit of others.

So, not only the failure of the states to acknowledge indigenous rights to lands, territories and resources but recognition at the time of crisis or annexation and gradual encroachment afterwards is also a fundamental problem in connection with indigenous peoples' ownership of land.

3. Efforts to resolve indigenous land issues:

Regarding the efforts to resolve indigenous land issues, we think the paper should also focus on:

(i) some of the efforts of some countries of South Asia, such as the efforts of Bangladesh Government to solve Chakma issues, efforts of Sikkim (of India) to resolve ethnic issues and linking development purposes with tribal and backward peoples' progress; and various efforts and implementation of accords in many areas/states of India.

(ii) It is evident in our case that there is neither judicial mechanism nor mechanism for negotiation to address our Kipat issues/problems. Our present constitution does not provide us any avenue/outlet to resolve indigenous land or Kipat issues and thus protect or secure indigenous land rights. Human rights, which can be enjoyed by only the members of advanced, established, and affluent classes are well explained in the present constitution of Nepal, but indigenous peoples' rights have been neglected. However, some provision of the constitution indicate that legislation can be introduced to restore the rights of Limbus on
Kipat or indigenous land. But this option does not seem viable at this juncture because of the negative attitudes of present lawmakers and inability of Limbus to influence majority lawmakers. Due to the lack of constitutional remedy, Khambuwan Salvation Front, one of the indigenous party of Khambu people, has already resorted to violence means, (iii) In fact, indigenous peoples' initiatives in most of the South Asian countries including Nepal, are the resistance movements against expropriation, dispossession and encroachment of rights on land, territory and resources; dissolution and disparagement of traditional indigenous institutions and forced replacement by alien ones; state suppression and discrimination; and interference on internal self-determination and the use and management of indigenous land and resources. Limbus, for example, vehemently opposed the encroachment of their antimony and territorial rights from time to time (during/in 1776-77, 1791-93, 1833, 1834-36, 1844, 1854, 1868, 1883-1884, 1886, 1888, 1890-1893, 1899-1901, 1916-17, 1919, 1947). They were severely penalized, imprisoned and had to run away to avoid government's cruel treatment. Mass exodus of Limbus during the later years of eighteenth century, migration of Limbus in great number during nineteenth century and imprisonment and death penalties to some Limbus during earlier half of 20th century are some of the unhappy incidences resulted from such opposition. Resistance movements did not fade away even after the advent of democracy in Nepal in 1951. Even in 1968, Limbus opposed the abolition of Kipat system and their delegates, Mr. Krishna Bahadur Thangden, Mr. Man Bahadur Panjyanua and Dal Bahadur Khapung were imprisoned for six months. Mr. Bir Nembang, Mr. Prithvi Bahadur Maden, and Ganga Bahadur Lingkhim were arrested and imprisoned for three years for just on the charge of distributing pamphlets appealed Limbus to become aware of their rights to their land (Kipat) and territory (Limbuwan). Now indigenous people's organizations, including Kirat Yaktung Chumlung, are trying to create mass awareness on indigenous peoples' rights. For Limbus of Nepal, the demand for the right to land, territory and resources is also associated with the right to self-determination or territorial autonomy on the one hand and proportionate representation in decision/policy making levels and reservations in employment, education and human resource development on the other.

The principles that guide Limbus' movement are: (a) the non-alienability of Kipat lands should be protected and ownership should be resumed, (b) possible conflict between state and Limbus should be avoided and amicable solution should be explored, (e) indigenous peoples should have opportunities to enjoy basic human rights, (d) discriminatory laws and constitutional provision should be mollified or amended, (e) socio-economic, cultural, spiritual development of Limbus should be materialized, (f) national integrity should be strengthened in the true spirit of the people, (g) injustice and misdeeds of the past should be corrected and redressed.

4. Positive measures:

The paper describes some of the positive measures taken by some countries. But it does not suggest possible measures that can be adopted in other countries. Considering the brutal counter measures of the government to suppress indigenous peoples' movements for the restoration of their rights to land, territories and resources, and for me guarantee of their basic rights, their participation in decision-making levels as well as specific programs for their progress and advancement, it is expedient that UN - High Commission for Indigenous Peoples' Rights to be created at the international and regional level. It is also utmost necessary that a tool, such as UN - Convention on the Rights of Indigenous Peoples in
relation to land, territories and resources, should be developed to protect indigenous peoples from human rights
violation, state suppression and terrorism.

At this juncture. Limbus cannot find judicial remedy as there is no legal provisions that help them to address
their Kipat issues and the injustice and oppression done to them in this regard. For Limbus. a National
Commission for Indigenous Peoples’ right to land, territory and resources and amendment in present
constitutions might be appropriate mechanism to reverse the process of expropriation, dispossession and
extinguishment of the rights of Limbus on their Kipat.

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Complexion. The
The Cradle of Civilization Aram-Nahrin (Iraq) is burning and crying: How
to solve the conflict?

Oral statement under Item: 4. Review of developments pertaining to the promotion and protection of the
rights of indigenous peoples, including their human rights and fundamental freedoms:

(c) Indigenous peoples and conflict prevention and resolution.

Mr. Chairman;

In the framework of Item 4 (c) we would like to raise our concerns regarding the complex and bloody
conflict in the lands of the forefathers; in ancient times called Aram-Nahrin in Aramaic; translated to
Mesopotamia by the Greeks and known to the world in our times as Iraq.

Flying parts of human bodies; mangled bodies in the streets covered with human blood, desperate and crying
mothers; children crying for their parents; heartbreaking scenes; it is unbearable how the innocent people of
Iraq are suffering. The cradle of civilization is burning and peace, love and brotherhood seems to be far away
and unachievable. Nobody knows how to solve this conflict and the world is at a dead loss what to do.

Revenge and bloodshed are the daily street scenes in Iraq. The path of the fanaticism and intolerance is
reigning supreme where the words like peace, respect and brotherhood seems to be very rare.

Many of these atrocities where the innocent Iraqi people are suffering from are committed by foreigners
whose goal is to create anarchy and chaos preventing the establishment of democracy. There seem, however,
also some groups active within Iraq who hails the present situation with cheer in order to conduct ethnic
cleansing in some parts of the country to get rid of its Indigenous people.

Mr. Chairman;

The Indigenous Aramean people are living for thousands of years in this part of the world and are familiar
for hundreds of years with this kind of tyranny, fanaticism, intolerance, bloodshed and mercilessness. There
are in Iraq various Aramean denominations, such as West-

How can you, as an indigenous nation, deal with such complex conflicts? And how did the Aramean nation deal with these impossible situations since hundreds of years on local and regional level? As an indigenous nation you are finding yourselves at the mercy of people and regimes that are not familiar with 'Human Rights'; not to speak about indigenous rights.

Nevertheless, we believe that the secret behind dealing with these types of complex conflicts is: loving and respecting your neighbour like yourself! We believe that this path is the best medicine to heal wounds, dry tears, stop cry of children and mothers, solve conflicts and act as a solid foundation for democracy and Human Rights.

Unfortunately; not everybody welcomes this policy with open arms; for our experience is that some people consider this policy as being backwards and will most likely resort to the path of the sword, glorifying and promoting it! In their perception of the world; the path of oppressing and subjecting others as second class citizens seems to be exalted to a holy act. And this makes conflict resolution very difficult, not to say: impossible. [2]

Another point is Mr. Chairman; that the policy of Aramean nation is not rewarded or recognised in the new Iraqi Constitution. In "appreciation" of the Aramean policy of peace and respect they are excluded from the Iraqi constitution; while the 'product' created by the Western spiritual colonialism of 16th and late 19th century; which had a devastated effect on the Aramean people in the middle-east, is glorified in the new constitution.[3]

In order to be able to maintain the Aramean policy of respect and brotherhood in a sea of fanaticism and intolerance; we ask for your support in the following points:

* Please demonstrate your solidarity to help maintain the Aramean presence in the lands of the forefathers.
* Please help to include the Aramean nation as the indigenous people of Iraq in the new Iraqi constitution.

Thank you

---

**Gabriel Sengo**  
*(President)*  
Arameans of Aram-Naharaim Foundation  
P.O. Box 178  
7550 AD  
Hengelo(Ov.);  
Netherlands  
E-mail: info@aramnahrin.org
Footnotes

[i] There are around 500,000 Arameans who are concentrated in the north and central part of the country with few thousand in southern part. Some rough numbers about various denominations:

West- Aramean Syrian Orthodox: 80,000-100,000
West-Aramean Syrian Catholic: 40,000-45,000
West- Aramean Syrian Melkites
East- Aramean Chaldeans: 200,000-300,000
East- Aramean Assyrians: 25,000-30,000

More:
www.iraqichristians.info

[2] Our impression is that this path which leads to peace is unknown by some people resulting in the present-day situation. Others show two faces, namely: in front of the camera they glorify the path of love, respect and brotherhood; while in reality they apply the path of the sword.

In such hostile environment, our people were and are constantly fighting to survive and reconcile themselves to the horrible conditions of their persecutors in order to save their lives. They had to obey them unconditionally; they were forced to assimilation and to deny their rich cultural heritage and were forced to implement strange cultures.

[3] In Article 124 of the constitution we read, "This Constitution shall guarantee the administrative, political, cultural and educational rights for the various nationalities, such as Turkmen, Chaldeans, Assyrians and all other components. A law shall regulate this ".

Please note how explicitly the Western Spiritual Colonial and slavery products "Assyrians" (a product of the Western Anglican missionary) and, "Chaldeans" (a product of Western French/Roman Catholic missionary) are being glorified in the constitution without a reference to their Aramean origin. In our statement under Item 4 (a); this problem has been explained in detail.

Background information on Indigenous Aramean people (including Assyrians) and Chaldeans)
The area where the Aramean people come from was known as "Mesopotamia" and has been divided into the modern countries Iraq, Syria, and Turkey since the 20th century.

In the ancient times the cradle of the Aramean forefathers was called Aramnahrin (or: Aram-Nahrin) in Aramaic. In Hebrew it was called Aram-Naharaim which we encounter in the Old Testament. When the Old Testament was translated into Greek, the term Aram-Naharaim was translated into Mesopotamia, which many become familiarized with through reading many educational and historical texts.

The northern area of Aram-Naharaim was called Paddan-Aram, meaning the land of Aram where Biblical figures like Abraham and Jacob lived and walked. In Genesis 24:4 Abraham says to his servants, "You must go back to the country where I was born and get a wife for my son Isaac from among my relatives." Abraham says, "...the country where I was born..." meaning the country of his Aramean fathers Paddan-Aram (part of Aram-Naharaim).

Roughly speaking, this area is situated in present south-eastern Turkey. A section of Paddan-Aram is now called TurAbdin in the Aramaic (Syriac) language, which means "the mountains of the servants of the Lord", due to the overwhelming presence of monasteries and churches. According to the Aramean historical traditions, the area of Paddan-Aram- in particular Tur Abdin' - is the proto-land of the Aramean nation. From this proto- or indigenous land, in the course of time, the Arameans started to expand all over the near east. Because of overwhelming presence of Arameans in the southern part of Aram-Nahrin, in the era of early Christianity, it was called Beth-Aramaya, meaning (in Aramaic) "the house of the Arameans".

Regarding Beth Aramaya, Yacob Avgin Manna (Jacques-Eugène Manna 1867-1928), Bishop of the East-Aramean Chaldean church wrote, "The people from Babylon and Assur, are Arameans. The countries of Babylon and Assur were always called Beth Aramaye, that means country of the Arameans, "[1]

Regarding the proto-land "Tur Abdin"; the East- Aramean Chaldean metropolitan Aday Sher, born in 1867 in Shalalwa [Northern Iraq] and became the archbishop of Seert [Turkey]; says,, "The first inhabitants of Tur Abdin are the Arameans, for they inhabited the whole Mountain of Masios... This is also repeated by Patriarch Afrem Barsauwm[2]", also called 'the star of the middle-east'

Aramean people (including "Assyrians" and Chaldeans) and the Christianity

After the coming of Jesus Christ, the Arameans (including Assyrians and Chaldeans) of Aram-Naharaim accepted the teachings of Christ and established together with the apostles of Jesus and the converted Jews, the Syrian. Church of Antioch, the second Patriarchy after Jerusalem, where for the first time the followers of Jesus Christ were called Christians (Acts 11:26). This church was the mother of all the Churches and the first Church established outside Israel, whose Patriarch currently resides in Damascus, Syria[3].

The Arameans where spread throughout middle-east. However, in the very beginning of the Christianity; geographically they were divided into East-Arameans; those living in Persian Empire and West-Arameans; those living in the Roman (Byzantine) Empire. The Church in the Roman Empire: Syrian orthodox church of Antioch; the mother Church; with Antioch as the Ecclesial Jurisdiction.

The Church in Persia: The Church of the Eastorthe Church of Persia, Seleucia Ctesiphon and the seat of the Catholicos. However the Arameans in Persia were still under the jurisdiction of Antioch.
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<tr>
<th>Year</th>
<th>Event</th>
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<tr>
<td>1552 AD</td>
<td></td>
<td>The Arameans of Aram-Nahrin (Mesopotamia)</td>
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<tr>
<td>1431 AD</td>
<td></td>
<td>The Syrian Orthodox Church of Antioch (33-37 AD) - The first Church outside Israel and the mother of all the Churches</td>
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<th>Year</th>
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<td>451 AD</td>
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<td>The Syrian Melkit Byzantine (Rum) Orthodox Church, the royalists to the emperor, followers of Chalcedon since 451 (Syria, Israel, Jordan, Egypt, Lebanon and the West)</td>
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<td>1724 AD</td>
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<td>Syrian Melkite Byzantine &quot;Rum&quot; Catholic Church since 1724</td>
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<tr>
<td>1783 AD</td>
<td></td>
<td>Syrian Catholic Church converted to the Roman Catholic Chalcedonian Church since 1783 (Syria, Lebanon, Iraq, Egypt and the West)</td>
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1) Please find here the testimonies of the brilliant historians of the Syrian Church of Antioch concerning synonymy Aramean/Syrian for one and the same people; 'Beth- Aramaye" or "Beth-Iromoyé", "Proto-land" Tur Abdin/Paddan- Aram:
   [http://wwwARAMNahrin.ORG/English/Testimonies_Historians.htm](http://wwwARAMNahrin.ORG/English/Testimonies_Historians.htm)
2) [http://wwwARAMNahrin.ORG/](http://wwwARAMNahrin.ORG/)
3) More on the establishment of Syrian Orthodox Church of Antioch:
   [http://wwwARAMNahrin.ORG/English/SyrianChurchOfAntioch.htm](http://wwwARAMNahrin.ORG/English/SyrianChurchOfAntioch.htm)

Iraqi Christians: [http://www.IRAQICHRISTIANS.INFO](http://www.IRAQICHRISTIANS.INFO)
Statement by Daniel Ole Tenaai - Olpadep-Kenya

olpadep@yahoo.com OR dtenaai@yahoo.com

Mr. Chairperson, Distinguish guest, ladies and gentlemen and fellow indigenous peoples my names are Daniel ole Tenaai from Olpadep Kenya.

Mr Chairperson, in Kenya, indigenous Maasai have been subjects of land dispossession from the turn of last century through the Anglo-Maasai treaties of 1904 and 1911 and of consequent African regimes through expropriation of their grazing territories for the establishment of National Parks, Game Parks, Game Reserves, Military installations, training grounds, commercial centers’, railroads and highways, government forests.

Other means of dispossession have been the commercialization of land, undermining of pastoralism so as to make Maasai peoples sell off their lands in order to survive, enactment of skewed land policies and outright land grabbing. The remaining Indigenous Maasai lands are also being exploited for eco-tourism ventures, mining, generation of geothermal power, tronar (soda ash) movie locations, horticulture, archeological sites/digs, housing projects for slum families and foreign military excursions. In addition Maasai peoples culture and artifacts have been used to market the country as a conservation conscious tourist destination as well as portraying the country as culturally rich.

Most of these ventures are commercial involving multi million dollars but indigenous Maasai remain among the poorest of the poor with such areas as Magadi division of Kajiado district (home to the multi million Magadi Soda Company harvesting tronar from Lake Magadi) recording poverty levels of 68.39%. Indigenous Maasai people's attempts at addressing this crushing burden of exploitation and discrimination has often been met with hostility by government resulting in injuries, deaths, incarceration and trumped up charges.

In other areas i.e. Laikipia and Samburu, women have been brutalized and raped by foreign military training in these areas, people and livestock maimed or killed by munitions left behind by the same (British) army personnel. Despite the ongoing case against the British army by Maasai women, the government has covertly renewed a US$ 4 million agreement for the continuation of these exercises before the case is heard and determined.
RECOMMENDATIONS

1. International and Local Human Rights agencies to initiate a process of addressing Maasai Indigenous Peoples Human Rights Abuses by State and also Historical Injustices on lands and natural resources.

2. Full involvement and integration of Ingenious Maasai in the Millennium Development Goals process as they are already disadvantaged due to obtaining skewed government processes.

3. International bodies and agencies to lobby/push the Kenya government to equitably distribute with special emphasis on resources sourced from indigenous Maasai territories.


5. Push and lobby the Kenya government to ratify all international instruments on indigenous peoples with special emphasis on UN Draft Declaration and ILO 169.

6. Recognition and acceptance by Kenya government of indigenous peoples right to self determination

Thank you for listening me.
Conferencia concerniente al punto: Resolución de Conflictos. Manera tradicional, según nuestra mentalidad y cultura milenaria indígena, de resolver los conflictos evitando en lo posible una guerra.

Sr. Presidente, autoridades, hermanas y hermanos indígenas una vez más un saludo fraterno. Deseo participarles con mucho orgullo que estoy cumpliendo 35 años de voluntariado por los derechos humanos, con mis conferencias, preparación y participación a congresos. Como embajadora de mi Pueblo son ya ocho años, igualmente son ocho años asistiendo a nuestro Grupo de trabajo. A través de la historia hemos tenido conflictos más o menos fuertes sin llegar, en general, a los extremos de una guerra interétnica y menos aun de una guerra con las dimensiones y consecuencias catastróficas que conocemos actualmente. En los tiempos anticoloniales Los Pueblos Indígenas, con sus culturas y civilizaciones milenarias, todas diferentes unas de otras, se regían por leyes de tradición oral o escritas en antiguos pergaminos de piel de venado y de otros animales, también se servían del grabado en piedras o en arcilla. Otras veces, los grabados y las pinturas se hacían sobre las paredes de grutas, escogiendo la parte más lisa y sólida, para que estos dibujos o escritos pudiesen conservar sus mensajes, reglas y leyes por toda una eternidad o por lo menos por un largo tiempo.

El arma más utilizada, en estas circunstancias, era el diálogo, las conversaciones y discusiones podían durar horas, días, semanas, meses e incluso años. Todo esto para impedir que los jóvenes y hombres maduros se asesinaran en una eventual guerra, dejando los hijos, esposas y familiares huérfanos y sin ayuda material. El último recurso era un duelo de dos guerreros, representante cada uno de su Pueblo, esto se hacía sin armas y se continuaba la pelea hasta que uno de ellos venciera al otro. Había también el juego con una pelota hecha de material vegetal o animal, el ganador era el que tenía la pelota en sus manos o lo más cerca posible de él en el momento de la puesta del sol.

Todo esto Sr. Presidente para explicar que éramos tan civilizados que no teníamos necesidad de guerras fratricidas, porque todos los indígenas nos considerábamos y nos consideramos hermanos formando un solo Pueblo. Es cierto que en muchos casos se tenía que llegar a la guerra y también es verdad que en ciertos casos esta se hacía con una ferocidad casi sin límites. Pero quiero decir que antes se hacía todo lo posible para no llegar a estos extremos trágicos. Leyendo La Vida Cotidiana de los Aztecas en Las Vísperas de la Conquista Española encontré muchas afinidades en la manera de hacer los preparativos para un eventual conflicto armado. Advertencias, fechas y plazos, sugerencias, intercambio de consejos durante el tiempo necesario. Todo esto permitía a los adversarios poder reflexionar a las consecuencias del conflicto y al mismo tiempo poder prepararse lo mejor posible si no había otra solución.

El que declaraba un conflicto armado tenía que probar su supremacía política, mitra y económica a los pueblos codiciados, había que justificar jurídicamente estas invasiones para ello se regalaban armas y otros objetos simbolizando el conflicto.
armado para establecer un equilibrio entre adversarios y mejor calcular las graves consecuencias globales de estos hechos. Consejos y Asambleas se reunían para exponer las razones de la agresión, proposiciones y exigencias de sumisión eran establecidas y así hasta acabar con los argumentos necesarios para obtener una rendición pacifica de la ciudad codiciada. Nosotros los Cumanagoto y en general las etnias Caribes utilizaban, por lo general, estos métodos antes de llegar al conflicto armado o a una guerra desastrosa, con toma de prisioneros e incendio de las ciudades y aldeas insumisas. Sin embargo era necesario seguir las reglas de matar lo menos posible de personas y en cambio hacer más prisioneros que era lo más justo según la mentalidad de la época donde la esclavitud formaba parte de los hábitos. Los prisioneros podían escoger o someterse a la nueva sociedad, trabajando y tomando esposa entre los vencedores o optar por ser sacrificado o ser esclavo hasta poder pagar su libertad. Los prisioneros eran respetados y podían conservar sus creencias, costumbres y tradiciones pero al mismo tiempo sometiéndose a la autoridad de los vencedores. Todo guerrero aspiraba a morir en plena lucha o a ser sacrificado pero jamás a vivir como esclavo. Esta era la forma de probar su valentía, espíritu de sacrificio y amor a la libertad y a su Pueblo. Tenemos que reconocer que estos comportamientos y esta mentalidad son, según nosotros indígenas, altamente civilizados y dignos. Es por eso que podemos sugerir a las potencias económicas y militares actuales que se inspiren de nuestros ancestros para resolver pacíficamente los conflictos y evitar las guerras.

Porque Sr. Presidente nosotros preconizamos las soluciones pacíficas? porque las soluciones pacíficas tienen la ventaja de permitir a las sociedades de continuar una vida normal en todos sus aspectos, sería a los gobiernos y a los dirigentes de decidirse a encontrar las mejores y más adecuadas soluciones según los casos para evitar las confrontaciones armadas y no mandar a nuestra juventud a un campo de batalla de donde no regresaran y si regresan lo harán liados o psicológicamente frágiles e incluso locos o neurasténicos para toda la vida, sufriendo ellos y haciendo sufrir toda la familia y la sociedad entera. Además del costo terrífico en vidas hay que agregar el costo material de estos conflictos y guerras inhumanos. Otra ventaja de las soluciones pacíficas es la garantía de mantener y conservar los tesoros culturales antiguos y nuevos. Por el contrario la destrucción de la economía y el hábitat se traduce por una regresión social acompañada del aumento de la pobreza y la miseria. Los valores intrínsecos de los Pueblos y los derechos humanos son vapuleados.

La destrucción material es acompañada de un egocidio y un ecocidio continuos. Hay un deseo enfermo que tiende a hacer desaparecer las culturas y civilizaciones vencidas. Todos estos hechos tienen que ser analizados en su globalidad y deben ser tratados como verdaderos síndromes de nuestras sociedades en mutación gobernadas por dirigentes bélicos e irresponsables. Para terminar Sr. Presidente es necesario recordar las épocas florecientes de nuestros Pueblos antes de la colonización europea. Los Pueblos Indígenas del Mundo tenemos detrás de nosotros grandes civilizaciones antiguas decenas de veces milenarias, que pueden inspirarnos para no cometer las mismas faltas que se vienen cometiendo desde hace siglos. La sabiduría del diálogo es legendaria y podemos evitar genocidios, ecocidios y etnocidios innecesarios. Todos tenemos derecho a la vida y especialmente nuestros jóvenes que son el futuro de la humanidad. Gracias Sr. Presidente gracias a todos.
The Indigenous peoples and conflict prevention and resolution.

Thank you Mr Chairperson

Honourable delegates, ladies and gentlemen, my name is Mofak SALMAN, I am honoured today to have been granted this opportunity to partake in the twenty-fourth session, Indigenous peoples and conflict prevention and resolution. My objective is to draw your attention to the current human rights and economic situation of the Turkmen of Iraq and conflict prevention and resolution.

After the occupation of Iraq, the Turkmen, Arab and Chaldo Assyrians had high expectations of the interim administration established after April 9, 2003. The Turkmen expected to see democracy, fairness, an end to discrimination, the right to self-determination and an end to violence. Unfortunately, the opposite has occurred regarding the human rights situation in Iraq, in particular concerning the Iraqi Turkmen. Presently, the Turkmen have been undergoing campaigns by the Kurds in Turkmeneli in an often more brutal fashion than carried out on Kurds by Saddam Hussein. The Iraqi Kurds are attempting by various methods to eliminate Turkmen identity especially from Kerkuk City in order to dilute them into Kurdish society.

Kerkuk City, which is located 250km north of Baghdad holds strategic as well as symbolic value for the Iraqi people in general and for the Turkmen especially! The ocean of oil beneath its surface could be used to drive the economy of an independent Kurdistan, the ultimate goal for many Kurds. The Kurds hope to make the city and its vast oil reserves part of an autonomous Kurdistan whereas the Turkmen, Chaldo Assyrians and Arabs are fiercely opposing the inclusion of Kerkuk in an autonomous region. Because of Kerkuk's oil resources and its strategic importance, the fight over the control of the province proved to be one of the focal points of the conflict in northern Iraq.

Kurdish control over Kerkuk could fuel Kurdish nationalism in the region and undermine the rights of Turkmen, Arab and Chaldo Assyrian residents in Kerkuk. Kerkuk itself has become almost synonymous with the abusive Kurdization campaign, which illustrates the persistency of the designs that the Kurds have on Kerkuk. This could lead to instability in the region and, possibly, civil war.

The main objective and intention of the Kurds is to change the demographic structure of the city ahead of the census to be held on the Dec. 31, 2007. To this end, the Kurds have intensified their Kurdization campaign in the city of Kerkuk. The Kurdish officials working at the administration of the Kerkuk Municipality have been confiscating real estate and lands belonging to the town administration with a view to granting them to ethnic Kurds newly arrived in Kerkuk and who are not originally from the town.

Kerkuk's fate has been one of the thorniest issues of Iraq's constitutional process. Under Article 136 of the document ratified by Iraqis on Oct. 15, 2005, a referendum on the status of Kerkuk will be held in the province no later than Dec. 31, 2007. This
will happen only after the Iraqi government takes measures to repatriate former Kurdish residents and resettle Arabs or compensate them.

But throughout Kerkuk and across hundreds of remote farming villages, the Kurdish political parties are doing the job themselves. The PUK has openly declared that the party provides $5,000 to each repatriated Kurdish family. Tens of thousands of Kurds have resettled in the city and surrounding villages over the past year, many with the help of the parties. Within the last three years the Kurdish parties relocated as many as 400,000 Kurds to be settled in the Kerkuk region since Hussein's fall. This was clearly organised and orchestrated by both Kurdish parties in order to change the demography of Kerkuk and the Kurdish parties have been encouraging and offering financial support to all Kurdish families from outside Kerkuk to move to Kerkuk. The demographic structure of Kerkuk has been seriously distorted as Kurds, backed by armed Peshmerga forces, have been migrating into the city in large groups claiming to be original residents.

Several factors should be taken into consideration with regard to the proposed Referendum. The lack of security and stability in the whole of Iraq, coupled with the influence and total control of Kerkuk city by the Kurdish militia would impede a fair and just Referendum. There is also the issue of proven forgeries committed by the Kurdish parties during the last election which impeded the true democratic process for Turkmen, Arab and Chaldo Assyrians in the North of Iraq.

Therefore the Turkmen, Chaldo Assyrians and Arabs demand the total rejection of Article 58 and the referendum in Kerkuk on the final status of the city to be held in 2007. The Turkmen of Iraq declare that Kerkuk should have special status as it has been stated in item (C) & (D) of Article 53 of TAL and this special status should be implemented. If this is not to be implemented then the referendum should not be carried out by the inhabitants of Kerkuk city alone. The entire Iraqi people inside and outside of the country should vote in the referendum since this referendum is an important and vital factor in deciding the future unity and integrity of the whole country.

Taking the present facts presented into consideration, a comprehensive analysis ought to be conducted to further understand the continuous repression of the Turkmen in Iraq. The analysis must to be formulated to include the following recommendations:

1. The Turkmen, as staunch believers in firm national principles, strongly reject the articles 58 and clauses in the Iraqi constitution that do great prejudice against the Turkmen and their national identity. The Turkmen, Arabs and Chaldo Assyrians are extremely worried over efforts aiming to make Kurds a majority in the northern Iraqi oil town of Kerkuk. The fate of the disputed Iraqi city of Kerkuk is vital for all of Iraq and a planned referendum on its status should be held across the country, not in Kerkuk only as intended now. The Turkmen declare that Kerkuk is an Iraqi city and all the people of Iraq should decide on its fate. A referendum to be held only in Kerkuk would not be acceptable and valid since it is extremely easy to manipulate election results in the city. The issue of Kerkuk's status is potentially explosive for Iraq, and ethnic conflict over the city could spark violent clashes and even a civil war across Iraq, that could eventually lead to disintegration of the country. Unless the international community acts soon to resolve mounting tensions in Kerkuk, the result could well be yet another violent communal conflict in Iraq, risking full-scale civil war and possibly outside military intervention.
2. The Iraqi government should invite the UN Security Council to appoint an envoy to start negotiations to designate Kerkuk governorate, as a stand-alone federal region for an interim period and the U.S. should place its weight behind such an UN-brokered political settlement.

3. The Turkmen demand the disarmament of the Kurdish militia and the utilisation of the UN troops in North of Iraq as a peace keeping force instead of the US troops since the Kurdish militia in the north of Iraq are terrorising the population.

4. The Turkmen demand the ratification of the new constitution to include the fact that Iraq consists of Arab, Kurds and Turkmen.

5. Turkmen demand the cessation of the Kurdisation policies, and demand a more active role from central government in Baghdad to halt both Kurdish parties from changing the demography of the North of Iraq.

6. Turkmen demand the repatriation of all the Kurds who were brought to Kerkuk and surrounding areas from other provinces, such as Iran, Turkey, Syria and north of Iraq to be return to their original places.

Mofak SAlMAN
Iraqi Turkmen Committee

Turkmen

The Iraqi Turkmen live in an area that they call "Turkmenia" in Latin or "Turkmeneli" which means, "Land of the Tuhmen. It was referred to as "Turcomania" by the British geographer William Guthrie in 1785. The Tuhmen are a Turkic group that has a unique heritage and culture as well as linguistic, historical and cultural links with the surrounding Turkic groups such as those in Turkey and Azerbaijan. Their spoken language is closer to Azeri but their official written language is like the Turkish spoken in present-day Turkey. Their real population has always being suppressed by the authorities in Iraq for political reasons and estimated at 2%, whereas in reality their numbers are more realistically between 2.5 to 3 million, i.e. 12% of the Iraqi population.

Turkmeneli is a diagonal strip of land stretching from the Syrian and Turkish border areas from around Telafir in the north of Iraq, reaching down to the town of Mendeli on the Iranian border in Central Iraq. The Turkmen of Iraq settled in Turkmeneli in three successive and constant migrations from Central Asia, which increased their numbers and enabled them to establish six states in Iraq.

Article 53 of TAL, quote "(A) The Kurdistan Regional Government is recognized as the official government of the territories that were administered by the that government on 19 March 2003 in the governorates of Dohuk, Erbil, Sulaymaniyah, Kerkuk, Diyala and Nineveh. The term "Kurdistan Regional Government" shall refer to the Kurdistan National Assembly, the Kurdistan Council of Ministers, and the regional judicial authority in the Kurdistan.

(B) The boundaries of the eighteen governorates shall remain without change during the transitional period.

(C) Any group of no more than three governorates outside the Kurdistan region, with the exception of Baghdad and Kerkuk, shall have the right to form regions from amongst themselves. The mechanisms for forming such regions may be proposed by the Iraqi Interim Government, and shall be presented and considered by the elected National Assembly for enactment into law. In addition to being approved by the National Assembly, any legislation proposing the formation of a particular region must be approved in a referendum of the people of the relevant governorates.

(D) This Law shall guarantee the administrative, cultural, and political rights of the Turcomans, Chaldo Assyrians, and all other citizens." Unquote as the referendum on the Kerkuk is approaching, we are plighting from you and your government to allow a special status for Kerkuk City. After the liberation Iraq from, the Kurdish parties have changed the demography of Kerkuk city by bring over 400,000 Kurdish to Kerkuk as a preparation step for the incoming referendum that would be held in 2007.

Mr Chair person, ladies and gentlemen and fellow delegates. Please accept warm greetings of the day from our people. The Indigenous Peoples of the world are generally peace loving and enjoy their life styles to the full in their natural environments. The conflict starts when their way of life is interfered with by the changing time and situations of the world. I give you some of the examples;

1. When there is no respects and regards for their languages, cultures and heritage by the non Indigenous individuals, groups and authorities.
2. Their traditional right of access to common lands, forests and water resources are taken away without their prior, informed and full consent.
3. They are displaced from their homes for the development projects and mines for the greater good of the nation without consultation with them.
4. Inadequately compensated and in appropriately rehabilitated
5. And more importantly the violation of their basic human rights

Prevention and Resolution of these conflicts are possible with little understanding of the sentiments and emotions of the indigenous peoples.

1. Clear and sympathetic understanding of the life styles of Indigenous Peoples by the government and non indigenous individuals and groups
2. Any interference with the access to their lands, forests, water and mineral resources need to be discussed involving them from the very beginning.
3. Similarly they need to be involved from the beginning in the decision making process of any development projects affecting and displacing them from their homes and their prior, informed and full consent taken.
4. The compensation and rehabilitation need to be mutually agreed and adequately funded.
5. Their life styles and customary laws and practices need to be restored as much as practical in their new places and homes. Mr Chair person, I believe these measures will help prevent and resolve conflicts and I thank you all for your kind and sympathetic hearing. THANK YOU ALL AGAIN
Greetings to the indigenous brothers and sisters and to the members of the honourable Working Group.

My name is Leonard Bennally of the Sovereign Dineh Nation, resident of Big Mountain, Black Mesa, Arizona, in North America.

Mr. Chairperson,
We have travelled a long road of political, legal, peaceful and economic struggle. The harsh realities of the life in this frustrated paradise kept the pot boiling from generation to generation. The government of the USA and Peabody Coal Company are trying to damage the prestige and our forces among the population. A good number of people would like to shatter completely the already fragile and cracking process and create grounds for the executor to execute a genocidal policy against us. The Senate Bill S-1003.

They are preparing to move us from isolation on the Hopi Partition Land unto the executing table to be executed in the process of annihilation. And now they are beginning to surround us politically and ideologically. The present conflict unmasks once again, the federal government, Hopi Rangers and the Hopi Tribal Police, as well as other Law Agencies reveals their true character and purpose: indiscriminate repression, the violation of all human rights and the total lack of police ethics and honour.

A strategy war plan was set in place by the U.S. authorities with the following points:

1. The Indian Removal Act of 1830 and the forced relocation program of 1974 have caused a lot of grave conditions for our people throughout the Hopi Partition Land area. The policy of extermination of July 7th, 1876, almost a century to the day after the signing of the declaration of independence.
2. The illegal livestock impounding of Dineh families living on the Hopi Partition Land.
3. The desecration of the camp Anna Mae, sacred sun dance ceremonial site, August 17th, 2001.
4. U.S. national energy policy. The tremendous resources of coal and uranium, the lack of concern, technology and money for remediation led many bureaucrats and scientists to advocate the designation of our lands as "national sacrifice areas" to be killed on the altar of industrial and military energy needs with both Navajo and Hopi removed to another area.
5. Senate Bill S-1003 is just the latest battle in an ongoing war arising out of industrial society and its voracious appetite for energy. Now they mock the march of our dead by flinging contemptuous coins at their feet. As long as they speak with contempt, how can there be peace in our land?

Recommendations to secure peace:

We urge the U.S. bodies to immediately stop the genocidal policy against us, to stop wasting our scarce water resources.
We urge the respective United Nations and the US bodies to face that water must not be commercialised or privatised.
Our people needs free access to our own water.
We also urge the U.S. bodies to stop any form of desecration of our own motherland, the Black Mesa.
We have the constitutional right to express our religion and we want that right to be respected.

Peace is not possible in an atmosphere of deceit. Peace is born in freedom, it grows in justice and is a democracy for all.
So that much death will not be wasted, so that the truth will return to our land.

Thank for your attention.
Moussa Ag Assarid  
Vice président ONG ETAR  

24e Groupe de Travail des Nations Unies sur les Peuples Autochtones

Parole de touareg*

Monsieur le Président, Mesdames et Messieurs ici présents, les grains de sable du Sahara et de ses habitants par ma voix vous saluent :

Ainsi le rêve du petit berger devient réalité, celui de porter jusqu'ici à l'ONU le message des « sans voix »

Du 19 au 25 juin dernier a eu lieu à Pau, dans le Sud-Ouest de la France, un FIPAU et a réuni une trentaine de délégations, plus de 150 autochtones. Nous avons pu faire connaissance en échangeant autour de nos réalités et nos préoccupations respectives. Nous avons créé un site Internet et invitons les autochtones à nous y rejoindre : wvvav.indigenous4earth.org. L'occident a créé la démocratie qu'il a inculquée au reste du monde en lui faisant toutes les promesses de la terre. La démocratie en fait est la dictature de la majorité sur la minorité. Nous en souffrons nous peuples autochtones.

Les années passent et se ressemblent pour certaines populations de notre planète. La communauté Touarègue vit une période charnière de son histoire. Notre culture, l'une des plus anciennes du monde est aujourd'hui malmenée par les bouleversements de l'Histoire. Les sécheresses successives et répétitives rendent la vie nomade de plus en plus difficile au regret des éleveurs que nous sommes par essence. Nous sommes pris en état entre l'Afrique du Nord qui nous renvoie vers un ailleurs lointain et l'Afrique Noire qui nous assimile à « des venants d'on ne sait où et qui n'ont qu'à retourner chez eux. »

Nous sommes obligés de nous regrouper autour de ce que l'administration appelle communément les sites de fixations de pasteurs nomades. L'espoir est de vivre en ayant de l'eau et de subvenir aux besoins essentiels par d'autres activités que l'élevage tels que le maraîchage, le commerce et l'artisanat.

L'autenticité de nos coutumes et la beauté de nos contrées (désert) sont usurpées par certains Occidentaux qui pensent nous connaître mieux que nous-mêmes et écrivent notre histoire à notre place. Ils vivent de notre image en négligeant la profondeur de notre âme.

Le réchauffement de la terre-mère est plus cruel chez nous que presque partout ailleurs. Nous le subissons sans l'avoir provoqué. Le désert avance à pas de géant, plus de 5 kilomètres par an selon les spécialistes.

Le monde nomade est donc au croisé des chemins. Saura-t-il adapter le modernisme à son mode de vie ancestral ou disparaîtra-t-il, absorbé par le monde globalisé ? C'est le grand défi des années à venir.

Pour communiquer avec le reste du monde, les nomades ou semi-nomades que nous sommes, doivent savoir se servir des mêmes outils de communication que les autres c'est-à-dire la technologie, qui se nomadise aussi de plus en plus. Ainsi nous aurons les mêmes armes de combat que le reste du monde afin que la culture des sables possédant sa propre langue, le Tamashaq et sa propre écriture le Tifinagh résistent aux tourbillons de la mondialisation et lui apporte le bleu de son arc-en-ciel...

Moussa AG ASSARID  
mail : agassarid@yahoo.fr

Ecrivain -journaliste-
Le conseil des droits de l'homme doit prendre en mains avec sérieux et courage la prévention et résolution des conflits dans le monde. Les conflits les plus dangereux puisqu'ils sont, dans la plupart des cas, source de massacres des populations civiles à grande échelle et des affrontements ethniques se déroulent principalement en Afrique au sud du Sahara. Pour ma part, je pense que la source de tous ces conflits était le tracé arbitraire des frontières opéré à dessein par les colonisateurs pour perpétrer leur hégémonie. Ce tracé a été accepté et par les dirigeants de ces pays à l'époque et par les instances africaines comme solutions aux bouleversements éventuels.

Avec le temps et les expériences vécues ces dernières années, cette solution s'avère mauvaise et ne peut qu'augmenter les souffrances et les guerres interminables dans les Etats africains. Au nom du Droit d'autodétermination des peuples reconnu dans la Déclaration des Nations Unies, une réflexion devra être menée pour l'application de ce principe à tous les Etats qui font face actuellement à des conflits politiques dont l'origine apparente est ce tracé. Ainsi, les ethnies seront regroupées dans des pays dont elles étaient rattachées par l'histoire et la géographie et selon leur souhait souverain. Comment des peuples sous développés qui ne souhaitent aux autres que la disparition - le génocide en Afrique est là pour le rappeler - peuvent-ils former une nation ?

Avec l'éclatement de l'Union Soviétique, des nouveaux Etats homogènes ont été créés sur ses cendres sans couac aucun et ces Etats sont aujourd'hui en train de faire leur chemin parmi les nations. Il faudra que les Nations Unies se penchent sur les origines réelles de ces conflits et adoptent les solutions qui s'inspirent de ces réflexions. Dans la plupart des pays sous développés qui connaissent ces conflits, les dirigeants se comportent en chefs de milices ethniques qui cherchent à dominer de force les autres avec les moyens de l'Etat qui, dans leurs entendements, doit servir leur clan composé essentiellement de leur ethnie.

Les Nations Unies devront se pencher aussi sur le rôle des media en Afrique dans l'exaspération des conflits. La presse Africaine est indexée dans les pays en conflits pour avoir joué un rôle très négatif encourageant les affrontements inter-ethniques ou prendre des positions d'encouragement de la poursuite de la guerre. L'exemple entre autres est en Côte d'Ivoire ou la presse pro-Bagbo est devenue le porte voix des extrémistes et des génocidaires, au Mali, tout récemment avec le début de la lutte des Touaregs à Kidal, la Presse Maliens dans son ensemble ne cesse d'appeler à la guerre et à la haine, il suffit d'ouvrir le site de journaux maliens pour voir des articles semblables à ceux de radio Mille Collines de Rwanda du temps du Génocide. Le Conseil des Droits de l'homme devra recenser tous les cas de manquement de la presse en Afrique en rapport avec les conflits en vue d'en sanctionner les auteurs en les livrant au tribunal international de la Haye.
في أعقاب أنتفاضة 15 نيسان/أبريل 2005 السلمية التي كانت بمثابة إطاحة جديدة لعناصر الشعب الأحوازي في سعيه لتحقيق حقوقه القوميّة المشروعة ورفضه للقمع والتعذيب ووقوفه بوحدة سياسيات محسنة بالهوية ومصادرات الأراضي وبناء المستوطنتين والعملية بالحرية والديمقراطية.

وبالإضافة إلى احتجاجات الشعب العربي الأحوازي أصبحت هاجساً تورق النظام الرئيسي والمثير من احتمال انتقال السلمية النضالية المستمرة في الأحواز كقرارة إلى هضام السخط المزروع بالترقب الذي تعيشه كافة الشعوب الأيرانية.

فيما حول النظام الإيراني أفلام الأحواز إلى كتلة عسكرية تمدد أعدادها هائلة من قوات حرس الثوري والتعبئة والجيش وتتخذ مصارف حزب النضال الحر三维ي الذي يدعوا إلى إقامة نظام أحادي (فوتالي) ديمقراطي في آية بأن أعداد العناصر والوحدات العسكرية التي تنقلها إلى الأقصى هي ضعيفة القوى المستنيرة كانت تضفي الحرب ضد العراق خلال الثمانينات.

وعلى نفس الصعيد قام النظام الأيراني عبر تحريك أجهزته الأمنية بشن حملة اعتقالات عشوائية وقائية واسعة في صفوف النشطاء الأحواز، حيث رغم أن قراءة هؤلاء يؤمنون ب سبحانه المسلمين معتبرين نضالهم جزءًا من نضال سائر الشعب في إيران، ويسقرون عن العنف جملة وتفصيلا ولا يعلمه على استعداد آخرين ضد النظام لأنهم يتعلمون بأن السياسات الداخلية القمعية والخارجية المتورطة هي وحدها كافية بناء جهية دولة أخرى داخلية ضد نظام الفقية.

وامتداراًًاً سياساته الإرهابية فقد شكل النظام الأيراني فرقة خاصة لتصفية أو اغتيال النشطاء الأحواز في العراق حيث تم مسؤولاً أختطاف عدد من الأحواز في هناك ونقلهم إلى السجون الإيرانية ومسن ضمنهم محمد الساعدي وأعتق بعض الأحواز في العراق وعلى رأسهم تم إعدام الشرهاني وسلام جم صاكي من سوريا في دمشق.
Unrepresented Nations and Peoples Organization

UNPO Monitor  
Day IV

UN Working Group on Indigenous Populations  
24th Session  
31 July to 4 August 2006
Index

1. WGIP Day I: UNPO Commentary .................................................. 4
   1.1 Introduction ................................................................................. 4
   1.2 On Agenda Item 4c: Indigenous Peoples and Conflict Prevention and Resolution ................................................................. 7
   1.3 On Agenda Item 5: Standard-setting ........................................ 8
   1.4 On Agenda Item 8: Future of the Working Group on Indigenous Populations ........................................................................... 9

2. Side Events ................................................................................. 11
   2.1 International Day of the World’s Indigenous Peoples celebration in Palais des Nations ................................................................. 11
   2.2 “Is the Sacred for Sale? Tourism & Indigenous Peoples” ........ 12
   2.3 “Exploring the impact of landmines on indigenous populations” .................................................................................................................. 12

3. List of Appendices ..................................................................... 14
1. WGIP Day I: UNPO Commentary

1.1 Introduction

UN Social Forum, Currently in Session in Geneva

By Joshua Cooper, UNPO Senior Adviser

Between 3 – 4 August, the United Nations Social Forum held its innovative format for the fourth year to bring together the people most directly affected by poverty to speak for themselves inside the United Nations. The UN Social Forum is an example of creativity and compassion created by Sub-Commission member Jose Bengoa. In its fourth year, Bengoa was again elected chair and the theme is the Feminization of Poverty.

The format of the UN Social Forum is unique in its approach compared to other special procedures. Its structure allows for all people to participate. It also offers flexibility for dialogue and also creates a human rights framework to review the imminent issues facing humanity. There are four panels featuring elements of all actors in international affairs. The panelists cover all aspects of the theme and then there is open participation from the floor. Another important aspect is the analysis of documents to develop standards.

An important focus of this year’s UN Social Forum is to explore possible ways to continue its essential work in cooperation with the newly created UN Human Rights Council.

Below is a summary of the opening session.

Social Forum 2006
3 – 4 August Conference Room XXVI

Ms. Mehr Khan Williams, Office of the High Commissioner for Human Rights:

The UN Social Forum is established to listen to the voice of the most vulnerable and the program to eradicate poverty is from the grassroots experience of those directly experiencing the situation. Representatives of the most vulnerable groups examined the destitution and offered suggestions for solutions. Last year HCHR noted that poverty largely derives from woeful neglect and discrimination. Plans that promote exclusion create further inequality and marginalization. Poverty toward economic growth alone is self defeating. Those active in the field of human rights would recognize these insights to be very true. Women are caught in poverty and excludes from recognition of human rights.

The theme is The Fight Against Poverty and the Right to Participation: The Role of Women. This should be looked at in terms of MDG Goal 1. It is a prerequisite to overcoming poverty, hunger and disease. From a human rights and development perspective, it is futile to focus only on outcome without examining the processes of development and how it affects the winners and losers. We do have a very strong
arsenal. We do have CEDAW and its OP, the Beijing Declaration and the Security Council 1525 on Women and Peace in Security. We are also making progress to mainstream gender in the UN. These instruments by themselves do not change deeply entrenched situations of patriarchal practices. Practical ideas must abound to reach the agreed goals of equality and human rights of woman. Women must be empowered to take their cause into their own hands to be allowed to have choices. It is not only a human right. It is an indispensable tool in the fight against poverty. The OHCHR is seeking to do its own part. The HCHR POA and Strategic Management Plan attach great importance to advance poverty reduction and the MDG. Two new units have been created, dedicated to these topics: MDG and Right to Development Unit & Woman Human Rights & Gender Unit. When these two units are up and running the office will be able to make a more effective contribution. To have greater coherence, there is also a proposal to bring CEDAW to Geneva. Women’s rights are also human rights and they must be seen as other HR in the same place with the same degree of support.

As you are well aware, we have a new and stronger Human Rights Council. It is a time to reflect upon and critically reflect upon the former bodies of the CHR. The HRC expects it to contribute to the review of the Sub-Commission with the vision of expert device. Practical solutions to assist in fighting poverty and human rights. UN General Assembly will look at the decade and the fight against poverty.

Jose Bengoa, UN Sub-Commission Member and Chair UN Social Forum:

First and foremost, we are clearly very pleased and satisfied that this meeting is being held. There are a number of new faces and you aren’t familiar with the background. Last year in August, we had the last meeting of the UN Sub-commission. Many of us thought it was the last meeting we would be having. At the time, the situation was very uncertain. No one knew how the HRC would be set up nor was the future of Sub-commission known and the Social Forum is there. This situation prevailed throughout the year until about a month ago. We didn’t know if this meeting would even be held. I would like to be clear and very sincere that you forgive us if there are any logistical difficulties. With a great deal of effort is has been made possible with great deal of effort. In that regard, I would like to thank Madam Chung. She prepared documentation and want to say she had very little time to do so. We are very appreciative of her efforts. I would like to request an understanding. The second matter I would like to bring to mind is the purpose of this forum. As was clearly indicated, this forum was organized a couple of years ago in order to put on the table of the UN the issue of poverty, the poor, the relationship between human rights and poverty. We as a group thought over a long period of time that it was necessary to have a place within the UN specifically Geneva where we could discuss this complex matter. It is true the subject of poverty is very current and present in all international for a. What is meeting is a context for analyzing this subject as provided by human rights. That is different. Generally speaking if you follow international meetings, you will see the theme off poverty ranks high on the list and generally speaking it is addressed as either economic or humanitarian issue. What we attempt to do in the Social Forum as in the past to tie in the system of human rights with world phenomenon of ever increasing issue of poverty. One of the great embarrassment or shame for humanity is the gap between amount of wealth and poverty also prevailing in many countries. It is also evident in the so called rich countries. One of the main characteristics of the world it seemed a reform from this point of view was necessary.
In recent years in the Social Forum we had the good fortune of systematically analyzing various situations that arise and are of poverty. This is how the first subject was examined the issue of food. In many countries, the issue relates to hunger and the basic need of survival to eat. It was a good starting point. We look at nutrition and food. We also look at the rural world. For two sessions, we looked at the consequences of globalization on the real world. We see the rural world has become insufferable. Rural poverty has taken on drastic dimensions. People lived in modest existence they were able to live. These ties have been broken down by what happens in the world. We see migration. We see young people leaving in a small boat or small vehicle. Young people full of hope in despair and death. These are issue we looked at. We have seen the development of programs to assist. Finally, last year we saw the issue of poverty and women's condition emerge with great strength. It is an issue that has been around for some time. The issue we should be looking at is women. I would say that for two reasons we should be looking at this. The first was indicated by the representative of the HCHR, in many parts of the world, poverty takes on the face of a woman. In many parts of the world due to various means, the poorest are the women and girls. This is true despite the fact that family and people as a group might live behold the threshold of poverty and in the space women live worse. We will clearly analyze that. But that is the first reasons. There is another reason that is important. In the WG on Poverty and Human Rights, we were no doubt fortunate to attend meetings around the world discussing poverty with grassroots groups of people. I had the fortune to go to India, Brazil to set up participatory active discussions with people who are poor and organizations that work with poor. In all of those meetings, we mostly worked with women. The organizations to help the poor are generally made up of women. We see people fighting for better housing and living conditions. I get the impression that is pretty much true elsewhere. Women have a great deal of power and positive strengths. They have the strength of hope and enormous capability. I did bear witness and that should motivate us. We make a concrete call for development agencies to help woman and they are the ones in the greatest position to empower themselves to get out of the situation they find themselves in. The third issues is as follows. The GA asked the Sub-commission to meet one last time. We should never say the last time. We were given the mandate to meet one more time to provide information and that is why the social forum has the particular objective of opening a debate among governments, NHRIs, NGOs. The objective is to debate the role of the fight against poverty in this new human rights forum in the UN – the HRC. It is essential to draw up recommendations. We must be careful so issue of poverty is not the poor relative in the UN reform process.

We must propose institutional bodies and mechanisms and imaginative ideas. That is why I call on all governments to take part actively in this debate which has the goal of providing proposals. When we have urgent pressing human rights problems that should be the object of debate it would be grateful if extreme poverty was part of the process. It is an issue that has been with us throughout history which damages human rights. We have divided the debate in four panels. We will start the first panel. From different continents, we will work as part of the fight against poverty often out of poverty themselves. This is the perspective we must never lose.

We will have specific proposals on the issue of poverty and women. By its nature, the Social Forum looks at issues of substance. We will be looking at issues of women and poverty. We will have first presentation of the document on the draft guiding principles on Extreme poverty and human rights: the rights of the poor. It is important. The document as a whole of how we should be pursuing. That is the subject for
consideration. Tomorrow the debate can be fruitful and informed. We had many meetings consultative meetings with organizations that fight poverty and poor people. Thanks to the support of certain organizations we have been able to dialogue with the European organizations as well. It is the outcome of a lengthy proposal and debate. Tomorrow the debate can be as rich as possible. The discussion will be on tangible issues. Also the issue of poverty in the HRC new structure. I hope we will tomorrow to crystallize a number of ideas which will be submitted to the HRC. It will be very interesting to hear governments present and the NGOs as well as the experts present. That is our working program. I think it is an interesting program.

If you are interested in learning more about the UN Social Forum or to participate in the UN Social Forum, today is the final day of this unique format in the framework of human rights. The discussion will focus on a draft paper but also its future in the field of human rights in the United Nations.

1.2 On Agenda Item 4c: Indigenous Peoples and Conflict Prevention and Resolution

“Peace is not possible in an atmosphere of deceit”
- Leonard Bennally, Dineh Nation

Indigenous peoples have their own conflict prevention mechanisms that privilege dialogue. Rosario Cumanagoto made a summary of indigenous practices, indicating that in case of failure to find a solution through dialogue, a ball game would be used and only as a last resort could unarmed combat be allowed, and that traditionally the winners did not seek the destruction of the loser’s culture, ego or existence.

Many speakers saw self-determination as an effective process for conflict resolution. Marielle Lansink, on behalf of the Association of West Papua Students observed that in the case of West Papua the mechanisms for a solution through self-determination were there, but had never been properly implemented. She also noted that they had their own NGOs for conflict mediation, which were sought out by international agencies and institutes for collaboration, but that the Indonesians only allowed Javanese NGOs or individuals to participate and that at times they had even participated under their name.

Abdoulaye Youssouf of Ikouss N’Takarett saw the artificially drawn borders of states as the root of most conflicts; borders had been drawn this way upon decolonization so that colonising powers could maintain their hegemony. He suggested the role of the media in promoting conflicts should be monitored,
giving the examples of the pro-Bagbo press in the Ivory Coast, and the attitude towards the Touareg in Mali. Media abuse for the purpose of inciting hatred and war should be considered war crimes and those responsible indicted and sent to the ICC.

Mario Agreda noted the armies in South America had indigenous soldiers and non-indigenous territories, and that while this was so, brothers could never stand together. He noted all relationships must be built on reciprocity.

Alim Bandara from Timnay Justice and Governance gave the example of what is not a good way of conflict resolution: the Philippines had negotiated the Lumad land away in order to obtain a peace deal with the Moro.

In peace talks in Northern India, initiatives to involve civil society in order to increase scope and understanding in participation were having positive results.

New Caledonia and Mohawk, peaceful occupation of that land but that States had resorted to brute force to enforce their will. Another point in common is that in both cases there is evidence of corruption, which is not investigated.

Ambassador Ronald Barnes urged, on behalf of a group of petitioners, that the Working Paper begun by Alfonso Martinez on the Sequels of Colonization be given continuity and be presented in 2007.

The International Indian Treaty Council noted the important tradition of treaty making as a means of conflict resolution, and that this was neither a relic of the past nor irrelevant to present day and that just as Native Americans kept their side of the bargain, it is reasonable that States should also comply with what they agreed.

The status of the Pacific Caucus noted some of the findings of the Special Rapporteur (SR) on the continued abuse of human rights, measured against existing standards, by States around the world. “These abuses are not resolved year after year”. The SR also noted the gap between official rhetoric, programs and legislation and the actual achievements. The Caucus pointed to a clear need for third party involvement in the resolution of conflicts: The HRC should be challenged to acknowledge, authorise and finance those structures necessary to mediate conflicts between States and Indigenous Peoples.

1.3 On Agenda Item 5: Standard-setting

Mr. Gáspár Biró took the chair during the course of Agenda Item 5. Mr. Yozo Yokota and a representative from the Saami Council commenced by presenting their “Future Priorities for Standard-setting Activities”. The full text of this draft is
adjoined. The Saami Council representative noted the modifications from the previous review of the document, including the removal of “Land and Resource Rights” from the new document. A reference to sport having been added following the last session, it was recommended that this be amended to include games and sport. To the suggestion of Mr. Alfonso Martinez that paragraph 11 be removed, Ms. Hampson replied that she would prefer the addition of another paragraph, reading: “Indigenous peoples should determine what particular items be considered cultural heritage” before para. 11. If para. 11 were then made to read “Protection shall generally be extended to ...” this would provide a basic position from which indigenous peoples could decide the extent of protection required according to their circumstance. On the subject of free, prior and informed consent, Ms. Hampson insisted that this include the right to veto.

Mr. Yokota took the chair for Agenda Item 5b. Suggestions for possible new studies of the WGIP included a contribution by Ms. Cristina Blohm-Seewald and Ms. Rosario Blanco Cumanagoto, representing the University of Lueneburg: “property ownership and indigenous peoples”, the Western concept of property not being in keeping with an indigenous approach, which may be characterised by a more comprehensive view of the world, especially as a responsibility to be passed on from generation to generation. A new term has been introduced in current discourse, that of “common heritage” – as belonging to common good, the property of all and a legacy for future generations. This contribution led to the more general questioning of the concepts utilized by all actors involved in an issue, indigenous and State, and the proposition for a study on this subject.

The Pacific Caucus noted the need for study of structures on an international level to resolve conflicts between States and indigenous peoples in an independent and non-partial manner.

Ms. Hampson suggested that certain proposed issues are covered by the document used for Agenda Item 8. This contains “extraction industries” within the examples of studies whilst “mapping of military land” is covered at the end.

“Self-determination study in context of indigenous populations”, “property and ownership in the context of indigenous rights”, “indigenous medicine”, “children”, “indigenous peoples and media – access and obligations”, “violence against and between indigenous peoples” and “effects of landmines on indigenous peoples” were also proposed by representatives taking the floor.

1.4 On Agenda Item 8: Future of the Working Group on Indigenous Populations

Representatives and members continue debate on the future of the WGIP
Chairperson Yokota, today, reopened Agenda Item 8 during the afternoon session of the plenary. This item is considered of crucial importance in allowing indigenous representatives to have their say on the future, and the future structure of the WGIP.

UNPO accordingly published and distributed a “Call for Consideration of Agenda Item 8” during the Wednesday session of the plenary, in order to inform indigenous representatives and stimulate consideration of and discussion about the potential future of the Working Group, in whatever form it may take.

Consensus was apparent amongst the expert members that the mandates of the WGIP would still be valid, and thus need to be fulfilled by a future body specifically relating to indigenous peoples and human rights.

Earlier in the plenary, a document was distributed on behalf of the experts, to form the focal point of representatives’ statements. Entitled “Recommendations of the WGIP with regard to the two documents which the HRC asked the Sub-Commission to submit” this draft, according to Ms. Françoise Hampson, is the foundation of a document to be presented to the Sub-Commission regarding a request under HRC Decision 2006/102 for the WGIP to submit its “own visions and recommendations for future expert advice to the Council and a list, indicating the status of on-going studies and an overall review of activities.”

This does not need to be done with the collaboration of representatives, but in the interests of transparency, Ms. Hampson insisted, the experts wanted to offer the document for consideration. Ms. Hampson also suggested that those representatives wanting to support the continuation of the WGIP prepare a petition for submission to the HRC.

Transparency is now an integral theme in the newly created HRC.

The document outlines four elements of particular pertinence to the WGIP. These are: use of human rights concerns as an early warning mechanism, action-oriented in-depth studies, advice on standard-setting, and advice from an expert body.

Given the short time period between distribution of the documents and the actual discussion in the plenary, representatives’ comments were limited. When asked by the Chairperson if the topic might be enlarged to discuss members’ views of a future Working Group in general, Ms. Hampson reiterated that the priority was to have comment on the text in hand. It was decided that debate would be more fruitful if members were given the evening to reflect on the document. The Agenda Item was therefore adjourned until 10 o’clock in the morning session of the final plenary, on Friday.
2. Side Events

2.1 International Day of the World's Indigenous Peoples celebration in Palais des Nations

Today, a celebration of the International Day of the World’s Indigenous Peoples was held in Palais des Nations, Geneva.

Yozo Yokota, Chairperson of the 24th session of the Working Group on Indigenous Populations (WGIP) joined representatives from the UN Office in Geneva (UNOG) and the OHCHR in opening this lively celebration of the cultural contribution of indigenous peoples to the international community.

The Director-General of the United Nations Office in Geneva (UNOG) noted the successful adoption by the HRC of the Declaration on the Rights of Indigenous Peoples, stating that in the eleven long years that it took to draft, it has shown how indigenous peoples and States have come together to assure the human rights and fundamental freedoms of indigenous peoples. “The 5,000 languages and cultures that indigenous peoples represent”, declared the DG, “has, despite their diversity, shown a high degree of overlap” in their issues and fights for human rights. The strength of international cooperation in resolving problems faced in areas of culture, education, health, human rights and economic issues is further affirmed by the confirmation, on 20 Dec 2004, of a Second Decade of Indigenous Peoples.

Mr. Yokota welcomed the developments in the HRC as “mainstreaming human rights.” He then reiterated his call that indigenous peoples do not remain as bystanders in deliberations over the future of the WGIP, proclaiming that he “wanted to turn the challenge ahead into an opportunity.”

A fraternal set of performances followed, bringing together representatives from all corners of the globe in this cultural celebration. A united Russian delegation delighted the crowd gathered with traditional songs and poetry whilst a representative from Ecuador and his Peruvian compañero offered a haunting rendition of El Condor Pasa.

The Maasai performed a jumping dance and chorale song. Enthusiastic participation by groups Hmong, Zo, American Indian nations, and north and west-Africans also gave a real flavour to the event. Meanwhile the Rapa Nui delegation to the WGIP stood out, painted as they were in white, and singing and dancing to the sounds of a konch shell and guitar.

The event was ended by a Round Dance organised by the North American Indian delegations, too large a group to from one circle, participants held hands dancing, in several circles around a central drum.
2.2 “Is the Sacred for Sale? Tourism & Indigenous Peoples”

Ms Alison M.J. Johnston, Director of the International Support Centre for Sustainable Tourism, presented in the framework of the WGIP her recently published book entitled “Is the Sacred for Sale? Tourism and Indigenous Peoples.” According to her, tourism is the fastest growing industry in the world and can severely harm indigenous people by touching upon their lands and intellectual property.

Tourism is often seen as a magical solution for the elimination of poverty, presented to Indigenous Peoples as a panacea to all their ills. Although it can be positive in some circumstances, it has proven to have several adverse effects.

Ms. Johnston believes that the problem has not improved over the last 15 years and urges on the necessity to respect people’s life, to gather people and to heal colonial relationships, “we have to reconnect our heart and not just use our eyes.” She also emphasised that ecotourism may sometimes only hide the traditional model of tourism and cause the most damage, as it targets more vulnerable environments and cultures.

The event underlined the fact that tourism needs to be considered seriously in its relation to indigenous people. The subject poses many questions about how far tourism may have a positive effect on the economy, its connection with culture and how far it harms the local people and constitutes another form of assimilation.

The presentation of the topic ended with interesting interventions by indigenous and academic representatives present, including a Maasai representative and a Touareg woman. The Maasai member showed the reluctance of some indigenous people that have suffered from negative impact of tourism by saying “We don’t need it.” The Touareg woman explained that it was a shame that more attention was put on them especially when it was to make some publicity for the purpose of tourism.

One intervenient said that whereas we cannot prevent tourism, we can at least try to minimize the impact and the destabilizing effects it has on indigenous communities, first of all by raising greater awareness of the impact of tourism and the tourism industry.

2.3 “Exploring the impact of landmines on indigenous populations”

On Wednesday 2 August, the NGO Geneva Call held a round table on “exploring
the impact of landmines on indigenous populations”, in the context of the Working Group on Indigenous Populations of the UN. For this event, the organisation had invited three prominent individuals committed to the fight against landmines. These were Mr. Suikhar, member of the Chin National Organisation and the Human Rights Advocacy Committee of the Asia Indigenous Peoples Pact (AIPP), Luz Estalla Navas Murminacho, former member of the NGO “Compania Nacional para la Paz between 1994 and 2003” and Ole Kaunga, a founder member and first Coordinator of OSILIGI, founder/team leader of IMPACT, and indigenous human rights activist.

The session started with a documentary followed by a general presentation of the issue of landmines by Mrs. Navitri Putri Guillaume, from Geneva Call.

Every year, new landmines injure around 20,000 people. Ms Navitri Putri Guillaume presented an overview of the actors using these mines: armies of some governments such as Burma, Nepal and Russia as well as around 40 non-state groups dispersed in 24 countries.

Very few studies have been realized on the effects of landmines on indigenous populations until now. However, it is clear that the use of landmines has devastating effects, particularly in countries such as Colombia and Vietnam. In case of the Asian continent for instance, landmines affect 139 communities in the area around the border between Thailand and Burma, including the Karen People (a UNPO member). This issue also affected the Mon people (UNPO member) at the border between Thailand and Laos.

The implication of landmines on the livelihood of Indigenous Populations was also discussed. Landmines restrict the use of major resources such as forest, land and water, they destroy forests and impede farming and pastoral activities.

An interesting discussion among the participants concluded the session, raising the landmines’ issue with regard to the Ahmazighe nomad people moving along the Moroccan and Algerian border.
3. List of Appendices

Item 4 c) Indigenous peoples and conflict prevention and resolution

1. Mr. Mohamed Abdourahamane, Tin Hinan
2. Mr. Moussa Ag Assarid, ONG ETAR
3. Mrs. Myriam Sanchez, Comunidad Integradora del saber andino Cisa
4. Mr. Torres Torres Cesar Alberto, Confederacion indigena Tayrona, C.I.T
5. Mr. Musa Sharifi, Ahwaz Human Rights Organisation-USA
6. Mr. Tarekegn Chimdi, Oromian National Academy
7. Mr. Mario Agreda, Consejo indio exterior
8. Mrs. Anastacia Kipalian, MPIDO
9. Mr. Alim M. Bandara, Mindanao
10. Mr. Jebra Ram Muchahary, ICITP-NEZ, ABPF and ABPGYF
11. permanent representative of Canada
12. Mr. Kenneth Deer, Haudenosaunee Confederacy Council
13. Mr. Jérome Bouquet-Elkaïm, Comité Rheebu NUU
14. Mrs. Orfelina Masaquisa, Camara Artesanal de Pelileo, salasaco Centro
15. Mr. Joseph U. Ayalogu, permanent representative of Nigeria
17. Mr. Sheth Jerjes, Iraqi Turkmen Human Rights Research Foundation
18. Mr. Les Malezer, Pacific Caucus of Indigenous Peoples
19. Mrs. Evelita Lusiana Jantewo, West-Papua Indigenous People

Item 5: Standard Setting

5a) Future priorities

1. Mr. Yozo Yokota, Chairman of the WGIP, standard-setting: Future priorities for standard-setting activities
2. Mr. Ron Lameman, International Indian Treaty Council
3. Mrs. Myriam Sanchez, Comunidad integradora del saber andino, CISA
4. Mrs. Cristina Blohmseewald, Universität Lüneburg
5. Mr. Dhuni Soren, World Adibasi Council, WAC
6. Mr. Arnold Groh, Technical University of Berlin
7. Mr. Rasoul Torfi, Ahwaz Human Rights Organisation
8. Mrs. Babette Wacapo Calet, CNDPA Kanaky Nouvelle-Calédonie
9. Mr. Teanau Tuiono, Aoteora Indigenous Rights Trust
10. Mr. Larisa Teneshera, Association of the Shor People Kemeoro Region Russia
11. Mr. Joji Carino, Tebtebba Foundation
5b) Possible new studies

1. Mr. Wilton Littlechild, *International Organisation of Indigenous Resources Development*
2. Mr. Rosario Blanco Cumanagoto, *Pueblos Indígenas Cumanagoto*
3. Cristina Blohn Seewald, *Universität Lüneburg*
4. Mrs. Mantse Grifall, *FAPCI*
5. Mr. Gabriel Sengo, *Arameans of Aram-Naharaim Foundation*
6. Mrs. Mantse Grifall, *FAPCI*
7. Mr. Geoff Nettleton, *Philippine Indigenous Peoples Link*
8. Mr. Christian P. Scherrer, *HPI-HCU*
9. Mrs. Katherine Framer, *Geneva Call*
10. Mr. Wilton Littlechild, *International Organisation of Indigenous Resource*

**Item 8: the Future of the WGIP:**

Recommendations of the Working Group on Indigenous Populations with regard to the two documents which the Human Rights Council asked the Sub-Commission to submit (in three languages)
Speeches Item 4c

Indigenous Peoples and conflict prevention and resolution.
Association Tin Himan

GROUPE DE TRAVAIL DES NATIONS UNIES
SUR LES POPULATIONS AUTOCHTONES
vingt-quatrième SESSION, DU 31
juillet au 4 aout 2006

DECLARATION DE
DE L'ASSOCIATION TIN HINAN AU NIGER

SLR LE POINT 4(C) DE L'ORDRE DU JOUR :

LES PEUPLES AUTOCHTONES ET LA PREVENTION ET LA
RESOLUTION DES CONFLITS
• Evitez toutes formes de discrimination pour non seulement construire et consolider la paix par une citoyenneté affirmée, mais aussi pour que les peuples puissent coexister et que la pauvreté soit endiguée ;
• Mise en place d'un dispositif juridique favorable aux peuples autochtones pour la prévention et la résolution des conflits intercommunautaires.

Pour ce faire des moyens doivent être mobilisés pour que ces combats réussissent. Avec l'expérience démocratique en cours dans mon pays, les communautés nomades gardent beaucoup d'espoir dans les ONG et Associations autochtones mais les moyens dont disposent finalement ces organisations sont très limites pour accélérer le développement tant souhaité.
Moussa Ag Assarid  Vice président ONG ETAR  
Groupe de Travail des Nations Unies sur les Peuples Autochtones

**Parole de touareg**

Monsieur le Président, les grains de sable du Sahara et de ses habitants par ma voix vous saluent :

Ainsi le rêve du petit berger devient réalité, celui de porter jusqu'ici a l’ONU le message des « sans voix ».

Du 19 au 25 juin dernier a eu lieu à Pau, dans le Sud-ouest de la France, un FIPAU et a réuni une trentaine de délégations, plus de 150 autochtones. Nous avons pu faire connaissance en échangeant autour de nos réalités et nos préoccupations respectives. Nous avons créer un site Internet et invitons les autochtones à nous y rejoindre :


L'occident a crée la démocratie qu'il a inculquée au reste du monde en lui faisant toutes les promesses de la terre. La démocratie en fait est la dictature de la majorité sur la minorité. Nous en souffrons nous peuples autochtones.

Les années passent et se ressemblent pour certaines populations de notre planète. La communauté Touarègue vit une période charnière de son histoire. Notre culture, l'une des plus anciennes du monde est aujourd'hui malmenée par les bouleversements de l'Histoire. Les sécheresses successives et répétitives rendent la vie nomade de plus en plus difficile au regret des éleveurs que nous sommes par essence. Nous sommes pris en étau entre l'Afrique du Nord qui nous renvoie vers un ailleurs lointain et l'Afrique Noire qui nous assimile des venants d'on ne sait où et qui n'ont qu'à retourner chez eux. »

Nous sommes obliges de nous regrouper autour de ce que l'administration appelle communément les sites de fixations de pasteurs nomades. L'espoir est de vivre en ayant de l'eau et de subvenir aux besoins essentiels par d'autres activités que l'élevage tels que le maraichage, le commerce et l'artisanat.

L'authenticité de nos coutumes et la beauté de nos contrées (désert) sont usurpées par certains Occidentaux qui pensent nous connaître mieux que nous-mêmes et écrivent notre histoire a notre place. Ils vivent de notre image en négligeant la profondeur de notre âme.

Le réchauffement de la terre-mère est plus cruel chez nous que presque partout ailleurs. Le désert avance à pas de géant, plus de 5 kilomètres par an selon les spécialistes.

Le monde nomade est donc au croisé des chemins. Saura-t-il adapter le modernisme a son mode de vie ancestral ou disparaîtra-t-il, absorbe par le monde globalisé. C'est le grand défi des années à venir.

Pour communiquer avec le reste du monde, les nomades ou semi-nomades que nous sommes, doivent savoir se servir des mêmes outils de communication que les autres c'est-à-dire la technologie, qui se nomadise aussi de plus en plus. Ainsi nous aurons les mêmes armes de combat que le reste du monde afin que la culture des sables possédant sa propre langue, le Tamahsheq et sa propre écritures le Tifinagh résistent aux tourbillons de la mondialisation et lui apporte le bleu de son arc-en-ciel...

Moussa AG ASSARID

Ecrivain journaliste, mail agassarid@yahoo.fr
Derechos humanos de los pueblos indígenas:

MI NOMBRE ES MYRIAM SANCHEZ; REPRESENTO ALA COMUNIDAD INTEGRADORA DEL SABER ANDINO "CISA" "CONMIE", Y TRAIGO LA VOZ DE LAS COMUNIDADES DE SASE DE MI PAIS ECUADOR..

Un saludo especial a la mesa directiva del GTPI GINEBRA.

Desde Los pueblos indígenas queremos mostrar nuestro apoyo al nuevo Consejo de Derechos Humanos, resultado de la reestructuración de la ONU, y visualizamos que es una oportunidad para mejorar, fortalecer, e integrar la forma en que las Naciones Unidas consideran y abordan los derechos humanos de los pueblos Indígenas. Así mismo, coincidimos que la amplia participación de los pueblos indígenas en el grupo de trabajo sobre poblaciones indígenas ha proporcionado una aportación y una oportunidad de valor incalculable, para incrementar el entendimiento y la capacidad entre los Estados, los expertos de la ONU y los Pueblos indígenas que han presentado resultados positivos y avances de importancia en este campo.

Para los Pueblos Indígenas de Abya Yala, es necesario el pleno reconocimiento de su libre determinación, tierras y territorio y de sus recursos naturales para hacer posible el cumplimiento de las metal del milenio, de lo contrario los Estados no alcanzarán a cumplir las metal. Si siguen violando los Derechos Humanos de los pueblos Indígenas.

Los Derechos Humanos de los Pueblos Indígenas son violentados al realizar Las expropiaciones y desalojos violentos de las tierras realizados para la explotación de los recursos naturales por los gobiernos y por las corporaciones transnacionales han generado deforestación de los bosques, lo que cause inundaciones y erosiones. Que constituye un grave atentado contra la salud ambiental de la tierra y la vida de los pueblos indígenas.

Los conflictos armados generados por fuerzas externas, gobiernos, narcotraficantes y grupos alzados en armas, las políticas de los distintos organismos desarrollados en nuestras tierras y territorios, violentan la Paz, su forma de subsistencia la vida de los pueblos indígenas, generando una violación sistemática de los derechos humanos de los pueblos indígenas.

Exhortamos a los estados, gobiernos, y a la ONU respetar y hacer respetar nuestros derechos Humanos, y Reafirmamos la importancia de las recomendaciones formuladas en el cuarto periodo de sesiones del Foro Permanente, como la autodeterminación, el consentimiento libre previo e informado, el reconocimiento a nuestras tierras y territorios, así como el usufructo de los recursos naturales.

Exigimos a los expertos de los derechos humanos de las NACIONES UNIDAS se establezca una veeduría internacional que realice el seguimiento y monitoreo permanente a las violaciones de los Derechos Humanos de los Pueblos Indígenas por efectos de los conflictos armados, desplazamiento y migración forzosa.
Propuesta:

Territorio sagrado simbólico universal del Corazón del mundo: Santuario natural, cultural, espiritual de paz % patrimonio universal.
La tierra que nos fue dada desde el principio de la creación del mundo y de la vida, sustenta nuestra convivencia, nuestra razón de ser como indígenas nativos de la Sierra Nevada de Santa Marta (Colombia).

En este territorio están las normas y leyes ancestrales (ley de origen) que son las que nos orientan, para cumplirlas, con disciplina y comportamientos que nos identifican según nuestra propia forma de vida y que nos grantizan ser una nación.

Los cuatro grupos étnicos nativos de la sierra: arhuacos, kogis, kankuamos y wiwas, creernos y somos guardianes de este espacio en el cual mantenemos nuestro pensamiento, nuestra lengua, nuestra arquitectura, nuestros vestidos y nuestras normas ancestrales (ley de Origen).

El mandato y la misión es mantener y conservar el equilibrio de la vida tal como nos to entregaron desde el principio en lo fico y espiritual.

Nuestro país cuenta formalmente con una de las legislaciones indígenas más avanzadas a nivel global, producto de luchas históricas de resistencia de los pueblos indígenas, de la extinción de numerosos pueblos y de la dramática disminución de nuestra población, con fundamento en la aplicación de políticas de extinción, mestizaje e integración forzada.

En nuestro países las leyes no se promulgan para que se cumplan sino para que se reglamenten, nuestro Estado y los dueños del poder son expertos en impedir la inclusión, la participación y la realización de los derechos de los grupos étnicos y los trabajadores.

Desde hace varios años, a los pueblos y territorios indígenas nos afecta desfavorablemente el auge de los cultivos ilícitos que están generando la destrucción del medio ambiente y altos grados de violencia, descomposición y cambio cultural.

Esta situación de violencia se esta constituyendo en un procedimiento nacional para viabilizar la violación de los derechos humanos y la colonización de nuestras tierras y viene impidiendo el acceso de nuestras comunidades a los servicios básicos de justicia; atención en salud, educación, comercialización de nuestros productos; incidiendo notablemente en el desmembramiento de la calidad de vida de nuestros pueblos y la perdida de la autonomía y la cultura como pueblos indígenas.
Los cuatro pueblos indígenas arhuaco, kogi, kanktivamo y wiwas habitan la Sierra Nevada de Santa Marta ubicada al norte de Colombia. En este territorio se desarrollan estos pueblos de acuerdo a sus saberes culturales y espirituales regidos por las leyes de origen establecidas en el momento de la creación del mundo. Después de 500 años de resistencia para preservar su cultura y territorio, los pueblos indígenas de la Sierra Nevada se enfrentan hoy a la militarización de su territorio por varios actores. Las riquezas naturales que tienen la Sierra Nevada han despertado nuevos intereses económicos con sus respectivos grupos armados que invaden nuestros territorios ancestrales y sagrados.

Por un lado, la Sierra viene siendo utilizada por narcos para sus cultivos de uso ilícito. Su negocio siempre esta acompañado de bandas armadas que controlan zonas e impiden el desarrollo de la dinámica vivencial de las comunidades indígenas. Parte de este negocio esta retornado por los supuestos desmovilizados de las autodefensas que se "reciclan" en los cultivos de uso ilícito.
Luego se extiende la presencia paramilitar de las denominadas AUC quienes afectan a la autonomía de los pueblos a través de los reclutamientos a los jóvenes indígenas, asesinando a los líderes y controlando partes de los resguardos.

También se mueven frentes guerrilleros de las Farcs y del ELN por la Sierra Nevada defendiendo sus intereses militares y económicos. La guerrilla recluta igualmente a jóvenes de las comunidades y suelen impedir la libre migración espiritual de las comunidades.

Finalmente se aumentan las bases y operativos militares en la Sierra Nevada por parte de la fuerza pública. Durante los últimos años se estableció un batallón de alta montaña del ejército nacional en territorio indígena. Además de aumentar las confrontaciones armadas en el territorio, esta militarización parece responder a intereses de explotación de los recursos naturales de la Sierra. Pues, la privatización del agua, la extensión de cultivos de Palma aceitera y de la ganadería extensiva son algunos de los factores que conllevan a la militarización de los territorios de los pueblos nativos y al saqueo de la biodiversidad y medio ambiente de la región.
El aumento de la militarización convierte al territorio sagrado en una zona de confrontación continua y muerte que lastima al buen desarrollo social y espiritual de los habitantes de la Sierra. Las minas antipersonales que siembran los distintos grupos armados para defender sus respectivas zonas, se vuelven un peligro cotidiano para los indígenas. La comunidad indígena que reclama autonomía se ve continuamente señalada por los distintos actores como colaboradores del otro por no querer hacerse partícipes de la guerra.
Esta situación ha conllevado al atropello y el encarcelamiento de representantes de las comunidades indígenas por parte del ejército nacional.

Por todo lo anterior, los cuatro pueblos de la Sierra Nevada piden al gobierno nacional y a las organizaciones internacionales, abrir escenarios de diálogo con los distintos actores que respeten y garanticen la permanencia de las comunidades indígenas en su territorio con autodeterminación. Es decir que se tome a la Sierra Nevada como un escenario de paz, dialogo y respeto al pensamiento de sus habitantes más no un teatro de guerra y muerte.
De manera inmediata los cuatro pueblos exigen el cumplimiento de lo establecido en la Constitución Política Nacional y en el convenio 169 de la OIT con respecto a los pueblos indígenas y a la autonomía territorial de los mismos.
Ahwaz Human Rights Organization-USA
P.O. Box 679, Lorton, Virginia 22199
Email: asc@ahwazstudies.org www.ahwazstudies.org
United Nations Economics and Social Development: Sub-
Commission of Human Rights
Working Group Indigenous Populations Twenty-fourth session
Geneva, 31 July to August 2006-

Joint statement submitted by:
AHWAZ HUMAN RIGHTS ORGANIZATION
Indigenous Ahwazi Arabs for Democracy in Iran
Ahwaz Education and Human Rights Foundation
Democratic Solidarity Party of Ahwaz

Thank you very much Mr. Chairman for the Opportunity:
More than five million indigenous Ahwazi Arabs live in the south-western region of Iran,
neart the southern border of Iraq, in the province of Khuzestan or as called by its
indigenous name, Al Ahwaz, Ahwazis constitute an indigenous, ethnic, national and
linguistic minority in Iran.
Historically, this indigenous Arab community has been marginalized and discriminated
against by successive governments in Iran.

Prior to its annexation by the Iranian government in 1925, the region enjoyed a high degree
of autonomy and independence and indigenous nomadic tribes lived on this land for
thousands of years.
While Ahwazi ancestral lands produces 90% of Iran’s vast oil revenue, over 60$ million/year, none of this is allocated to the Ahwazis in their region. They are kept
backward, poor and illiterate. The illiteracy rate is 4 times and unemployment is 6times the
national average.
Persian language forced upon the indigenous Ahwazis and while 3 out of 4 non-indigenous
high school graduates from high school, only one out of 4 Indigenous Ahwazi-Arabs
graduates from high school. According to government ’own data, 80% of the Arab children
suffer from malnutrition.
In the past ten years, as directed by the highest levels of government of the Islamic republic
of Iran, over 500,000 hectares of indigenous Ahwazi farmers land have been confiscated
and given to non-indigenous non-Arab Persian settlers, to the non-indigenous authorities or
to the military and the Revolutionary gourds corp., a scheme designed to break up and
change the ethnic structure and racial mix of the province. According to Mr. Millon
Kothari, Special Rapporteur on Housing, "when you visit Ahwaz, in terms of the very
adverse conditions in the neighborhoods, there are thousands of people living with open
sewers, no sanitation, no regular access to water, electricity and no gas connections" or "In
Khuzestan, that there is an attempt being made by the government to build new towns and
bring in new people from other provinces. For example, there is the new town of
Shirinshah where most of the people being brought into that town are people from Yazd
province [in central Iran] - non-Arabs" or "the estimate we received is that between
200,000 - 250,000 Arab people are being displaced from their villages":
Quads Division of the Iranian military guard has forcefully evicted thousands of Ahwazi families in Ahwaz, confiscated their lands and built the largest and one of the most fortified garrisons in Khuzestan. The 92nd heavy armored division of the Iranian Army has confiscated tens of thousands of hectares of land in Ahwaz City and is storing its military hardware.

Over 250,000 hectares of indigenous land were confiscated from 1998 to 1995 in the areas of Hamidieh, Howizeh, 1ofir, Ahwaz, and Mola Sani in Arab Areas of Khuzestan for the purposes of military utilization by the Islamic Republic of Iran. Over 90,000 hectares of indigenous Ahwazi land has been confiscated in 2004 and given to The Sepah Pasadaran or the Revolutionary guards and to the Baseejis or the para-military forces in Abadan and in Khoramshahrr and in Mohamarah.

In 2005, 133 sq km of land along the eastern bank of Shatalarab has been confiscated, the entire Mino Island, between Iran and Iraq, has been confiscated and given to Arvand Free Zone military-Industrial complex. Since the implementation of Iran's ethnic cleansing policy in 1999, called "Hmemyesh zamin" (Land Experimentations), 1.2 million Ahwazis were forcefully displaced to central provinces and 1.5 million non-Indigenous Persian have been resettled in government-paid resettlement towns such as Rarnin, 1, 2, 3, and Shirin-Shahr in Arab cities and towns of Khuzestan.

There is a systematic effort by the Islamic Republic of Iran to strip indigenous Arabs of Ahwaz from their national identity, culture, language, and customs and they are faced with assimilation and a lowered status to the ranks of 2nd and 3rd class citizens. Any Ahwazi demands for basic human rights, including education in their mother tongue, sharing of wealth and rights of employment or to protest ethnic cleansing, have often been labeled as "separatist", "secessionist", "Wahabis" or called "stooges of foreign countries" or "danger to security and territorial integrity".

50% of the Ahwazi population suffers from absolute poverty and 80% of the children suffer from malnutrition. (5). Indigenous Ahwazi Arab students drop out of schools at 30% during elementary, 50% during secondary and 70% during high school. The regime erected dams and diverted the waters of our rivers such Karun to non-Arab central provinces of Isfahan and Yazd while Khuzestan severely suffers from the shortage of drinking water.

All Khuzestan's political, military and security commanders, officers, mayors and all high and mid-level government officials of Khuzestan have consistently been appointed from non-Arabs outside of the native Arab population, This marginalization is more acute in a country that the state is the largest employer. Often, the Iranian government authorities in Khuzestan refuse to register and issue birth identity cards to indigenous Arab newborn-babies, who do not assume Persian or Shiite names. Names of cities, towns, villages, rivers and other geographical landmarks were changed from Arabic to Persian during the previous Pahlavi regimes. These historical Arabic names existed for centuries.

On 15 April 2005 in the provincial city of Ahwaz, security forces opened fire on thousands of peaceful demonstrators killing at least 61 men, women and children, injuring over 1800 and arresting thousands, according to Amnesty International (AI), Human Rights Watch (HRW) and BBC.
There have been reports of incidents of torture according to AT, HRW and other human rights organizations and several appeals for urgent action have been issues based on reports of fear of torture, ill-treatment, and incommunicado detention and incidents of arbitrary arrest and detention. 10

Also since the April 15, 2005 Entefada (Uprising), at least 160 people were disappeared (believed killed), 28,000 were detained, five were publicly hang including Ali Ahrawi 17, on March 2, 2006 in public in Ahwaz.

According to the most recently Urgent Action report by Amnesty International on May 17, 2006, At least I 1 men, all members of Iran's Arab minority, are reportedly under sentence of death and at risk of execution.

The wives and sons of Ahwazis who have opposed the regime and had to flee the country are being kept hostages in Sapidar Prison in Ahwaz including 2-month old Salma who was born from her mother Fahima Ismail Badawi (26) on 5 March, 4years-old Imad, and Zeidan; Hoda Hawashem (24) with her four year old Ahmed and two year old Osameh and many others are still in the same prison in Ahwaz.

Others arrests have taken place during peaceful demonstration on occasion of the Muslim festival of `Id al-Adha on 11 January, led by Sheikh Saleh al-Haydari, imam (prayer leader) of Da'ira mosque in Ahwaz and kid al-Feter. According to reports, demonstrators were demanding an end to the persecution of Arabs, poverty and unemployment among Arabs, and the release of political prisoners arrested since April 2005 following unrest in Khuzestan province.

We appeal to the PFIS Special Rapporteur to organize a fact finding trip to the province of Khuzestan, in the Islamic Republic of Iran to investigate incidents of arbitrary arrest and detention, reports of torture and ill-treatment.

We urge the special Rapporteur to visit the Khuzestan (al-Ahwaz) Region of Iran where the life and identity of 5 million peoples are in danger of being annihilated by the Islamic Republic of Iran.

Thanks You

Karim Abdian, Ph.D. Executive Director, Ahwaz Human Rights Organization
Thank you distinguished chairperson for giving me an opportunity to express the agony of the Oromo people in Ethiopia. 

My name is Tarekegn Chimdi and I represent the Oromian National Academy.

Ladies and Gentlemen,

The Oromo people represents the largest national group, accounting about 35 million of the 75 million population in Ethiopia. They are one of the indigenous peoples inhabiting the Horn of Africa. Although, the Oromo people comprise the majority of the population, their Political, economical social and cultural life in the Ethiopian empire was marked by subjugation, discrimination and marginalization that followed their colonization by the Abyssinians at the end of 19'h century. The colonizers decimated millions of Oromos who resisted their brutal rule. The egalitarian and democratic institution of governance of the Oromo people (the Gada system), their belief in one God -Waaga- , their culture and language were banned; their means of subsistence, land was confiscated and the people were reduced to serfs.

From that time on, successive regimes; the Haile Sellasie regime, the military junta and more the worse the present TPLF dominated EPRDF continued their subversive autocratic rule of Oromia in the name of the territorial integrity of the Empire. The current TPLF regime musters total control of all government machinerie s, the judiciary, the army, the press and above all the security force to perpetuate its reign of terror in Oromia and other Southern Parts of Ethiopia.

Rampant human rights abuses, like detention, arbitrary killings, evictions, forced resettlements, epidemic disease, abject poverty, skewed educational programmes are the order of the day for the Oromo people and other nations and nationalities in the southern belt of the Empire.

Since the TPLF/EPRDF regime came to power in 1991, systematic repression and pervasive subjugation directed against the Oromo people resulted in untold sufferings in the whole of Oromia, particularly in the countryside far from the sight of the international community.

The government routinely subjects its critics to harassment, extrajudicial killings, imprisonment and torture. As a result countless Oromos languish in detention camps and prisons in the country. In 2005, over 25, 000 people were in prison on Oromo related charges throughout Oromia and Finfinne (Addis Ababa). This number, if anything, has grown ever since as a result of the repeated unrest following peaceful demonstrations.

Such crackdown on Oromo citizens from all walks of life is a day-to-day Oromia, including children as young as 11. The intellectuals, students, teachers, journalists, aid agencies workers, artists, human rights activists and peasant farmers are particularly
targeted solely on the basis, of their origin. Accordingly renowned international Human Rights Organisations believe that the Ethiopian authorities are guilty of racism.

Just to sight a few examples, Macca and Tuiama self-help Association (MTA), Oromo high school and university students, civic organisations, farmers and journalists peacefully protested against deforestation, skewed taxes, exorbitant rise in the price of fertilizers, educational policies, change of the capital city of Oromia from Finfinne (Addis Ababa) to Adama etc were met with heavy handed forces of the security and Police who acted with impunity. Until this report is presented all those detained in connection with the protests are still languishing in different prisons. Some died of torture; some were denied of medical treatment and were left to die. And still more are suffering from diseases related to poor conditions in the prison. Those who managed to run away are suffering as refugees in the neighbouring countries. Related to these incidents over 350 University students were dismissed from classes and some were thrown into the jails in 2004, Two of these Gaddissa Hirpassa and Alemayehu Gerba were killed from torture and live bullet in the Kallitti prison.

The leaders of MTA Dirribi Demissie, Gemechu Feyera, Sintayehu Workneh and Ayelu Ittisa and more than a dozen of Oromo university students and journalists Shiferaw Insarmu and Dhabasa Wakjira are still in custody even though different benches of court ordered their release on several occasions. Amnesty International and other human rights organisations consider them as prisoners of conscience and appealed for their release since 2004.

These peaceful demands of students and farmers continued even as recent as May 2006 in the high schools and universities across Oromia. Following the incident, 22 farmers were massacred in Horro Guduru in February of this year, dozens of students were killed and wounded from live bullet from security forces, several thousands of Oromo nationals were kidnapped and detained in different prisons in Oromia state and Finfinne (Addis Ababa). Students like Jagama Badhane and Kabada Badhasse were killed just in front of their school in town of Ambo. Events coming from different Universities, report that graduates of Oromo origin, in particular from Makalle University, are denied of their certificates after completion of their studies.

The Government is reported to contrive the conflicts in neighbouring Borana and Gujji Oromos led to the internally displaced persons of over 100,000 people and over 135 deaths. Similarly, in August 2005, 73 people were killed and more than 85,000 flee their homes from villages in Miesso in West Hararge region of Oromia. Most of them remain displaced without proper attention and support.

Uncompensated evictions of Oromo farmers from their ancestral land in Oromia, particularly around Finfine (Addis Ababa) and other cities in Oromia has reached untold proportions. In the name of investment, the Government has systematically uprooted farmers from their ancestral lands without due compensation and turned thousands of farmers landless and victims of ecological degradation and hazardous health problems emanating from the new agglomerations. The expansion of flower farms has aggravated the situation around Finfinne (Addis Ababa.)
Control over fertilizer and agricultural inputs and credits in particular have given the government an effective tool for quashing dissent in rural parts of Oromia. A TPLF owned company in charge of importing fertilizers systematically regulates distribution and price of fertilizer and other agricultural inputs. Farmers are forced to pay exorbitant prices that do not often compare their income. Those who as a consequence fail to pay are thrown into the prison and finally were forced to auction off livestock or household goods to get out of prison. This is in a stark contrast to the hypocritic claim that the government of Ethiopia boast to achieve food security.

**Recommendations**

- Macca and Tulama association leaders, journalists, teachers, students, farmers and other thousands of Oromo citizens arrested should be released immediately and unconditionally,
- Those responsible for the extra judicial killings, torture and severe beatings in different schools around Oromia should be brought to justice,
- The right to association, freedom of expression, education and the right of the Oromo to Waqeffanna as a religion should be respected and the investigation through concerned special rapporteurs should be conducted,
- The right to self-determination of the Oromo people should be implemented and respected,
- Indigenous and traditional conflict resolution mechanisms should be put into practice to resolve clashes and misunderstandings
- The Ethiopian government should be condemned for its instigation of conflict between various ethnic groups within the Ethiopian empire state and cross border incursions into the neighbouring countries.

Thank you for your attention
CONSEJO INDIO EXTERIOR
CONSEJO DE DERECHOS HUMANOS
GRUPO DE TRABAJO DE LOS PUEBLOS INDÍGENAS 24 SESIÓN
AGENDA-4 (c)

Señor Presidente:
Mi nombre es Mario Agreda. Soy Kolla de los Andes y soy miembro del Consejo Indio Exterior.

La rebelión de los ejércitos de Zarate Willka, Tupak Amaru, Tupak Katad en los Andes fue como la hormiga que destapa el hormiguero. Las mujeres y hombres que militamos en el movimiento indio, sabemos que estamos aquí porque fuimos excluidos históricamente del resto de la sociedad y nos preguntamos, cómo es posible que tengamos oro, plata, estano, bosques, ríos, petróleo, gas y sin embargo somos los pobres de la tierra. Tenemos un ejército que jamás ha liberado ningún pueblo, el peor de todos ya que gana las batallas contra nuestros pueblos y la pierden con los extranjeros. El papel del ejército en los Andes, una institución organizada por la clase dominante, para la defensa y seguridad del sistema económico-social que impera. Un ejército que cuida las espaldas con alianza de las multinacionales. Un ejército con generales no indios y soldados indios, jamás luchará al lado de nuestros pueblos. La militarización en nuestras comunidades es para crear los estamos "fortaleza" y exprimir a nuestros hermanos hasta la última gota de su sangre.

Para fortalecer nuestra unidad cada uno de nosotros debemos tocamos la conciencia preguntándonos. Quienes somos? Adonde vamos? Y que queremos. En el corazón de los Andes debemos tomar la decisión de "indianizar" el ejército con una lógica diferente. Sin desterrar a ejércitos colonialistas y a sus amos las transnacionales no habrá liberación total. Esta es la lógica India. La expansión de las multinacionales como es el caso de las españolas, están provocando el estancamiento dinámico de nuestras sociedades, y estas tienen nombre y apellido, Telefónica, Gas Natural, Repsol, Banco Bilbao Vizcaya, Union Fenosa, el Grupo Prisa y otros, creando un perfecto sistema de dominación con intención de quedarse creando un régimen colonial. Pero la libertad económica es básica para la libertad política.

Y para sustentar aun más su poder se instalan bases militares en toda Sudamérica, operando cambios en las fuerzas armadas, profesionalizándolas, y equipándolas para intervenciones rápidas. Por ello España se convierte en punta de lanza junto a Estados Unidos en el proceso de recolonización de los pueblos indígenas y España esta en todos los terrenos, incluido el militar, si no que le pregunten a los hermanos de Tahiti a que fueron los militares.
Proponemos una filosofía económica basada en la reciprocidad que sirve para la prevención y resolución de conflictos. Las Naciones Unidas y los gobiernos tienen una responsabilidad histórica de cambiar el orden económico mundial sin destruir las bases económicas de reciprocidad de las comunidades indígenas, para imponer la privatización, o para imponer la colectivización. Este economicidio es hoy el arma más secreta, pero tal vez es más eficaz, en todo caso la más maquillada frente al llamado tercer mundo.

Por el contrario la filosofía de los pueblos indios es la autodeterminación arraigado en nuestra espiritualidad, en nuestra cultura, y en nuestras tradiciones. Esa es la manera indígena de prevención y resolución de conflictos. El sistema de las naciones Unidas, no debe confundir las funciones que solo competen a los pueblos ancestrales, porque cada uno debe ser dueño de su propia identidad y territorialidad y librarse del peso de un sistema de colonización y tomar medidas concretas para un tratamiento igualitario. Por ello es requisito necesario fijar con claridad y precisión los objetivos liberadores por el cual se lucha, se mata, se muere. Solo la verdad libera. Y el primer paso para liberamos es ver al enemigo tal cual es.

Muchas gracias para su atención.
STATEMENT ON THE DRAFT UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES
On Thursday 3rd August 2006
(Geneva)

By Mainyoito Pastoralist Integrated Development Organization (MPIDO)

On behalf of the Maasai indigenous peoples we wish to register our collective appreciation to the United Nations Human Rights Council for reaching a landmark decision on the promotion and protection of Indigenous Peoples by adopting the draft United Nations declaration on the rights of indigenous peoples that acknowledges indigenous peoples existence, uniqueness and challenges confronting their daily issues.

We appreciate specifically one of the key recommendations in the draft declaration that acknowledges the need for redress of historical injustices and that there is no development that shall be undertaken in indigenous peoples territories without prior and formal consent as well as the call for control of land and natural resources by indigenous peoples, and the right to self determination which shall enable indigenous peoples to make decisions according to what they feel is good for them.

As indigenous peoples from Africa, we want to salute African nations led by South Africa and Zambia and other countries from the European Union, Latin America and Arab countries for their relentless support for the draft declaration. We urge the same governments to offer total support for the adoption of the draft declaration during the next general meeting in New York as will be a key achievement for the 2nd International Decade of the world's indigenous peoples.

The step taken by the United Nations is in the right direction as it shall motivate African nations to develop mechanisms and instruments for the promotion and protection of the rights of all indigenous peoples in the continent. This decision is timely as it has been made before the United Nations special rapporteur for the rights of indigenous peoples makes an official visit to the republic of Kenya before the end this year which again is a resonant confirmation of the United Nation's commitment in tackling the critical challenges faced by indigenous peoples in Kenya.

In a nutshell, we call for close collaboration between the African Commission on Human and Peoples Rights, the United Nations special rapporteur for the rights of indigenous peoples, the continent's human rights organizations and indigenous peoples to develop joint programmes and strategies that shall enable indigenous peoples to participate fully on issues affecting them and benefit from the United Nations' programmes so that Indigenous peoples are incorporated which in the longer term will enable them to conquer poverty, exclusion, marginalization and injustices.

We also wish to register our appreciation for the collaboration between MPIDO and the European Union that has enabled individuals from the Maasai indigenous peoples to participate in several United Nations meetings including this one.
Greetings of peace and solidarity from the people of Mindanao, Philippines! I am Alim Bandara of the Lumad people of Mindanao. Thank you very much Chairperson for giving me the opportunity to intervene on "agenda item 4 (c) Indigenous peoples and conflict prevention and resolution".

In this connection, I would like to share in this forum the war and conflict situation of the Lumad peoples of Mindanao. We are affected by the war and conflict resolution processes conducted between the Government of the Republic of the Philippines and the different Bangsamoro revolutionary forces such as that of the Moro National Liberation Front and Moro Islamic Liberation Front.

In August of 1996, the Government of the Republic of the Philippines and Moro National Liberation Front signed a peace agreement to end the war in Mindanao. Sadly however, the Lumad people were not given chance to present their views on the resolution of the so called Mindanao peace problem. As a result, some Lumad territories were offered by the Philippine government to the rebel forces as peace project sites: Pike logging concessions, plantations, resettlement areas and rehabilitation camps without undergoing the Free and Prior Informed Consent of the affected Lumads communities.

Today, there is another round of peace negotiations conducted by the Government of the Republic of the Philippines with another faction of the Moro revolutionary forces now the MILF or Moro Islamic Liberation Front. The main agenda is ANCESTRAL DOMAIN AND SELF-GOVERNANCE.

The problem Chairperson is although each party recognizes that the ancestral domain and self-governance agenda is also the utmost concern of the Lumad people of Mindanao, there is no genuine representation of the Lumad people in the peace negotiation.

I presented this issue not to undermine the ongoing peace process in Mindanao my dear brothers and sisters. We welcome peace. But a peace that will guarantee our inherent rights for ancestral domain and self-governance and which will be in accordance with the provisions of the Indigenous Peoples Rights Act (1PRA), so that the peace will be genuine and sustainable for all stakeholders.

Thank you Chairperson.
Agenda Item 4 (c). Indigenous Peoples and Conflict Prevention & Resolution

Collective Statement by Jebra Ram Muchahary on behalf of ICITP-NEZ, ABPF and ABPGYF

We, on behalf of Indian Confederation of Indigenous and Tribal Peoples North East Zone, All Boro Peace Forum and All Boro Post Graduate Youth's Federation would like to make this collective statement on the serious issues of Indigenous Peoples and Conflict Prevention & Resolution.

Mr. Chairperson, distinguished government delegates, Indigenous brothers & sisters, ladies and gentlemen.

Gwjwnthwng! we bring cordial greetings from our people for all of you.

We would like to draw the attention of this August forum to the grave situation due to prolonged armed conflicts between the Indigenous Peoples' revolutionary groups and the government forces in North East India.

Mr. Chairperson, the North Eastern region of India as a whole has been witnessing different arms struggles based on the various ideologies of different ethnic groups asserting their rights to self determination against the prolonged systematic subjugation, exploitation, suppression, oppression and domination under the political system of the Indian government.

Historically and ethnically, the North East region was never a part of Indian territory prior to the advent of the British who subsequently annexed the different kingdoms and areas of the North East India to their rule. It was yet the prerogative of the Indigenous Peoples of the region to be free from any external aggression and rule after the departure of the British from the region. On this historical background, the different ethnic armed revolutionary groups of the region are found to be in the armed conflict apparently to liberate themselves from the forced occupation of the Indian rule. The two decades old struggle of the National Democratic Front of Boroland (NDFB) is not exception to this resistance of the various ethnic armed revolutionary groups in the region.

Mr. Chairperson, we would like to draw your kind attention towards injustice and gross violation of human rights that have been perpetuated by the Indian government forces during these twenty years of Boro struggle for survival as a distinct people where more than 7000 innocent Boro People's Lives were lost, and to focus on the recent development of peace process between the National Democratic Front of Boroland and the government of India in a bid to resolve the Indo-Boro political conflict.

Mr. Chairperson, in order to realize the long cherished aspirations of the Boro People and to find an amicable solution to the prolonged resistance movement through the meaningful and peaceful dialogue, the National Democratic Front of Boroland has entered into the cease-fire truce with the government of India with effect from the 1St
June 2005 which we appreciate and support as it has brought about the conducive atmosphere to pave the way to a meaningful political solution.

In all seriousness, the peace loving organizations including Indian Confederation of Indigenous and Tribal Peoples (North East Zone), All Boro Peace Forum and All Boro Post Graduate Youths' Federation have been closely observing that the NDFB with a true spirit of the ongoing peace process to have a negotiated settlement of the Indo-Born political conflict is seen to be engaged in holding several consultative meetings with the civil society and various peoples’ organizations in order to create a scope of better understanding and participation in the peace process.

However, it is a matter of serious concern that instead of engaging seriously in the peace process, the Government of India has been adopting a step motherly attitude and treatment to the peace process as no progress has been made in this direction till today, for which it is facing a near dead-lock situation. Further, the Government of India is seen to be engaged in the destructive activities to jeopardize the peace process by adopting repressive measures against the NDFB and other Indigenous revolutionary groups, thereby violating the spirit of the cease-fire agreement.

Mr. Chairperson, to cite an example of the violation of Ceasefire Ground Rules and Human Right abuses perpetrated by Indian forces, on 25th April 2006, Dwithun Muchahary, one of the NDFB members was shot dead brutally by Assam Police at Sapotogram in Dhubri when he was participating in a democratic movement protesting against the conspired and arbitrary arrest of eight members of the NDFB members by the Assam Police in Guwahati on 22nd of April 2006 on a false allegation of extortion. On 27th of June, 2006, two NDFB cadres, namely, G. Sanjwophu and H. Shanti, were brutally killed in a broad day light without any provocation in the district of Karbi Anglong in Assam, India. Besides, the random and arbitrary arrests of the NDFB cadres till date has numbered not less than 128 including the arrest of six cadres just three days ago.

Another serious matter concerning the cease fire is, despite repeated appeals made by the concerned party and the civil society to disclose where about of the forced disappeared members of NDFB including B. Erakdao, the publicity Secretary of concerned organization during Operation All Clear in the territory of the Kingdom of Bhutan in December 2003, the government of India remained tight lipped causing much apprehension in the minds of the Boro People about the sincerity on the part of government of India in finding amicable political solution.

The other issues that seriously concern us are the continued and increasing militarization of Boro territories by the government of India and other agencies with evil design to intimidate Boro and other Indigenous Peoples that create fear psychosis and confusion among the Indigenous Peoples. Again, the continued and increasing un-abated influx of illegal settlers of non Indigenous Peoples in Boro land & territories with the support and encouragement of the government in order to make Boro and other Indigenous Peoples minority in its own land is threatening the very existence of the Boro and other Indigenous Peoples.
Mr. Chairperson, we therefore urge the UNWGIP for the following recommendations:

- Support the on going Indo-Boro peace talk and recommend the Indian government to ensure the recognition of human rights and respect Boro Indigenous People's right to self determination, which could be the only key factor in finding a meaningful conflict resolution.

- That the Working Group on the Indigenous Populations intervene to ensure the right to information by ascertaining the whereabouts of the forced disappearances of NDFB members during the so called Operation All Clear in the Kingdom of Bhutan in December 2003;

- That the Working Group on the Indigenous Populations calls upon the Indian government to ensure to abide by the cease fire ground rules and immediately stop harassing innocent Boro People in the name of counter insurgency;

- That the Working Group on the Indigenous Populations calls upon the Indian government to urgently develop an effective mechanism to ensure to check the on going un-abated influx of non Indigenous Peoples in the territories of Boro and other Indigenous Peoples in the region;

- To ensure the free, prior and informed consent in all proposed development programmes affecting the Boro and other Indigenous Peoples' land and territories in the region.

- To develop an urgent mechanism to recover the alienated lands of Indigenous Boro Peoples from the hands of the non indigenous peoples in Assam and to ensure the restoration of all the Tribal Belts and Blocks created for safeguarding the Indigenous Boro and other Tribal Peoples in the region.

Thank you Mr. Chairperson for you kind attention.

Sincerely Yours,
1. Jebram Muchahary, President, Indian Confederation of Indigenous and Tribal Peoples North East Zone (ICITP-NEZ);
2. Bhramon Baglari, Advisor, All Boro Peace Forum.
3. Dharmodip BasuPhatary, Spokesperson, All Boro Post Graduate Youth Federation (ABPGYF)
4. Sabda Ram Rabha, Secretary, ICITP-NEZ
Statement of the Representative of the Canadian Government regarding prior question put by Ms. Hampson under Agenda Item 4a.

Thank you, Mr. President.

Over the course of this working group meeting, experts have asked questions of and requested an interactive dialogue with Canada.

Given the abbreviated nature of this meeting and in the interest of allowing as many people to speak as possible, we have answered the questions asked of us and had the requested interactive dialogue directly with both Madame Hampson and Señor Miguel Alfonso Martinez on the margins of this meeting.

We would, of course, be more than happy to engage in a similar dialogue with other experts or delegates to this meeting.
The Chiefs and Clanmothers of the Haudenosaunee Confederacy Council at Six Nations send Greetings of peace and kindness to all of you. Since February 28, 2006, our people have taken action to reclaim jurisdiction over lands that rightfully belong to the Six Nations people of Grand River. These lands were promised by way of the Haldimand Proclamation in 1784, which guarantees to our people; six miles on each side of the Grand River from its mouth to its source. However, since then much of our land has been encroached upon by the non-indigenous jurisdictions that surround us. As the legitimate authority responsible for the territorial integrity of the Haudenosaunee Confederacy, we are charged with the duty of securing and protecting our lands. Likewise, we maintain that these lands have never been surrendered and consider it Haudenosaunee Territory.

Unfortunately, the Government of Canada does not recognize this treaty and does not consider the Haudenosaunee Confederacy Council to be a legitimate governing authority since the Royal Canadian Mounted Police violently removed our council by force of arms in 1924; in an attempt to further assimilate and terminate the Haudenosaunee as an independent and self-determining people.

Since February 2006, the current process to reclaim Haudenosaunee lands has been peaceful and without weapons - using only our bodies to assert sovereignty. However, Henco Industries, who illegally commandeered these lands managed to secure a court injunction (from a judge who happens to have financial interests within the Haldimand Tract) to remove the true proprietors of the land.

On April 20, 2006; the Ontario Provincial Police launched a predawn attack upon our people at the reclamation site; instigating a violent clash where many youth, elders, women, and men were shot by tazor guns, pepper-sprayed, and beaten. Members of the Six Nations community responded by escorting the Ontario Provincial Police off of the reclamation site and immediately blocked surrounding highways and railways as a means to defend themselves from any further attacks.
Je vous remercie Mr Président

Je parle au nom des autochtones Kanak du Comité RHEEBU NUU de Nouvelle Calédonie.

Cette organisation a été créée par les autochtones du Grand Sud afin de lutter contre un projet minier gigantesque sur les terres Kanak par la société canadienne INCO Ltd, avec la participation du groupe japonais SUMITOMO et avec l'accord des autorités françaises et calédoniennes.

La Nouvelle Calédonie est un petit territoire qui comprend plus de 25% de la réserve mondiale de Nickel.

Pour cette raison, la garantie des droits autochtones et du droit à l'autodétermination est étroitement liée à la question du Nickel.

Dans les années 1980, un processus de négociation a été engagé avec les accords de Matignon puis de Nouméa devant conduire à un référendum sur l'accès à la pleine souveraineté en 2014.

Ce processus se voulait constructif et aurait du permettre de prévenir les conflits futurs.

Pourtant à ce jour, tout laisse à penser que les options politiques arrêtées par la France vont conduire la Nouvelle Calédonie au chaos.

Les actions juridiques entreprises par les organisations Kanak ont également été entravées par l'archaïsme savamment entretenu du droit calédonien qui ne dispose même pas de Code de l'environnement.

En plus de quatre ans, les autochtones ont épuisé tous les mécanismes de protection que peut normalement offrir une société démocratiques. Mais tous ces mécanismes se sont montrés défaillants en raison tout A la fois d'un refus de la concertation de la part des institutions et d'une absence de reconnaissance des droits autochtones et du droit de l'environnement.

Le projet de l'industriel a donc continue à pousser, les terres kanaks a être dévastée et la dépendance de la Nouvelle Calédonie a s'accroître.

Acculés à cette extrémité, les Kanaks n'ont eut d'autre choix que d'opérer des blocages du site minier. La encore les actions étaient pacifique et non violente.
La réponse de la France s'est encore faite contre courant de toutes les préconisations dégagées au niveau internationale:

- Répression systématique du mouvement autochtones;
- Arrestation des leaders et militants autochtones;
- Poursuites judiciaires systématiques, le conflit étant appréhendé uniquement sous l'angle de l'ordre public.

A l'inverse alors cloue des faits de corruptions patents impliquant le PDG Australien d'Inco et le président de la province sud ont été mis en lumière, l'État Français n'a jamais pris (initiative de poursuite.

Les autochtones ont malgré tout cherche à tirer parti de cette situation en engageant une bataille juridique devant les Tribunaux afin de faire apparaître la nécessité d'une évolution du système juridique Calédonien.

Grace à la sensibilisation de certains magistrats locaux des décisions constructives amorçant un début de reconnaissance des droits autochtones et comblant les vides juridiques ont été rendues.

Mais même à ce niveau, chaque fois qu'une décision de Justice a offert un espoir d'évolution et une alternative à la violence, l'État Français a contesté et fait appel pour freiner toute évolution du droit vers une prise en compte de réalité autochtone.

Enfin depuis quelques mois, ce phénomène se double d'une militarisation du site minier de Goro Nickel.

En conséquence, en Nouvelle Calédonie la France s'est placée manifestement contre courant de toute logique de prévention des conflits: un accord global mais sans reconnaissance des droits autochtones, une violation du principe de bonne foi, un refus systématique de régler les conflits par la concertation et la garantie des droits de l'homme et en dernier lieu, durant les mois d'avril et mai dernier, une répression violente du mouvement autochtone au nom Sun soi disant ordre Rpublicain qui outremer prend parfois la forme d'une idéologie totalitaire.

La question qui se pose est donc de savoir comment de telles dérives sont possibles dans un État considéré jusqu'alors comme une démocratie.
CAMARA ARTESANAL DE PELILEO

ACUERDO MINISTERIAL Nº 06 - 138 SALASACA CENTRO-ECUADOR-

TEL. 032748894-e-mail: orfe-liz@hotmail.com

TEMA: LA UTILIZACION DE LAS TIERRAS DE LOS PUEBLOS INDIGENAS POR AUTORIDADES. GRUPOS O INDIVIDUOS NO INDIGENAS PARA USO MILITAR.

La Cámara Artesanal de Pelileo al recorrer con los productos artesanales por los diferentes pueblos y ciudades del país ha palpado los diferentes problemas de las comunidades indígenas.

En la Amazonia son tierras extensas de bosques naturales, habitadas por animales silvestres, el indígena utiliza como medio de supervivencia, recolectando frutos, madera hojas para la vivienda y caza de animales, siempre tomando en cuenta la extinción de cada especie. Dentro de estos territorios se utilizan como practicas militares acabando el habitad de algunas especies y exponiendo a los peligros como a tacos de dinamitas que explosionan al pisar siendo la mayoría niños y mujeres que se dedican a queares de la casa.

La utilización de tierras por autoridades es fácil palpar el claro reflejo es en Quito, la Embajada de Estados Unidos invade toda una calle mientras para el ecuatoriano es imposible adquirir un lugar para exponer las artesanías peor para el indígena no se puede exponer ni por horas.

SITUACION DEL ECUADOR:

Para la solución de problema en nuestro país debemos tomar en cuenta la situación

País invadido por la corrupción
La remuneración del trabajo no alcanza para la canasta familiar
El desempleo crece
La migración crece
Niños y adolescentes trabajan y no asisten a clases
La salud de los ecuatorianos es alarmante, las enfermedades transmisibles van en aumento, el presupuesto es una vergüenza
Existe un marcado regionalismo
Hay un complejo de sentir incapaces tanto en lo económico intelectual, etc.

PROPUESTAS Y POSIBLES SOLUCIONES

El gobierno local debe coordinar con los militares para que no hagan daño
Respetar la vida del hombre porque el indígena también es un ser humano
Los gobiernos deben implementar contenidos que desarrollen en el niño el amor a la naturaleza y a sí mismo para tener un futuro de población con respeto a la pacha mama
Aumentar el presupuesto en la educación y la salud, si logramos esta propuesta tendremos población educada y sana, no existirá lamentaciones.
STATEMENT DELIVERED BY

H.E. MR. JOSEPH U. AYALOGU,

AMBASSADOR/ PERMANENT REPRESENTATIVE PERMANENT MISSION OF NIGERIA

AT THE 24TH SESSION OF THE WORKING GROUP ON INDIGENOUS POPULATIONS HELD IN GENEVA FROM 31 JULY TO 4 AUGUST 2006

GENEVA 3rd August 2006

* PLEASE CHECK AGAINST DELIVERY
STATEMENT BY THE NIGERIA DELEGATION AT THE 24TH SESSION OF
THE WORKING GROUP ON INDIGENOUS POPULATIONS HELD IN
GENEVA FROM 31ST JULY TO 4TH AUGUST 2006

Mr. Chairperson,

Let me first express our congratulations to you for the well-deserved election as the Chairperson for the 24th Session of the Working Group on Indigenous Populations. Your election is recognition of the unrelenting commitment you have demonstrated to the course of the Working Group which essentially, has, in its over 24 years of history championed the recognition, promotion and protection of the rights of the indigenous people. The delegation of Nigeria pays tribute to the Working Group's encouraging achievements and will continue to work in a constructive manner to further strengthen the efforts of the United Nations system for the benefits of the indigenous people.

Mr. Chairperson,

The decision of the Sub-Commission in its resolution 2005/123 that the principal theme of the 24th session of your Working Group should be the "utilization of indigenous peoples' lands by non-indigenous authorities, groups or individuals for military purposes", is not only timely but also an important effort to focus on developments on the subject and to address the challenges. The Note by the Secretariat for the discussion of this theme contained in document E/CN.41/Sub.2/AC.41/2006/1/Add.1 is, in our view, commendable, as it provides a sound review of developments concerning the principal theme. We have no doubt that it adequately serves as an appropriate framework for constructive engagement on the subject.

Mr. Chairperson,

It is with this background that my attention has been drawn to the comment of one representative of the Green Peoples Environmental Network and a so-called member of one International Alliance on Indigenous and Tribal People of the Tropical Forest. The comments made under items 4b - represent flagrant abuse of procedures, as the theme has neither remote connection with Nigeria nor its history. It is a historical fact that all Nigerian people are indigenous to their respective communities and there is neither indigenous peoples' land nor non-indigenous authorities, groups or individuals and for that matter, no such land is being utilized for military purposes in Nigeria. To say the least, the claims are spurious, baseless and totally unsubstantiated. Indeed, the author is undeserving of our comment but it is considered necessary to set the records straight.
Thank you, Mr. Chairman, distinguished Government delegates, honorable indigenous sisters and brothers,

For centuries the indigenous peoples or Adivasis of Bangladesh have been living in Bangladesh with a distinct culture, social system and way of life. They are the first descendants of the area where they live. The British rule adopted several provisions for indigenous peoples in recognition of their 'separate identity'. The British Government adopted the '1900 Chittagong Hill Tracts Regulation' in which the region was recognised as an excluded area. In this regulation, the indigenous peoples of CHT enjoyed their rights in their own way. All outsiders were prohibited from entering the area. The border area of Mymensingh district was also declared as a 'partially excluded area' in 1935 recognising their indigenous status and for the protection of the lands of Garos, Hajongs, Koch, Banai, Hodi, Dalu communities. After British rule the Pakistan Government partially recognised these safeguards laws in the constitution. But after Bangladesh became independent in 1971, the indigenous peoples were not acknowledged in the national Constitution, though general Bangladeshi and several laws acknowledge them as 'indigenous'.

For a long time the indigenous peoples of Bangladesh have been facing the severe effects of government policies including land grabbing, migration, human rights violation, extreme Bengali nationalist and extreme Islamic fanatic policy and even ethnic cleansing. All ruling government parties of Bangladesh have lacked sympathy towards the social and economic systems of the indigenous peoples, and this has been exacerbated by the disruptive policies of internal colonization. The state itself is liable for the destruction of indigenous communities within the country. The Bangladesh Government has yet no policy for the development of indigenous peoples. The main demand of indigenous peoples in the country is for constitutional recognition and the right to self-determination.

For the permanent solution of the CHT problem, indigenous Jumma people demanded regional autonomy for CHT region analysing their separate history, distinct culture, ethnic identity and centuries' old political, cultural and economic problem of CHT. All efforts of Jumma people ended in failure terming them as separatist and hostile to Bangladesh by the governments. Along with arms struggle,
the PCJSS, only political party of indigenous people in CHT, always kept door open to resolve the CHIT problem through political and peaceful means. Consequently after holding series of formal dialogues, an accord popularly known as CHT Peace Accord was signed on 2nd December of 1997 between the PUSS and government of Bangladesh.

The CHT Accord had ended the decades long fierce armed conflict in the region and opens up the way for overall development of the indigenous people. In the Accord, the Bangladesh Government has recognized the CHT region as a Jumma inhabited area. However, government signed the Accord, but she has no sincerity to implement the Accord. As a result, the successive governments have been following dilly-dallying tactics into the proper implementation of the Accord. Though a few provisions had been implemented, but almost all the main issues remained fully unimplemented.

Due to the non-implementation of the Accord, the situation in CHT is becoming more and more worse, and the common people are becoming gradually more and more vocal against the government policies. So there is no way for permanent resolution to the conflict except immediate implementation of the CHT Accord in letter and spirit.

Thank you Mr. Chairman.
**Agenda Item 4c:** Indigenous peoples and conflict prevention and resolution

The Iraqi community is well known for its multi-religious and multinational characteristics, and all sections of the community suffered from the despotism of the Ba'th regime. After the occupation, the nature of the conflicts has changed and increased in number. Today, four types of conflicts can be recognized in Iraq, with a fifth being highly probable:

- Resistance to occupation
- Religiously sectarian conflict - between Shiite and Sunnite
- Ethnic conflict: Between Kurds and Turkmen
- Religious ethnic conflict between Christians and Muslims

The expected fifth conflict factor concerns the conflict on Kerkuk, expected to take place in 2007 between main sections of the Iraqi community unless the international community interferes to end the Kurdish attempt to absorb the city.

Resistance to the occupation led to the catastrophic causalities in Telafer, Falluja and various districts of western Iraq and Baghdad. In Haditha, civilians were killed in cold blood and there is evidence of the crime of rape and the psychopathic evens in Abu Ghraib.

Religious sectarian conflict between Shiite and Sunnite accounts daily for the death of hundreds of Iraqis including children, women and old peoples. The number of displaced families is now in excess of hundreds of thousands.

The Kurdish-Turkmen conflict has as of current not escalated into armed clashes, partially due to the great imbalance in power in favor of the Kurds. I would like to emphasize that the Turkmen today are severely marginalized in both local and national administration. The oil wealthy Turkmen region has been subjected to demographic changes by bringing hundreds of thousands of Kurds into the Kerkuk region. The Kurds are building on lands owned by Turkmen and also on lands belonging to the municipality.

The Turkmen of Telafer region, an area of great geopolitical importance, is constantly being raided by USA troops and Kurdish Militia. It has been subjected to two destructive attacks by tanks and helicopters. Houses are frequently being broken into, the doors are broken, the inhabitants insulted and the furniture destroyed. Many have been forced to leave their city. They are enforced to leave their city. Already the number of families who have emigrated from the area exceeds 4685.

The unarmed Iraqi Assyrians are suppressed by the authorities in the Kurdish region and exposed to attacks in various other regions. Thousands of them have left Iraq to neighboring countries.

The number of causalities is huge, the disaster is escalating further, the number of victims is massively increasing, and the divergence and hatred between sections of the Iraqi community is growing. Many authorities who still believe that a state of civil war in Iraq is not yet the case, expect that it is about to be erupt. If this is so, how much worse can one expect the situation to become!
- Notables, religious men, politicians, officials and members of the different ethic groups can participate:
  • In meetings to discuss the problems
  • In programs in visual media; and
  • To celebrate the national days
- A day of Iraqi brotherhood can be officially declared during which the festivals are arranged in the level of peoples and government
- Visits should be arranged by religious men or politicians from one group to visit the mosques or headquarters of the others
- Soldiers, policemen, security agents and even officials should follow special course to help them deal with the mixed communities.

References

3. George Monbiot, "The US used chemical weapons in Iraq - and then lied about it" http://www.guardian.co.uk/columnists/columnist/0,5673,1642831,00.html
Mr Chairman

I present this statement on behalf of the Pacific Caucus of Indigenous Peoples.

The Report from the twenty-third session of the Working Group, presented to the Sub-Commission last year referred, in Para 33, to the repeated recommendation by indigenous organizations for the creation of an international mechanism with the mandate to act impartially to achieve peaceful resolutions in conflicts between States and Indigenous Peoples.

We are heartened by the view strongly expressed by States that the United Nations must do more to resolve abuses of human rights. This is clearly elaborated in General Assembly resolution A/Res/60/251 where the General Assembly recognizes the importance of ensuring universality, objectivity, and non-selectivity and the need to eliminate double standards and politicization.

The General Assembly also acknowledged that non-government organisations - and we can take that to include Indigenous Peoples Organisations - play an important role in the promotion and protection of human rights at the national, regional and international levels.

The new Human Rights Council, as part of a strengthened commitment by the UN to resolve abuses of human rights, presents us with an opportunity to establish those mechanisms, procedures and priorities to end the manifest abuse of the human rights of Indigenous Peoples by States.

We will look forward in the later agenda item to discussing how improved arrangements can be achieved.

It cannot be avoided that resolution of conflict between Indigenous Peoples and States exist as part of past colonisation and decades or even centuries of oppression based upon racial discrimination and exploitation of lands, territories and wealth.

The Special Rapporteur on the situation of the human rights and fundamental freedoms has identified, in his latest report, the continued abuse of human rights, measured against the existing standards, by States around the world. These abuses are not resolved year by year.

The Special Rapporteur also provides excellent documentation in his report on the ‘implementation gap’ - that wide, continuing gap between the rhetoric, the programs, the legislation offered by States, and the actual achievements at the community level.

Clearly, resolution of these human rights abuses will require third parties - parties aware of human rights standards including the rights of people, and of peoples, to dignity and freedom - to be available at national, regional and international levels.

In discussing the creation of such mechanisms with other Indigenous organisations we can see the difficulty in achieving an Indigenous Commission on Human Rights, particularly in achieving the
financial resources needed to investigate, and resolve continuing conflicts between States and Indigenous Peoples.

However it must be a matter considered by the United Nations, particularly the Human Rights Council. We consider the HRC should be challenged to acknowledge, authorise and finance those structures necessary to mediate conflicts between States and Indigenous Peoples.

The structures go beyond the human rights treaty bodies, the special rapporteurs and the working Groups. They are structures enabling the Indigenous Peoples, at the global level, to participate in the processes which guarantee universality, objectivity, and non-selectivity and the need to eliminate double standards or politicization.

We ask the Working Group and all participants at this session to take advantage of this revision period to identify new arrangements, as identified in the previous report of the Working Group, which are designed to resolve conflicts, which are capable of bringing objectivity based upon human rights, and which are founded in Indigenous commissions or mediation structures.

Thank you,
Mr. Chairman, the Draft Declaration on the Rights of Indigenous Peoples presently before the General Assembly contains several preambular paragraphs that emphasize the importance of the right to self-determination and the critical role that for many Indigenous Nations, the right to our treaties, agreements and constructive arrangements play in the enjoyment of that right: Recognizing also that Indigenous Peoples have the right freely to determine their relationships with States in a spirit of coexistence, mutual benefit and full respect, Considering that the rights affirmed in treaties, agreements and constructive arrangements between States and Indigenous Peoples are, in some situations, matters of international concern, interest, responsibility and character, Also considering that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between Indigenous Peoples and States. Mr. Chairman, the making of treaties and agreements
between States and Indigenous Peoples is not a historical artefact. It is a practice that continues to this day. Our customs and traditions, our ancestral institutions guide us now as we fashion new and dynamic relationships with States. Our agreement is our Sacred Word. We enter into agreements and arrangements with States with the not unreasonable expectation that the State will also comply with its word. For only with equity and mutuality can peace be preserved between us and our continuity as Peoples succeed to our future generations.

We are very concerned that so-called "Modern States" like Canada seem to believe that treaty making is a thing of the past. They regard the Supreme Court of Canada mandated modern treaty process as fit only for their own unilateral agreement and our unilateral extinguishment of aboriginal title, before they begin to negotiate. They seem to feel that treaties made in the past are relics of a bygone area, purely of historical interest but not relevant to the relationship with Indigenous Peoples today.

Mr. Chairman, the Universal Declaration of Human Rights states:

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. As the Universal Declaration reminds us, "the foundation of freedom, justice and peace in the world" is the recognition of the "inherent dignity and of the equal and inalienable rights of all
members of the human family." In our view, Indigenous Peoples as Peoples are members of
the human family. And it is the denial of the inherent dignity and inalienable rights, including
our right of self-determination and the right to enter into agreements that leads to conflict and
strife in the world. We would therefore ask these "modern States" to re-assess their view that
the recognition of the rights of Indigenous Peoples pose any threat to them or any other
government acting in a manner consistent with these and other well established principles of
international law.
In closing Mr. Chairman it is the position of the International Indian Treaty Council and our numerous affiliates in the Americas and the Pacific that the work of this very important body of United Nations is far from being complete as far as the standard setting activities are concerned. It is our recommendation along with many other Indigenous Peoples that work needs to be done in the area of the establishment of an independent international Alternative Dispute Resolution Mechanism in order to provide recourse for Indigenous Peoples who do not find just remedies within the colonial governmental systems imposed upon them by the governments who happen to be in power at the present time within their traditional lands and territories. This international ADR Mechanism could also monitor and mediate disputes arising out of the enforcement, implementation and clarification of international treaties concluded between Indigenous Peoples and former colonial governments or their successors. Ay hy, thank you for this time.
The 20 session of the United Nations’ Working Group on Indigenous Populations
August 3rd 2006

Item : 4 (C)

Statement presented by: Evelita Lusiana Jantewo Bureau of Consultation for West-Papua Indigenous People.

Thank You Mr. Chair for giving me the floor.

The situation of the struggle in West-Papua made so many international NGO's and UN bodies try to help us as a mediator for conflict prevention and resolution, their own way.

Everything must go through Jakarta or they choose their own people to do so. They even elect somebody else from Indonesia or NGO's from Indonesia to use our name as NGO, but they are Indonesian, how can they know us more than ourselves?

We have our own mechanism, we use our own chief, community leader or women's leader as mediator. As a West-Papuan nation, we have learned from our suffering, and experienced for so long to find our own ways to resolve our problems. That is our way of conflict prevention and resolution.

Therefore, I would like to take this opportunity to recommend to the Government of Indonesia, international NGO's and UN bodies such as UNDP, ILO, UNICEF, UNESCO, which is working in West-Papua to acknowledge and respect fully our ways of conflict prevention and resolution under the umbrella of Dewan Adat Papua (Papua Customary Council) and Madjelis Rakyat Papua (Papua People Assembly)

Thank You Mr. Chair,
Speeches Item 5a

Standard-Setting
Thank you Mr. Chairman. We call the attention of this Working Group to the urgent need for a review of current relevant Standards as well as a comprehensive new Study on the widespread and devastating impacts of the production, export and unmonitored use of banned, prohibited and dangerous toxics, especially pesticides, on the human rights of Indigenous Peoples around the world.

For exposed Indigenous communities, families and workers, a range of Human Rights are violated by these practices. These include the Rights of the Child under the Convention Article 21, the Rights to Health, Food Security, Development, Life, Physical Integrity, Free Prior Informed Consent and the Right of Peoples not to be deprived of their own Means of Subsistence.

Infants and unborn babies are among the most seriously affected in exposed communities, and are particularly susceptible to such toxics when they are in their mothers’ wombs and as nursing infants. Cancers and birth defects in children are being reported in increasing numbers. Also widely reported are deaths among young children as well as adults from acute poisoning by exposure to toxic contamination via aerial spraying of crops, and the unmonitored and unregulated use and storage of dangerous pesticides in rural communities. The development, health and potential of our Future Generations is at stake.

Industrialized countries such as the United States produce and export of toxic chemicals to “developing” countries even after they have been banned in their own countries due to known serious health effects. Existing International Trade Policies as well as Environmental Conventions such as the Rotterdam Convention permit countries to export toxic chemicals and pesticides which have been banned for use in the producing country as long as the receiving countries are informed of the dangers. But no assurances are made by either the producing or receiving states that these warnings will reach the exposed workers, communities or families, that mandated regulatory measures to protect them will be enforced, or the principle of free prior informed consent will be observed.

The International Journal of Occupational and Environmental Health noted that between 1996 and 2000, the United States exported nearly 1.1 billion pounds of pesticides identified as known or suspected carcinogens, an average rate of almost 16 tons per hour. Most were sent to the developing world for use in agriculture. According to the International Labor Organization, 65 to 40 percent of the children estimated to be working in Africa, Asia and Latin America are working in agriculture. These children are often continuously exposed to toxic pesticides in the yields, in their food and water, and in their homes.
In 1997 in Sonora, Mexico, a study was conducted by a University of Arizona scientist in homelands of the Yaqui Indians. This storm detected levels of multiple pesticides in cord blood of newborns and in mother's milk, and found severe learning and development disabilities in Yaqui children living in agricultural areas.

Testimonies presented by Indigenous communities in Mexico, Guatemala, Columbia, Ecuador, the United States and other countries document the use of banned pesticides without precautionary measures or protective gear, including aerial spraying, of fields with workers and families present, as well as communities, homes and schools. Severe permanent birth defects, childhood leukemia and children born with tumors are among the most severe and rapidly increasing effects reported.

Because these toxics bio-accumulate, persist and travel in the environment, Arctic Indigenous Peoples report high levels of contamination of mothers' breast milk and subsistence foods. Recent studies done in Canada also documented higher than acceptable levels of these toxins in the blood and cells of a cross-section of young people. This is clearly a global problem affecting large numbers of Indigenous Peoples with permanently damaging and widespread impacts on the enjoyment of their human rights.

We greatly appreciate the concern of Special Rapporteur Madame Ouhachi-Vesely and her successor Mr. Okechukwu Ibeanu, UN Rapporteur on the Adverse Effects of the Illicit Movement and Dumping of Toxic and Dangerous Products and Wastes on the Enjoyment of Human Rights, regarding the impacts of the export of banned pesticides for Indigenous communities in Mexico and other countries.

During her visit to the United States in December 2001 Madame Ouhachi-Vesely expressed strong words for the US practice of exporting chemicals, pesticides and waste banned domestically to developing nations. "Allowing the export of products recognized to be harmful is immoral," she said.

Rapporteur Ibeanu likewise expressed his concerns in a written statement presented at a recent conference coordinated by IITC in Potam Pueblo, Rio Yaqui, attended by over 300 participants from impacted Indigenous communities in Mexico, US and Guatemala. He confirmed that the use of such chemicals in communities left "individuals and communities unable to make informed choices" in some cases "further aggravating conditions of poverty" because of their negative impacts on human health and the environment.

We therefore urgently request this session of the WGIP to initiate a Study on the Global Human Rights impacts of the export, use and failure by states to monitor dangerous and banned pesticide and other toxics, and the failure to safeguard the human health and development of Indigenous Peoples as a result. We also call upon the WGIP to request that the Office of the High Commissioner on Human Rights organize a Conference on this issue in 2007, in conjunction with the relevant Special Rapporteurs, in order to evaluate the problem, assess the Human Rights impacts in light of relevant international and national standards and recommend additional remedies or standards to this body as required.
Mi nombre es MYRIAM SANCHEZ represento a la Comunidad Integradora del Saber Andino "CISA" "CONMIE" la voz de las Comunidades indígenas de base de Ecuador, además la voz de las mujeres indígenas de las Américas.

Considerando

1. Que uno de los ejes temáticos transversales del Plan de Acción de la Región Sudamérica del Enlace Continental de Mujeres Indígenas de las Americas es la no violencia, racismo y discriminación, y asumiendo el compromiso de participar de forma activa en la formulación, evaluación y seguimiento de políticas públicas nacionales y regionales en base a las recomendaciones derivadas de la Conferencia de Durban.

Las manifestaciones del racismo y la discriminación contra las mujeres indígenas son múltiples y agravadas por sus condiciones de ser mujeres, indígenas, de contextos rurales o urbano-marginales, que se agudiza en los casos de niñez, juventud y adultas mayores.

3. A pesar del compromiso asumido por los Estados en Durban de luchar en contra del racismo y la discriminación racial, no se ha divulgado el contenido y se han adoptado muy pocas medidas vinculadas a la Declaración y al Programa de Acción de Durban. En nuestras comunidades siguen siendo compromisos desconocidos.

5. Para las mujeres indígenas los derechos humanos, los derechos de las mujeres y los derechos de los pueblos indígenas están ligados en forma indisoluble. Creemos que las luchas de las mujeres indígenas deben darse contra los sistemas patriarcales hegemónicos, que crecieron a partir del colonialismo.

6. El proceso de globalización con la consecuente mundialización de la economía y la uniformización cultural se constituyen en amenazas cada vez más crecientes contra nuestros pueblos, nuestros recursos colectivos, especialmente territorios, recursos naturales, medio ambiente y conocimientos.

7. Los fenómenos interrelacionados con la militarización de nuestros territorios, y el "extremismo religioso se evidencian en nuestras comunidades con el saqueo cada vez más intenso de nuestros territorios, recursos naturales y conocimientos, y el desplazamiento de nuestras comunidades como primer paso en los grandes proyectos de construcción emprendidos por las multinacionales. El saqueo se ha visto facilitado por la eliminación sistemática de nuestros derechos históricos sobre nuestros territorios, llevado a cabo desde hace siglos. Y hemos visto violaciones permanentes a nuestros derechos humanos y libertades fundamentales. A medida que los conflictos armados se desatan sobre nuestras tierras y nuestras semillas son pirateadas por las industrias que contaminan nuestros cuerpos y ecosistemas con organismos genéticamente modificados.
8. Nos preocupa de especial manera el impacto de eras amenazas sobre nuestra juventud que aspira a mejorar sus condiciones de vida, sin oportunidades ni dentro ni fuera de [as límites de los Estados.

El reconocimiento de los derechos de los pueblos indígenas en los ámbitos nacionales e internacionales se ha estancado, y más bien se han incrementado las violaciones y la impunidad ante ellas. Nos preocupa de forma especial la situación de migrantes y desplazados indígenas.

10. Las mujeres indígenas hemos trabajado fuertemente para hacer visible nuestras votos y demandas. entendiendo que el desarrollo colectivo de nuestros pueblos fortalecerá la participación de las mujeres indígenas en las sociedades indígenas y en nuestros países. Par eso, ponemos énfasis en la importancia de nuestros derechos humanos tanto colectivos como individuales, desde nuestro propio punto de vista socio-cultural.

11. La lucha contra el racismo, la discriminación racial y la exclusión es compleja puesto que requiere de la voluntad política y el involucramiento de una gran cantidad de actores en nuestros países. Las mujeres indígenas reiteramos en ese sentido nuestro compromiso y voluntad e instamos a todos los sectores a continuar en esta lucha por la justicia y dignidad de nuestros pueblos.

Por lo anterior,

Recomendamos

1. Que el proceso de implementación del Plan de Acción de Durban, cinco años después, sea un proceso que permita analizar los compromisos y las estrategias efectivas de lucha contra el racismo, la discriminación racial y la exclusión en cada uno de nuestros países y al nivel regional con la plena participación de las mujeres indígenas.

2. Fortalecer el trabajo conjunto entre las organizaciones indígenas y afro descendientes en nuestros países y al nivel regional para vigilar y exigir a los estados y Gobiernos que cumplan con los compromisos asumidos en Santiago y Durban. La implementación del Plan de Acción de Durban por los Estados debe responder a los urgentes problemas de:

a, salud (VIHISIDA, SSR, salud materna-infantil, maltrato en las unidades de salud);
b. acceso a educación pertinente y de calidad en todos los niveles incluyendo educación superior;
c. violaciones de derechos contra pueblos indígenas que habitan en zonas fronterizas;
d. capacitación a autoridades sobre derecho indígena y ciudadanía;
e. inclusión de información estadística con desagregación étnica para el monitoreo de políticas, programas y proyectos;
f. fiscalización y penalización de actos racistas y discriminatorios;
g. promoción de la comunicación libre de racismo;
h. adopción de instrumentos internacionales y nacionales que reconozcan los derechos de los pueblos indígenas, en especial la Declaración sobre los Derechos de los Pueblos Indígenas en la ONU y la OEA.
Cristina Blohm-Seewald. M.A.

Institut fuer Rechtswissenschaften
Fakultat Wirtschafts-, Verhaltens- and Rechtswissenschaften
Website: http://www.uni-lueneburg.de/fb2/recht/htm/de/willkommen.htm

Palais des Nations, Assembly Hall, 31 July 2006

Office of the United Nations
High Commissioner for Human Rights Working Group on Indigenous Populations
24th session (31 July - 4 August 2006) CH-1211 Geneva 10
Switzerland

Tema 5. Actividades normativas:

Titulo de la Conferencia:

Actividades Normativas en el Marco de Regulaciones de Acceso a Recursos Genéticos Humanos
Gracias Sr. Presidente,
Autoridades presentes,
Damas y Caballeros:

Gracias por permitirme trasmitir mis sugerencias con respecto al tema actividades normativas en el marco de regulaciones de acceso a recursos genéticos humanos indígenas.

En la sesión del año pasado presentamos una intervención crítica con respecto al proyecto internacional sobre la migración humana "Geográfico" iniciado en Abril del 2005 por la Sociedad Geográfica Nacional (National Geographic Society) y la Corporación IBM. Debido a la falta de respeto hacia varios principios jurídicos internacionales (por ejemplo los derechos de los pueblos indígenas a la participación efectiva, derecho al libre e informado consentimiento), y hacia [as normas y valores de los pueblos indígenas, el Consejo de Pueblos Indígenas sobre Biocolonialismo (IPCB) organizó una campaña de boicot la cual apoyamos en la anterior sesión.]

El proyecto Geográfico ha recolectado y analizado en el interin mas de 115,000 muestras de aproximadamente 10,000 personas de todo el mundo. Las regiones mas interesantes para los científicos del proyecto son la parte sur del Sahara en África, y las poblaciones indígenas en América y en la Polinesia. Actualmente están en negociaciones con la Polinesia Francesa con el fin de recolectar a partir de enero del 2007 unas 1,000 a 2,000 pruebas genéticas humanas de su población indígena primordialmente de las Islas Marquesas. Según informaciones en el Internet el Ministro de Ciencias Keitapu Maamaatuaiahatapu de la PF no se opone a la investigación bajo la condición de que una vez analizadas las muestras, estas permanezcan en su país. De esta forma se pretende impedir la comercialización del material genético humano.

La determinación de que las pruebas permanezcan en su lugar de origen, y que implica la prohibición del traslado a laboratorios en el extranjero, es a mi entender una medida acertada, siempre y cuando [as comunidades hayan pronunciado su consentimiento libre e informado previamente. Esta norma podría ser incluida en el catalogo de sugerencias para el estudio de las actividades normativas sobre proyectos de genética humana en poblaciones indígenas. A su vez sugiero que a esta condición se le añadan cláusulas que promuevan la efectiva participación de la población en el proyecto. Me refiero a las condiciones im
Cristina Blohm-Seewald. M.A.

puestas por el Convenio sobre la Diversidad Biológica de 1992 en sus artículos 12 y 19 especialmente, que en síntesis exigen para los países y poblaciones involucradas en dichos proyectos:

(a) establecer y mantener programas de educación y capacitación científica y técnica,
(b) promover y fomentar la investigación.
(c) promover la utilización de los adelantos científicos en materia de investigaciones (Art. 12);
(d) asegurar la participación efectiva en las actividades de investigación sobre biotecnología;
(d) promover e impulsar en condiciones justas y equitativas el acceso prioritario a los resultados y beneficios derivados de las biotecnologías (Art. 19).

La trascendencia de estas medidas y de su implementación adecuada es la promoción de la participación efectiva de la población "donante" mediante su capacitación científica y técnica necesaria para la respectiva investigación. De esta forma los países y las poblaciones involucradas en tales proyectos - los mal llamados "objetos de la investigación" - participarían activamente en los correspondientes estudios y análisis del proyecto en su propio país, y por lo tanto la necesidad de trasladar el material genético a laboratorios en el extranjero se convierte en un acto superfluo, minimizando así el riesgo de comercialización (patentamiento) del material genético humano. Al proponer estas medidas soy consciente de que la industria biotecnológica no aceptará estas condiciones fácilmente -- recordando las graves disputas que generaron estas medidas en el transcurso del proceso de negociaciones y de ratificación del Convenio sobre la Biodiversidad. Sin embargo esta en los países donantes dictar las condiciones y normas en defensa de los intereses y valores de su población indígena, y en defensa de la justicia y la solidaridad.

Muchas gracias por su amable atención!
Anexo

CBD Artículo 12. Investigación y capacitación

"Las Partes Contratantes, teniendo en cuenta las necesidades especiales de los países en desarrollo:

a) Establecerán y mantendrán programas de educación y capacitación científica y técnica en medidas de identificación, conservación y utilización sostenible de la diversidad biológica y sus componentes y prestarán apoyo para tal fin centrado en las necesidades específicas de los países en desarrollo,

b) Promoverán y fomentarán la investigación que contribuya a la conservación y a la utilización sostenible de la diversidad biológica, particularmente en los países en desarrollo. Entre otras cosas, de conformidad con las decisiones adoptadas por la Conferencia de las Partes a raíz de las recomendaciones del órgano subsidiario de asesoramiento científico, técnico y tecnológico, y

c) De conformidad con las disposiciones de los artículos 16, 18 y 20, promoverán la utilización de los adelantos científicos en materia de investigaciones sobre diversidad biológica para la elaboración de métodos de conservación y utilización sostenible de los recursos biológicos, y cooperarán en esa esfera".

CBD Artículo 19. Gestión de la biotecnología y distribución de sus beneficios

1. Cada Parte Contratante adoptara medidas legislativas, administrativas o de política, según proceda, para asegurar la participación efectiva en las actividades de investigación sobre biotecnología de las Partes Contratantes, en particular los países en desarrollo, que aportan recursos genéticos para tales investigaciones, y, cuando sea factible, en esas Partes Contratantes.

2. Cada Parte Contratante adoptara todas las medidas practicables para promover e impulsar en condiciones justas y equitativas el acceso prioritario de las Partes Contratantes, en particular los países en desarrollo a los resultados y beneficios dentados de las biotecnologías basadas en recursos genéticos aportados por esas Partes Contratantes. Dicho acceso se concederá conforme a condiciones determinadas por mutuo acuerdo.

3. Las Partes estudiarán la necesidad y las modalidades de un protocolo que establezca procedimientos adecuados, incluido en particular el consentimiento fundamentado previo, en la esfera de la transferencia, manipulación y utilización de cualesquiera organismos vivos modificados resultantes de la biotecnología que puedan tener efectos adversos para la conservación y la utilización sostenible de la diversidad biológica.

4. Cada Parte Contratante proporcionará, directamente o exigiéndoselo a toda persona natural o jurídica bajo su jurisdicción que suministre los organismos a los que se hace referencia en el párrafo 3, toda la información disponible acerca de las reglamentaciones relativas al uso y la seguridad requeridas por esa Parte Contratante para la manipulación de dichos organismos, así como toda información disponible sobre los posibles efectos adversos de los organismos específicos de que se trate, a la Parte Contratante en la que esos organismos hayan de introducirse".
Statement of Dr Dhuni Soren, WORLD ADIBASI COUNCIL (WAC)

Good day Mr Chair person, delegates, ladies and gentlemen

Agenda; Standard -setting

5(a) Future priorities for standard-setting activities.

We have set very high and laudable objectives for the protection of the wide range of the cultural heritage of the Indigenous Peoples. They include;

1. Promotion of respect for the dignity and cultural heritage of the Indigenous peoples.
2. Self determination and right to lands, territories and resources traditionally owned or occupied and used, be governed by and full effect to the principle of free, prior and informed consent for any description of, access to or acquisition of elements of, indigenous peoples' cultural heritage.
3. Much more important is to preserve and protect their customs and customary laws and practices and traditions.

But unfortunately the member states ignore these in the name of greater good and benefit of the nation and the majority population. Hence the future priorities of the standard-setting activities should concentrate on the followings;

1. The first and foremost the member states should be persuaded to respect the customs and customary laws and traditions and practices when enacting new laws.
2. Their customs and customary laws and practices are simple and democratic and decision making is either consensus or by the majority.
3. There should be an international organisation or institution to monitor the performances of the member states in this respect and should apply sanction to the defaulting member.

Mr Chair person, delegates, ladies and gentlemen I submit these for your kind consideration.

THANK YOU
The 24th Session of the United Nations Working Group on Indigenous Populations
Geneva, July 31 - Aug. 4, 2006

Statement on item 5

The Protection of Indigenous Cultural Heritage

Thank you, Mr. Chairman:

The Draft Guidelines on the Protection of the Cultural Heritage of Indigenous Peoples, as presented in the Working paper submitted by Mr. Yokota and the Saami Council is a very valuable step forward towards a situation of mutual respect between cultural groups, and away from intercultural relations as they are common today, which usually lead to the destabilisation and disintegration of indigenous societies. However, it has to be pointed out that the problems indigenous peoples are confronted with cannot be overcome by simple political decisions. At the very core of those mechanisms of cultural destabilisation, there are very complex human perceptions, cognitions, and behaviour. In order to ensure cultural diversity in the long run, it seems necessary to implement the mediation of culturally sustainable behaviour in the educational systems of the First World, since this is where the destruction of many indigenous societies has its origin. As long as people from the industrial culture don’t see the need and don’t know how to behave in a culturally sustainable way - be it officials or private persons -, the processes of cultural loss are going to continue despite legal regulations. Both sides, indigenous and industrial culture, need to be aware of the mechanisms of globalisation and dominance, in order to reflect and to make choices with free, prior and informed consent. The diversity of cultural heritage is a prerequisite for global stability. Its deletion would also mean the loss of environmentally-friendly ways of living, of managing habitats. Therefore, instead of displacing indigenous peoples, as it has been done recently by banning them from some African national parks, it should be acknowledged that indigenous traditions are usually very much compatible with nature, so that defining nature reserves should make the use of indigenous ways binding to anyone who enters them. Culture cannot be preserved in museums, it can only persist by being lived. So, the protection of cultural heritage necessarily needs to ensure that the factors that could be detrimental to the respective culture, are minimised.

Thank you, Mr. Chairman.
Mme WACAPO CALET Babette CNDPA KANAKY Nouvelle-Caledonie.

Monsieur le Président, merci de m'accorder la parole.

Mesdames et Messieurs les représentants des peuples autochtones du Monde, bonjour. Je me fais toute petite devant l'assemblée, en tant que femme Kanak, avant de prendre la parole. Cela fait 153 ans que le colonialisme français veut la disparition de notre peuple, le peuple autochtone Kanak ; mais heureusement nous sommes encore là. La France ne reconnaît pas qu'il existe un peuple autochtone Kanak, en Kanaky. C'est la raison pour laquelle nous proposons, au nom du peuple autochtone Kanak de Kanaky, de maintenir le groupe de Travail. Personae ici, parmi nous, frères et sœurs autochtones, ne voit (veut ?) la disparition de notre groupe de Travail.

Il faut maintenir ce groupe de Travail, pour les populations autochtones, car il y a beaucoup de choses qui ne sont pas encore résolues au niveau des droits coutumiers des autochtones dans le Monde.

Je fais appel à chacun et chacune de nous, afin de maintenir avec force notre détermination pour que le groupe de Travail continue à exister au sein de Nations Unies, pour défendre nos droits collectifs, sur la souveraineté des ressources naturelles, etc…

Monsieur le Président, Mesdames et Messieurs, merci de votre compréhension. Je vous remercie.
Commission on Human Rights

Subcommission on the Promotion and Protection of Human Rights
Working Group on Indigenous Populations 24 session 31 July - 4 August
2006

Agenda Item 5(a) Standard setting - future priorities for standard setting

Intervention of the Aotearoa Indigenous Rights Trust Delivered by Teanau Tuiono

1. The 2005 New Zealand Mission report by the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples states that "Governments cannot unilaterally extinguish indigenous rights ... through any means without the fuse, prior and informed consent of the concerned indigenous peoples."

This principle is already well-known to the New Zealand Government. It is enshrined in the nation's founding document, the Treaty of Waitangi, which obliges the Crown to protect Maori lands, estates, forests, fisheries and other treasurers so long as Maori desire to retain there. The Government's own Minister of Maori Affairs said of the then proposed Foreshore and Seabed Bill that "The land wars are over, so the consent of the [indigenous peoples] is required before customary title can be extinguished."

2. In November 2005 the Special Rapporteur Mr Rodolfo Stavenhagen came to Aotearoa/New Zealand to look into the situation of Maori. In particular the Special Rapporteur came to look at the implications of the Foreshore and Seabed Act.

3. Unfortunately the New Zealand government has failed to embrace the report. They have made some very damning and inflammatory comments both in relation to the content of the report as well as the Special Rapporteur himself.


† Parekura Horomia, Min Maori Affairs, 25 June 2003.
3. Prime Minister Helen Clark has dismissed the report, describing it as unbalanced whilst the Minister of Foreign Affairs made the following comment: "Solutions to the issues we confront will not come out of fleeting overseas 'experts' visits with entrenched ideological views. Unfortunately, when you choose to only listen to the disgruntled, negativity is what you will get."

4. Mr Chairman it is essential that this Working Group continues within the Human Rights Council structure, this group provides an unparalleled forum for indigenous peoples the world over to express their concerns, both domestic and international, to the United Nations, especially because of its openness to all indigenous peoples that may not otherwise find a voice in our home countries.

5. The Working Group on Indigenous Population's mandate does not overlap with other United Nations bodies. Unlike the Permanent Forum, its mandate is to review national developments relating to indigenous peoples' human rights and to develop international standards, a responsibility that does not finish with the potential General Assembly adoption of the Declaration on the Rights of Indigenous Peoples.
STATEMENT BY TEBTEBBA FOUNDATION

By Joji Carino

1. Review of the Draft principles and guidelines on the Heritage of Indigenous Peoples

I wish to congratulate Mr. Yokota and the Saami Council for the Working Paper on the Draft Guidelines on the Protection of the Cultural Heritage of Indigenous Peoples. These guidelines are being discussed at a very important time.

The Conference of Parties to the Convention on Biological Diversity (CBD) decided at its recent meeting in Curitibal, Brazil to begin negotiations on an International Regime on Access to Genetic Resources and Associated Traditional Knowledge and the Fair and Equitable Sharing of Benefits arising from such access. After the UN Declaration on the Rights of Indigenous Peoples, the proposed regime on Access and Benefit-sharing could be the most important inter-governmental negotiations affecting the rights of indigenous peoples.

The CBD is organizing a Technical Expert Seminar this December on "Certificates of Origin and Legal Provenance" related to access of genetic resources and associated traditional knowledge, and will proceed with negotiations of an international regime within the next 2 years.
Therefore, the underlying criteria, objectives and principles contained in the Draft Guidelines on the Protection of the Cultural Heritage of Indigenous Peoples are very timely and could very usefully inform all interested parties in these discussions - State Parties, indigenous peoples, research institutions and the private sector.

2. Free, Prior Informed Consent

The same can be said of the working paper on Free, Prior and Informed Consent. To date, the CBD has accepted that the prior, informed consent of indigenous peoples is required in the access of traditional knowledge associated with genetic resources. A central part of the negotiations in next two coming years will focus on the implementation of PIC consent for access to genetic resources and associated traditional knowledge.

The Draft Working Paper and Legal Commentary on Free, Prior Informed Consent, which was considered by the UNWGIP at the 23\textsuperscript{d} session last year, could provide all the relevant parties with in-depth information on the legal principles and existing jurisprudence on Prior Informed Consent as applied to Indigenous Peoples in the international, regional and national jurisdictions.

But beyond the legal commentary, there has been a strongly expressed need by governments, indigenous peoples, International Financial Institutions and the private sector for guidelines on the implementation of free, prior, informed consent.

The UN Working Group on Indigenous Populations is an appropriate body to elaborate guidelines or a Code of practice for the implementation of this right, drawing on the legal commentary prepared by the UN Expert in collaboration with the Tebtebba
Foundation and the wealth of national experiences in the application of this right.

For example, the right to Free, Prior and Informed Consent has been the subject of debate by international financial organizations in relation to recently adopted safeguard policies' by the World Bank, the International Finance Corporation and the Inter-American Development Bank, with each institution using different terminology and guidance on its implementation. Recently, the Equator Banks, bringing together more than 40 of the largest private commercial banks, have accepted to apply Performance Standards of the IFC, including Performance Standard 7 on Indigenous peoples, which requires good faith negotiations leading to broad community support, when projects take place on traditional lands under use. The IFC has published Guidance Notes on the application of its policy, following a "developmentalist" rather than a human rights framework.

In the light of these contemporary developments, I would like to make the following recommendations:

1. There is urgency to disseminate more widely, these working papers, in the light of the ongoing negotiations on these issues in many international fora.

2. Moreover, these papers, could usefully be the subjects of Technical Expert Seminars which could focus on the finer details presented in the papers, in order to refine the implementation guidelines.

3. These papers could be published by the Office of the UN High Commissioner on Human Rights, for wider dissemination.

*WB, IFC, TDB, JBIC*
International Organisation of Indigenous Resource Development

Item 5 Possible New Studies to be Undertaken

Sub-Commission on the Promotion and Protection of Human Rights

The World’s Indigenous Nations [MIN.] Sports, Inc., a not-for profit advocacy organization for Indigenous Peoples’ Traditional Games and Sports, together with the International Organization of Indigenous Resource Development (IORD) propose the following new study to be undertaken, “A study on to participation of indigenous Peoples in international sports and games”.

Mr. Chairman, last month the 6th North American Indigenous Games concluded in Denver, Colorado with nearly 8000 athletes and hundreds more as cultural participants. Through you, Mr. Chairman and this 24th Session of the WGIP, thank you to all organizers and sponsors for this successful event. This and many other activities lead to a need to study the current status of Indigenous Peoples' participation at the global level.

As an example, please note among others:

UNESCO’s work on an International Charter for Traditional Games and Sports
- The Secretary General Kofi Annan appointment of former Swiss President Adolf Ogi as Special Advisor on Sport and Development.
- The Magliggen commitment to Physical Education and the Magliggen Call to Action for Sports.
- The U.N.P.F.’s 5th Session consideration and adoption of the recommendations of these two important International Conferences,
- The recent adoption, by vote of the U.N. Declaration on the Rights of Indigenous Peoples by the new Human Rights Council including article 29 on sports and traditional games as cultural. expression and manifestation.
- The specific articles on Indigenous Children, play and leisure in the International Convention on the Rights of the Child

While these aims are all very good activities, 2005, the U.N. International year for Sports and physical Education went by without participation in any, significant manner by Indigenous Peoples, Tribes and Nations. How do and can the above stated instruments and mechanisms apply for the benefit of Indigenous Peoples? Can there be a specific focus on the unique contribution of Indigenous peoples to the world of Sports? Perhaps as Expert Seminar or a Sports’ Congress could be held to ensure Indigenous peoples could share fully in the benefits of traditional games and sports. Thank you
Tema 5b. Nuevos estudios que podría emprenderse.

**Título de la ponencia conjunta:**

*Análisis de conceptos. Problema de la Incompatibilidad de Conceptos en el marco de Los Derechos de Propiedad. 1ª parte.*

Sr. Presidente, autoridades invitadas, colegas, hermanas y hermanos delegados y representantes de nuestros Pueblos Indígenas del Mundo. Nuevamente me presente; soy Cumanagoto por línea materna y la embajadora de Los Pueblos Indígenas Cumanagoto, soy voluntaria incondicional y a tiempo completo para representar y defender los derechos de Los Pueblos Cumanagoto de La República Bolivariana de Venezuela. Cuando hago mis ponencias, muchas veces, me refiero a todos Los Pueblos Indígenas porque en realidad como lo sabemos nosotros los Indígenas formamos un solo Pueblo simbólicamente por solidaridad, por tantas afinidades que poseemos, por tantas tragedias y vicisitudes que hemos sufrido a través de la historia.

Sr. Presidente y a todos los presentes es necesario dejar sentado que también tenemos diferencias, por ejemplo en lo que se refiere en el uso y concepcion de ciertos conceptos. La Sra. Cristina Blohm-Seewald de la Universidad de Lueneburgo y yo de la universidad Marc Bloch de Estrasburgo, hemos tenido la idea de hacer, conjuntamente, esta ponencia especialmente sobre el tema de la Incompatibilidad del Concepto de Propiedad como sugerencia para nuevos estudios sobre actividades normativas a emprender en el marco de nuestro grupo de trabajo.

Según nuestra Constitución venezolana de 1999 nuestros Territorios y nuestros derechos son reconocidos y garantizados en toda nuestra República. Podemos vivir, desplazarnos, trabajar libremente, tenemos la salud y los cuidados médicos garantizados y gratuitos así como la educación, la cultura, [as artes, los deportes etc. En lo que se refiere al problema de la incompatibilidad de conceptos en el marco de Derechos de Propiedad, tenemos que aclarar y especificar que por nuestra mentalidad, costumbres, tradiciones y en general por nuestra visión propia del Mundo, estas nos han diferenciado siempre de muchas otras concepciones. Son muchas las personas que tienen una gran confusión y equivocación con respecto a nuestras ideas.
Según nuestra cultura ancestral milenaria la naturaleza con sus tierras, sus océanos, ríos, lagos, bosques, montañas y todos sus recursos NI SE COMPRAN NI SE VENDEN, todo esto pertenece a las futuras generaciones. Todo esto se respete y se protege. Estamos de paso en este planeta. Cuidar nuestra naturaleza y tratarla según sus propias leyes es una responsabilidad individual y colectiva. Tratar la naturaleza como al mejor y más importante de los socios es una responsabilidad comunitaria que asumiendo e impusieron nuestros ancestros desde nuestros orígenes hasta un hoy que se prolonga en un futuro cercano y lejano. El concepto de Propiedad nos ha sido impuesto por el occidente.

Somos Guardianes en este mundo y no propietarios. Tenemos la responsabilidad de dar a conocer y perpetuar los valores y símbolos de nuestras culturas y civilizaciones. Nuestra manera de pensar esta impregnada de valores simbólicos y rituales que todos estamos obligados a respetar porque son sagrados. Porque sagrados? Porque es un legado de responsabilidad cultural impuesto por nuestros antepasados. Este legado no es incompatible con el Estado democrático de derecho de nuestra República porque precisamente el Estado se perpetua a través de las generaciones garantizando nuestros derechos y asumiendo sus responsabilidades para con nosotros. El Estado se asimila en este particular a una persona. Por otra parte es necesario valorizar e instaurar el principio de no venta ni de compra de tierras, ríos, lagos, islas etc. a extranjeros. Nuestro presidente y actual gobierno son profundamente democráticos y nacionalistas y sabemos que nos comprenden y que nos ayudaran en esta tarea, según sus posibilidades.

Para concluir Sr. Presidente es lógico y normal que por nuestras convicciones y creencias nos opongamos a toda compra-venta de las tierras, sus habitantes y su naturaleza. Sin embargo alquilar por un como o largo plazo no está prohibido. Desde tiempos inmemoriales nosotros los indígenas hemos cambiado, prestado e incluso regalado todo aquello que puede ser útil materialmente y todo aquel que tiene un valor simbólico. Por las exigencias actuales del modernismo, del desarrollo industrial y económico, sentimos y pensamos que es normal vender e intercambiar, pero únicamente productos así como ofrecer mejores condiciones de compra-venta de estos a otros países o a personas necesitadas e incluso ofrecer solidariamente productos de la tierra o manufacturados al que lo pida y lo necesite. Por estas razones hay una incompatibilidad fuerte y profunda entre la concepción de la sociedad actual de desarrollo y consumo la cual impone y certifica la venta de tierras y nuestra concepción indígena. Como he dicho este concepto es complejo y difícil es por ello que a continuación, si Vd. Sr. Presidente lo permite, la profesora Cristina Blohm Seewald tiene la palabra para seguir el análisis en esta ponencia. Gracias Sr. Presidente gracias a todos!
Tema 5b.: Nuevos estudios que podrían emprenderse.

Título de la ponencia conjunta:
Análisis de conceptos. Problema de la Incompatibilidad de
Conceptos en el marco de Los Derechos de Propiedad. 2da parte

Rosario Blanco Cumanagoto y Cristina Blohm-Seewald
Universidad Marc Bloch de Estrasburgo y Universidad de Lueneburgo
A continuación me voy a referir a la problemática de los conceptos en el marco de debates, negociaciones de reglamentación jurídica internacional, y en el de proyectos a realizarse en territorios indígenas. Como es sabido, el determinar con precisión los términos y conceptos en su correspondiente contexto temático y socio-cultural es un requisito esencial para lograr un común entendimiento y para prevenir conflictos. La consideración de la conceptualización de los diferentes actores involucrados es a su vez la puesta en practica del principio del respeto hacia la pluralidad cultural - postulado por la UNESCO en el 2001 - y por lo tanto es un imperativo ético. La no consideración y no integración del contexto cultural correspondiente significa éticamente visto un acto de menosprecio, interpretado por las personas o grupos afectados como la cosificación, la reducción del ser humano a un objeto despojado de sus derechos fundamentales, por ejemplo el a libre determinación, del derecho a la propia cultura. Las tensiones y los conflictos generados por esta falta de consideración han repercutido a lo largo de la historia de forma negativa en las relaciones entre los actores occidentales y los pueblos indígenas.

El desarrollar una visión compartida a nivel internacional es empero un desafío. Me refiero a la problemática semántica, a la dificultad de "traducir" adecuadamente el significado de los conceptos (occidentales) utilizados. Como lo acaba de exponer la Embajadora Cumanagoto estos conceptos generalmente y en especial el de "propiedad" -no son compatibles con la cosmovisión indígena. Mientras que el pensar "occidental" tiende a reducir la temática a un único segmento de la realidad, priorizando valoraciones racionalistas, tecnico-científicas y generalmente mercantilistas, la cosmovisión indígena se caracteriza en general por su visión integral del mundo, que no ansia un aspecto del todo total, y especialmente por su visión comunitaria solidaria e transgeneracional.

Con respecto al tema y al concepto de propiedad en el marco jurídico de acceso y utilización de los recursos naturales podemos distinguir diferentes perspectivas y preocupaciones a nivel mundial como ser diferentes posiciones con respecto al estatus (de propiedad), al control, al acceso, a las posibilidades de privatización, y con respecto a medidas que aseguren el uso sostenible y el intercambio equitativo de los beneficios derivados de la utilización de los recursos naturales y genéticos.
Cristina Blohm-Seewald, M.A.

En respuesta a estas preocupaciones se introdujo el término "patrimonio común de la humanidad" propuesto ya a partir de 1970 en la FAO por los países en desarrollo. La concepción de "patrimonio común" de estos países era una muy amplia y correspondía a la de "bien publico" (significando que son propiedad de todos y de ninguno en especial), que implica la asunción de responsabilidades comunes, compartidas entre todos los países para salvaguardar dichos recursos para las próximas generaciones. Los países industrializados empero, se negaron incluir a los recursos fitogenéticos mejorados (o sea aquellos protegidos por derechos de propiedad) bajo el régimen, mientras que los recursos de los países en desarrollo y especialmente los de jas territorios indígenas (no protegidos por derechos de propiedad) fueron declarados de libre acceso sin restricción alguna. Esta concepción de los países industrializados de "patrimonio común de la humanidad" adoptada en 1983 en el "Compromiso Internacional Sobre los Recursos Fitogenéticos" (CI), no considera ni la perspectiva de los países del Sur (que propusieron el término), ni la indígena; primordialmente favorece el desarrollo de la ciencia occidental y de la industria biotecnológica. A pesar de que los países del Sur habían llamado la atención al hecho de que por un lado la industria (los fitomejoradores) recibía renumeración por sus productos, mientras que los pueblos donantes (agricultores, comunidades indígenas) del material genético utilizado por dichas empresas no recibían compensación alguna. El libre acceso así comprendido permitió a las países con una tecnología avanzada la privatización del material genético y de los conocimientos tradicionales correspondientes, por medio de patentes en menoscabo de los países o pueblos poseedores de dichos recursos.

Resumiendo se puede afirmar: 1. que en general los pueblos indígenas no conciben la apropiación de la naturaleza o de elementos de ella, por lo tanto no existe el concepto de propiedad. 2. Esta visión no es respetada a nivel internacional jurídico, 3. Tampoco en la práctica, si tenemos en cuenta la creciente comodificación y privatización de los recursos naturales y genéticos de los pueblos indígenas. 4. Esta polémica demuestra la importancia que tiene en sentido ético - el de justicia, de equidad y de solidaridad - el considerar las concepciones de todas las partes involucradas equitativamente e implementarlas en [as acuerdos. Por estas razones nos permitimos sugerir el tema de la incompatibilidad de conceptos en el marco jurídico Internacional como un tema de estudio a emprenderse en el Grupo de Trabajo.

Muchas gracias por su amable atención!
Tema 5

b) Nuevos estudios que podrían emprenderse

PRESENTATION DEL TALLER DE LA HABANA EN LAS NACIONES UNIDAS

Sr., Presidente y Sr. Representantes de las culturas indígenas aquí presente.

Nos complace presentarles e invitarles al próximo taller internacional titulado "Salud y diversidad cultural en el mundo" que FAPCI organizará en La Habana del 20 al 23 de noviembre 2006.

Participarán en el taller reconocidos profesionales de la medicina oficial junto con representantes de la medicina indígena que significará un diálogo intercultural para promocionar la práctica de los médicos tradicionales. Ellos valorarán las enseñanzas, sabidurías, técnicas, conocimientos y experiencias con el fin de trasmitir a las generaciones del futuro.

El objetivo del taller será intercambiar, evaluar y analizar para fomentar, rescatar y promover los hábitos y costumbres de las culturas ancestrales de la medicina natural indígena, como son:

- el conocimiento de las propiedades curativas de las plantas
- la sanción en el campo de la salud
- los diferentes métodos de diagnostico

- la construcción de la dimensión de la salud como parte de la cultura, y

las diferentes medicinas naturales, tradicionales e indígenas en general.

Porque nuestra decisión de organizar en este país Primero tenemos una larga relación profesional con ellos, de otra parte este país es tún de la medicina oficial; reconocida por la calidad y facilidad que brindan a la salud de su población y la gran solidaridad que ejerce con sus hermanos latinoamericanos.

La República de Cuba ha acogido con interés este taller y ha facilitado la organización de este acto participando y colaborando con sus instituciones más Importantes de la
medicina del pass, como son: el Ministerio de Salud Publica, la Universidad de la Habana, el Consejo Nacional de Sociedades científicos del MINSAP, El Centro Nacional de Medicina Natural y Tradicional y la Escuela Latinoamericana de medicina tradicional y cultural.

Muchas gracias por su atención y espero versos a muchos de Uds. en dicho taller que sería muy interesante codificar y aunar el conocimiento de los antepasados de todas las culturas indígenas del mundo:

Gracias Sr. Presidente
Proposal: Media Ombudsman for indigenous peoples

Oral statement under item: 5. Standard-setting:
(b) Possible new studies to be undertaken.

Mr. Chairman;

In our statement under item 4 (a) we showed to you, in the framework of the decline of the Aramean heritage, the misrepresentation and misinformation of the Indigenous Aramean people of Aram-Nahrin by the mass media, governments and even by some human rights organizations. We felt that our rights were deliberately being violated in a way that contradicts the recorded testimonies III regarding our heritage and factually couldn't do anything about it. It is quite insulting and harsh to observe, as an indigenous nation, that your cultural heritage is being distorted and you have no adequate means to defend your rights.

We couldn't go to anywhere or anybody with this violation of our rights and felt powerless. We missed solidarity and support in this matter; no institution or organizations could help us in this matter, except the possibility to inform the high commissioner for Human Rights about these violations T21 We believe that there are more indigenous peoples who experience the same or perhaps worse. For example that some of them became victim of government propaganda for political reasons or to deny their claims of being indigenous people. Or perhaps became victim of the propaganda of some of their own people who were bribed and brainwashed. For this reason we present to you the following proposal in the framework of Possible new studies to be undertaken:

Perhaps it would be meaningful to undertake a feasibility study to Indigenous peoples access to the media with the aim to create of what we would call a Media Ombudsman for indigenous peoples. The main goal of such Ombudsman would be the correct representation of indigenous peoples by the mass media, governments and others. This person should be, to our view, provided with means, authority and responsibility to instantly act adequately when the indigenous peoples are being misrepresented whether deliberately or not by the press, governments and others. At least this person should make note of these violations and report to the UN organizations and institutions of interest.

Of course Mr. Chairman; the working group on indigenous populations is a good platform where indigenous peoples every year can vent their feelings and share their experiences. Roughly speaking, the story of all of them is more or less the same and comprises amongst others: discrimination, exclusion, persecution, ethnic cleansing, misrepresentation and destruction of their cultural heritage.
Therefore, we do not expect miracles as to media Ombudsman. However, we believe that a media Ombudsman would benefit the rights of all the indigenous peoples. Furthermore, the advantage of such Ombudsman to the indigenous peoples would be that you have somebody to whom you specifically can address the misinformation of your nation. As indigenous nation you than have something in your hand when you talk with media, governments and others; you have somebody at your side who is supporting you. Correct representation of Indigenous peoples may also help to better understanding of their cultural background; traditional knowledge and to attain their rights including recognition as indigenous people by governments.

Thank you

Gabriel Sengo (President) Arameans of Aram-Naharaim Foundation P.O. Box 178 7550 AD Hengelo(Ov.); Netherlands E-mail: info@aramnahrin.org

Footnote

[I] Testimonies of the brilliant historians of the Syrian Church of Antioch regarding the synonymy Aramean/Syrian: http://www.aramnahrin.org|English/Testimonies_Historians.htm

Tema 5  
b) nuevos estudios que podrian emprenderse

ESTUDIOS DE LA FUNDACION AQUAMARIS SOBRE EL AGUA DE MAR  

Sr. Presidente Gracias a las fundaciones FAPCI Y" HUAMAN POMA tengo el gusto de presentarles el estudio de la Fundación Aquamaris . Sobre el descubrimiento de la importancia del agua de mar para nuestra salud. Hay investigaciones medicas sobre enfermedades incurables, y gracias a la ingestión del agua de mar muchas de ellas han remitido o bien han desaparecido todos o parcialmente sus signos.  
A) Se puede tomar como agua potable  
B) Es bueno para la hidrologia del Futuro  
C) Esencial para balnearios  
D) El agua de que estamos hechos todos los vivientes.  

Llegando a la conclusión de que:  
EL AGUA DE MAR ES UNA FUENTE DE VIDA AL ALCANCE DE TODOS.  

Gracias Sr. Presidente
Mr Chairman

1. We recommend a detailed study and the launch of a process, in cooperation with Indigenous Peoples, to develop standards that identify the minimum obligations of International Finance Institutions to respect human rights and particularly their rights towards Indigenous Peoples.

2. We recommend that the working group on Indigenous Populations and the Human Rights Council be aware of the past work of the Subcommission on formulating standards related to the activities of transnational corporations, and aware of the ongoing work of Prof John Ruggie, the UN Sec General's special representative on human rights and the activities of transnational corporations and building directly on both to develop standards that specifically relate to the protection of indigenous peoples from human rights abuses caused by the activities of corporations.

To consider and recommend viable mechanisms for monitoring the myriad, various commitments of extractive corporations, banks and other concerned but which currently we fear are almost entirely rhetoric.

1. Mr Chairman the World Bank, IFC and other IFIs including the regional development Banks have the obligations of an international actor to protect and respect human rights. In recent ears the World Bank and the IFC have spent time reviewing and revising their policies and safeguards towards indigenous peoples. Both the processes involved and the failure of the World Bank to respect the inputs and even the final recommendations made in processes like the Extractive Industries Review the World Commission on Dams and others have been a source of frustration for those of us who have tried to relate to such activities.

Frankly we find these processes grossly inadequate in their involvement of Indigenous Peoples. We fear that rather than seek to address the clear deficit in Human Rights obligations in the Bank these processes were conceived for self serving re defined ends to increase Bank investments in projects and processes which most evidence shows seriously threaten indigenous Peoples rights. The recommendations of the exerts called u on b the Bank have called for more consideration of alternatives greater regulation and caution in such damaging investments and above all attention to the protection of the basic human rights of those affected. In the case of both the WCD and EIR the essentially recommended a reduction in Bank investment in these sectors.
The World Bank processes were severely criticized by Indigenous and other participants for the inadequacy of process. The outcome has also been subjected to severe criticism as falling below the minimum standard of human rights protection. Among the shortcomings was the failure of the Bank to accept the standards defined in the UN Declaration on the rights of Indigenous Peoples to FPIC Free Prior Informed Consent and their cynical adoption of the substitute “sounds like” FPIC Free Prior Informed Consultation which is both an inadequate standard for the protection of rights and, in English at least, a meaningless formulation.

It is clear that both for the World Bank institutions and the other IFIs there is a need for an authoritative guide from an exert human rights perspective rather than from a commercial perspective to ensure that these bodies identify the human rights obligations of IFIs. This is particularly important for those that claim to be directed by the objective of bringing benefit and reducing poverty. And as Indigenous peoples increasingly and successfully have recourse to the courts will assist the Banks in avoiding costly rulings against their violations of rights.

2. Mr Chairman the activities of transnational corporations, and in particular those engaged in the extractives and agricultural plantation sectors are having increasing and disastrous impacts upon the lives, livelihood and human rights of Indigenous Population. In the interim report of Professor John Ruggie he reports that the extractive Industries were the subject of the majority of all the concerns expressed to him.

For some years Indigenous Peoples have impressed upon the mining industry the need for minimum standards of human rights protection as expressed in the Declaration on Indigenous Peoples rights. A workshop was held in 2001 under the office of the UN HCHR and Chaired for the first time by Indigenous exert Wilton Littlechild that helped defined these issues and future work. Unfortunately recommended and promised second workshop has not been organised and is still needed. However in November 2005 through the IUCN a roundtable between the ICMM and some interested Indigenous members of IUCN and others did take place in Switzerland. The Indigenous representatives in this workshop did make clear the need for an FPIC that is consent framework as a minimum. In the meeting it was the understanding this had been accepted by ICMM however their subsequent standard failed to live up to this commitment.

Mr Chairman as the extractive industries are the subject of so many complaints to this body and as there is an absence of adequate existing broadly acceptable standards in the sector despite the proliferation of
industry verbage in recent years we recommend that standard setting activities towards this sector be given priority.

We recommend a solicitation of experience of Indigenous communities of their current and vast experiences at the hands of Extractives including the use of the excellent DOCIP files of these WG meetings, the cases of the UN Workshop and others. And the systematization and dissemination of this experience.

We recommend the conduct of the second workshop under the office of the UNHCHR in line with the recommendations of the 2001 workshop.

We recommend a detailed study by the Working Group of the existing practices and recommendations based on elaboration of those various parts of the UN Declaration on the Rights of Indigenous peoples that relate to the issues of control of territories, right to
Principal Item 5b: Standard-setting, possible new studies

By Christian P. Scherrer, Professor at the Hiroshima Peace Institute (HPI-HCU)

Honorable chairman and members of the Working Group, dear indigenous brothers and sisters,

As discussed by the experts the WGIP should embark on a series of pertinent new studies. Following on the study of treaties and other agreements between states and indigenous peoples the new Human Rights Council should commission several topical studies.

Constructive Elements of the Coexistence of States and Indigenous Peoples

1. The workgroup should urge to HRC to fund a comprehensive study on Constructive Elements of the Co-existence of States and Indigenous Peoples. Such constructive elements should be explored in the global context.

To mention a few constructive elements:

- Federalization, decentralization and territorial self-governance have proven themselves all over the world as means of averting conflict

- Such constructive elements can be combined with different, locally appropriate schemes of power-sharing and/or political representation.

2. Future studies may include a comparison of the policies designed for the benefit of indigenous peoples and minority groups, nationalities and nations in the world's most populous countries. This would include policies towards IPs in China, India, the Russian Federation and other areas of the former USSR compared with the policies towards IPs in European settler colonies in North America, Latin America and Asia-Pacific, especially the USA, Canada, Brazil, Colombia, Australia and New-Zealand.

Such a large-scale comparison has never been attempted and would be of major importance when it comes to international legal standards in regards to IPs and other endangered peoples.

Structural Prevention of Violence

3. The WGIP should give increasing, attention to the unspectacular but very effective impact of structural prevention of violence. Such silent ways of violence prevention has a longer history in positive policies towards IPs such as policies of decentralization and autonomization, power sharing, institutionalized confidence building and institutions for permanent intercultural dialogues. Such policies are silent and unspectacular but much more effective as those put into [notion after the house is burning. Successful experiences should be studied and compared by the experts linked to the WGIP. The workgroup should publish such a volume for the benefit of a wider readership, including IPs. Such experiences can teach lessons to be learned.

4. The development of concepts of structural prevention of violent conflicts, culturicide, ethnocide and genocide as the worst possible crime is one of the most urgent projects the UN system has begun to address in the very latest period. I recall the appointment of a Special Advisor on genocide prevention to the UN Secretary General, the discussion of the recommendations of the Brahimi report to make PKOs more effective, the follow-on of which led to the new doctrine of human security and the calls for the protection of civilians as a prime task for the UN system. Indeed the latter task becomes a key task of the United Nations in the 21st century. Among the victims of culturicide, ethnocide and genocide are a number of indigenous peoples. Therefore the WGIP has a lotto contribute in respect to the prevention of genocide and mass violence.

To conclude: The WGIP should vigorously continue to hold debates on the inherent right of all peoples-and indigenous peoples in particular-to Self-Determination and on the mentioned forms or its practical realization.
Dear Chairman, distinguished delegates,

Thank you for giving me the floor. I would like to congratulate you Chairman for your election to lead this working group.

My name is Katherine Kramer and I represent Geneva Call. GC is a humanitarian organisation working in different countries affected by armed conflict. Our mandate is to engage armed non-State actors in a landmine ban by enabling them to sign a Deed of Commitment that parallels the commitment made by States under the Ottawa Convention. To date, 30 NSAs have signed the Deed of Commitment, of which several represent indigenous people and ethnic minorities.

In our work worldwide, we have come across many instances where indigenous people are affected by landmines. A preliminary mapping has found that indigenous peoples' land in 22 countries in Asia, Africa, the Middle East and Latin America may be contaminated by mines. The impact of landmines on indigenous people and lands are severe:

- Thousands of acres of indigenous lands, territories, and resources are abandoned because they are in mine affected areas, displacing thousands of indigenous peoples and preventing their safe return.
- Due to landmines laid in their lands, territories and resources, indigenous peoples can no longer perform their rituals or have access to their sacred places (cultural impact), cultivate their lands (economic impact), and have to move to new places where they can not properly study, practice or perform their customs and traditions.
- Indigenous People are maimed, killed or psychologically depressed as a result of landmines.

Geneva Call is deeply concerned by the neglect of the national and international community on this issue on Indigenous people. Therefore, we would like the strongly recommend to the Working Group to:

- Make a comprehensive study on the impact of landmines on indigenous people, with particular respect to human right to life, freedom of movement, social, economic & cultural rights including but not limited to the right to health.
- We would also like to call on all armed non-State actors to sign the Deed of Commitment under Geneva Call for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action.

I would like to emphasise that a ban on anti-personnel mines in indigenous peoples land and territory shall contribute to demining and victim assistance. It shall also contribute to economic development, social progress, and peace by fostering understanding and friendly relations among nations and peoples of the world.

Thank you Mr. Chairman for your attention.
Item 5 b) Possible New Studies to be Undertaken

The World's Indigenous Nations [WI.N.] Sports, Inc, is a not for profit advocacy organization for Indigenous Peoples' Traditional Games and Sports, together with the International Organization of Indigenous Resource Development propose the following new study to be undertaken, "A study on the participation of Indigenous Peoples in international sports and games".

Mr. Chairman, last month the 6th North American Indigenous Games concluded in Denver, Colorado with nearly 5,000 athletes and hundreds more as cultural participants. Through you, Mr. Chairman and this 24" Session of the W.G.1-P., thank you to all organizers and sponsors for this successful event. This and many other activities lead to a need to study the current status of Indigenous Peoples' participation at the global level. As an example, please note among others:

- The Secretary General Kofi Annan's appointment of former Swiss President Adolf Ogi as Special Advisor on Sport and Development.
- The Magliggen commitment to Physical Education and the Magliggen Call to Action for Sports.
- The U.N.PF.'s Session consideration and adoption of the recommendations of these two important International Conferences.
- The recent adoption by vote of the U.N. Declaration on the Rights of Indigenous Peoples by the new Human Rights Council including article 29 on sports and traditional games as cultural expression and manifestation.


While these are all very good activities, 2005, the U.N. International Year for Sports and Physical Education went by without participation in any significant manner by Indigenous Peoples, 'tribes and Nations. How do and can the above stated instruments and mechanisms apply for the benefit of Indigenous Peoples? Can there be a specific focus on the unique contribution of Indigenous Peoples to the world of Sports? Perhaps as Expert Seminar or a Sports' Congress could be held to ensure Indigenous Peoples could share fully in the benefits of traditional games and sports.

Thank you.

Mr. Wilton Littlechild, I.P.C. August 3, 2006
Recommendations Item 8

The future of the WGIP
Recommendations of the Working Group on Indigenous Populations with regard to the two documents which the Human Rights Council asked the SubCommission to submit

The Working Group on Indigenous Populations recommends the Sub-Commission on the Promotion and Protection of Human Rights to take into account the following comments when preparing the documents requested by the Human Rights Council (HRC).

Under GA Res/60/251, para. 6, the HRC is required to undertake a two-stage process. First, it must review all mandates, mechanisms, functions and responsibilities of the Commission. On the basis of that review, which should be completed by the spring of 2007, the HRC may improve and rationalise the mandates, mechanisms etc. Any modification to existing practices and procedures must maintain a system of Special Procedures, expert advice and a complaint procedure and requires a specific decision of the HRC. In other words, where no such decision has been taken, the existing system will remain in place.

The HRC in Decision 2006/102 has requested the Sub-Commission to produce a paper giving its own vision and recommendations for future expert advice to the Council and a list, indicating the status of on-going studies and an overall review of activities.

This document relates specifically to expert advice in the field of indigenous issues.

It is essential to ensure that, through its future institutional arrangements, the HRC will continue to provide means and mechanisms to address effectively the struggle for the eradication of societal alienation, 'legal' deprivation of rights, ethnic/national discrimination and social exclusion that continue to afflict Indigenous Peoples throughout the world. This means, first and foremost, that the item 'Indigenous issues' should be automatically included in the agenda of all the substantive sessions of the Council, as was the case of the annual regular sessions of the CHR since 1993/5 (needs to be checked).

A. Recommendations for future exert advice

The HRC and the UN more generally needs the following types of advice with regard to the rights of indigenous peoples:

• Advice directly from indigenous experts

  At a general level, that occurs in the Permanent Forum but the representatives of the indigenous peoples are nominated by States. It might be useful if there were a mechanism permitting them to be nominated by indigenous groups themselves. The present system allows only for the indirect representation of the concerns of particular indigenous groups. The Permanent Forum is not an expert human rights body.

• Advice on the implementation in practice of the norms applicable to indigenous groups.
This is principally the role of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of indigenous Peoples. Whilst all Special Rapporteurs and Treaty Monitoring Bodies have been requested to include, with regard to every issue under their respective consideration, the situation of the indigenous peoples, that does not occur systematically but should do.

- **Advice on recent developments**

  An expert body may receive information from a variety of sources which suggests the need to bring a matter to the attention of the HRC, where there has not yet been a study of the issue. The expert body needs to deal with current developments in as dynamic a way as possible, including by means of inter-active exchanges.

- **Action-oriented in-depth studies** of specific issues affecting the rights of indigenous peoples. Such studies explore what is needed to achieve full legal recognition and implementation in practice of the rights of indigenous peoples. The reports contain conclusions and recommendations which are submitted to a superior body for discussion and action. This is not within the mandate and/or the current practice of the Permanent Forum or the Special Rapporteur. The Working Group on Indigenous Populations has identified issues which still require to be studied in-depth (see E/CN.4/Sub.2/AC.4/2003/4) and new issues are arising all the time. Possible issues for further study include the impact of the activities of transnational corporations and other business enterprises on the rights of indigenous peoples, the meaning of self-determination in the context of indigenous peoples, indigenous peoples in an urban environment, the impact of globalization on indigenous peoples and the effective protection of the intellectual property of indigenous peoples. The understanding of the Draft Declaration on the Rights of Indigenous Peoples will be assisted by conducting studies on some of its provisions and gathering together evidence of best practice. There is every reason to believe that this will be an on-going need. Such studies require to be undertaken by human rights experts in close consultation with as wide a range of indigenous groups as possible. There are precedents for jointly authored reports (human rights expert and representative of an indigenous group), which could be more widely used. The OHCHR should be required to provide assistance in the research and writing of such reports, as occurred in the past. This has implications for the use of resources by the OHCHR. The Special Rapporteur and the Permanent Forum do not have the time or the adequate mandates or resources to engage in such studies.

- **Standard-setting**

  The adoption of the Draft Declaration on the Rights of Indigenous Peoples by the Council is not the end of standard-setting activities within the UN system in the field of indigenous rights. There is a need for the drafting of, *inter alia, codes of good practice and guidelines* with regard to implementation. Such codes are a bridge between a norm and its implementation in practice. The contents of codes/guidelines are not legally binding but they often deal with the implementation of a norm which is itself legally binding. Codes are a useful tool for States, Special Procedures, Treaty Monitoring Bodies and, in some cases, international, regional and national courts. Examples of possible subjects for codes include « free, prior and informed consent », the protection of cultural heritage and the exploitation of natural resources above, on, in or
under indigenous land. Certain concepts in the Draft Declaration on the Rights of Indigenous Peoples would benefit from Guidelines on Implementation. Such codes need to be drafted by experts in human rights generally, as well as experts in indigenous issues, with the close involvement of the representatives of as many indigenous peoples and organisations as possible. Standard-setting and the drafting of such codes or guidelines is not within the mandate of either the Permanent Forum or the Special Rapporteur and they would not have the time to undertake the task. In addition, drafting requires a collegial environment. Further, the Permanent Forum is not an expert human rights body.

There are a "range of specific areas where the advice of an expert body in the human rights of indigenous peoples could be useful. They include contributing to securing the implementation of the goals of the Second International Decade of the World's Indigenous People, assisting the OHCHR in the field of technical assistance in relation to indigenous peoples and possibly contributing to the process of Universal Periodic Review.

Mean to deliver the expert advice

- The advice to be received by the Council is basically about human rights and therefore needs to come from human rights experts and experts on indigenous issues. In order to secure the widest possible indigenous involvement, the meetings at which studies and codes are discussed need to be open to as wide a participation as possible and should be as interactive as practicable.

- There would also be an argument (EICN.4/Sub.2/1994/10, paras. 81-82) for including representatives of indigenous peoples with expertise in human rights generally in, an advisory body on issues concerning indigenous rights, on condition that that did not serve as a pretext for reducing the participation in meetings of as wide a range of indigenous representatives as possible. The body providing expert advice on indigenous issues could consist of five nonindigenous experts, one from each of the UN-recognised regions, and 2-3 indigenous experts. Whether or not that is done, the precedent of jointlyauthored reports (see above) could be further developed. This advisory body would meet in annual session. The length of the annual session would need to be flexible, so that, when drafting of standards is being undertaken, the group can have additional time for closed sessions, when authorized by its parent body.

- The work of the Permanent Forum, the Special Rapporteur and such an expert advisory body would be complementary. They need to work in partnership. This would be assisted by the participation of a member of the Permanent Forum and of the expert advisory body in the work of the other body.

- In order to mainstream indigenous issues within the field of human rights, it is important that the expert advice on indigenous issues should be part of the wider advice in the human rights field generally. It would be preferable for an advisory body dealing with indigenous rights to report to a general human rights advisory body than for it to report directly to the HRC. There is otherwise a risk of the compartmentalisation, and therefore marginalisation, of indigenous rights.
Recommendations:

1. The item "Indigenous issues" should be automatically included in the agenda of all the substantive sessions of the Council;
2. All Special Procedures should be requested and Treaty Monitoring Bodies should be recommended to include the indigenous dimension of any issue under consideration, where applicable;
3. There should be an expert body providing advice on the promotion, implementation and protection of the rights of indigenous peoples; 4. Its principal functions would be to produce in-depth, action oriented, reports and studies and to engage in the elaboration of norms and other international standards relating to the promotion and protection of the rights of indigenous peoples;
5. Members (recommended number of 5) of the body should be experts in human rights, including indigenous issues. Consideration should be given to 2-3 additional members drawn from indigenous peoples and organisations;
6. The expert body should be assisted by the widest possible participation of indigenous peoples and organisations;
7. The expert body should report to the HRC through a wider human rights advisory expert body, dealing with human rights generally.

B. Status of existing studies & an overall review of activities.

The achievements of the Working Group have been set out in E/CN.4/sub.2/AC.4/2006/CRP.1.

The following is the list of current studies, together with their current status:

- The human rights situations of indigenous peoples in states and territories threatened with extinction for environmental reasons. The Commission authorized the sending out of a questionnaire (Decision 2005/112). The subsequent request of the Sub-Commission for the appointment of a Special Rapporteur (E/CN.4/Sub.2/2004/10) has not, as yet, been acted upon. The questionnaire has been submitted to the SubComission (E/CN.4/Sub.2/AC.4/2006/CRP.2). States are to be requested to reply by 30 October 2006. There will be a need for a mechanism to enable the results of the questionnaire to be disseminated and further acted upon.
- Revised Draft Guidelines on the Protection of the Cultural Heritage of Indigenous Peoples The Guidelines have been adopted (subject to their adoption). There will be a need for follow-up to ensure their dissemination as widely as possible (see E/CNA/Sub.VACA/2006/5).
- Expanded working paper on Guidelines for the Implementation of the Principle of Free, Prior and Informed Consent The Working Paper on the issue was prepared jointly by a member of the working group and an indigenous group (The Tebtebba Foundation) (E/CN.4/Sub.2/ACM/2004/4). An expanded Working Paper was submitted the following year (E/CN.4/sub.2/AC.4/2005/WP.1). It was decided that the next step was to distill legal principles and guidelines from the evidence of best
practice available (Report of the Working Group, E/CN.4/Sub.2/2005/26 at para. 40). A recent expert seminar, organized by OHCHR, on indigenous peoples’ permanent sovereignty over natural resources and their relationship to land (E/CN.4/Sub.2/AC.4/2006/3 at para. 48) requested that the work on the legal commentary on free, prior and informed consent be completed. That still remains to be finalized.

  The study was approved at the-2 3’d session of the Working Group.
  Submission of the working paper is awaited.

• Utilization of the land of Indigenous Peoples by non-indigenous authorities, groups or individuals for military purposes
  In the early stages of discussion, on the basis of E/CN.4/Sub.2/AC.4/2006/2.
The Unrepresented Nations and Peoples Organization (UNPO) is a democratic, international membership organization. Its Members are indigenous peoples, occupied nations, minorities and independent states or territories who have joined together to protect their human and cultural rights, preserve their environments, and to find non-violent solutions to conflicts, which affect them.

UNPO Members share one condition; they are not represented in major international fora, such as the United Nations. As a result, their ability to participate in the international community and to have their concerns addressed by the global bodies mandated to protect human rights and address conflict is limited. UNPO provides a legitimate and established international forum for Member aspirations and assists its Members in effective participation at an international level.

UNPO is dedicated to the five principles enshrined in its Charter: Non-violence, Human Rights, Self-determination and democracy, Environmental Protection, and Tolerance.

The UNPO headquarters is located in The Hague, The Netherlands.

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| Acheh                  | Hungarians in Romania | Ogoni                |
| Ahwaz                  | Ingushetia            | Oromo                |
| Albanians in Macedonia | Inkeri                | Rusyn                |
| Assyria                | Iraqi Turkmen         | Sanjak               |
| Balochistan            | Ka Lahui Hawai`i      | Scania               |
| Bashkortostan          | Karenni               | Shan                 |
| Batwa                  | Khmer Krom            | Sindh                |
| Bougainville           | Komi                  | Somaliland           |
| Buffalo River Dene Nation | Kosova           | Southern Cameroons   |
| Buryatia               | Kumyk                | South Moluccas       |
| Cabinda                | Kurdistan            | Taiwan               |
| Chechen Republic of Ichkeria | Lakota          | Talysh               |
| Chin                   | Maasai               | Tatarstan            |
| Chittagong Hill Tracts | Maohi                | Tibet                |
| Chuvash                | Mapuche              | Tuva                 |
| Circassia              | Mari                 | Udmurt               |
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**Visiting Address**
Paviljoensgracht 76
2512 BR The Hague
The Netherlands

**Mailing Address**
P.O. BOX 85878
2508 CN The Hague
The Netherlands

**E-mail:** unpo@unpo.org
**Website:** www.unpo.org
**Tel.:** +31 (0)70 3646504
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L’Organisation pour les Nations et les Peuples non représentés (UNPO) est une organisation démocratique et internationale. Ses membres sont des peuples autochtones, des nations occupées, des minorités et des Etats ou territoires indépendants qui se sont réunis afin de protéger leurs droits humains et culturels, de préserver leur environnement et de trouver des solutions non-violentes aux conflits qui les touchent.

Les Membres de l’UNPO partagent la condition de ne pas être représentés dans des forums internationaux comme les Nations Unies. Par conséquent, leur capacité de participer au sein de la communauté internationale et de voir leurs inquiétudes traitées par les instances globales chargées de protéger les droits de l’homme et de régler les conflits se trouve limitée. UNPO procure un forum international légitime et solide pour les aspirations de ses Membres et les soutient pour une participation effective au niveau international.

UNPO se consacre aux cinq principes qui sont protégés par sa Charte : la non-violence, les droits de l’homme, l’autodétermination et la démocratie, la protection environnementale ainsi que la tolérance.

Le siège de l’UNPO se trouve à La Haye, aux Pays-Bas.

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**Adresse bureau**
Paviljoensgracht 76
2512 BR La Haye
Pays-Bas

**Adresse postale**
P.O. BOX 85878
2508 CN The Hague
The Netherlands

**Email:** unpo@unpo.org

**Site internet:** www.unpo.org

**Tel.:** +31 (0)70 3646504
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La Organización para las Naciones y los Pueblos no-representados (UNPO) es una organización de membresía, democrática y internacional. Sus Miembros son pueblos indígenas, naciones ocupadas, minorías y Estados o territorios independientes que se juntaron con el propósito de proteger sus derechos humanos y culturales, de cuidar de su medio ambiente y de buscar soluciones pacíficas a los conflictos que les afectan.

Los Miembros de UNPO comparten una condición, la de no ser representados en los mayores foros internacionales tales como las Naciones Unidas. Por lo tanto, su capacidad de participar en la comunidad internacional y de ver sus inquietudes atendidas por las instancias mundiales encargadas de proteger los derechos humanos y de arreglar los conflictos es muy limitada. UNPO proporciona un foro internacional legítimo y establecido para las aspiraciones de sus Miembros y los apoya en la participación efectiva al nivel internacional.

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Dirección de la oficina
Paviljoensgracht 76
2512 BR La Haya
Países Bajos

Dirección de correo
P.O. BOX 85878
2508 CN The Hague
The Netherlands

E-mail: unpo@unpo.org
Website: www.unpo.org
Tel.: +31 (0)70 3646504
Fax: +31 (0)70 3646608
Unrepresented Nations and Peoples Organization

UNPO Monitor
Day V

UN Working Group on Indigenous Populations
24th Session
31 July to 4 August 2006
Index

1. WGIP Day V: UNPO Commentary ............................................. 4
   1.1 Introduction ....................................................................... 4
   1.2 Sinking States ............................................................... 5
2. Side events .............................................................................. 9
   2.1 Le sacré est-il à vendre ? Tourisme et Peuples Autochtones ....................................................... 9
   2.2 Side-Event: “They Hunt us like Animals!” ..................... 9
   2.3 Evénement parallèle: « They hunt us like Animals!” La situation des Hmong au Laos. ......................... 11
   2.4 “Gravez vos Souvenirs” ............................................. 12
   2.5 Side-Event: Indigenous Peoples and Human Rights - Which structure within the UN? ....................... 13
3. List of Appendices ................................................................ 15
1. WGIP Day V: UNPO Commentary

1.1 Introduction

By Joshua Cooper, UNPO Senior Adviser

When indigenous peoples are looking for reasons for future sessions of the UN WGIP and possible new means and mechanisms to be created in the UN Human Rights Council, agenda item 7 – The Human Rights Situation of indigenous peoples in States and territories threatened with extinction for environmental reasons -- is exemplary of the necessity for the continuation and credibility of the purpose behind this annual gathering focusing on the human rights of indigenous peoples.

It is a living and breathing example of what the Working Group can do and has consistently been doing for decades. Indigenous peoples bring current challenges to the expert body. Experts recognize the merits of the claims and create studies to better understand the issue. When creativity is required, experts even do other means to gather information such as questionnaires to gain insight into the legal question. Also, the recent tradition born here in the UN WGIP where indigenous peoples, NGOs and experts collaborate together in standard setting to create studies is a model for future mechanisms and illustrates the imagination of this unique, universal body. There are also workshops in respective regions on legal matters to bring together peoples directly impacted and also to allow all indigenous peoples to share their experiences and expertise in the field. All of these actions offer practical solutions.

Three years ago, the indigenous peoples of the Pacific raised this issue at this very body and Françoise Hampson spearheaded an initial study. Hampson then continued to network with the Pacific Caucus and Hawaii Institute for Human Rights to serve as a nexus for information and initiatives.

At the initial meeting, some people were unsure about the relevancy of this issue in the framework of human rights. Less than a half decade has passed and already indigenous peoples are recognizing the commonality of the challenges facing their communities. The specific example of global warming is a new wave of colonialism where indigenous peoples face circumstances adversely affecting their human rights resulting from actions beyond their borders impacting their sacred homelands.

Today, every region is recognizing the impacts of climate change in their community. If the WGIP was continuing this item will continue to grow in its importance. As it is, it cannot be ignored in the future of human rights in the United Nations.
Here are some recommendations for future work in the area of Human Rights and Global Warming relating to Indigenous peoples:

1. The WGIP should distribute to states and assemble the results of the questionnaire on The Legal Implications of Disappearance of States and Other Territories for Environmental Reasons, Including the Implications for the Human Rights of Their Residents, with Particular Reference to the Rights of Indigenous Peoples. Perhaps, indigenous peoples should also be able to provide information as they are close to the land and recognize emerging environmental changes.

2. The WGIP should make sure the legal, statistical and factual data to identify the environmental threats is shared with UN specialized agencies, programs and funds. There should be further collaboration building on the data in cooperation with other UN bodies.

3. UN WGIP should prioritize the study of this imminent issue in the recommendations to the UN Human Rights Council.

4. UN WGIP should explore creative inclusion and continuation of the study and special procedures to continue the necessary work in the UN Human Rights Council and any subsidiary body established in the future.

5. UN WGIP support Community Trainings, Workshops and Seminars to listen to people directly affected with disappearance due to extreme environmental conditions.

1.2 Sinking States

Al Gore’s An Inconvenient Truth is a must see movie this summer around the world. The documentary provides insight into the issue of our generation. However, the film forgets the first peoples that will by forced to flee their sacred homeland. While graphics guide one to problems facing the planet and film footage portrays the fate of polar bears, there is less than 30 seconds devoted to indigenous peoples who will evacuate due to rising seas. In Gore’s accompanying book only a two page photo with one mention of Tuvalu graces the over 300 page publication.

The fate of Funafuti, the capitol of Tuvalu, must be recognized. The fundamental freedom of the right of self-determination for all indigenous peoples from the Pacific atoll nations to the Arctic circle countries.

Global gatherings are seen by some segments of society as a waste of worldly resources. As a frequent flyer for fundamental freedoms participating in planetary politics, I know each meeting of the minds offers an opportunity for citizens to create a coalition of compassion and creativity to change the direction to divert disaster and demand diplomacy that preserves dignity and protects human
rights.

One minor meeting at the United Nations Permanent Forum on Indigenous Issues reflects a tsunami of tenacity taking a stand for self-determination in the Pacific and worth every word spoken and action that will follow.

The Indigenous Peoples Pacific Caucus and Hawaii Institute for Human Rights hosted a government representative from Tuvalu to speak to Maori, Aboriginals, Kanaka Maoli and Rapa Nui representatives about the immediate impact of global warming on the liquid continent of the world.

Minute Alapati Taupo, the deputy permanent representative of Tuvalu to the United Nations, explained the philosophy behind the political strategy to survive climate change -- the latest wave of colonialism from the industrial coasts to indigenous communities.

The Minister Counsellor, Minute Alapati Taupo, noted the seriousness of the situation in Tuvalu today and the Pacific region in the near future.

“Tuvalu advocating on the issue of climate change is a matter of survival,” he said. “It’s a matter of life and death. Within the next fifty years, we will be under the water.”

“This is really a serious matter for people of Tuvalu,” he stressed to the audience.

“We are positive if we don’t reduce emissions, we are on that approach of not “if” but “when,” he said reflecting on the irreversible damage.

“We want to be in Tuvalu forever,” he said. “We don’t want to leave. We want to believe it will never happen. That is why we are fighting the industrial countires.”

“We don’t want to see it happening,” Taupo said. “We are fighting our cause at every opportunity in the UN for a. We pursue every avenue where we can share our concerns.”

We are innocents in this issue,” Taupo frankly states. “We didn’t do anything to create the rise in sea levels.”

“We don’t want to believe we are moving,” he admits.

In a stand taken as strongly as when Tuvalu stood united for independence and stated in clear unflinching language, Taupo said, “We want to maintain our sovereignty. It is the extinction of a people. Our identity will vanish.”
From the taro farmer to the Tuvalu foreign minister, the population is realizing there are more questions than answers surrounding the result from the rise in sea levels in relation to self-determination and numerous aspects of international law.

“International law doesn’t answer today’s emerging questions, but will have to address,” he said. “Our rights as a sovereign nation over our resources and territories will have to be maintained.”

Tuvalu has assembled a working group at home looking at world affairs “to explore campaigns for the cause and search for mechanisms in international law. We want our sovereignty to be maintained. We want to make sure our rights as distinct peoples is respected.”

The message resonated with the Pacific audience. An Aboriginal member pushing the ecumenical advocacy groups shared that the World Council of Churches is supporting the indigenous peoples in the Pacific on the issue of climate change from a human rights perspective calling on industrial nations to reconsider their current practices and also “to change its policy and attitude towards the environmental refugees who will seek safety in Australia as a result of the rise in sea levels…”

As Peter Smith noted, “The people of the low lying islands in the Pacific Ocean are victims of climate change caused by more powerful and industrially developed countries including Australia.”

At the Australian Catholic Social Justice Council, Michael McKenzie from Kiribati asked, “When our people have to start swimming, will Australia be disposed to help us? We may be the first of a new wave of environmental refugees, victims of climate change largely brought about by the developed world.”

A Maori youth also expressed concern about the challenge facing the Pacific nation and the similarities among the island peoples.

“Maori are also ocean dwelling people,” she said. “We are currently fighting to get our lands back and to see it potentially swept under the waves is reprehensible. There are at least 70 Maori nations that will be in the same position in the future.”

The parallel presentation at the United Nations Permanent Forum on Indigenous Issues is an illustration of how international institutions offer the initiative for a collective approach to seek solutions.

Tuvalu is currently planning a global assembly in late February 2007 so an international audience can bear witness to the extreme weather firsthand. Participants will attend a series of conferences allowing for a National Summit on
Climate Change, a Peoples Tribunal of Tuvalu and the Pacific Region, an International Commission on Human Rights & the Environment, a UN Pacific Social Forum and a Site Visit of the UN Office of the High Commissioner for Human Rights.
2. Side events

2.1 Le sacré est-il à vendre ? Tourisme et Peuples Autochtones

Alison M.J. Johnston a présenté dans le cadre du Groupe de Travail sont livre récemment publié intitulé “Is the Sacred for Sale? Tourism and Indigenous Peoples.”(Le sacré est –il à vendre ? Tourisme et Peuples Autochtones.) Mme Johnston est Directrice du International Support Centre for Sustainable Tourism (Centre international de soutien au tourisme soutenable)

Selon elle, le tourisme est l’industrie qui grandit le plus vite au monde en ce moment et il peut nuire fortement aux peuples autochtones en ce qui concerne leurs terres et leur propriété intellectuelle.

Souvent, le tourisme est vu comme étant une solution magique face à la pauvreté et est présentée aux peuples autochtones comme la solution à tous leurs problèmes. Bien qu’il puisse en effet être positif dans certaines circonstances, il engendre de nombreux effets collatéraux.

Mme Johnston pense que le problème est resté le même depuis 15 ans et insiste sur le fait qu’il est nécessaire de respecter la vie des peuples et de soigner les relations du colonialisme. Elle souligna que « nous devons reconneter notre cœur et ne pas uniquement utiliser nos yeux.»

Elle avertit également que l’écotourisme peur parfois servir de couvert au modèle traditionnel du tourisme et être encore plus nuisible du fait qu’il vise des cultures et des environnements encore plus vulnérables.

2.2 Side-Event: “They Hunt us like Animals!”

Mr. Vaughn Vang from the Lao Human Rights Council and Ms. Rebecca Sommer, UN Representative for the Society for Threatened Peoples International, presented the situation of the Hmong people in Laos, and the refugees who recently fled from Laos to Thailand, on the 5th day of the WGIP, at the United Nations in Geneva.

Mr. Vaughn Vang, Director of the Lao Human Rights Council reminded the attentive audience in his opening statement, that his people, the Hmong Lao, who are forced into hiding in remote jungle regions of Laos, have been
continuously chased and brutally massacred by Vietnamese and Laotian military forces for more than 30 years. The Lao Human Rights Council, one of the oldest US based Hmong organizations, was honored with the Man of the Year-2005 Award by Vientiane Times, for "their extraordinary work to promote and defend human rights and civil rights of Hmong and Lao people around the world and end genocide in Laos against Hmong and other persecuted people in Laos."

Ms. Rebecca Sommer, UN Representative for the Society for Threatened Peoples International, and the author of a comprehensive Report on the Hmong Lao, presented her work-in-progress documentary on the Hmong Lao conflict situation, which she described as genocide. The event at the United Nations in Geneva, on August 3rd, 2006, was sponsored by the Society for Threatened Peoples International, and visited by governments, WGIP experts, UN officials, Indigenous Representatives and NGO's. Mr. Vaughn Vang focused on the ongoing genocide against the Hmong people in Laos, and voiced the frustration of his US based Hmong community living in exile, that "even though we have raised the issue for so many years, nothing has been done by the UN or the US to help our dying people." Ms. Rebecca Sommer gave an explanation on her film "Hunted like Animals."

The 30-minute documentary began with a brief history of the Indigenous Peoples Hmong Lao, given by Hmong Leader Vang Pao and detailed how during the Vietnam War, the CIA recruited the Hmong people from Laos in an effort to help the US to stop the spread of communism. The Hmong were trained by the US Army and saved hundreds of American soldiers. However, during the war, countless Hmong soldiers were killed, many of them children. Since the LPDR took over in 1975, the Hmong in Laos have been constantly persecuted by Laotian and Vietnamese soldiers as reprisals for their help to the Americans. "But today, it's not simply revenge - the Hmong-in-hiding are used for Vietnamese and Laotian military training purposes", said filmmaker Rebecca Sommer.

The film continued with shocking testimonies from traumatized Hmong refugees, who recently fled the conflicted Laos areas to Thailand. "I had to leave, I couldn't bare to watch these terrible images any longer" said one WGIP expert, after witnessing heartbreaking film material of a young boy, his belly slit open by the soldiers- his intestines hanging out. Fact Finding Commission, a US based NGO, donated this film footage, which was documented by the Hmong in-hiding, and recently smuggled out of the conflict area in Laos. "The side event was a great success for our lobby work. Everyone could see that our people are not simply an armed resistance movement. They are hiding in the mountains, because they are too afraid to come out" informed Vaughn Vang. "If they have weapons, they have no ammunition, if they have ammunition, they use it to defend their running women and children. It is self-defense, they do not attack, they run and run and run, they have no other choice."
As international pressure intensifies, Laos and Viet Nam continue to deny acts of genocide against the Hmong Lao in-hiding. To conclude, the panel appealed to the audience to help and put an end to this humanitarian tragedy.

Rebecca Sommer's Report on the Hmong Lao: www.earthpeopls.org

2.3 Evénement parallèle: « They hunt us like Animals!” - la situation des Hmong au Laos.

Jeudi 3 août, dans le cadre du groupe de travail sur les populations autochtones, une conférence s’est tenue sur les massacres et les graves violations des droits humains perpétrés contre le peuple Hmong au Laos. Monsieur Vaughn Vang du Conseil des droits de l’homme du Laos a présenté brièvement les violations des droits de l’Homme subies par son peuple, avant de projeter le documentaire « Chassés comme des animaux » («Hunted like Animals »).

Rebecca Sommer, représentante à l’ONU de la Société pour les Peuples Menacés, et auteur d’un rapport complet sur les Hmong Lao, présenta son documentaire sur les graves violations des droits de l’Homme subies par ce peuple, qu’elle qualifie de génocide.


Depuis 1975, les Hmong sont constamment persécutés par les soldats laotiens, en guise de représailles pour avoir aidé le gouvernement américain. En 1990, les attaques furent particulièrement sévères. Les soldats laotiens utilisèrent des avions de guerre et des armes chimiques afin de perpétuer leur massacre.

Aujourd’hui, les Hmong sont toujours gravement menacés. L’armée laotienne les poursuit constamment et ils n’ont par conséquent pas d’autre choix que celui de se cacher dans la jungle. Ce documentaire poignant montre également des témoignages de réfugiés en Thaïlande et des images choquantes provenant directement de la région du Laos où se déroule ce conflit.

Alors que la pression internationale s’intensifie, le Laos et le Vietnam refusent toujours de reconnaître le génocide perpétré par leurs armées contre les Hmong. Enfin, les intervenants ont appelé les personnes présentes dans la salle à les aider à mettre fin à cette tragédie humanitaire.

Rapport de Rebecca Sommer sur les Hmong Lao: www.earthpeopls.org
2.4 “Gravez vos Souvenirs”

“Le pire n'est pas de mourir mais de se sentir étranger dans son propre pays”
[The worst is not to die, but to feel a stranger in your own land]

The French Film, “Gravez vos Souvenirs” was shown Thursday, to an attentive 25 member audience as part of a week-long forum of the 24th session, Working Group of Indigenous Populations.

The film depicted Canadian cooperation of a mining project undertaken by the International Nickel Corporation (INCO) in Caledonia. INCO has been extracting nickel from the land, leading to pollution of earth and land in this area.

In July 2006, there were protests against the construction of an extraction facility.

The blockades and pickets have temporarily stopped the continued exploitation of the land, inducing a court order putting a stop to the extraction. However, the construction of the mine and facilities has continued unheeded due to a contradictory legal framework between environmental and building law, resulting from the Nouméa Accord giving significantly devolved powers to the New Caledonian authorities.

According to Dr. Jerome Bouquet-Elkaïm, a lawyer involved in five actions against INCO, no ethical legal framework currently exists, but there are attempts to establish new legal norms for the government to issue pressure against a company, especially in Human Rights violation situations.

“People were protecting their environment, resources and home” and “acting within the law to protect their own land,” said Bouquet-Elkaïm.

The French government gave $175 million to INCO with the conditionality of respect for environmental law within the establishment of the mining site. Groups are now lobbying the government and banks to withdraw this money since these conditions are being violated, as shown by the pollution of the nearby area.

Currently, 100-150 French Gendarmerie are on-site in order to maintain security and order of the INCO operation.
2.5 Side-Event: Indigenous Peoples and Human Rights - Which structure within the UN?

On the last day of the Working Group on Indigenous Population (WGIP), Friday 04 August 2006, a side event moderated by Mr. Kenneth Deer, Mohawk tribal leader from Canada and chairman of the Indigenous Peoples Caucus, gathered participants to express their views about the future of the WGIP.

Ms. Joji Cariño from the Tebtebba Foundation took the floor initially. She said that the WGIP meeting had been successful and that by examining the Human Rights Council (HRC) mandate one can see that it can be directly applied to Indigenous Peoples. She emphasises some remaining areas for study such as the implementation of the free, prior and informed consent and the impact of militarization. Ms. Cariño also stressed the lack of use by Indigenous Peoples of the treaty bodies and highlighted this as an important point to improve on.

Julian Burger, Member of the Expert Panel of the WGIP, emphasised the fact that the GA resolution establishing the HRC was clear about the fact that the latter would maintain mechanisms regarding thematic issues. He then listed some areas that should constitute the new Expert Body: normative development and implementation; review of recent developments of indigenous issues; advice to HRC for instance on the implementation on the Draft Declaration on Indigenous People. According to Mr. Burger the Expert Body should be kept small, no more than five members, but including Indigenous Experts as in the Permanent Forum.

Mr. Ibrahim Salama, Member of the Sub-Commission, said that the WGIP should remain under the Sub-Commission and listed some features that the new sub-commission should have: collegiality; a standing body; right to initiative; and a more structured NGO participation.

President of the Special Committee of NGOs on Human Rights in Geneva, Mr. Peter Prove, maintained that the strategy of linking the WGIP to the Sub-Commission was not ideal, as the latter’s future is still too uncertain. According to him, as the Draft Declaration has been adopted by the HRC, there is a strong prospect to lodge the WGIP into the HRC so that it can work on the implementation and not only standard-settings.

A final point that was discussed and presented as the main innovation of the HRC is the Universal Periodic Review (UPR). Mr. Prove and Mr. Salama agreed with the idea that the UPR has a huge ‘potential’, and moreover that the three hours review per country every five years would be meaningful only if “substantial preparation and follow-up is established.” Mr. Prove particularly highlighted the key challenges to be undertaken by the HRC in terms of the follow-up of the
Special Rapporteurs’ visits and the implementation of the treaty bodies’ recommendations.

Uncertainty was as a leitmotif during the discussion, as much yet remains unknown about the future of the WGIP and the direction to be taken by the HRC. What is set is that the HRC will receive the pending special reports in September. Many other aspects will depend on decisions related to the future of the Sub-Commission. Whereas many questions still need to be answered, a key issue now would be how to best use and adapt to the new HRC with the aim of protecting and promoting Indigenous Peoples’ individual and collective rights.
3. List of Appendices

Item 6a) Second International Decade

1. Mr. Benito Cases, *Asemblea de diputados Panama*
2. Mrs. Natalya Smetamina, *Association of IP of Republic Sakka*
3. Mr. Mikhail Todyshev, *RAIPON*

Item 6b) Cooperation with other UN Bodies in the sphere of indigenous issues

1. Mr. Sammy Gamboa, *Forum Asia*
2. Mr. Leonard Imbiri, *Dewan Adat Papua*
3. Mr. John Lensru, *Bureau of Consultation for West Papua Community*

Item 6c) Follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance

1. Mr. Dhuni Soren, *World Adibasi Council*
2. Mrs. Julia Quispe Yanique, *Aymara/Quechua Taypi Ceqe*
3. Amaru Salas, *CCACHO*
4. Princess Micheline Makou Djouma, *OCAPROCE International Swiss*
5. Mr Suan Tung Parte, *United Zo Indigenous Peoples (UZIP)*

Item 6d) State of the voluntary Funds

1. Mr. Nadir Bekirov, *Chairperson of the Board of Trustees of the UNVFIP*
2. Mr. Tomas Condori, *CISA*
3. Mr. Mikhail Todyshev, *RAIPON*

Item 6e) The Draft Declaration on the Rights of Indigenous Populations (Update)

1. Mr. Teanau Tuiono, *Aotearoa Indigenous Rights Trust*
2. Mrs. Olga Timoteera, *Raipon*
3. Mr. Lazaro Pary, *Tupaj Amaru*
4. Mr. Wilton Littlechild, *IOIRD*
5. MR. Ronald Barnes, *International Indian Treaty Council*

Item 8 Future of the Working Group

1. Mrs. Saoudata Aboubacrine, *OAFA/ Caucus Africain*
2. Mr. Christian Scherrer, *Hiroshima Peace Institute*
3. Mr. Cesar Guama, **OTAVALO ECUADOR**
4. Sosi Varino, **Indigenous People’s Caucus Statement**
5. Mr. Handaine Mohamed, **Confédération des associations amazighes du sud marocain**
6. Mr. Wilton Littlechild, **International Organisation of Indigenous Resource Development**
7. Mr. Vien Thach, **Khmer Krom Federation**
8. Mrs. Elisa Sosa, **Delegacion de Mexico**
9. Mr. Lounes, **Caucus Autoctone Africani**
10. Mr. Ronald Barnes, **Indigenous Peoples and Nations Coalition**

**Item 7 The Human Rights situation of Indigenous Peoples in States and territories threatened with extinction for environmental reasons:**

1. Mrs. Feriel Abu Nadir, **Negev Coexistence Forum**
2. Sonia Sis, **Caucus Guatemala**
3. Ngima Tamang Pakhrin, **Tamang SEwa Kendra, Nepal**
4. Mr. Wilton Littlechild, **International Organization of Indigenous Resource Development**
5. Mrs. Teresa Jimbieti, **Consejo de Mujeres Indigenas del Ecuador-Amazonia Ecuatoriana-Feine Conmie**
6. Legborsi Saro Pyagbara, **MOSOP**
7. Mr. Doula Mokao, **Collectif JINGO**
8. Pelpina Sahureka, **Bangsa Adat Alifuru**
9. Mrs. Evelyn Hucke, **Maori Rapa Nui**
10. Ron Lameman, **Tetuwan Oyate**
11. Mr. Tomas Alarcon, **CAPAJ**
12. Les Malezer, **Pacific Caucus**
13. Mr. Vien Thach, **Khmer Krom Federation**
14. Mr. Zong Khang Yang, **World Hmong Peoples Congress**
15. Mr. Joshua Cooper, **Hawaii Institute for Human Rights**
Item 6a

Second International Decade
DISCURSO: BENITO CASES PANAMA

SEGUNDO DECENIO INTERNACIONAL DE LOS PUEBLOS INDÍGENAS DEL MUNDO

Gracias Señor Presidente

Primeramente quiero destacar algunos avances habidos en Panamá en la década anterior como:

1. La legislación de Comarcas o territorios indígenas
   1.1 Comarca Kuna Yala
   1.2 Comarca Embera
   1.3 Comarca Kuna de Madugandi
   1.4 Comarca Ngabe Bugle
   1.5 Comarca Kuna de Wargandi

2. Legislación sui generis en Panamá y una de las primeras a nivel Mundial en cuanto a la conservación y respeto del conocimiento indígena, a esto se refiere la Ley 20 de 26 de junio de 2000, gestionada y presentada por la Comisión de Asuntos Indígenas de la época.

3. Ley que crea el patronato de las ferias de los pueblos indígenas.

4. Ley No 54 (de 28 de Diciembre de 2005) Permite que las personas indígenas puedan inscribir a sus hijos en el registro civil con los nombres de sus respectivos idiomas.
Consideramos que falta mucho para resolver los problemas indígenas y muchas cosas quedaron sin tratar e incluso algunos Estados han demostrado poco interés a las reclamaciones de los pueblos indígenas, por lo que es importante que, en este segundo decenio se hagan realidad los planes de desarrollo y combate a la pobreza en nuestras comunidades. Siguiendo las pautas de los enfoques de la aplicación de los objetivos de Desarrollo del Milenio, establecidos por las Naciones Unidas con el fin que se incluyan las preocupaciones y visión del mundo de los pueblos indígenas.

En cuanto al combate a la pobreza, a pesar de formar parte del gobierno actual, señalamos y reclamamos que se preste más atención y se promuevan más proyectos de desarrollo que puedan sacar de la pobreza a estos pueblos indígenas, de los cuales el Gobierno actual es altamente sensible.

En Panamá estamos negociando con el Gobierno Nacional la aprobación del Convenio 169 de la OIT y esperamos que pronto sea ratificado, por lo que los diputados indígenas estamos realizando los contactos necesarios y pertinentes.

La meta, en este segundo decenio as la enseñanza obligatoria de nuestras idiomas indígenas en las escuelas básicas existentes en nuestras comunidades, la cual ha sido acogida por las autoridades nacionales y dentro de unos años será una realidad, porque son niños la garantía para que nuestra cultura siga existiendo más allá de nuestro siglo.
También estamos trabajando sobre la legalización de todos los territorios indígenas:
El territorio Naso Tjer-Di y

La tierra colectiva de Embera- Wounann

Para terminar quiero señalar que estos temas y otros temas indígenas los abordamos coordinadamente con el gobierno panameño que dirige el Presidente Martín Torrijos.

MUCHAS GRACIAS
Экономический и Социальный Совет
Комиссия по правам человека
Подкомиссия по поощрению и защите прав человека
24 сессия Рабочей группы по коренным народам
31 июля – 04 августа 2006
Женева, Швейцария

Пункт 6 повестки дня: Второе Международное десятилетие коренных народов мира

Наталья Сметанина
Ассоциация коренных малочисленных народов Севера Республики Саха (Якутия)

677000 Россия
Республика Саха (Якутия)
г. Якутск
ул. Мординона, д.23

Уважаемые братья и сестры!

Меня зовут Наталья Сметанина. Я представляю народ эвенов, которые проживают на территории шести субъектов Российской Федерации: Магаданской области, Чукотского АО, Камчатской области, Республики Саха (Якутия), Корякского АО и Хабаровского края. Общая численность эвенов Российской Федерации составляет 19071 человек, из них 11657 или 61,12 процентов проживает в Республике Саха. Культура и образ жизни эвена исторически основаны на домашнем оленеводстве. Наши предки тысячелетия назад создали своеобразную культуру, уникальные материальные и духовные ценности, хозяйственно освоили самые высокие широты планеты.

За последние годы в Российской Федерации и в Республике Саха (Якутия) приняты законы и нормативно-правовые акты, направленные на защиту конституционных прав и законных интересов коренных народов Севера. Однако, несмотря на принимаемые органами государственной власти меры, направленные на социально-экономическое развитие народов Севера, положение коренного населения северных территорий России продолжает оставаться сложным.

В связи с провозглашением Второго Международного десятилетия коренных народов мира, в Республике Саха распоряжением Президента Республики от 12 мая 2006 года 199-рт утверждено положение об организационном комитете по проведению Международного десятилетия. Основное направление деятельности оргкомитета - координация деятельности республиканских министерств, ведомств, научных институтов по реализации мероприятий Декады, нацеленных на улучшение жизни, быта, сохранения языка и культуры, традиционного хозяйствования коренных народов и их
адаптации к новым экономическим условиям, создание для этого необходимых условий.

Интенсивное промышленное освоение природных ресурсов северных территорий существенно подорвало основы существования традиционных видов хозяйственной деятельности коренных народов, в первую очередь оленеводства, так как для государственных нужд было изъято свыше 20 млн.га. оленевых пастбищ и охотничьих угодий. Состояние здоровья коренных народов в последние годы имеет негативные тенденции. Среди сельского коренного населения отмечается высокий уровень заболеваемости туберкулезом, инфекционными заболеваниями, в том числе гепатитом А и В.

Именно благодаря оленеводству мы сохраняем свои национальные традиции. Поголовье достигает 154200 голов, в оленеводстве заняты 130 хозяйств, в том числе 91 кочевая родовая община. В 168 оленеводческих бригадах работают 1870 человек, из них 563 женщины. Постоянно кочующих семей 449, детей больше тысячи. Из общего числа эвенов в Республике Саха, владеют своим родным языком 3778 человек или 32,4 %. Это очень тревожная цифра, с каждым годом носителей языка и культуры становится все меньше, идет ассимиляция среди коренного населения.

В рамках Второго Международного десятилетия коренных народов мира 5-6 апреля 2006 года в Республике Саха (Якутия) прошел второй съезд эвенов Республики и учредительный съезд эвенов России. Решением Съезда была создана новая организация - Союз эвенов России, объединяющий всех эвенов Российской Федерации. Союз содействует общественному объединению эвенов России, защите их прав и законных интересов; решению проблем социально-экономического и культурного развития эвенов и повышения их жизненного уровня. Союз ставит своей целью содействовать обеспечению прав эвенского народа в соответствии с Конституцией России, международными правовыми актами, в том числе права собственности на землю и другие природные ресурсы в местах компактного проживания и хозяйственной деятельности.

Спасибо за внимание!
Economic and Social Council
Commission on Human Rights
Sub-Commission on the Promotion and Protection of Human Rights
24 session of the Working Group on Indigenous Populations
31 July – 04 August 2006
Geneva, Switzerland

Agenda item 6: a) “Second International Decade of the World’s Indigenous Peoples”;
August 03, 2006

Mikhail Todyshev
Association of Indigenous Peoples of the North, Siberia and Far East of the Russian Federation (RAIPON)
P.O. Box 110
119415 Moscow Russia
Tel: +7 (095) 780-8727
Fax: +7 (095) 780-8727
E-mail: mtodyshev@mail.ru

Mr Chairman,

My name is Mikhail Todyshev. I represent the Russian Association of Indigenous Peoples of the North (RAIPON). Позвольте мне дать краткую информацию о ходе реализации в России Второго Международного десятилетия коренных народов мира.

1. В связи с провозглашением Генеральной Ассамблеей ООН с 1 января 2005 г. Второго Международного десятилетия коренных народов мира Постановлением Правительства Российской Федерации № 758-п от 27 мая 2006 года образован Национальный Организационный комитет по подготовке и проведению в Российской Федерации Второго Международного десятилетия коренных народов мира (НОК).

В состав НОК вошли представители федеральных министерств, региональных органов государственной власти и организаций коренных народов. НОК возглавляет Министр регионального развития Российской Федерации, одним из заместителей председателя НОК является Сергей Харочи, президент de RAIPON. В июне 2006 года НОК провел свое первое организационное заседание. В настоящее время завершается формирование Комплексного плана мероприятий по проведению в России Второго Международного десятилетия, который должен быть представлен на утверждение Правительства РФ в августе 2006 года.

Несколько мероприятий этого плана посвящено вопросам совершенствования федерального законодательства, в том числе прав на традиционные земли и территории коренных народов.

Руководствуясь резолюцией Генеральной Ассамблеи о провозглашении Второго Международного десятилетия коренных народов мира и распоряжением Правительства РФ об образовании НОК в ряде регионов созданы региональные НОК и утверждены соответствующие планы мероприятий. Об оном из таких примеров только что рассказала Наталья Сметанина.

2. В рамках Второго Международного десятилетия коренных народов мира RAIPON сосредоточил свою деятельность на оказании конкретной помощи общинам коренных народов. Особенно в вопросах установления равноправного диалога с промышленными компаниями частного сектора. В этих целях нами проведено три региональных семинара (Приморский край, Москва, Ямало-Ненецкий АО).

3. Для более лучшего понимания коренными народами новой политики Всемирного Банка в отношении коренных народов в июне 2006 года RAIPON совместно с Всемирным Банком
был организован круглый стол в Москве с широким участием лидеров коренных народов Севера, Сибири и Дальнего Востока, федеральных и региональных органов власти, а также представителей крупных нефтяных и газовых компаний, осуществляющих свою деятельность на землях коренных народов.

4. Мы призываем Европейский Союз за провозглашение в 2005 году тендера проектов в поддержку участия коренных народов в деятельности международных механизмов, таких как UN WGP, WGDD, UN PFI, договорные органы ООН и другие. С декабря 2005 года RAIPON реализует проект ЕС «Центр правовых ресурсов коренных народов Севера, Сибири и Дальнего Востока». Благодаря поддержке данного проекта три представителя коренных народов России смогли принять участие в 5 сессии Постоянного Форума ООН, и четыре - в данной сессии Рабочей группы по коренным народам. В рамках данного проекта ЕС мы планируем организовать в Москве 16-17 ноября 2006 года совместно с Государственной Думой Российской Федерации и Министерством регионального развития РФ проведение круглого стола по вопросу ратификации Российской Федерацией Конвенции МОТ № 169 «О коренных народах и национах, ведущих племенной образ жизни в независимых странах». Приглашаем Вас принять участие в работе данного круглого стола.

Проект предусматривает также подготовку параллельных докладов о положении коренных народов в договорные органы ООН, издание правового вестника, ведение веб-сайта и проведение обучающих семинаров.

5. В марте 2006 года RAIPON в партнерстве с IWGIA; при поддержке правительства Ямало-Ненецкого АО провел двухдневный семинар по выработке рекомендаций для 5 сессии Постоянного Форума ООН по вопросам коренных народов по таким вопросам как: Цели развития тысячелетия и Программа действий на Второе Международное десятилетие коренных народов мира. Очень важно, что на следующий день после семинара мы обсуждали вместе с представителями региональных и федеральных органов власти конкретные проблемы и вместе разрабатывали меры по их преодолению. Все участники семинара смогли ближе познакомиться с положительным опытом взаимодействия организаций коренных народов, муниципальных органов власти Пурозского района Ямало-Ненецкого АО и органов государственной власти Ямала, а также нефтяных и газовых компаний, добывающих здесь нефть и газ в больших объемах. Региональной власти Ямала удалось сохранить баланс интересов добывающих компаний и коренных народов. Сегодня Ямал обеспечивает газом Россию и Европу, при этом на Ямале создано самое большое в мире стадо домашнего оленя. Коренные народы Ямала сохранили кочевой образ жизни оленеводов, самобытную культуру и традиции.

6. В заключение хочу сказать о развитии партнерства между RAIPON и Управлением Верховного Комиссара по правам коренных народов. Уже второй год мы организуем стажировку 4 русскоговорящих представителей коренных народов по правам человека. Проект предусматривает обучение интернов в течение месяца в Москве и прохождение стажировки в течение второго месяца в Женеве, в OHCHR. В этом году мы уже получили более 20-ти заявок и 4 интерна пройдут школу лидерства по правам человека в октябре-ноябре 2006 года. Мы надеемся, что в будущем срок стажировки будет увеличен до 2 месяцев в Женеве, общее финансирование будет осуществляться за счет регулярного бюджета ООН и мы сможем увеличить количество русскоговорящих стажеров.

Таким образом, RAIPON стремится укрепить партнерство с органами государственной власти Российской Федерации, развить диалог с промышленными компаниями и активизировать участие в международных форумах с тем, чтобы совместными усилиями добиваться реализации целей и задач Второго Международного десятилетия коренных народов мира.

Спасибо за внимание!
Item 6b

Cooperation with other United Nations bodies in the sphere of indigenous issues
1. Asia is home to one of the most ethnically diverse and complex populations in the world which includes millions of Indigenous Peoples. But Indigenous Peoples in this part of the world remain the most vulnerable, powerless and marginalized and have the least in rights.

2. A number of Asian governments pride themselves as having signed and ratified many of the major human rights treaties and conventions such as the CRC and CEDAW. The recently passed Declaration on the Rights of the Indigenous Peoples by the HRC was supported by a number of Asian member-governments.

3. Some Asian governments, such as the Philippines, also boast of having developed and enshrined in their constitutions, domestic laws and policies the rights of the Indigenous Peoples. But these domestic remedies and protection mechanisms continue to be observed more in the breach and are thus rendered virtually useless.

For instance, the recent cold-blooded murder of Indigenous leaders Marcus Bangit and Alice Claver by suspected military death squads, the militarization of many indigenous communities, and the government's plans change the constitution to attract more foreign investors particularly in the extractive industries such as mining, as well as the reported plan to scrap or render inutile the Indigenous People's Rights Act (IPRA) are stark testimonies of the unbridled and worsening assaults on the IPs rights by a government that has been recently elected to the new Human Rights Council of the United Nations.

4. The governments of ASEAN are in the process of developing a charter that will give this regional body a legal entity and mandate. ASEAN is also engaged in the development of regional standards and mechanisms for human rights and for the promotion and protection of the rights of women, children and migrant workers.

5. On the other hand, a number of other UN mechanisms and related agencies remain unutilized or underutilized in Asia and thus depriving these arenas to be used effectively in order to enhance the defense and promotion of the rights of the indigenous peoples in Asia and to effectively hold Asian governments accountable. These include, maximizing the opportunities offered by the HRC such as the Universal periodic review, the Special Procedures, the UN Treaty bodies and mechanisms, other conventions such as the Biodiversity Conventions, and other UN line agencies such as the ILO, UNESCO, the WHO, and the UNDP, among others.
6. FORUM-ASIA joins the call of other Indigenous People’s organizations in maximizing the coordination and cooperation of the Working Group and the Human Rights Council with other UN bodies with the view to effectively compel Asian governments and states to actually promote, protect and fulfill the rights of the indigenous peoples in Asia. This includes measures such as:

- Prioritizing the Asian-members in the HRC, such as the Philippine government in the Universal Peer Review (UPR).
- Strengthening the Special procedures mechanisms of the HRC and the utilization of other SPs such as those dealing with the Human Rights Defenders.
- Strengthening the work of the OHCHR in the region by increasing its field presence particularly in countries that have serious violations against the rights of the IPs. Urging the OHCHR to increase its capacity to address specific issues involving IPs rights violations, and in capacitating Asian states to improve their work towards promoting and fulfilling IPs rights.
- Urging ASEAN governments, through the HRC, to include provisions for the rights of the indigenous peoples in the development of the ASEAN charter and of other regional mechanisms. We emphasize that the ASEAN instruments should be consistent with and not less than the spirit and contents of the newly-approved Declaration on the Rights of the Indigenous Peoples
- Partnering with other UN agencies and human rights bodies to further develop the Declaration on the Rights of the Indigenous Peoples into a convention.
- Supporting the campaign for Asian governments to ratify and observe/implement other UN conventions such as the Convention on Biodiversity, the ILO 169 and the like.
- Initiating concrete steps towards enhanced program interface and coordination with other UN bodies like the UNDP, UNESCO in promoting and protecting IPs concerns and rights in Asia.
- Urging concerned UN agencies to support and strengthen the work of national human rights commissions (NHRIs) in some Asian countries (ie. Philippines, Malaysia and Indonesia) for the IPs.

Thank you.
6(b) Cooperation with other United Nations bodies.

Mr. Chairman, thank you for giving me the floor. This is my first intervention at the Working Group.

I wish to express my appreciation to the UN Voluntary Funds for their support of my presence and participation.

In my capacity as the Secretary General of Dewan Adat Papua (Papua Customary Council) it is encouraging to acknowledge the presence of other UN bodies in my native homeland: Papua.

The United Nations bodies present in West Papua today are the International Labour Organization (ILO), United Nations Economic, Social and Culture Organization (UNESCO), United Nations Development Program (UNDP), United Nations Children Fund (UNICEF) and World Health Organization (WHO). We also recognize the presence of the World Bank.

Dewan Adat Papua (Papua Customary Council) is calling for its effective and full involvement and cooperation with these United Nations bodies not only at the implementing level but also in the planning, controlling and monitoring process of the program for the benefit of Papua indigenous peoples.

Therefore, as the Secretary General of Dewan Adat Papua (Papua Customary Council) I do welcome these agencies to Papua. Furthermore I do welcome any type of cooperation with these UN
bodies to improve the living standards of my indigenous peoples and communities in Papua.

It is highly recommended that Indigenous Peoples should be given the opportunity to enter into genuine Tripartite-partnership between governments, indigenous peoples organizations with relevant UN Agencies.

Therefore, Mr. Chairman, a Memo of Understanding (MoU) between the Dewan Adat Papua (Papua Customary Council), the Government of Indonesia, and UN agencies in Papua should be signed as a token of genuine partnership in serving the interest, aspirations and needs of the indigenous peoples of Papua.

We do envisage a fruitful cooperation in Papua, emphasizing the urgency of programs and projects in the areas of Education, Health (HIV/AIDS), Human and Technical Infrastructures, and the Millennium Development Goals.

Thank you, Mr. Chairman.

Leonard Imbiri, Secretary General Dewan Adat Papua

Thank you Mr Chairman,

I would like to begin by thanking Minority Rights Group International, who have sponsored my participation at this year’s working group.

To all the honourable ladies and gentlemen and especially to my sisters and brothers representing fellow indigenous peoples. My name is John Lensru and I am a representative of the West Papua Indigenous Peoples. I would like to use my intervention to inform you of the results for Indigenous Peoples, of Community Development Program's implemented in West Papua by UN agencies, the Indonesian government and other international actors

West Papua is a territory in the Pacific area, that integrated into the Republic of Indonesia via the New York Agreement of August the 15th 1962.

Since then, for the last 44 years, the Indonesian government has executed many Development Programs. Yet the benefits which Development can bring, have had little effect on the peoples of West Papua, who are still living the traditional way of life

Various United Nations Agencies, including the WHO, the UNDP, UNESCO and UNICEF and a variety of sympathetic stakeholders and other international agencies, have also implemented many Community Development Programs. Yet also these programs have failed to touch the lives of indigenous peoples, especially those from grass-roots communities, who are living in isolated villages.

Mr Chairman,

For this moment, I would like to take the opportunity, to focus on the programs implemented by UN agencies. The failure of these programs has resulted because these Agencies have not involved the Indigenous Peoples in program design and implementation. That is why I describe the role of the Indigenous Peoples of West Papua, as that of the ‘spectator to’ and not that of the ‘actor’ in Development Programs.

In 2005, Mr Domingo Nayahangan, the chief technical adviser of the ILO Papua, tried to address the inclusion of indigenous peoples in ILO programs. Mr Nayahangan developed a new strategic methodology tailed ‘The Community Driven Participatory Approach’ and as a result some indigenous peoples were able to become involved in the implementation of programs. It was hoped that the new approach of the ILO would lead to programs which are more effective for indigenous peoples and set a standard for inclusion. Yet the ILO only made a Memorandum of Understanding with the government at provincial level and did not ensure the involvement of the… [part missing]
Item 6c

Follow-up to the world conference against racism, racial discrimination, xenophobia and related intolerance
Statement of Dr Dhuni Soren, World Adibasi Council

Agenda - Other matters
6(c) Follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

Mr. Chairperson, ladies, gentlemen and fellow delegates: good day to you all.

During the last 50 years since adoption in 1948 of the Declaration of Human Rights, the international community has made some important progress in the fight against racism, racial discrimination, xenophobia and related intolerance. SOUTH AFRICA IS A GOOD EXAMPLE for this.

1. The national governments and international institutions have enacted and adopted various laws and instruments of Human Rights to ban racial discrimination and related intolerance.
2. The fast developing technology and globalization have brought the people of the world physically together, and the political barriers have narrowed.
3. But the racism, racial discrimination, xenophobia and other forms of discrimination continue to harm our societies.
4. The new forms of discrimination “ETHNIC CLEANSING and INSTITUTIONAL RACISM” have surfaced in recent years with devastating effects.
5. The communal and religious discrimination and violence are frequently used for political ends.

Recommendation:

Apart from enacting and adopting various laws and instruments by the national governments and international organizations, I believe that a new approach is needed in this connection.

1. Educating all our citizens, rich and poor, high and mighty, that we are all equal and members of the same human family.
2. The education needs to start from childhood at home from parents. 3. In schools and colleges this needs to be taught as part of curriculum. 4. - Poverty and illiteracy need to be eliminated as they breed discrimination, disharmony and violence.
5. A fairer system of government where all citizens are treated equally and their Human Rights are respected and protected.

Mr. Chairperson and delegates, I commend these for your kind consideration.

Thank you
Declaración sobre:

Discriminación y xenofobia

Organización Aymara/Quechua
Taypi Ceqe

Julia Quispe Yanique

Bolivia, mayoritariamente “indígena”, (62%), avanza hacia cambios acelerados que sugiere profundas reformaciones dentro la estructura social y económica del país. Sin duda la asunción de un “originario” al poder, es un íto que marca el inicio de una nueva era dentro de la vida de un pueblo históricamente excluido. Nuestra lucha contra el colonialismo interno, parece romper [as cadenas de una religión agena que dominaba el ambiente político, social, económico y cultural boliviano, misma que ayudó a someter a los indígenas en el pasado.

Mas de 37 sociedades originarias conviven en Bolivia, conservan sus prácticas culturales y religiosas propias a pesar de un Estado colonial asentado en el poder por generaciones que quiso exterminar el espíritu de nuestros ancestros. La discriminación y el desprecio del opresor, lograron en la mentalidad de nuestros jóvenes avergonzarse de sus orígenes ancestrales, con ello, enajenaron la suya. Hoy más que nunca las sociedades originarias de Bolivia, se sienten fortalecidos y llenos de esperanza porque sus generaciones futuras ven la posibilidad de revalorizar sus costumbres y prácticas religiosas propias.

Nos encontramos a las puertas de una asamblea constituyente, que abre la oportunidad de diseñar un Estado sin injerencia de alguna religión específica.

Por tanto, Bolivia siendo una sociedad con identidades múltiples y complementarias demanda un Estado Laico con educación laica, que permita conocer a profundidad, costumbres y religiones originarias y enriquecer esos conocimientos con otras religiones del mundo.

Los pueblos aymara, quechua y nacionalidades del oriente boliviano estamos urdidos de una vida plena de derechos.

Julia Quispe Yanique
Organización Aymara Quechua
Taypi Ceqe

Para el Grupo de Trabajo celebrado en Ginebra.
Señor: Secretario General de la ONU
Señor: Secretario General del Consejo Económico Social ECOSOC
Señor: del Alto Comisionado de Derechos Humans
Señor: Presidente del GTPI
Senores: Sub Comision de PROMOCION Y Proteccion de los Derechos Humanos. Alos
Líderes de las Organizaciones Indígenas del Mundo

Distinguidas autoridades y dignos representantes.

La Coordinadora Nacional de Criadores de Alpacas y Llamas del Perú, miembro Integrante de la Organización de los Ayllus PUEBLO QUECHUA, en representación de los ISO mil indígenas alpaqueros expresamos nuestra indignación, extrañeza, y rechazo. Frente a la desleal política administrativa de los funcionarios de la Embajada de Suiza en Lima Perú.

En el contexto de la globalización de capitales, empresas y servicios. Excepto la circulación de personas, los países ricos del Norte se reparten los mercados y construyen el nuevo muro de Berlín para protegerse del ejército de pobres, discriminados y excluidos del nuevo orden económico internacional. Pueblos y Comunidades originarias son despojados de sus tierras ancestrales y sus recursos naturales, privados de sus medios de subsistencia carniñan comp mendigos y parías.

Es decepcionante Constar el egoísmo y el doble rasero de los países ricos y la incoherencia de sus políticas en la lucha contra el racismo y la discriminación racial. Dicho esto, quisiera llevar a conocimiento de esta Comisión lo siguiente:que el representante indígena Pablo Salas Charca de CONACANP Perú en el 2003 con invitación y la subvención del Fondo de Contribuciones Voluntarias de las Naciones Unidas para las Poblaciones Indígenas, Las Dos Mujeres Indígenas, representantes de la Asociación de Mujeres Pachamama del Cusco Peru. Serici a Benavenet Huarilloclla de Puno y 7ustina Pacomplia de Cusco legalmente acreditada al 61° Periodo de Sesiones de la Comisión de Derechos Humanos fueron objeto de un trato discriminatorio en la Embajada de la CONFEDERACION Helvética en Lima

Cabe mencionar no es el único representante indígena que ha sido denegado, la lidereza Nila Vilca Huanca de FIDCA Arequipa recibió la invitación y la subvención del Fondo de Contribuciones Voluntarias de las Naciones Unidas para las Poblaciones Indígenas, para asistir al 23º Periodo de Sesiones del Grupo de Trabajo Sobre las Poblaciones Indígenas GTPI evento que se desarrolla en Julio del 2005 en el Palacio de las Naciones Unidas. Y MI PERSONA QUIEN SUFRUO TAMBIEN LO MISMOS ATROPELLOS CON LASA NEGACIONES DE VISA PEROEN MI CASO INTERVINO LAS NACIONES UNIDAS GRACIAS A ESO PUEDO DENUNCIAR ESTO

Conste que el consulado de Suiza en Lima se negó otorgar la visa de entrada al territorio helvético alas personas citadas, quienes se presentaron en posesión de la ostentación establecida por la oficina de enlace con las ONGs en Ginebra. exclusivamente para tal efecto según sus declaraciones de buena fe, las autoridades consulares se libraron a un interrogatorio, exigieron que cada una justificara su demanda con 2000 Dolares y tras las
promesas, se negaron otorgarles la visa, bajo pretexto que, ni la atestación de la ONU
ni la suma de dinero eran un requisito suficiente.

**Frente a la frustración** a la participación de las víctimas que venían para testimoniar
ante esta Comisión, instamos a la Alta Comisionada a que se digne intervenir ante el
Gobierno Suizo. A la Oficina del Alto Comisionado deberían convenir arreglos
constructivos con el País sede de las **NACIONES UNIDAS PARA QUE ESTE
FACILITE EL VISADO DE LOS PARTICIPANTES QUE VIENEN DE PAISES
DONDE EXISTEN DEMASIADAS VIOLACIONES DE DERECHOS HUMANOS.**

Que arbitrariamente sin argumento de mayor justificación a denegado la **VISA
DE SALIDA de nuestros Líderes** representante indígena de Cusco., Puno y Arequipa.
quienes portaban los documentos de Cuatro largos años de trabajo y en su intervención
oral y escrita, presentaba las siguientes propuestas, acuerdos y declaraciones:

- **Propuesta de exposición al 21°, 22° y 23° Periodo de Sesiones del GTPI**

- **Documento de denuncia de la fuga de material genético y saberes indígenas
Quechuas.**
- **Documento de presentación de principios y objetivos del Pueblo Quechua**

- **Documento de Declaración de Pueblo Quechua sobre Decenio Internacional de
los Pueblos Indígenas**
- **Proyecto Cultural de Educación Bilingüe**

- **Propuesta ante el Foro Permanente sobre derecho a los recursos naturales. -
Fortalecimiento Institucional y sus causas de las organizaciones indígenas.**

La decisión tomada de la Embajada de Suiza frustra, el mensaje, el trabajo de
sugerencias, la propuesta del alcance a la temática de Trabajo del Grupo de Trabajo de
las Poblaciones Indígenas_

**La clara muestra** de la práctica de racismo y xenofobia, perjudica y mella, el avance
de la promoción y respeto de los Derechos Humanos y los Derechos de los Pueblos
Indígenas que viene trabajando el Foro Permanente y el Grupo de Trabajo de las
Poblaciones Indígenas. Ante las autoridades de las naciones Unidas exigimos y
solicitamos la intervención de la evaluación y recomendación con atención excepcional
para los representantes de los pueblos indígenas del Perú, PARA QUE ESTE
FACILITE EL VISADO DE LOS PARTICIPANTES

A las personalidades, autoridades, líderes de las organizaciones indígenas pedimos la
solidaridad y el rechazo de las conductas de racismo de funcionarios y autoridades.

Ginebra Suiza 3 de Agosto del 2006.

OLLANTASALASCCACHO Sec. De
Juventudes de CONACANP
Ciencias89@hotmail.com
Monsieur le President.


En effet, la Conférence de Durban sur le racisme, la discrimination raciale et les formes d'intolérance qui y sont associées, on 2001, des ONG africaines ont proposé une méthode pour lutter contre le racisme qui n'a peut-être pas été prise suffisamment en compte. Cette méthode avait pour but d'étudier de manière plus serrée, plus factuelle les faits et les circonstances de la discrimination silencieuse, que l'on appelle "covert discrimination" en anglais. Cette discrimination n'est pas une forme aussi criante que les agressions, les blessures, et même les meurtres qui sont aujourd'hui réprimés dans beaucoup de pays par le Code pénal, et mieux encore par des lois spécifiques contre la discrimination raciale qui ont été adoptées dans le sillage de la Convention des Nations Unies pour l'élimination de toutes les formes de discrimination raciale. Ces dispositions juridiques, dans beaucoup de pays, protègent les personnes de cultures différentes, les minorités et notamment les populations autochtones contre les formes les plus brutes du racisme. Le Comité pour l'élimination de la discrimination raciale (CERD) remet et examine des rapports réguliers à ce sujet. Il doit encore déplorer le laxisme qui persiste dans certains pays, mais souvent des progrès sont enregistrés sur le plan judiciaire.

Cependant la discrimination silencieuse est une forme plus discrète, mais aux effets plus profonds que ceux qui viennent d'être mentionnés. Sur une base de discrimination raciale inavouée un grand nombre de personnes sont écartées des emplois, des logements, de leurs terres, des prêts bancaires, des visas, et cela le réduit nécessairement à la pauvreté, à l'échec économique et à ce qu'on appelle fréquemment exclusion. Il faudra encore ajouter à ces facteurs l'éducation, qui dans de nombreux systèmes nationaux a un caractère froid, auto satisfait et pompeux qui ne convient pas aux enfants et adolescents de groupes traditionnellement victimes de la discrimination raciale, car ils ont une expérience de la vie différente marquée par des difficultés qu'ils ne peuvent pas aisément oublier ou recouvrir d'un voile discret, même s'il est brillant et pailleté.

La discrimination inavouée affecte aussi les populations autochtones, et c'est même elles qui sont les plus affectées dans bien des cas. Elles en souffrent moins dans la mesure où elles demeurent homogènes et continuent à former des groupes à part dans la société. La discrimination inavouée des populations a plusieurs sources. Elle est à ce jour l'une des principales raisons des conflits qui secouent le Continent africain. Ces conflits peuvent provenir de la mauvaise application par les autorités locales, des lois régissant le code foncier rural. De l'afflux massif des immigrants qui au bout d'un certain temps deviennent majoritaire et pourchasse les Autochtones. Mais même dans ce cas, il peut y avoir de subtiles discriminations dans le domaine foncier, ou de la résidence. Des groupes nomades en France, dont des exemples pourraient être aisément fournis, sont cantonnés sur des terrains peu enviables, typiquement à proximité de (riches industrielles, de décharges ou de déchetteries, ce qui contribue d'une manière très matérielle à aggraver leur image d'exclus et dissuade la population majoritaire de les côtoyer. Cela persiste même lorsqu'il existe des lois ou autres dispositions visant à leur attribuer des lieux de résidence ou de halte. Une conséquence bien connue est ce qu'on appelle en France le communautarisme. Mais la discrimination inavouée persiste et est encore plus grave lorsque des membres de ces groupes, ou des groupes entiers, veulent s'intégrer au reste de la société, ce qui est pourtant le but officiel de la plupart des États. Alors ces derniers ont beaucoup de peine à trouver des emplois et des logements, et ils ont des résultats.
médiocres dans le système d'éducation. Quelques réussites brillantes sont citées en exemple, mais ce sont des arbres qui cachent la forêt.

Est-il besoin de dire que la discrimination inavouée crée ensuite des problèmes au niveau judiciaire, qui contournent en somme les lois officiellement destinées à protéger les victimes de la discrimination en général? Le manque évident de ressources des groupes affectés par la discrimination inavouée les pousse vers la criminalité, la toxicomanie, les trafics illégaux. Le racket, etc. Des systèmes de bandes se créent, et des zones que l'on appelle de non droit. Ce sont des scènes assez répandues et familières dans notre monde.

Ces phénomènes passent à travers les filtres habituels, légaux et judiciaires, de la lutte officielle contre toutes les formes de discrimination, qu'évidemment il ne faut pas discréditer, mais dont on a souvent à déplorer le caractère trop superficiel, il y a donc lieu de faire une étude plus serrée de la discrimination inavouée, en cadrant les faits qui interviennent dans (attribution d'emplois ou de logements, ou encore de prêts bancaires (souvent décisifs pour les petites entreprises ou les petits commerces), etc. C'est une approche un peu subtile, mais qui ne déroute pas la logique, et peut-on dire l'approche scientifique des sociétés humaines. Alors on se trouve fréquemment en train de remuer une hypocrisie discrète, mais malsaine pour la société. Des exemples parallèles peuvent être donnés dans d'autres domaines de la discrimination.


Je vous remercie pour votre aimable attention.

Ocaproce_internationale@hotmail.com
Racial Discrimination, Xenophobia, Related Intolerance and Zo Indigenous Peoples
Respected Chairperson,
Distinguish state delegates and honourable Indigenous leaders,
The historic World Conference Against Racism was held in Durban city, South Africa in the year of 2001 A.D. Indigenous delegations and state representatives around the world made discussion, demonstration and decisions to stop Racial Discrimination, Xenophobia and related intolerance. All participants in this session can calculate the result of that conference in your society community and in your country today.
Zo Indigenous people is highly concerning of Racial Discrimination in its Zo Indigenous people inhabited areas of Burma (Myanmar), Bangladesh and India.
In Burma, Zo Indigenous Peoples are commonly known as Chin in the Chin State and Upper Chindwin areas. In Bangladesh, generally known as Lushai, Bawm, Pang and Khiang, and in India commonly known as Mizo, Zou, Kuki, etc., in Mizoram State, Tripura and Manipur.
In my statement I would like to point out the Racial Discrimination on the Zo Indigenous Peoples in Burma. Burma is directly or indirectly under the military control since 1962. The Zo (Chin) Indigenous people are strictly controlled in their Government service promotions.
From A.D 2000, Zo (Chin) Indigenous people in the military services are restricted in promotion to higher officer level, but ranks like Captain and Major up till their age of retire.
In Chittagong Hill Tracts as mentioned in her statement by Ms. Naie U Prue Marina from Hill Tracts Women Resources Network (HTWRN) the racial discrimination on Indigenous people is at the serious situation.
This Racial Discrimination, Xenophobia and related intolerance could be among Indigenous peoples and between Indigenous peoples and non-Indigenous peoples.
My suggestion is to avoid this racial discrimination, xenophobia and related intolerance among Indigenous Peoples. 
I therefore appeal to this august body, government representatives and the newly formed up Human Rights Council to take up this Item 6 (c) effectively and systematically in immediate action.
Thank you Chairperson and all participants for your kind attention.
Item 6d)

State of the Voluntary Funds
Statement by Mr. Nadir Bekirov, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations

I thank you for giving me the opportunity to address the 24th session of the Working Group on Indigenous Populations in my capacity as Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations.

The Voluntary Fund was created pursuant to a General Assembly resolution in 1985, with the purpose of assisting representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations. The Mandate was expanded on two occasions by the General Assembly to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on the Draft declaration on the Rights of Indigenous Populations and Permanent Forum on Indigenous Issues.

I would like to take this opportunity to welcome the 47 beneficiaries of travel grants of the Voluntary Fund present with us during this session.

Since the Fund was established, it provided financial assistance to about a thousand indigenous representatives.

The Voluntary Fund for Indigenous Populations has given indigenous peoples a voice at the United Nations by providing them with the opportunity to raise their issues internationally, participate in meetings where decisions affecting their lives are taken, contribute to the deliberations with their first hand experiences, relate with Governments and UN Agencies and network with other indigenous organization and non-governmental organizations.

This developed their leadership capabilities and expertise, and has led in some cases to solving issues directly with governmental delegations. Indigenous peoples have been fully involved in the development of international standards and national legislation for the protection and promotion of their human rights.

The value of their statements, knowledge and relationships established in these meetings have been of great utility for beneficiaries themselves as well as for other participants.

The increasing number of requests and the limited available funding presents the Board of Trustees with tough choices. For example, at the 19th session of the Board of Trustees that took Place in February 2006, 177 admissible applications were received only for the Working Group on Indigenous Populations. These applications were examined by the 5 independent indigenous experts who recommended 45 grants. In 2006, the Board of Trustees recommended to the Secretary General to distribute about 444,000 US Dollars between 101 beneficiaries to participate in sessions.
of the Permanent Forum on Indigenous Issues and the two Working Groups, which covered only 25 per cent of received applications.

I would like to take this Opportunity to thank our new donors: Australia, Brazil and France and our usual donors Canada, Chile, Denmark, Estonia, Finland, Japan, Norway, and New Zealand for their contributions. I invite all of them to maintain their support to the Fund to ensure the participation of indigenous peoples in these meetings.

On behalf of the Board of Trustees, I would also like to appeal to all Governments, organizations and private donors to consider contributing to the Voluntary Fund, if possible before the next meeting of the Board in 2007, and if possible with a substantial increase in their contributions, in support of indigenous peoples worldwide and in order to enable the Fund and Board of Trustees to fulfill its mandate. We also invite indigenous organizations to further disseminate information on the Fund to indigenous peoples and communities that have not yet benefited from it in the past.

In light of the importance of providing direct assistance to human rights projects by indigenous peoples, the Board recommended expanding the mandate of the Fund to include financial support for human rights projects, in addition to the provision of travel grants.

The Board also recommended exploring the possibility of extending the mandate of the Fund to allow for ad hoc grants to support indigenous peoples’ participation in meetings of United Nations bodies other than the WGIIP, WGDD and Permanent Forum, in particular meetings of human rights treaty bodies.

We would very much welcome an opportunity to consult with our donor governments as well as with indigenous participants of the Working Group on Indigenous Populations to review the viability of such recommendations.

We know the mandate of the Working Group on Indigenous Populations was extended exceptionally for one year and on the behalf of the Board of Trustees hope that the Working Group on Indigenous Populations would be maintained or similar body would be created to ensure that the human rights of indigenous peoples will be addressed in an adequate and consistent manner.

The Board welcomes the recent adoption by the Human Rights Council of the Declaration on the Rights of Indigenous Peoples on the 29th June 2006.

I would like to thank the members of the Working Group on Indigenous Populations for their support, the office of the office of High Commissioner for Human Rights as well as the Secretary of the Voluntary Fund who have been so efficient and helpful in preparing our Board meetings, administering the Fund and taking good care of the beneficiaries of the Fund.
Estoy hablando en nombre del Consejo Indio de Sud America, CIASA, que en su época apoyo la creación del Fondo de Contribuciones Voluntarios para las Poblaciones Indígenas y ha hecho sus recomendaciones acerca de la selección de los candidatos que sin apoyo financiero no pueden participar en los grupos de trabajo de las Naciones Unidas (ONO).

Para considerar el futuro de este Fondo, en primer lugar tenemos que tomar en cuenta la nueva situación que ocurre con la creación del Consejo de Derechos Humanos. Todavía no está definido el futuro de este Grupo de Trabajo y la participación de los Pueblos Indígenas en los diferentes mecanismos de la ONO.

En la Resolución 60/251 podemos leer que el Consejo asumirá, examinará y, cuando sea necesario, perfeccionará y racionalizará todos los mandatos, mecanismos, funciones y responsabilidades de la Comisión de Derechos Humanos. En este sentido quisiéramos proponer también que se perfeccione y racionalice el trabajo del Fondo Voluntario.

Me parece muy importante resaltar que las contribuciones del Fondo representan un aporte muy importante para los delegados Indígenas. Sin embargo, será necesario perfeccionar en el sentido de que la participación sea más efectivo para justificar los gastos considerables de pasaje y estadía.

Para ello, proponemos una mejor preparación en su país para los delegados que por primera vez participan al Grupo de Trabajo y al Foro Permanente. Además deberán gozar de un asesoramiento durante las sesiones que les capacitará a preparar un informe que aportaran a sus organizaciones y comunidades afín de hacer conocer los trabajos de la ONU para las poblaciones indígenas. En la actual forma, el Grupo de Trabajo está muy limitado en tiempo efectivo; este año contamos con solamente 3 días y medio de sesiones y casi cada tarde hay invitaciones a recepciones y fiestas. Sería por lo menos necesario, no solo organizar reuniones preparatorias, sino también al final reuniones para analizar los resultados. Un delegado que goza del favor de la beca, debe comprometerse a aportar conocimientos a su comunidad.

Para terminar quisiera agradecer al Docip que hace un gran trabajo de publican todas las Declaraciones de las organizaciones indígenas en el Foro Permanente, lo que permite informarse por el Internet a todos los interesados que no podían estar presentes.

Ginebra, 3 de agosto de 2006

Tomas Condori
Item 6e

The draft United Nations declaration on the rights of indigenous peoples (update)
Agenda item 6(e)

The Draft Declaration on the Rights of indigenous peoples
Intervention of the Aotearoa Indigenous Rights Trust
Delivered by Teanau Tulono

1. Aotearoa Indigenous Rights Trust notes the recent resolution of the Human Rights Council to adopt the amended text of the Draft Declaration on the Rights of Indigenous Peoples as prepared by the Chair. We make the following three statements.

2. Firstly, our position has always been to support the original sub commission Declaration as the basis for a minimum set of human rights for Indigenous Peoples.

3. Secondly, Maori are still in the process of considering the text as adopted by the Human Rights Council. At this time some Maori have expressed concern with the content of this text.

4. Thirdly, we also wish to be clear that whilst we have concerns with the Human Rights Council's text, we do not support the position taken by the New Zealand government that the Declaration is potentially discriminatory; is inconsistent with international law and is unable to be implemented. The position of the New Zealand government is extremely disappointing and beyond understanding. As always, we urge the New Zealand government to engage with Maori in respectful and meaningful dialogue on this important matter.
INDIAN MOVEMENT "TUPAJ AMARU"

Mouvement Indien "Tupaj Amaru"  Movimiento Indio "Tupaj Amaru"

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
ONG con Estatuto Consultivo Especial ante el Consejo Economico y Social de Naciones Unidas
Case postale 279, 1217 Meyrin 1, Geneva, Switzerland
Tel: (+41 22) 734 76 13 Fax: (+4122) 734 76 17 Email: amaru102@hotmail.com

Tema: 6 (e) Draft Declaration

1.- El proyecto de declaración sobre los derechos de los pueblos indígenas, cuya elaboración se había iniciado hace más de 20 de años en el Grupo de Trabajo sobre Poblaciones indígenas y que a lo largo de 11 años ha sido objeto de un trato discriminatorio y selectivo en el propio seno de las Naciones Unidas, hoy fue sometido a votación, debido a la falta de consenso tan esperado.

2.- Cualquier sea la apreciación de los miembros de este Foro, Estados y representantes indígenas sobre el balance de la labor del Grupo de Trabajo de la Comisión, un hecho tenaz se impone: a lo largo de más de una década no se ha logrado progresos tangibles, ni acercamiento había un consenso general, mucho menos avances sustantivos en el fortalecimiento y armonización de las disposiciones del proyecto, debido a la falta de la voluntad política de los Estados.

3.- Quisiéramos dejar constancia ante este Grupo de Trabajo que, tras once (11) años de debates estériles y declaraciones retóricas, el Grupo de Trabajo establecido de conformidad con la resolución 1995/32 de la Comisión de Derechos Humanos una vez más fracaso en su mandato exclusivo de elaborar el proyecto de la Declaración. Vencido por la arrogancia de las potencias occidentales y consciente de que la esperanza de un hacha consenso debilitaría aun el proyecto, la delegación del Perú presentó el texto de su Presidente, colocando a Gobiernos e indígenas ante un dilema: adoptar una declaración obsoleta, abstracta o una declaración congruente, precisa y fuerte para garantizar la supervivencia de pueblos y naciones indígenas.

4.- Los Miembros del nuevo Consejo de Derechos Humanos, entes fríos e insensibles al sufrimiento de pueblos indígenas, a pedido de Canadá, apoyado por Rusia y las potencias occidentales decidieron someter a votación la propuesta más controvertida del Presidente, texto coartado de las normas mínimas estipuladas en el proyecto de la Subcomisión, aplaudido por unos y rechazado por otros.

5.- Por su intransigencia, su arrogancia y su desprecio a la extinción de comunidades históricas, los países occidentales, tales como Estados Unidos de América, Australia, Reino Unido, Canadá, Francia, Nueva Zelanda, la Unión Europea y la Federación rusa son los directos responsables del fracaso sufrido en la elaboración y adopción de una declaración a la altura de las esperanzas de pueblos indígenas.
6.- Movidos por sus intereses estratégicos y geopolíticos las potencias occidentales y sus
las elites dolientes del Sur se han librado durante 11 años y a puerta cerrada, a socavar y
cortar las normas mínimas estipuladas en el proyecto de la subcomisión, tales como el
derecho a la libre determinación, los derechos colectivos, el derecho originaria a la
propiedad originaria sobre las tierras, la soberanía permanente sobre los recursos
naturales, la desmilitarización de tierras y territorios y la protección jurídica de la
propiedad cultural e intelectual- derechos reconocidos en el derecho internacional.

7.- Si bien en la "Propuesta del Presidente" aparece el artículo 3 en su versión original,
pero se logrado incluir en otros artículos trampas y obstáculos al libre ejercicio del
derechos a la libre determinación. Otros artículos relevantes, como el delito de genocidio
fueron eliminados del texto original y el propio lenguaje sufrió cambios.

8.- La 11° sesión del Grupo de Trabajo de diciembre 2005 a febrero 2006 ha revelado los
resabios del colonialismo, el egoísmo, dobles estándares, el racismo, la incoherencia
política de los países ricos y la posición paralizante de las potencias occidentales que se
obstinan a concebir la elaboración de nuevos estándares en la dialéctica de mutación y
 cambio, introduciéndolos como nuevos conceptos y categorías del derecho internacional
en la promoción de los derechos indígenas.

9.- Frente a los grandes retos e intentos de socavar sus disposiciones mínimas, diluir y
debilitar cada vez más su esencia jurídica y política, nuestra organización ha venido
presentando, en cada sesión, a consideración y reflexión de los miembros del Grupo,
propuestas, contribuciones y enmiendas más de fondo que de forma con el propósito de
mejorar, fortalecer y armonizar el conjunto de las disposiciones de la declaración de
manera que responda a las caras aspiraciones los pueblos indígenas.

10.- Pero, debido a la ausencia del principio de imparcialidad, objetividad e
 independencia del Presidente-Relator y bajo las presiones políticas de los Gobiernos,
nuestras propuestas fueron ignoradas y descartadas de la Mesa de negociaciones. El
presidente faltó a la verdad ante la Conferencia de DR cuando afirma que su "Chairma's
proposal" había recogido las contribuciones indígenas.

11.- Me permito hacer observar al Departamento jurídico de la ONU que el texto del
Presidente que se aleja considerablemente del proyecto de la Subcomisión y únicamente
se funda en la percepción de los Gobiernos, no fue adoptado en la última sesión (febrero
2006) del Grupo de Trabajo, ni por consenso ni por votación tal como exige los
procedimientos legales de las Naciones Unidas.

12.-Consecuentes con la causa indígena, nuestra organización "Tupaj Amaru" ha venido
abogando durante más de 20 años para que se lograse la adopción de un instrumento
internacional que fuera congruente con el conjunto de las normas internacionales
vigentes, fuera lo suficientemente preciso y coherente para engendrar derechos y
obligaciones aceptables por la comunidad internacional y descansara sobre bases
materiales para garantizar su aplicación efectiva.

13.- En este momento en que los mismos Gobiernos que subyugan a las naciones
indígenas han logrado forzar al Consejo la adopción de un texto cortado de su contenido
jurídico y político, un texto socavado de sus alcances económicos y sociales, un texto
débil, incluso y no consensuado con la complicidad de seudo representantes indígenas que poco o nada han contribuido al fortalecimiento del texto original, nuestra decepción es a la altura de nuestras esperanzas. Los Gobiernos neoliberales del Norte y del Sur, defensores del capital transnacional lograron colocar a pueblos y naciones aborígenes contra la pared y frente a un hecho consumado.

14- Las comunidades y Aylls originarios que ni siquiera saben de la existencia de un mecanismo en la esfera normativa en las Naciones Unidas y cuantos de representantes presentes en esta sales no han venido la oportunidad de estudiar el propio texto de la Subcomisión ni han leído la versión final del Presidente, no deberían hacerse ilusiones en que una declaración sea vinculante o no pueda resolver sus problemas. Los pueblos indígenas con o sin Declaración seguirán luchando por la tierra y la dignidad y, sin duda prepararemos nuestra propia declaración de Derechos Humanos en base del proyecto de la Subcomisión hoy reforzada por las valiosas-contribuciones y-propuestas de "Tupaj Amaru". Que aparece en el Doc: A/HRC/I/NGO/1, 27 junio 2006.

15.- Habida cuenta de lo expuesto, teniendo en mente las legítimas preocupaciones de un numero considerable de organizaciones indígenas y en base del proyecto de la resolucion dirigida a la atencion del 61' periodo de sesiones de la Comisión DH, el Movimiento Indio "Tupaj Amaru" presentó al Honorable Consejo el proyecto de decisión "the draft decision" para que sus Miembros prolongaran el mandato del Grupo para consultas en relacion con el proceso de elaboración y adopcion de instrumentos de derechos humanos.

Palacio de Naciones. 31 de agosto de 2006
As delegations know, the new Human Rights Council in its recent decision [June 29/06] to adopt the U.N. Declaration on the Rights of Indigenous Peoples, set a new path for the serious consideration of Indigenous issues by the international community. As minimum norms and standards, the U.N. Declaration sets an international framework for the development of positive relationships and strengthened partnerships. It states, for example, that "Indigenous Peoples have the right to the recognition, observance and enforcement of Treaties..., and to have States honour and respect such Treaties..." The Constitution of Canada also "recognizes and affirms" these Treaties. It was therefore, a very great disappointment for us when Canada called for a vote, then voted against adoption of the U.N. Declaration especially when our delegation, in good faith, cochaired the session in drafting the provisions of the U.N. Declaration on Treaties.

Since then, we have received written communication as to the reasons for Canada's position. We would, with your permission, like to table a seventeen page document to Canada in hope that it will help to clarify and deal with Canada's concerns. This has also been forwarded to the Minister of Indian Affairs on July 27, 2005, by the National Chief and we present it to the Members of this WGIP for information and to support our call under agenda item, 4(b) for a recommendation to the U.N. General Assembly 61st Session to adopt The U.N. Declaration, without any amendments. As previously stated, Indigenous Peoples' representatives do not have a voice at the Third Committee nor at the General Assembly.

We would through you, Mr. Chairman and the 2e Session of the W.G.I.P., call on Canada to hold a high level meeting with Indigenous Leaders and re-consider its position so as to support the adoption of the U.N. Declaration of the upcoming 61st Session of the General Assembly and be to implement the UN Declaration in a way that improves domestic relations. Thank you for your consideration on this important matter, ' 

Mr. Wilton Littlechild, I.P.C. August 4, 2W6

[Attachment]
The government of Canada is opposed to the adoption of the draft U.N. *Declaration on the Rights of Indigenous Peoples* by the United Nations. To date, the Assembly of First Nations and other Indigenous organizations in Canada have not received explanations from the government that would substantiate its opposing positions. In order to initiate a constructive dialogue, we are submitting a list of questions based on the government's positions.

The following questions we pose illustrate the far-reaching difficulties and contradictions that arise should Canada maintain its current positions. For the most part, these are basic questions in international and, in some instances, Canadian law. They also reflect the many discussions States and Indigenous peoples have undertaken over a period of more than 20 years in relation to the draft *UN. Declaration*.

<table>
<thead>
<tr>
<th>Canada's positions</th>
<th>Questions for the Government of Canada</th>
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1. No practical guidance, open to different interpretations. "Current draft does not ... help in providing practical
guidance to states, indigenous peoples
and multilateral organizations." (PM
Canadian, letter to AFN, June 26, 2006)
"... draft declaration ... would not
provide practical guidance to countries
and indigenous peoples. In fact, much of
the text is vague and ambiguous, leaving
it open to different, and possibly
competing, interpretations." (Minister
Prentice, Letter to Toronto Star, June 27,
2006)

| On what basis does the government of
Canada conclude that the current draft
"does not ... help in providing practical
guidance to states, indigenous peoples
and multilateral organizations"? On what
basis does Canada conclude that this is
the prevailing view of states? Of
indigenous peoples? Of multilateral
organizations? Is it not clear that
Indigenous peoples in Canada and
elsewhere in the world do not share
Canada's views on the Declaration?
Under Canadian and international law,
are human rights instruments not
inherently broad and universal in their
application? Otherwise, how could they
effectively apply to the diverse situations
that may arise both now and in the
future?
Is it not the confirmed approach of the
Supreme Court of Canada that, in
interpreting Indigenous peoples' rights, a
contextual approach should be adopted
based on the particular facts and law in
any given situation? Does that not occur at
a subsequent stage when a particular
dispute arises? |
In international standard-setting processes, is "constructive ambiguity" not beneficially used to enable a wide range of perspectives in all regions of the world to be fairly accommodated? Is this not the approach that facilitated attaining greater consensus among Indigenous peoples and States? Did States, such as the United Kingdom, not expressly request such formulations in order to enable their agreement to a wide range of articles in the Declaration?

Is it not true that a number of States feel that the Declaration already contains a degree of detail that is often reserved for treaties? How can Canada reasonably justify that the Declaration should contain more detail to reflect its own domestic situation? What if all other States made a similar request?

Does the government of Canada appreciate that the purpose of the Declaration is to ensure uplifting human rights standards and not to reflect the existing domestic policies and laws of States? Is Canada aware that States cannot invoke their constitutions or other domestic laws in order to avoid including human rights norms in a U.N. Declaration consistent with their international obligations?
Does the *Declaration* not provide for a number of collaborative processes or mechanisms to address specific issues? Is it reasonable to expect the *Declaration* to specify how exactly the rights and each standards will be implemented within each State?

Is implementation of human rights not primarily addressed at the domestic level? Is this not the stated view of Canada's Minister of Foreign Affairs?

"Human rights need to be implemented at the country level through enabling policy, legal and institutional framework, including an independent and effective judicial system." (Human Rights Council, Statement by the Hon. Peter MacKay, June 19, 2006)
### 2. Individual and collective rights not balanced

"Canada's objective was to achieve a Draft Declaration which affirms the rights of indigenous peoples around the world, but which also recognizes the rights of all citizens, both Aboriginal and non-Aboriginal, in a way that promotes harmony and reconciliation. The current draft does not meet Canada's objectives ..." (PM Canadian, letter to AFN, June 26, 2006)

<table>
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<tr>
<th>Does international human rights law not already provide extensively for the promotion and protection of individual human rights? Does the Declaration not provide explicitly for the safeguarding of individual rights both Indigenous and non-Indigenous? Are the following provisions in the Declaration not adequate additional safeguards?</th>
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<tr>
<td>PP18 bis (&quot;indigenous individuals are entitled without discrimination to all human rights recognized in international law&quot;)</td>
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<tr>
<td>Art. 1 (&quot;Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in ... international human rights law&quot;)</td>
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<tr>
<td>Art. 2 (&quot;Indigenous ... individuals are free and equal to all other ... individuals and have the right to be free from any kind of discrimination, in the exercise of their rights&quot;)</td>
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<tr>
<td>Art. 39 (&quot;Indigenous peoples have the right to ... effective remedies for all infringements of their individual and collective rights.&quot;)</td>
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<tr>
<td>Art. 43 (&quot;All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.&quot;)</td>
</tr>
<tr>
<td>Art. 45, para. 2 (&quot;In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected.&quot;)</td>
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3. Uncertain delays required to "improve" Declaration. "... a two-year mandate would allow enough time for all parties, including indigenous peoples' representatives, to develop an improved Draft Declaration." (PM Canadian, letter to AFN, June 26, 2006)

The Human Rights Council should "authorize further consultations based on the Chairperson Rapporteur's text, reporting progress back to the next session of the Council [i.e. September 2006], with the aim of developing specific proposals" (Canada, proposed amendment, June 26, 2006)

"...a. few more months could allow all parties to arrive at a text that is more satisfactory to the international community." (Indian Affairs Minister Prentice, letter to Toronto Star, June 27, 2006)

Hasn't the Canadian government repeatedly contradicted itself, in regard to the period of time needed to "improve" the Declaration?

On June 26, did PM Canadian not claim 2 years would be required? On the same day, did the amendment proposed by Canada at the Human Rights Council not indicate that 3 months would be required just to report progress back to the Council on identifying State concerns and a future process to address them? Weren't both of these views contradicted on June 27, when Minister Prentice claimed that an improved Declaration could be arrived at in "a few more months"?

Has the Canadian government assessed fully and fairly the huge risks in seeking to re-open negotiations?

Has the government of Canada considered that Indigenous peoples globally and most States are not willing to risk re-opening negotiations on the Declaration? Has the Chair of the Working Group on the draft Declaration not also concluded that it would not be of benefit to re-open discussions?

"I do not see that it is possible, in the short or medium term, to reach consensus in the working group,...I have serious doubts as to the relevance of prolonging this exercise, We have reached a point of possible balance." (unofficial translation, Statement of Luis-Enrique Chavez to Human Rights Council, June 27, 2006)

4. Need to achieve "broadest possible agreement". This criterion was emphasized in Canada's proposed amendment at the Human Rights Council in June 2006, in seeking an improved Declaration.

Does the Canadian government appreciate that, under current circumstances, achieving the "broadest possible agreement" would in effect mean the lowering of existing standards in the latest text of the Declaration? And that such a result would serve to undermine the broad, but fragile, support for the Declaration that currently exists among Indigenous peoples?
"The members of the Council have committed themselves to uphold the highest standards of human rights [and] cooperate fully with the Council.; (Human Rights Council, Statement by the Hon. Peter MacKay, June 19, 2006)

Is the government of Canada giving full consideration to the fact that an overwhelming majority of Indigenous peoples and a large number of States do not believe that consensus can be reached with United States, Australia and New Zealand? Is it helpful for Canada to align itself with these States, whose positions are often viewed as obstructionist, highly discriminatory or otherwise inconsistent with international law? Is such alignment compatible with Canada’s obligations as a member of the Human Rights Council?
5. **Revival of extinguished or ceded land and resource rights.** "The text on lands and resources ... could be used to support claims to potentially revive rights that were lawfully extinguished or ceded by treaty, as agreed by affected aboriginal groups." (Indian Affairs Minister Prentice, letter to Globe and Mail, June 27, 2006)

6. **Declaration could hinder Canadian land claims processes.** "... provisions could also hinder our land claims processes in Canada, whereby Aboriginal land and resource rights are premised on balancing the rights of Aboriginal peoples with those of other Canadians, within the Canadian constitutional framework". (Human Rights Council, Statement by Ambassador Paul Meyer, Canada, June 29, 2006)

7. **Free, prior and informed consent could be a veto.** "... concept of free, prior and informed consent ... could be interpreted as giving a veto to indigenous peoples over many administrative matters, legislation, development proposals and national defence activities which concern the broader population and may affect indigenous peoples." (Human Rights Council, Statement by Ambassador Paul Meyer, Canada, June 29, 2006)

"We would support a text that builds on the guidance of Canada's Constitution, In Canadian and international law - is it not erroneous to suggest that an aspirational instrument, such as the Declaration, could be used to "revive rights ceded that were lawfully extinguished or ceded by treaty with Aboriginal consent? On what legal precedents does the Canadian government base such a view? Are such extreme and absolutist interpretations not highly misleading and unhelpful in the present context? Are they not the hallmark of the U.S., Australia and New Zealand, who have been repeatedly criticized for resorting to this tactic?

Do all of the provisions in the Declaration subject to Art. 45? Does Art. 45 of the Declaration (see heading 9 below) not extensively provide for the balancing of the rights of all parties, including third parties and States, in any dispute that may arise? Does Art. 45 not expressly allow limitations on the rights in the Declaration "for the purpose of securing due recognition and respect for the rights and freedoms of others"?

As reflected in Art. 45, are not all provisions of the Declaration relative in nature, particularly since the rights of others must be taken into account? Does Art. 45 not apply as well to "free, prior and informed consent" (FDIC)? In light of the inherent balancing and flexibility provided in Art. 45, on what legal basis does Canada conclude that FPIC refers to an absolute veto?

Does Art. 45 not require that all provisions in the Declaration be interpreted in accordance with such fundamental principles as democracy, justice, respect for human rights and good governance? Are these not core principles and values in Canada and internationally?
Charter and Supreme Court:” (Address by Minister Prentice to AFN Annual General Assembly, July 13, 2006)

| No effective guidance | Is FPIC not widely recognized as an essential principle in the Indigenous context? Is FPIC not one of the five objectives of the Second International Decade, agreed to by member States in the General Assembly?
| | "Promoting full and effective participation of indigenous peoples in decisions which directly or indirectly affect their lifestyles, traditional lands and territories, their cultural integrity as indigenous peoples with collective rights or any other aspect of their lives, considering the principle of free, prior and informed consent”. (U.N- General Assembly, Programme of Action for the Second International Decade of the World's Indigenous People, 2005)
| | In relation to Indigenous peoples, is FPIC not also increasingly used as a standard by the U.N. human rights treaty monitoring bodies, Special Rapporteurs, U.N. departments and Permanent Forum an Indigenous Issues, as well as by relevant bodies within the Inter-American human rights system?
| | Is FPIC not also consistent with "the highest standards in the promotion and protection of human rights", which Canada and all other State members of the Council are bound to uphold?
| | Is Canada concerned with Art. 20 of the Declaration?
| | "States shall consult and cooperate in good faith with the indigenous peoples concerned in order to obtain their free, prior and informed consent before adopting and implementing legislative and administrative measures that may affect them”. (Art. 20)
| | Has Canada taken into account the formal explanation to the Human Rights Council by Luis-Enrique Chavez, Chair of the
| | to suddenly insist that the Declaration must provide effective guidance as to
indigenous governments might work together with other levels of government, including laws of overriding national importance and matters of financing." (Human Rights Council, Statement by Ambassador Paul Meyer, Canada, June 29, 2006)

"We must build the capacity of First Nations through improved structures, systems and regulations. And of course, we must do this together.

... 

Is it not appropriate to subsequently work out such political, jurisdictional and financial arrangements cooperatively at the implementation stage in the context of each State? Is this not what Minister Prentice has basically indicated at the AFN Annual General Assembly on June 13, 2005?

Settlements can bring harmony between First Nations communities and their neighbors

... 

I ask the Assembly today to work with this government to: ... establish the legislative and regulatory framework necessary to modernize programs, services, governance and negotiations in First Nations communities ...

Our shared challenge is to move forward. Past the dependencies that once held back First Nations, and into a new spirit of Partnership that unites Aboriginal and non-Aboriginal Canadians alike, building a stronger Canada for all the peoples that share this great land." (Address by Minister-Prentice to AFN Annual General

Does PP15 bis not already generally provide (at the insistence and with the approval of Canada) that "recognition of the rights of indigenous peoples in this declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith"?

Does PP 19 not already generally provide (with Canada's approval) that the Declaration is proclaimed "as a standard of achievement to be pursued in a spirit of
9. **Declaration inconsistent with human rights, Constitution, etc. in Canada.** "[The Declaration] is inconsistent with the Canadian Charter of Rights. It is inconsistent with our Constitution. It is inconsistent with the National Defence Act. It is inconsistent with our treaties and it is inconsistent with all of the policies under which we have negotiated land claims for 100 years.” (Minister Prentice, House of Commons, June 21, 2006)

"We would support a text that builds on the guidance of Canada's Constitution, charter and Supreme Court.” (Address by Minister Prentice to AFN Annual General Assembly, July 13, 2006)

"... my plan is to address the root cause of many problems we face: the archaic, tangled, and patronizing legislative framework that defines the vast majority of relations between government and Aboriginal peoples.

First Nations members on reserve are the only Canadians who lack a clear legal framework that sets out standards of partnership and mutual respect”? Is this not the same spirit of partnership referred to by Minister Prentice is his Address to the AFN General Assembly on July 13, 2006?

In claiming that the Declaration includes a wide range of "inconsistencies" with the Canadian Charter, Canada's Constitution, etc., is the Canadian government not reading certain provisions of the Declaration in isolation and erroneously interpreting them as including "absolute" rights? Is it not required that each provision be considered in the context of the whole Declaration and existing international law? Are human rights not generally "relative" in nature and not absolute?

In regard to the Declaration, how can Minister Prentice claim that it is "inconsistent with the Canadian Charter of Rights"? Also, when interpreting the guarantees in the Charter, does s. 25 of the Charter not prevent any derogation from the Aboriginal, treaty and other rights of Aboriginal peoples?

Further, doesn't Art. 45 of the Declaration require without exception that the "human rights ... of all shall be respected"? Does Art. 45 not add that all of the Declaration's provisions "shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, nondiscrimination, good governance and good faith”?

Does the Declaration not include balancing provisions that are not found in Canada's Constitution? For example, doesn't the Constitution Act 1982 explicitly include "Aboriginal and treaty rights" in Part II, without any explicit limitation clauses to balance these rights with those of others?
for such areas as education, water, housing, social services, and governance-. The current system erodes public trust and alienates First Nations.

I'm convinced we must have a modern framework ..." (Address by Minister Prentice to AFN Annual General Assembly, July 13, 2006, Emphasis added)

my plan involves completing comprehensive and specific claims, treaty land entitlements and additions to reserves. In this province, many claims agreements have yet to be signed. In other regions, disputes continue about old agreements.

I have said it before and I'll say it again. The backlog is not acceptable and we're working on it.

Cette immense accumulation, qui se poursuit, et qui a plus que double depuis mille neuf cent quatre-vingt-treize (1993), indique clairement que le système actuel ne peut pas suffire à la tâche." (Address by Minister Prentice to AFN Annual General Assembly, July 13, 2006, emphasis added)

Yet hasn't Canada's hi best court still stated that the rights of Aboriginal peoples in Canada are relative and not absolute?

How can the government claim that an aspirational human rights document, such as the Declaration, is "inconsistent with our Constitution"? Has the Supreme Court of Canada not repeatedly described the Constitution as a "living tree" that requires a progressive interpretation? Has the Court not ruled that Canada's Constitution "must, therefore, be capable of growth and development over time to meet new social, political and historical realities often unimagined by its framers"? (Hunter v. Southam (1984)) Is the protection of Aboriginal and treaty rights not an underlying constitutional principle and value that infuses the whole Constitution?

In relation to the National Defence Act, why has the Canadian government never clarified the precise nature of its concern? In any event, is it not true that the Declaration is an aspirational instrument that cannot simply render null any provision of any Act adopted by a legislature in Canada? If this is not correct, can the government provide us with legal references to substantiate its position?

Is it appropriate far the government to claim that the Declaration Is inconsistent with all of the policies under which we have negotiated land claims for 100 years”? For 24 of those years (1927-1951), was it not a criminal offence in Canada for "Indians" to raise funds or retain a lawyer for the advancement and prosecution of land claims? In relation to the federal government's "claims" policies, has Minister Prentice himself not repeatedly declared that "the system is not sufficient for the task"?

Didn't Canada only devise its first "comprehensive claims" policy in 1973?
Has the AFN and other Aboriginal organizations in Canada not repeatedly criticized this and other "claims" policies?

In relation to Art. 26 of the Declaration, is it the government's concern that the right to lands, territories and resources is based on those that Indigenous peoples have "traditionally owned, occupied or otherwise used" (i.e. the past tense)?

Is it not true that current land claims policy in Canada also requires Aboriginal rights to be based on traditional occupation and use that is rooted well into the past?

"The traditional use and occupancy of the territory must have been sufficient to be an established fact at the time of assertion of sovereignty by European nations." (Indian and Northern Affairs Canada, *Comprehensive Claims (Modern Treaties)* in Canada, March 1996)

Similarly, does the Supreme Court of Canada not also require that Aboriginal rights be proved, based on traditional occupation and use that is rooted well into the past?

"In order to establish a claim to aboriginal title, the aboriginal group asserting the claim must establish that it occupied the lands in question at the time at which the Crown asserted sovereignty over the land subject to the title." (*Delgamuukw v. The Queen* (1997))

Is the government aware that the final Report of the Royal Commission on Aboriginal Peoples explicitly cited Art. 26 (Sub-Commission text version) and urged the government of Canada to safeguard Aboriginal lands and resources in accordance with such norms?

"We agree that both the draft declaration and convention 169 [Indigenous and Tribal Peoples Convention, 1989] are authoritative statements of norms concerning Indigenous peoples, and we urge the government of Canada to protect Aboriginal lands and resources in accordance with these norms." (vol. 2(2), pp. 567-568)
Canada. "For clarity, we also underline

10. Declaration has no legal effect in Canada. “For clarity, we also underline

12. Indigenous collective rights not consistently described as human rights.
... Canada has worked for a Declaration that would promote and protect the

Does the Canadian government also have problems with Art. 26 bis of the Declaration?
"States shall establish and implement, in conjunction with indigenous peoples concerned, fair, independent, impartial, open and transparent process ... to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources". (Art. 26 bis)

Given the tragic history of dispossession and the serious shortcomings of current federal land claims policy, why are such uplifting standards opposed by the Canadian government? Is the government not aware that a similar approach is recommended by the Royal Commission on Aboriginal Peoples?
"... the rights of Aboriginal peoples to lands and resources should not be subject to the shifting sands of policy initiatives developed unilaterally by governments. The protection and enforcement of Aboriginal rights require independent, legislated processes that allow for extensive Aboriginal participation and nation-to-nation negotiations.” (vol. 2(2), p. 570, emphasis added)

In regard to the entire Declaration, is it not misleading and wrong for Canada to

And 44. (UN Doc. E/CN.4/2006/79, para 25

At the Human Rights Council, did the Canadian government repeatedly seek to
human rights and fundamental freedoms of every indigenous person without discrimination and recognize the collective rights of indigenous peoples around the world." (Human Rights Council, Statement by Ambassador Paul Meyer, Canada, June 29, 2006; see also Human Rights Council, Statement by Canada, June 19, 2006.)

Canada will continue to support the human rights and fundamental freedoms of all indigenous peoples. And we remain fully committed to working with other countries at the United Nations and elsewhere to recognize these rights. (Address by Minister Prentice to AFN Annual General Assembly, July 13, 2006)

describe solely individual rights - and not collective rights - as human rights? Is the government reviving past differences that were successfully bridged during the last session of the intercessional Working Group, with the full, direct and supportive participation of Canada?

Or will the government continue to refer to Indigenous peoples' rights as human rights, as it affirmed in Canada's "Commitments and Pledges" to the Human Rights Council?

"During its tenures [at the Commission on Human Rights], Canada played a leadership role in the establishment and implementation of norms and standards an key human rights issues, including the rights of indigenous peoples".

Will Canada uphold the commitment it made, along with all Heads of State and Government in the 2005 World Summit Outcome?

"We reaffirm our commitment to continue making progress in the advancement of the human rights of the world's indigenous peoples at the local, national, regional and international levels, including through consultation and collaboration with them, and to present for adoption a final draft United Nations declaration on the rights of indigenous peoples as soon as possible."

Is the government prepared to uphold the broader characterization of human rights that has been put forward by Canada's Minister of Foreign Affairs at the Human Rights Council?

"Human rights are about how people live, about how they can make themselves heard, individually and collectively, about how they participate in governance, about what they believe and how they manifest this." (Human Rights Council, Statement by the Hon. Peter MacKay, June 19, 2006)

Does the government fully support as
Conclusions: Declaration is very radical. "["The Declaration] It's very sweeping. IVs very radical. We don't support it._" (Minister Prentice, CTV Interview with Mike Duffy, June 20, 2006)

"... we must form new partnerships and strengthen existing partnerships through mutual respect and trust." (Address by Minister Prentice to AFN annual General Assembly, July 13, 2006)

Based on all of the above considerations, is it not a cruel deception for Canada to now conclude that the Declaration is "very radical"?

Does the government not recognize that such unwarranted statements about the Declaration severely undermine Indigenous peoples’ trust in dealing with the government? That such statements also serve to undermine Indigenous peoples’ will to "form new partnerships and strengthen existing partnerships", as proposed by Minister Prentice on July 13, 2006?

Is Canada prepared to support the overwhelming majority of Indigenous peoples and organizations in different regions of the world that are expressing support for the adoption of the latest text of the Declaration? Will the government recognize that the Declaration includes compromises in relation to both States and Indigenous peoples?

Is Canada willing to take into account that its strong views on the Declaration run counter to those expressed by prominent international jurists and experts? That at the inaugural session of the Human Rights Council, SecretaryGeneral Kofi Annan hailed the Declaration as a "vital document", whose approval by the Council would constitute a "tangible achievement"? That the Special Rapporteur Rodolfo Stavenhagen recommended adoption of the Declaration? That in addition to
numerous States, 37 non-Indigenous NGOs - including some of the world’s most reputable human rights organizations - also called for the adoption of the Declaration?
Agenda Item 6 (e) The Draft United Nations Declaration on the Rights of Indigenous Peoples.

Statement by the International Indian Treaty Council

Mr. Chairman, the International Indian Treaty Council and our affiliates are encouraged by the United Nations Declaration on the Second Decade for Indigenous Peoples and the Programme of Action announced by the Coordinator of the Second Decade, Under-Secretary-General for Economic and Social Affairs, Jose Antonio Ocampo, at the last 2006 Session of the Permanent Forum on Indigenous Issues. He announced an action-oriented programme for the Second Decade, tying the overarching goals of the Second Decade and Millennium Development Goals by means of particular projects. It is our belief that a major foundational achievement of the goals to be achieved within the Second Decade would be the immediate adoption of the United Nations Declaration on the Rights of Indigenous Peoples.

Although we did not achieve the goal of adopting the Declaration within the last Decade this reality is now within our grasp and it would in fact assist us greatly in the achievement of the marry goals outlined within the MDGs. However, we cannot ignore a deep concern that the Millennium Development Goals must be re-defined not only to express the development goals of Indigenous Peoples themselves, but also take into account the situation of Indigenous Peoples worldwide. Forced removal from ancestral lands, lack of consultation and free, prior and informed consent to development projects imposed by International Financial Institutions and transnational corporations and other violations of their human rights continue to plague us and our collective right to development and right to self-determination. These worldwide, persistent and pervasive human rights violations drown us in a deepening poverty.

We recall the final report of the previous Coordinator of the First Decade for Indigenous Peoples', the High Commissioner for Human Rights, who promised to maintain the momentum of the First Decade with regard to Indigenous Human Rights, and to fortify their protection. We cannot forget that, as stated by Mr. Ocampo, although Indigenous Peoples are less than 5% of the world’s population, they are 15% of the world’s poor. Particular projects may help some of the world’s Indigenous Peoples, but all of the world’s Indigenous Peoples would benefit from the promotion and protection of our human rights, particularly in the implementation of the MDGs.

Finally, Mr. Chairman, the Working Group should recommend to Mr. Ocampo that he coordinate his work on the Second Decade with the Commissioner on Human Rights and the human rights mechanisms for Indigenous Peoples established during the First Decade in order that the programmes and projects developed for the Second Decade truly meet the expectations and aspirations of Indigenous Peoples. As alluded to by many of my colleagues in their interventions the Chair’s Text of the Declaration is not a perfect document but it is a minimum standard that will go a long way towards the recognition and respect of our Sacred Treaties and collective rights of our Indigenous Peoples as members of the family of nations of Mother Earth.

Item 8 : The Future of the WGIP
**Intervention Saoudata ABOUBACRINE : OAFA/Caucus Africain**

**Theme 8 : futur du GTPA.**

Merci,

Dans le A, Recommandations relatives a de futurs avis d'experts :
Il y a une erreur, les représentants autochtone membre de l’instance permanente sons élus ou nommes par les organisations/peuples autochtones.

Au point : Moyens de rendre un avis d'expert,
Son paragraphe 2 : Introduction de représentants autochtones experts en DH dans un organe consultatif sur les questions relatives aux DH des PA, nous sommes d'accord que le doc (E/Cn.-1/SL1b.2/1994/10 ) soit discute tout en étant d'accord a partir de cette session du GTPA que le nombre d'experts autochtones et non autochtones soit équitable. Nous recommandons que parmi les experts non autochtones il y ait des experts issues des comites de surveillance des traites par exple le CERD ou venant des procédures spéciales comme par exple le rapporteur spécial sur les déchets toxiques.

Sur les Recommandations, au point 5. nous insistons sur une participation equitable des experts autochtones et non autochtones.

Dans le B : études en cours et examen d’ensemble des activités ;
En son paragraphe 1, les questionnaires a remplir par les Etats doivent différents selon les spécificités, situations des Peoples autochtones dans chaque Pays. Les organisations/ PA concernes doivent participer effectivement a tout le processus.
Nous recommandons la nomination annuelle d'un expert thématique par le nouvel organe. Les experts seront nommes pour tout autre thèmes que les organisations autochtones jugeront nécessaires de traiter selon les situations qui prévalent dans les différents pays par l'organe en question.

Les notions de "question ou populations autochtones" doivent être remplacées par peoples autochtones 1a ou il faut puisque peoples avec s a déjà été accepte par les NU.

Nous soutenons la déclaration de l'assemblée des PA adresse au Président du Conseil Des DH des NU a propos des futurs mécanismes des NU pour la protection et la promotion des DH des PA. Nous demandons que ce document soit annexé an rapport de cette session du GTPA.
Je vous remercie.
Honorable chairman and members of the Working Group, dear Indigenous brothers and sisters,

New Agenda Item 8: The Future of the UN WGIP

By Christian P. Scherrer, Professor at the Hiroshima Peace Institute (HPI-HCU)

As discussed by the experts Martinez and Hampson current framework conditions of the UN Human Rights regime have worsened. This was done under the pretext of reforming, it. There is a need for thematic initiatives we have discussed under item 5b.

We see a general degradation of UN. I recall that early in June Mr. Mark Malloch Brown, the Deputy Secretary General, criticized the USA for withholding support from the UN, encouraging the UN’s harshest detractors and undermining the world organisation. Attacks on the Human Rights regime are hardly surprising in times of blackmailing against the UN system, imposing Western or rich country dominance against the South, by stop-and-go of funding by the rich 4. NAM called it a bluff. We see it as scandalous wrecking of global governance for narrow illegitimate political gains

Worsening framework conditions of the UN Human Rights regime

Some points on Dr. Hampson's paper of recommendation by WGIP to Sub2

Point A3, Advise on recent developments, includes a call for a more dynamic way in dealing with current developments, including, interactive exchanges. This is hardly done as we saw ill the deliberations on item 4. Unreasonable time restriction in regards to reports on the current situation of IPs are an affront to those indigenous brothers and sisters who came a long way from their remote areas to Geneva, possibly using resources of their organization for the purpose, only to be told that they have 3 minutes to report on developments in the past year. This seems entirely inappropriate. The session of the WGIP must have 5 working days and they must be utilized to the full. Under the chairmanship of Mme Daes we often had meeting into the night. Going back to the hotel at 6 pm is not a human rights. The expert, if the WGIP and its experts are really interested to receive advice on recent developments for those people who know it best, must be prepared to listen to the delegates and allow reasonable time to this, to make the exchange meaningful.

Point A4, page 2 on action oriented studies of specific issues affecting IPs. The list of issues which require further study excludes some of the most relevant issues. Completely missing from the list are again the issues of conflict preventive measures and mechanism to be urgently studies and developed, as well as the studies on the modalities and form of the practical implementation of the inherent right to self-determination of indigenous peoples, we have discussed here under agenda item 5b.

Point on standard-setting, page 2 to 3 is well taken. There is a need for drafting codes and guideleines relevant in practice different framework conditions of indigenous peoples existencial situations have to be reflected. Many if not most indigenous peoples do not live under conditions of the rule of law being
respected by the states on which territory they live since times immemorial.

First and foremost, studies, codes and guidelines must address different realistic framework situations which might be marked by threats or even violent acts against IPs. Unfortunately this is precisely the situation very many if not a majority of the IPs in the South are confronted with. Guidelines that ignore this are basically only applicable to a situation earmarked by the prevalence of the rule of law and a general respect for most basic human rights. Hence, they are not applicable to any situation earmarked by breaches of civilized behaviours by states and its agencies, a situation of aggressive behavior or even situation of lawlessness and attacks against IPs.

Second, the main problem of any such guidelines is its implementation. It is therefore rather surprising to find formulations, I quote, "to provide sufficient flexibility for national authorities" in implementing protection, as found in the guidelines in regards to the cultural heritage of IPs. This seems inappropriate.

Future of WGIP-Wrecking the largest human rights conference?

This working group is representing today the largest human rights conference-apart from world conferences on this matter. Two years ago we were allowed to use the main hall of the former League of Nations, the largest and most magnificent hall the UN can offer in Geneva. This was a far cry from the first conference in 1983, when this workgroup consisted of three dozen people who met in a room beside the cafeteria in the old building.

Today the workgroup assembles some seven hundred (sometimes up to one thousand) participants and it has long become an institution within the UN system. It is the only one that is engaged in standard-setting in regards to the rights of indigenous peoples and

in hearing, reports from all over the world about the plight of indigenous peoples and the state of affairs regarding particular thematic issues. Situation reports - more often than not - amount to reports on problems in the indigenous territories, ranging from lack of services, underdevelopment to economic, social and political discrimination or worse, attacks, outright wars being launched against indigenous peoples or even genocidal killings. as in Darfur and Iraq today and a few years ago in the great Congo - launched by outsiders, militias or settlers vs. indigenous peoples. These serious crimes are being committed under conditions of silence or even the participation of the army and other state agencies in several places all over the world.

WGIP became one of the most prominent institutions of conflict prevention it was under agenda items 4, review of developments. and 5, standard-setting that this workgroup became itself one of the most prominent institutions of conflict prevention and occasionally even of conflict resolution. The expert character of the WGIP was further enhanced by a large number of studies and thematic reports being produced by members of this working group as well as workshops. seminars and conferences being organized on various indigenous peoples' issues and the protection of their rights. A list of it was provided by the Secretariat on 30 June 2006 in Annex 1 of the UN document with ID number F/CN.4/Sub.2/Ac.4/2006/CPR. 1 you can find in the back of the hall.

Bringing the truth out

States feel disturbed if crimes committed against indigenous peoples living on their territory become known to the outside world and are being reported to the world's only institution of global governance, the United Nations System. The very act of making human rights violations known to the outside world_ and to the UN as the largest community of states in particular_ has conflict preventive force and can save lives or improve the condition of indigenous peoples. Violations are
being reported and communicated within the LAN system. Its organizations and bodies may take action, be it the General Assembly as the originally supreme decision making body (which has been partly subverted by the Security Council against the UN Charter), be it organizations within the UN system such as the International Labour Organization, ILO, which has elaborated its own convention 169 on indigenous peoples issues, be it the UN's refugee organization LINHCR, be it the body concerned with development, the UNDP or the World Bank, etc.

As for the recommendations formulated by Dr. Hampson I do support all of them, especially the 5th point. As for the 7th point I do not understand what is exactly meant by a wider human rights advisory expert body.

**Standard-setting activities**

The workgroup's standard-setting activities had and have a structural conflict preventive impact that materializes in many different ways. This impact is hard to measure but beyond doubt these activities play a vital role in the amelioration of framework conditions for the survival of indigenous peoples; this has its impacts especially in the domains of international relations, politics and international law.

**World parliament of the indigenous nations and peoples**

To take an example: despite its name – which became an understatement in itself – this workgroup developed into a kind of world parliament of the indigenous nations and peoples, not exactly doing what parliaments do. making laws. but producing something which came very close to it, most prominently so the UN Draft Declaration on the Rights of Indigenous Peoples.

This draft has been adopted by the Sub-Commission 2 but not by the Commission. It was subsequently taken away from us, given to a newly constituted working group and watered down in many ways. A lame version of the document we have once been drafting here, in years of hard work during an additional week which was dedicated solely to the production of this important document, has now been adopted by the newly constituted Human Rights Council. Even before that the draft declaration has had a tremendous impact on lawmaking the world over, which is, of course, again hard to measure.

This was one of the success stories of UN WGIP. To tell it negatively, it becomes harder for governments and multinational corporations to ignore the rights of indigenous peoples. Meanwhile, many states and specially in Latin America and to a lesser degree in a few other settler colonies have beautified their constitutions. Under the influence of the draft declaration these states have recognized some rights of indigenous peoples under their jurisdiction. Unfortunately, and very often so, the wording of those beautified constitutions has not been made a reality.

One of the most valuable institutions for conflict prevention on a global scale

I would suggest that this workgroup has developed into one of the most valuable institutions for conflict prevention on a global scale. It is definitely one of the most effective and cheapest such institutions measured in cost-benefit terms. This workgroup may cost the UN system some 100,000s US dollars annually, incl. monies of the Voluntary Fund for Indigenous Peoples. All of it can be regarded as quote-unquote peanuts compared to what other institutions consume, not to talk about what the UN spends on hot conflicts or in containing them, with its 18 Peace Keeping Operations – much cheaper than the Iraq war.

It seems utterly unreasonable to wreck an institution which has been performing so well as this one and which gained prestige and status far beyond all expectations.

Honorable chairman and experts, dear indigenous friends, we shall never the WGIP without a major fight.
The Indigenous Peoples' Caucus, meeting on the occasion of the 24th Session of the UN Working Group on Indigenous Populations (UNWGIP) wishes to communicate to the LTN Human Rights Council our initial proposals for future mechanisms to protect and promote the human rights of indigenous peoples. The Indigenous Peoples’ Caucus is also eager to contribute further details to our proposal at a later time, when the Human Rights Council has advanced its consideration of various options for restructuring it over-all work.

1. The Indigenous Peoples' Caucus warmly congratulates the Human Rights Council for the successful conclusion to its first session, and its resolution 2006/2 adopting the UN Declaration on the Rights of the Indigenous Peoples, which it has elevated to the General Assembly for its final adoption.

A necessary next step in support of these positive development is for the Human Rights Council to affirm that the human rights of Indigenous Peoples will continue to be a distinct and ongoing thematic area of its work and lay to rest any insecurities among indigenous peoples that the UN reform process and ongoing reorganization of the UN Human Rights structures could lead to the diminution or disappearance of existing positive functions which are central to the advancement of the rights of indigenous peoples.

Resolution 60/251 of the General Assembly, mandates the Human Rights Council *inter alia* to:
(a) Promote human rights education and learning as well as advisory services, technical assistance and capacity-building to be provided in consultation with and with the consent of Member States concerned:
(b) Serve as a forum for dialogue on thematic issues on all human rights;
(c) Make recommendations to the General Assembly for the further development of international law in the field of Human Rights
(d) Promote the full implementation of human rights obligations undertaken by States and follow-up to the goals and commitments related to the promotion and protection of human rights emanating from United Nations conferences and Summits,
(e) Undertake a universal periodic review, based on objective and reliable information, of the fulfillment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States; the review shall be a cooperative mechanism, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs; such a mechanism shall complement and not duplicate the work of treaty bodies; the Council shall develop the modalities and necessary time allocation for the universal periodic review mechanism within one year after the holding of its first session,
(f) Contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies,
(g) Assume the role and responsibilities of the Commission on Human Rights relating to the work of the Office of the United Nations High Commissioner for Human Rights, as decided by the General Assembly in its resolution 48/141 of 20 December 1993;
(h) Work in close cooperation in the field of human rights with Governments, regional organizations, national human rights institutions and civil society;
(i) Make recommendations with regard to the promotion and protection of human rights;
(j) Submit an annual report to the General Assembly:

The indigenous Peoples’ Caucus considers all the above-areas of work highly desirable and directly applicable towards addressing the concrete human rights situations of indigenous peoples.

4. The newly established Human Rights COUncil can best fulfill its mandate for the effective protection and promotion of the rights of indigenous peoples by considering how each of its mandated areas of work could be applied to the
situation of Indigenous Peoples. The Indigenous Caucus recommends that the Human Rights Council establish an appropriate subsidiary body of the Council on Indigenous Peoples, in fulfillment of all areas of its mandate. In doing so, the Human Rights Council should draw on the advice and assistance of human rights experts, including the growing number of experts among indigenous peoples.

5. The Indigenous Peoples Caucus expresses its appreciation for the existing United Nations arrangements for indigenous peoples and their differentiated functions, underscoring that these have complementary mandates, which do not duplicate each other. Any future arrangements should enhance and not diminish the existing functions provided by the UN Working Group on Indigenous Populations, the Special Rapporteur on the Human Rights and Fundamental Freedoms of Indigenous Peoples and the UN Permanent Forum on Indigenous Issues. The General Assembly has included Indigenous Issues as an Agenda Item in its work. (A59/500 and Res 59/174)

6. The adoption of the UN Declaration on the Rights of Indigenous Peoples means that the Human Rights Council could undertake useful work to promote its implementation, e.g. by providing guidelines for the implementation of specific articles or rights within the Declaration. The UN Declaration warrants the continuation and enhancement of appropriate mechanisms within the UN Human Rights system with the necessary focus and expertise on the rights of indigenous peoples. Moreover, the International Decade of the World's Indigenous Peoples (2005-2014) enjoins all United Nations bodies and governments to work closely in partnership with indigenous peoples on an equal footing, in furtherance of the goals of the Decade including in the field of human rights.

7. The Indigenous Peoples Caucus has identified a number of areas in which further standard-setting and/or review of developments on indigenous peoples' rights is needed including:

- Guidelines for the implementation of Free, Prior and Informed Consent of indigenous peoples to policies, programmes and projects affecting their rights, lands and welfare, drawing on concrete experiences from around the world;
- The human rights of indigenous women and children and youth;
- Indigenous health, housing, education and other economic, social and cultural rights, including reviews of the enjoyment of indigenous rights within different global regions.
• Examining international standards applicable to development programmes and projects affecting indigenous peoples, and their adequacy for protecting and promoting their human rights;

• The human rights impacts on indigenous peoples in relation to the production, export and unregulated use of banned topics and pesticides;

• The impacts of militarization on the human rights of indigenous peoples, remediation and compensation;

• The ongoing human rights impacts of colonial laws and policies on indigenous peoples and possible remedies;

• The marginalization of Indigenous Peoples in the negotiation and implementation of peace accords and agreements between governments and armed groups and their impacts on the human rights of Indigenous Peoples.

• Administration of Justice for Indigenous Peoples

8. The Indigenous Peoples’ Caucus strongly supports the strengthening of research activities carried out through research partnerships between UN experts together with indigenous experts and organizations on the above topics and others to be identified.

9. Access to all future mechanisms should be open to all indigenous peoples’ organisations, and fostering their full and effective participation through written and oral interventions. Indigenous Peoples’ attendance and full participation at these meetings should continue to be supported by the UN Voluntary Fund for Indigenous Populations, and that its mandate be amended to enable this to happen.

10. The Human Rights Council should take the necessary steps to enhance indigenous peoples’ knowledge, access and use of all human rights bodies within the United Nations, including the Office of the UN High Commissioner on Human Rights and the UN treaty monitoring bodies.

11. The Indigenous Peoples' Caucus reiterates our desire and intention to make further contributions at a later time, when the Human Rights Council has considered the various options for restructuring its over-all work.

We thank you for your attention.
24ème session de Groupe de Travail sur Peuples Autochtones 31 juillet au 4 Aout 2006
L’avenir du GTPA

Le groupe du travail des P.A a beaucoup travaillé et il fait un travail pertinent. Le bilan est positif avec l'adoption de la déclaration sur les Peuples autochtones par le conseil des droits de l’Homme.
Certains pays pensent que son rôle est terminé avec cette adoption et avec la création du FP.

En réalité, le GTPA est devenu avec tous ces acquis une instance indispensable pour le renforcement des droits des peuples autochtones.
L’idée de mettre un terme à cette instance est contradictoire avec la volonté de la communauté internationale de renforcer les droits des peuples autochtones, bien qu’elle se base sur des raisons économiques.

Au nom de mon organisation je soutiens le maintien de ce groupe de travail, et de le renforcer pour qu’il puisse continuer son travail et établir d’autres textes concernant les différentes totes des droits des peuples autochtones.
On propose de le renforcer par la création d'un comité de suivi de l’application de la déclaration sur les PA.
La participation des experts des peuples autochtones afro d'éviter les erreurs faites par d'autres experts sur les peuples autochtones.

Handaine Motiamed Representant de la confederation des associations amazighes du sud marocain. Geneve 31-07-2006
Re: Recommendations of the WGIP 24 with regard to two documents which the Human Rights Council asked the Sub-Commission to submit.
In addition to our written intervention on Agenda Item 8, we would make the following comments on the draft document circulated yesterday.

1. **A Recommendations for future expert advice**
The first paragraph: "Advance directly from Indigenous experts". While we agree with the apparent intent, the information about the U.N.P.F. process is inaccurate. In fact, Indigenous experts are nominated by Indigenous Peoples themselves and the E.C.O.S.O.C. President appoints from the nominations.

2. **Standard-setting,**
With regard to the identified "need for the drafting of, inter alia, codes of good practice and guidelines with regard to implementation", is important and would also be very helpful to changing the U.N. Declaration to an [e-ally binding Convention on the Rights of Indigenous Peoples as future work.]

3. **With regard to "the Permanent Forum is not an expert human rights body"; this perhaps signals a need to re-consider its mandate. For example, change the "human rights" mandate of the by referring it to this proposal and replace it with civil and political rights at the UNPF.

4. **Means to deliver the expert advice**
As to the proposed body of 5 and 2-3, we suggest it be balanced, i.e. 5 non-Indigenous and 3 indigenous experts. In the alternative, consider the Global Indigenous Caucus recommendation it be a "Permanent Expert Group made up of two experts from State Members of the Council, two Special Rapporteurs and two Indigenous expert members nominated by Indigenous Peoples and selected in a process to be determined by the Council.

**Recommendations:**
1. Amend to read "The item Indigenous Peoples' issues..."
2. Add to or amend considering the above comment.
3. Add “The situation of Indigenous Peoples in each Country be a distinct point of consideration in the established by the Council for assessing each member’s country human rights record, including their implementation of and compliance with international human rights conventions and standards."
Intervention on behalf of the Khmer Krom Federation
Delivered by Vion Thach,

As this is our first time taking the floor at this session and actually our first ever active participation in the historical UN Working Group on Indigenous Peoples, our daily living conditions illustrate how much we need a human rights mechanism to protect and promote our fundamental freedoms.

We are aware we are here a little late; however, the future for our peoples depends on such institutions as the UN Working Group on Indigenous Peoples.

There is a consensus among experts that instead of extinction a new era of evolution has emerged. The KKF joins in this consensus.

We believe the UN Human Rights Council establish an appropriate subsidiary body that can fulfill its bold agenda with the broad participation of indigenous peoples such as the Khmer Krom and that can deal with historical abuses and current grave violations of human rights to secure a future free of pain and persecution.

I. Background of the Khmer Kampuchea-Krom

Originating from the Funan Kingdom in the 1st century, "Kampuchea-Krom" has been the homeland of Khmer Krom People. It became French Cochin-China colony in 1867. Later, this homeland has been illegally ceded to Vietnam on June 4, 1949 without the approval of Khmer Krom People.

Kampuchea-Krom is approximately 68,600 square kilometers covered all the fertile lands along the Mekong River Delta and other parts of Vietnam. It is bordering with Cambodia on the North, on the Gulf of Thailand to the west, on the South China Sea to the south, and former Champa territory (the Central Highland) on the Northeast. One of the most important commercial cities of Kampuchea-Krom was Prey Nokor. Vietnam changed its name to Saigon and later on to the Ho-\n\ Chi-Minh City after the Communist victory in 1975. There is estimated between 8 to 10 millions Khmer Krom now live in Vietnam and Vietnam and around the world.

Our right to live in dignity depends on the ability of the UN Human Rights Council and the proposed subsidiary organ to offer a platform for us to propose future studies that relate to the challenges we face as indigenous peoples relating to health, development with a human rights framework, use of land according to traditional practices currently being challenged with emerging biotechnology and banned toxics and pesticides of the past especially in our homeland of the Mekong Delta.

We look forward to carry out research activities with experts and to then engage in an active discussion with governments on common aspiration to guarantee the basic human rights of Khmer Krom. One such example would be a report of the Millennium Development Goals and Human Rights in Asia. We would like then to discuss government documents and research emerging from the partnership with experts in the subsidiary body. We believe parallel side events engaged with government might build a genuine partnership in the protection and promotion of human rights.
We believe future standard setting could also focus on important themes to our continued cultural survival in our quest for peace. The role of religious beliefs in conflict resolution mechanisms would be important to our people. We also note that standard setting relating to the right of self-determination in international law relating to indigenous people surviving colonialism and new challenges from corporate globalization and climate change. We are a subsistence people in harmony with nature and believe there is still a great deal necessary in the area of environment and human rights.

In conclusion, we believe we must explore the possibilities of a mechanism that can respond to gross violations of human rights that destroy our community from mass murders of our spiritual monk leaders to brutal beatings to the level of torture by local authorities for the humbly exercising the human rights embraced in the Four Freedoms pursued by all on the planet - Freedom of Speech, Freedom of Worship, Freedom from Want and yes, Freedom from Fear.

Thank you for your attention to a first timer that hopes to spend decades in positive cooperation but even more desires to be able to live in peace and not have to defend one's human rights in the international arena except one day as a contributing member of the United Nations to create a culture of peace and human rights in the world.
Mi delegación quiere dejar constancia de la importancia que otorga México al tema indígena y su compromiso para que en el marco de la revisión de los mandatos y mecanismos de derechos humanos, de conformidad con la resolución 60/251 de la Asamblea, se le de la importancia que el mismo merece.

Hemos tomado nota de las propuestas que se han presentado en este Grupo de Trabajo, las cuales están siendo analizadas con la mayor atención en capital. Por el momento, haríamos los siguientes comentarios:

Creemos que es importante partir de principios generales para la implementación del párrafo operativo 6 de la resolución 60/251. En ese sentido, damos importancia a los principios de independencia, imparcialidad, integridad, experiencia y renovación de los expertos; asimismo, a la transparencia, la objetividad y la cooperación.

• Consideramos adecuada la propuesta de incluir el tema "cuestiones indígenas" en el orden del día de sesiones sustantivas del Consejo de Derechos Humanos. Al respecto, se debería tener en cuenta que este órgano se reunirá varias veces al año, por lo que para asegurar una participación especializada, el Consejo tendrá que definir un calendario de los temas a tratar en los distintos periodos de sesiones que lleve a cabo anualmente.

• Coincidimos en la importancia de solicitar a todos los procedimientos especiales y recomendar a los órganos creados en virtud de tratados que consideren los asuntos indígenas de manera transversal conforme a sus propios mandatos. Será importante contar con información sobre la implementación en la práctica de las normas y derechos aplicables a los pueblos indígenas.

• Consideramos importante que tras el proceso de revisión de los mandatos y mecanismos, el Consejo de Derechos Humanos cuente con un órgano asesor especializado en derechos humanos de los pueblos indígenas, para efectos de que lleve a cabo las contribuciones que le solicite el Consejo, incluyendo en el ámbito del desarrollo progresivo del derecho internacional y para la implementación de las normas existentes. Lo anterior cobra especial relevancia en la medida en que el Relator Especial y el Foro Permanente no desempeñan estas actividades.
Consideramos primordial que cualquier proceso de revisión de mandatos o mecanismos tenga como guía evitar la duplicación de funciones o tareas.

Por ello, se tendrá que analizar la posibilidad, no excluyente, de que algunos temas que tienen incidencia sobre los derechos de los pueblos indígenas se estudien en el Foro Permanente para las Cuestiones indígenas.

También consideramos importante que cualquier tarea o estudio que desempeñe la asesora especializada en materia de pueblos indígenas, debería ser a solicitud del propio Consejo de Derechos Humanos, de manera de fortalecer la coherencia y alentar el funcionamiento de los mecanismos y mandatos como un sistema. Por ello, por el momento nos resultaría prematuro pronunciarnos sobre la factibilidad de estudios específicos, si bien hemos tomado nota de los temas propuestos.

Consideramos importante la propuesta de que, al ser solicitados, dichos estudios sean realizados por "expertos en derechos humanos en estrecha comunicación con la mayor cantidad de grupos indígenas posible", con el auxilio de la Oficina del Alto Comisionado de Naciones Unidas para los Derechos Humanos.

Valoramos también necesario que la asesora especializada en materia de pueblos indígenas cuente con representantes indígenas de todas las regiones del mundo, así como con expertos en derechos humanos y en cuestiones indígenas, y que el mismo trabaje en estrecha comunicación y coordinación con el Foro Permanente y el Relator Especial. Creemos que es importante asegurar una representatividad plural y diversa de las organizaciones de la sociedad en el marco del Consejo de Derechos Humanos y, en este caso, de las organizaciones indígenas, de manera de asegurar que los pueblos indígenas puedan verse debidamente representados.

La cuestión sobre el número de expertos de la asesoría especializada y su procedencia debería ser objeto de un análisis a profundidad.

Finalmente, señor Presidente, creemos que el proceso de reforma es una oportunidad de la cual puede surgir un sistema de promoción, protección y prevención de los derechos humanos fortalecido, incluido, con respecto a los derechos de los pueblos indígenas.
Item 8- L'avenir du Groupe de travail sur les populations autochtones

Depuis quelque temps déjà, certaines parties cherchent à supprimer le GTPA arguant qu'il joue le même rôle que le Forum Permanent, qu'il y a donc duplication de mandat et que le GTPA n'a plus de raison d'être.

Pourtant, et cela est regrettable que les États l'oublient, le GTPA remplit une fonction qui le distingue de celle du Forum Permanent : l’élaboration des normes.

En effet, le GTPA est une instance normative, une instance qui a pour fonction de produire des instruments juridiques visant à protéger véritablement les droits des PA. Les États ne doivent pas oublier que c'est le travail du GTPA qui a donné lieu à la Déclaration sur les droits des PA, adoptée en juin dernier par le Conseil des DH. Le Forum Permanent n'a pas cette vocation à produire des normes. Or si les peuples autochtones ont besoin de quelque chose, c'est prioritairement d'instruments normatifs leur permettant de mieux défendre leurs droits fondamentaux.

C'est pourquoi il faut non seulement maintenir le GTPA mais le renforcer.

Aussi nous proposons:

1. de redefinir le mandat du GTPA, de manière de que l'agenda reflète les priorités des peuples autochtones, c'est-à-dire:
   a. prendre note des violations des droits de l'homme des peuples autochtones, les analyser et utiliser toutes ces informations obtenues par les représentants autochtones en identifiant les membres du GTPA qui auront pour mandat d' informer les différents mécanismes des Nations Unies. De cette manière, les représentants autochtones qui font des milliers de kilomètres pour informer le GTPA auront l'assurance que leur présence, et leurs trois minutes de paroles, ont un sens.
   b. Elaborer des normes de protection des droits des peuples autochtones. Le GTPA doit finaliser les deux codes de conduite en cours d'élaboration et attaquer en 2007 le theme de « La souverainete permanente des PA sur leurs terres, territoires et ressources naturelles ».

2. de completer la composition du GTPA, actuellement de 5 membres, par des représentants autochtones, et 3 experts des Nations Unies, qui seront nommés pour une durée d’une année non renouvelable. Les 3 experts des Nations Unies pourraient être issus des comités de surveillance des traites (ex : CERD), ou des procédures spéciales (ex : rapporteur spécial sur les déchets toxiques)

3. Avoir comme theme principal pour la session du GTPA de 2007, qui celebrara son 25eme anniversaire « la mise en ouevre de la Declaration sur les droits des peuples autochtones »

4. Cela parait evident, mais il vaut mieux le preciser, nous demandons que la question des droits des PA soit maintenue dans le nouveau CDH
Chairman, distinguished Participants,

I would like to thank Madame Hampson for the work on the paper to recommend to the Human Rights Council on the future of the Working Group on Indigenous Peoples.

The future of the promotion and protection of the human rights of Indigenous Peoples from a purely human rights perspective under the sole scope and application of human rights must be maintained in Geneva, Switzerland.

States, Agencies and other bodies of the United Nations need to be checked and balanced so that the promotion and protection of the human rights of Indigenous Peoples does not get smothered by a separate mandate of another United Nations bodies such as the Permanent Forum on Indigenous Issues or by competing interests within the United Nations system. One must realize that in some instances development does clash with human rights not only in principle, but in the realization of implementing the two dimensions.

Indigenous Issues cannot be bought and sold on the open equity market or politically horse-traded. Our lands, territories and resources, our culture and way of life and all the property associated with the base of our identity and existence must be checked and balanced from a purely human rights perspective. The Permanent Forum in Indigenous Issues is under the DESA and the Working Group on Indigenous Peoples must be addressed from the Human Rights arena.

I will make a specific recommendation to place as another recommendation in the paper developed by Madame Hampson:

The future Working Group on Indigenous Peoples as a part of its mandate, be able to recommend to treaty monitoring bodies, special rapporteurs, specialized agencies and other UN bodies issues to address within the field of their competence.

This would facilitate the recommendation that Madame Hampson made in regard for particular indigenous Peoples and their applicable right to harness specific provisions of other conventions or instruments.

Lastly, I recommend that it study on the issue of "demonocracy", its meaning, use and application to Indigenous Peoples, and how it has impacted Indigenous Peoples.

Thank you Mr. Chairman
The Human Rights Situation of Indigenous peoples in States and Territories Threatened with Extinction for Environmental Reasons.
Article 7 - The Human Rights Situation of Indigenous peoples in States and Territories Threatened with Extinction for Environmental Reasons.

One of the strengths of the UN, WGIP is the ability to raise issues affecting them in their respective regions. We are aware that the issue of climate change and its human rights impact was initially started to focus on the Pacific concerning rising seas, we believe we are facing similar conditions and challenges in our own region. We hope this work will continue as we are sure more indigenous peoples around the world will face similar challenges and we must work together to protect and promote the human rights of indigenous peoples in relation to the environment.

The global warming and the global phenomenon of desertification poses a great threat to the sustainability of the indigenous Bedouin community in the Negev desert. For example, this year a shortage of rains led to a complete drying of all wheat crops in the Bedouins fields. The Bedouin pastoral way of life and traditional economy is also at risk since Bedouin shepherds did not have pasture areas. This indigenous population is more vulnerable than any other population in Israel to environmental harm due to the fact that their villages are unrecognized by the state and are lacking the most basic amenities that can ensure adequate standards of living in the future.

In reference to this situation, other hazardous environmental risk poses great danger to the Bedouin population in the Negev.
Ramat Hovav Industrial Park was established in the mid-1970s in order to house many of Israel's chemical and other heavy industries. The intention was to distance the chemical industries from populated areas, and concentrate them in one location. After the park was established, factories from around Israel defined as "heavy polluters" were relocated to the site.

The population that lives in closest proximity to the site is the Arab-Bedouins. Two villages are defined as falling within the area of highest danger. Wadi Alna'am, with a population of approximately 4,500, and Wadi Almshash, with some 850 residents. Some of the homes in Wadi Alna'am are only 500 meters from the site. Since the villages are unrecognized, various problems concerning their residents are intensified, and particularly severe and unique ones arise.

The Bedouin population in the area reports severe odors from the direction of the site, particularly in the evening. From the late afternoon, a malodorous smell can be noticed in the village, making it difficult to breathe. A number of cases of medical phenomena such as shortness of breath among children under the age of six and eye pain have been reported. The residents report a high proportion of spontaneous abortions, heart disease at a young age, and high levels of cancer.

Ramat Hovav chemical industrial park should take all measurements to stop polluting the area. The office and security authorities should provide the population with all necessary protection facilities. The State of Israel must taking the environmental implications on the Bedouin population when considering recognition of their villages.
Working Group on indigenous population

Agenda 7: The human rights situation of states and territories threatened with extinction for environmental reasons, with particular reference to indigenous people.

Mr. Chairperson, fellow delegates, ladies and Gentlemen,

I would like to highlight some of the environmental reasons threatening the states and territories and indigenous population. There are two main reasons:

A. Manmade reasons
   1. The developed countries emitting toxic gases, fumes and waste from their factories, power plants and other developmental projects.
   2. The developing and underdeveloped countries trying to catch up with developed countries and to improve the plight of their population including indigenous people by developing industries and power plants.
   3. All these affect the ozone layer and global warming and melting of snows which helps to raise the sea levels to a dangerous level. Some islands inhabited by indigenous people are threatened by submersion and eventual loss.
   4. The deforestation and diversion of water and mineral resources for developmental and military purposes also affect the global warming, and expedite extinction of indigenous people.

B. Natural causes and calamities
   1. Volcanic eruption, earthquakes, tsunamis and other type of disasters.
   2. Endemic floods and drought in the poorer parts of the world which are normally inhabited by indigenous people.

Recommendations:

   1. Universal campaign for awareness of dangers of global warming endangering the existence of the human beings and in particular indigenous people.
   2. To influence the developed and developing countries to control and reduce the emission of toxic gases, wastes and fumes from their heavy industries and their life styles.
   3. To develop alternative sources of energy and pass on the know how to the developing and poor countries.

Mr. Chairperson, I commend these measures for your kind consideration. Thank you.
Senor presidente,

Honorables miembros del Grupo de Trabajo sobre Poblaciones Indígenas,

Soy Sonia Sis, soy maya achi y vengo en representación del Caucus Guatemala. Aprecio la oportunidad para dirigirme a los honorables miembros del Grupo de Trabajo. Quiero aprovechar este espacio para externar nuestra preocupación por la constante afectación que sufrimos en Guatemala de nuestros derechos colectivos como pueblos indígenas.

En mi país, en los últimos años, el gobierno de la República ha implementado una política intensa de otorgamiento de licencias de exploración y explotación mineras a empresas extranjeras, violando de manera sistemática nuestro derecho de ser consultados en asuntos que nos afectan directamente. Ha sido comprobado el daño profundo que estos trabajos de minería de cielo abierto provocan a la tierra, a nuestro patrimonio cultural, a todo nuestro entorno social y, en términos generales, a todo el medio ambiente. Estas acciones son encubiertas con el argumento de ser políticas que promueven el desarrollo de nuestros pueblos; sin embargo, tal como se ha visto, están lejos de ser de beneficio para nuestras comunidades. A pesar de haberse realizado consultas en dos lugares directamente afectados por los trabajos de minería, por decisión propia de los pueblos indígenas, estas nunca fueron tomadas en cuenta por las autoridades, siendo un claro reflejo de la marginación que hemos sufrido desde siempre. Además, se ha desplegado desde la gestión pública un número significativo de proyectos de construcción de hidroeléctricas, en regiones habitadas por diversos pueblos indígenas, que ponen en grave riesgo a nuestros territorios y que en el pasado han causado devastación, desalojos masivos y hasta masacres.

Esta situación se une a una serie de problemas que sufrimos constantemente los pueblos indígenas en Guatemala, tales como la apropiación por parte de entidades privadas nacionales y extranjeras, con la autorización de las autoridades públicas locales y nacionales, de territorios que nos han pertenecido desde tiempos ancestrales; los constantes desalojos forzados y violentos que han ocurrido en fincas, provocando la muerte y desaparición de personas y obligando a muchas familias a desplazarse a otros lugares, tras haber permanecido allí por décadas.

La inobservancia total, por parte de las autoridades, de las normas internacionales en materia laboral, manteniendo en condiciones infrahumanas a miles de trabajadores que hacen producir las grandes fincas. así como un sistema de justicia que se niega a
sancionar a los responsables de todos estos abusos, creando un ambiente de total impunidad favorable a aquellos grupos que mantienen el poder en nuestro país.

Por todos estos motivos, solicitamos al Grupo de Trabajo que inste al Estado de Guatemala a que respete los derechos propios de los pueblos indígenas, especialmente en lo que respecta a las consultas que está obligado a realizar cuando se trata de asuntos que nos afectan directamente y nuestro derecho a la participación en la definición de políticas públicas y en la toma de decisiones.

Además, que los esfuerzos de cooperación orientados al desarrollo, que se ponen en marcha desde agencias internacionales y organismos técnicos y especializados de las Naciones Unidas, como el PNUD y la Oficina del Alto Comisionado de Naciones Unidas para los Derechos Humanos, hagan también uso de los mecanismos de consulta hacia los pueblos indígenas para orientar sus líneas y programas de trabajo, con el propósito de que estén apegados a las necesidades y prioridades que tenemos como pueblos indígenas.

Muchas gracias.
Mr. Chairperson,

I am making this statement representing Tamang Sewa Kendra, Nepal and would like to draw your attention to our following issues:

We all are aware that Nepal experienced internal political conflict for last 10 years and majority of Indigenous Peoples have been displaced from their land, resources and territories from this conflict. The displacement has brought difficulties for the Indigenous societies to practice their spiritual, social and cultural beliefs in the new environment. Tamang Sewa Kendra was established to unite the displaced Tamang people in Kathmandu providing a place for religion, rituals, cultural, social and spiritual practice and performance. State support is required for such Indigenous Community places wherever around the world. Indigenous people have been living from such displacement. Therefore, I take this opportunity now to urge Mr. Chairperson to take this issue into account.

Nepal now is toward to the Interim Constitution Assembly and Drafting Constitution Committee (DCC) has already been formed. Indigenous organizations have recommended with draft constitution for the Indigenous Peoples inclusion and rights in the decision malting level. However, we are aware that unless pressure is given, this might not be taken into account. Therefore, I request to Mr. Chairperson to give a pressure to the Nepal Government through the UN Working Group on Indigenous Populations.

It is indeed a great pleasure for me to present this statement on this international forum for the Indigenous Populations and I believe WGIP will be continuing to carry indigenous Peoples voice.

Thank you Mr. Chairperson.
Recommendations

1. The WGIP should distribute to states and assemble the results of the questionnaire as widely as possible. Indigenous peoples should be considered as a primary source to provide information.

2. The UN specialized agencies, programs and funds must be involved in future work. There should be further collaboration. The Permanent Forum on Indigenous Issues might request expert Hampson to address the 6th session.

3. UN WGIP should explore creative inclusion and continuation of the study and special procedures to continue the necessary work in the UN Human Rights Council and any subsidiary body established in the future.

4. UN WGIP support a training program and theme workshop with people directly affected or potentially affected with disappearance due to extreme environmental conditions.

Item 7 is a crucial agenda area of concern for indigenous peoples and increasingly the rest of the world is beginning to listen to the warning calls facing all people on the planet.

While this issue was originally raised in the Pacific, it has direct relevance to indigenous peoples worldwide but in particular as well indigenous peoples especially in Northern Canada. We have heard elders in our territories who are "people of the land" predict disastrous futures for all our peoples unless issues like the topic under discussion are addressed.

It is an indisputable fact that indigenous peoples fundamental freedoms will be denied due to the disappearance of the entire homeland for environmental reasons. The human rights violation will be indirect from across oceans yet no less destructive in fact even more dire with entire disappearance of one’s sacred homeland and actual extinction.

Once again in its history, the UN WGIP has proved its relevancy in the global human rights movement filling a gap in international law.
Teresa Jimbieti, Consejo de mujeres indígenas del Ecuador-Amazonia Ecuatoriana-Feine-Conmie

Email: sechanua@yahoo.com
Conmie.ecuador@yahoo.es

Tema: MEDIO AMBIENTE

Senores, presidente, distinguidos delegados, hermanos indígenasy no indígenas presentes todos.

INTRODUCCION:
La Región Amazonica ecuatoriana, es una zona de gran riqueza natural y cultural.

Riqueza Natural: porque alberga algunas de las zonas selváticas de mayor biodiversidad biológica de la tierra y de los recursos naturales que se encuentran en el subsuelo con grandes reservas hidrocarburíferas.
Riqueza Cultural: porque en ella se asientan diez Nacionalidades Indígenas con gran diversidad cultural, así como los colonos llegados desde la sierra y la costa ecuatoriana.

Pero el ingreso de las compañías petroleras, mineras, agroindustriales y madereras, han hecho que se habran carreteras y la consecuente colonización y la perdida de millón de hectáreas de bosque humedo tropical.

Esto ha producido un desequilibrio en el medio ambiente amazonico y las consecuencias están sufriendo los pueblos y nacionalidades indígenas, afecta principalmente a la convivencia de la sociedad, generando miseria, pobreza y la destrucción de su rica biodiversidad.

La vigencia y el respeto de los derechos humanos, colectivos y ambientales que exigen los pueblos y nacionalidades indígenas, no tiene que ver solo con el cumplimiento de la constitucion y los convenios internacionales, tiene que ver con el conjunto del sistema político y a los intereses economicos locales y transnacionales que hacen prevalecer un modelo que privilegia la ganacia a costadel ser humano y la naturaleza.

La naturaleza como la sociedad, es atravezada de parte a parte por lo sobrenatural. Por eso los animales, las plantas y seres inertes (rocas, montanas, rios) son seres de la naturaleza o agentes sobrenaturales.

Bajo este enfoque las nacionalidades y pueblos indígenas se presenta rica en mitos, plegarias, cantos y tradiciones. Se diría que vive en comunicación constante con la naturaleza.

PRINCIPALES IMPACTOS AMBIENTALES
IMPACTO SOBRE EL USO DEL SUELO

La región amazónica ecuatoriana esta ubicada al oriente de la cordillera de los andes y tiene una extensión de 130.035 km2, area que representa el 46% de la superficie total del país, esta
región alberga una diversidad de poblaciones humanas con diferentes culturas y tradiciones. Es además una región natural que pose gran cantidad de especies de flora y fauna únicas en el mundo.

Ancestralmente, el suelo presentaba un uso con dedicación hacia la vida silvestre, comunitaria, de conservación y forestal. Actualmente el uso del suelo es minero-industrial, residencial, agroindustrial, conservación comunitaria y forestal, impacto severo/critico.

- destrucción de habitats, desplazamiento y muerte de especies de flora y fauna.
- Afectación a la salud humana por los ruidos y vibraciones por la explotación de los recursos hidrocarburíferos
- Afectación a la vida acuática y edatica de los trabajadores y de los pueblos indígenas asentados en el área de influencia.

**IMPACTO CULTURAL**

La actividad petrolera en la mayoría de los casos significa el desplazamiento y hasta la extinción de los pueblos indígenas, así como la perdida del conocimiento ancestral del bosque y su relación con el universo, aculturación y marginalización de la sociedad nacional, la perdida de territorios y su capacidad de adaptación del medio, la ruptura de la organización, la historia de las practicas del shamanismo, la generación de conflictos con los asentamientos de colonos blanco-mestizos. Dejando a un lado la costumbre de elaboración de los ustencillos del hogar.

**LOS DERECHOS DE LOS PUEBLOS INDÍGENAS**

La consecuencia y reconocimiento legal de los derechos Colectivos, se obtuvo con la presion y movilización organizada al nivel local, nacional e internacional. La historia de este proceso lo demuestra.

Dentro de este marco los pueblos y nacionalidades indígenas deseamos impulsar un proceso con propósito de:

1. Ampliar las normas constitucionales
2. Programas proyectos de leyes y demandas de aplicación de normas contenidos en los instrumentos internacionales, convenio 169 de la OIT.
3. Avanzar en la reglamentación de los Derechos Colectivos por medio de la legislación secundaria.

El proceso de avances legales han sido limitados, como ejemplo, un caso de exigibilidad de los derechos colectivos y la inercia del estado es el llamado “caso Sarakuya”, que es un reto para todos los pueblos y nacionalidades indígenas y no indígenas que consiste demandar el respeto de los derechos que como individuos los asiste y al mismo tiempo lograr que los derechos Colectivos que como pueblos y nacionalidades los corresponde se promuevan y garanticen en la practica.

**PROPUESTAS:**

1. Medidas urgentes que permitan garantizar la integridad y al manejo racional de los recursos naturales del territorio de los pueblos indígenas amazónicas con participación de los mismos/as.
2. Detener la expansión petrolera hacia el centro sur de la Amazonía ecuatoriana en donde las poblaciones indígenas no desean un modelo de desarrollo con explotación hidrocarburífera ni minera.
3. Promoción y apoyo a proyectos de producción sostenible con identidad con las comunidades indígenas locales.
4. Mecanismos que permitan mejorar, en el corto plazo las condiciones de vida de las poblaciones y nacionalidades indígenas del Ecuador.

CONCLUSIONES:

En materia de los Derechos los pueblos y nacionalidades Indígenas desean implantar un nuevo modelo de programas y proyectos sociales de desarrollo con identidad, sin destruir su entorno natural.

Un gran reto para la defensa de los derechos al desarrollo de los Pueblos y Nacionalidades Indígenas, consiste en mostrar alternativas económicas adecuadas a alas particularidades ambientales y socioambientales de la amazonia como: Servicios ambientales, mecanismos de desarrollo limpio y ecoturismo comunitario, son opciones que los pueblos y nacionalidades Indígenas plantean a sus pueblos.

Por ultimo, quiero decir que: la defensa de la amazonia no significa negar su desarrollo, sino que hay que buscar un desarrollo alternativo sostenible con identidad,

Por ello, pido que los fondos asignados para este nuevo decenio de las poblaciones indígenas, realmente lleguen directamente a las comunidades para su desarrollo con identidad y no se diluyan en otros gastos.
ES DECIR, que respete al ser HUMANO y a la NATURALEZA

Mash Yuminsajrume
Muchas gracias por escucharme, estimados hermanos
Mr. Chairperson and distinguished members of the Working Group,

Sub-Commission on the Promotion and Protection of Human Rights

24th Session of the United Nations Working Group on Indigenous Populations
Geneva
Switzerland

Agenda Item 7

I am indeed grateful to be given the opportunity to address this august assembly. I am Legborsi Saro Pyagbara representing the Movement for the Survival of the Ogoni People (MOSOP), the umbrella organisation for the about seven hundred thousand Ogoni Indigenous minority in the Niger Delta of Nigeria.

Mr. Chairperson, the environment defines who we are as Indigenous peoples and we are defined by the environment. When our environment is threatened, we are also threatened because our existence and identity is inextricably linked to the survival of our environment.

The Ogoni story and that of other Niger Delta Indigenous peoples is a clear manifestation of the threats that a community face when its environment is blindly plundered and its resources rapaciously raped the way the Nigeria state in collaboration with the oil multinationals have done in the Niger Delta of Nigeria.

Mr. Chairperson, Articles I of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, stressed that in no case may a people be deprived of its own means of subsistence. The Nigeria government has deprived the Ogoni people of its means of subsistence for the past decades by waging an ecological war in the Niger Delta which has destroyed the environment and the local economic support systems which thrives on this environment thus threatening our existence as a people.

Mr. Chairperson, just yesterday, the Ogoni people including other Niger Delta Indigenous communities marked the fiftieth anniversary of oil production in the area amidst the recitation of stories of great pains and anguish. On August 3rd 1956, the drilling rigs of Shell began pumping oil out of the belly of the Delta. That singular event in 1956 marked the beginning of the ecological war which the government of Nigeria and the oil multinationals had waged against Indigenous communities in the Delta. In this ecological war, nothing is spared as flora and fauna fall to the toxicity of the effects of oil exploration.

In the Ogoni area, the environmental effects of having more than 100 oil wells have been severe. Between 1993 and 2003, almost 35 separate oil spills, averaging 1000 barrels each, occurred in Ogoni. Response to oil spills is slow, and often very damaging. A major spill at Ebubu in 1970 was set alight, causing irreparable damage to the ground it spilled on. Though the area of the spill is unusable, and still leaks oil into surrounding water supplies. Shell has claimed several times that this spill site had been
cleaned. This is the most politicized oil spill site clean-up in Nigeria. Oil spills are not the only environmental disaster the Ogoni have had to deal with. The flames of Shell in the name of gas flares, dot the Niger Delta skyline burning 24 hours a day (some of them for the last 40 years), and in the Ogoni area were often situated near villages. The villagers have to live with the constant noise of the flare, and the area covered in thick soot which contaminates water supplies when it rains. Air pollution from the flares results in acid rain and respiratory problems in the surrounding community. Shell pipelines pass above ground through villages and over what was once agricultural land. Despite Shell's claims to the contrary, no pipeline has ever been re-routed. A case in the IJK, where a pipeline required 17 different environmental surveys before construction. highlights the extent of Shell's environmental racism in Ogoni - the Ogoni have never seen a single Environmental Impact Assessment.

The cumulative effects of all these unregulated oil exploitation had been the reduction of Ogoni to a wasteland. The Ogoni which hitherto was the food basket of the Niger Delta now imports food for its subsistence and survival.

In 1988, Nigeria made news when the Niger Delta community of Koko woke up to find that toxic wastes had been dumped on their land. Nearly ten years after, the Ogoni town of Taabaa woke up last month to find that a Fishing Firm had dumped acidic contaminated fish on a stretch of land in the community which has led to the death of two persons.

Recommendations:
Mr. Chairperson, we wish to recommend as follows:
1. That the Working Group prevails on the Nigeria (government and Shell to conduct an environmental audit of Ogoni as recommended by the United Nations Fact Finding Team in 1996.
2. That a moratorium should be declared on all oil and gas industry development in Ogoni until and unless all measures have been put in place to restore degraded biodiversity and protection of future generations.
3. A well defined process of improving the socio-economic conditions of the Ogoni People is put in place by the Nigeria government as a matter of urgency. The NDDC has failed the Ogoni people.
4. A fully equipped National Oil spill Management and Response Mechanism be established

Thank you
Legborsi Saro Pyagbara
International Advocacy Officer
Movement for the Survival of Ogoni People (MOSOP)
Mail: mosop@phca.linkserve.com
Doula Mokao  
President du collectif Jingo et SEcretaire General  
De l’Association Baraka  
Paul Wodabe du Niger

LES PEUPLES AUTOCHTONES MENACES A CAUSE DE LA DISPARITION DE LEUR TERRITOIRE POUR DES RAISONS ENVIRONEMENTALES

Merci Monsieur le President,

Je suis un membre de la communauté peule Woodabe du Niger, secrétaire général de l'association Baraka et président du collectif Jingo. C'est la première fois que je me rends a ce groupe de travail. et c’est au nom de mon peuple que je vais parler. Nous sommes des nomades et notre seule richesse est notre troupeau de vaches. Notre maison est constituée de deux lits : l'un pour les ustensiles quotidiens et l'autre pour dormir. Le Sahel est notre maison, les buissons sont nos murs et le ciel est notre toit. Jusqu'a présent nous vivons comme nos ancêtres, mais la réalité a laquelle nous devons faire face nous a ouvert les portes du monde trop brusquement. Nous commençons a peine à nous structurer autour de revendications officielles afin que notre avis soit écouté.

Depuis plus de deux ans, après la saison des pluies, lors des fêtes annuelles, nous avons organisé des assemblées afin de discuter ensemble des problèmes auxquels nous sommes confrontes et des solutions que nous pouvons construire. C'est suite a ces assemblées que, depuis quelques mois à peine, des représentants Wodaabe se sont réunis en un collectif afin que tous les campements du Niger parlent d'une seule voix et ne soient pas divises en associations destinées à profiter à seulement quelques familles.

Le problème auquel nous sommes confrontes s'amplifie au fil des années. Nous suivons en effet les pas de nos vaches entre le sable du Sahara et les cultures du sud du pays. Or le désert qui avance nous pousse chaque année plus au sud et les zones cultivées nous empêchent de dépasser la limite des cultures. Nous sommes donc pris en étau entre deux milieux hostiles. A cela s'ajoute le fait que le pâturage diminue en raison des faibles pluies et du réchauffement de la planète. Cc phénomène est aggrave par les hommes qui rachètent les puits qui nous sont indispensables lors de nos déplacements, ce qui entraîne une surpopulation dans les zones encore libres. Nous essayons de nous organiser pour creuser de nouveaux puits, ce qui nous contraint à nous sédentariser afin qu’ils ne deviennent à leur tour inaccessibles, mais cela demande des moyens financiers qui se réduisent comme une peau de chagrin à cause des sécheresses durant lesquelles notre bétail est décimé.

Le gouvernement nigérien, non satisfait de notre affaiblissement, le renforce par des nouvelles lois favorisant l’élevage intensif dans le sud et la vente de terres dans le nord. Le sol inhospitalier ou nous avons su vivre dignement est maintenant la proie de la convoitise internationale.

Nos pas se dirigent vers une sédentarisation forcée, notre esprit craint la mutilation culturelle et identitaire qui s’ensuit, mais nos cœurs cherchent encore une voie vers une forme de semi-nomadisme.
Nous avons déjà rencontré plusieurs autorités gouvernementales qui ont fait la sourde oreille, c’est pour cela que je me déplace jusqu’à ce groupe de travail afin que nos revendications trouvent une écoute :
- nous demandons que les terres sur lesquelles nous nous déplaçons ne soient pas vendues comme si elles étaient vides
- nous demandons que le gouvernement ne vote pas des lois dans lesquelles nos droits soient ignorés
- nous demandons que le patrimoine national ne soit pas privatisé
- nous demandons que l’acheminement des aides apportées en temps de sécheresse soit contrôlé afin de ne pas être détourné pour le compte d’une minorité de personnes.

Je vous remercie pour votre attention, Monsieur le President

Doula Mokao

doulamokao@yahoo.fr
peuplepeul@yahoo.fr
wikaya@voila.fr
Mr. Chair,

We are grateful to Professor Hampson for having this topic included on the agenda of the Working Group on Indigenous Populations. Also Maluku falls into the category of territories that live under constant threat of being extinct for environmental reasons. From ancient times until now our Islands have endured vulcanoes, earthquakes, tidal waves and rising sea levels.

We have lost also smaller islands and atolls due to the sinking of land.

In our ancient history it is even told that the lost continent of MST, where we belonged to, was due to environmental reasons, namely sinking of the land.

Although living in constant threat due to these environmental reasons, it is almost impossible for the indigenous Alifuru people to leave their ancestral grounds due to their customary beliefs and attachment to the land.
It is important that studies have to been made to explore and find solutions for early global warning. Indigenous peoples should be consulted also in this.

Finally we support the recommendations that have been made by the speakers before and alter us on this particular matter:

Recommendations:

1. The WGIP should distribute to states and assemble the results of the questionnaire as widely as possible. Indigenous peoples should also be able to provide information.
2. The UN specialized agencies, programs and funds must be involved in future work. There should be further collaboration.
3. UN WGIP should prioritize the study of this imminent issue in the recommendations to the UN Human Rights Council.
4. UN WGIP should explore creative inclusion and continuation of the study and special procedures to continue the necessary work in the UN Human Rights Council and any subsidiary body established in the future.
5. UN WGIP support a training program and theme workshop with people directly affected with disappearance due to extreme environmental conditions.
United Nations Working Group on Indigenous Populations  
Agenda Item 7  
Intervention by Evelyn Hucke  
Maori -- Rapa Nui

Item 7 is absolutely crucial in the human rights of indigenous peoples. Indigenous peoples live in close cooperation with the land and oceans of the planet. As indigenous peoples of Rapa Nui, we understand the fragile and delicate balance with the earth. It is the balance that must be maintained between human beings and nature for the survival of humanity.

Respect for nature must be maintained. We in Rapa Nui are aware of the impacts when nature is not respected.

It is an indisputable fact that indigenous peoples fundamental freedoms will be denied due to the disappearance of the entire homeland for environmental reasons. The human rights violation will be indirect from across oceans yet no less destructive in fact even more dire with entire disappearance of one's sacred homeland and actual extinction. The reality facing peoples of the Pacific and other island states is the submerging of the islands we call home to vanish forever for reasons far away from any actions being taken by citizens of the liquid continent of the Pacific. The vanishing of sacred lands is violence to the soul and core of the citizens of the Pacific.

The irreplaceable islands face the disappearance of the entire homeland of its inhabitants or a significant size of the sacred space of land due to extreme environmental reasons that will deny the human rights of indigenous peoples. It is a fact the water will continue the pattern to rise and the land disappear under the waves around the world. It is a universal moral challenge.

Once again in its history, the UN WGIP has proved its relevancy in the global human rights movement filling a gap in international law. The study and questionnaire might seem like a drop in the ocean of awareness with the magnitude of the challenge of climate change. However, it will continue to raise the level of consciousness above the rising seas so the world can fully consider the current situation and seek solutions that reflect the voice of those at risk and respect the human rights of the island states.

1. The WGIP should distribute to states and assemble the results of the questionnaire as widely as possible. Indigenous peoples should also be able to provide information. The Rapa Nui would like to fill out the questionnaire.
2. The UN specialized agencies, programs and funds must be involved in future work. There should be further collaboration and also direct contact with indigenous peoples.
3. UN WGIP should prioritize the study of this imminent issue in the recommendations to the UN Human rights Council.
4. UN WGIP support a training program and theme workshop with people directly affected with disappearance due to extreme environmental conditions. We want to actively participate to share our cosmology and world view to protect the planet.
Intervention to the Working Group on Indigenous Populations

Agenda Item 7.

Greetings from the Tetuwan Oyate, the Teton Sioux Nation Treaty Council. As we are unable to attend in person, we have requested this be presented to you by one of our colleagues.

Our nation, the Tetuwan Oyate, is located in the centre of the North American continent. Although we have a treaty with the United States, they have been illegally trespassing and occupying our territory since 1874 in violation of the Fort Laramie Treaty of 1868, the US Constitution and US Federal law.

One of the consequences of this illegal occupation has been the development and eventual abandonment of more than 1,000 open pit uranium mines from more than 40 years ago. The uranium extraction also destroyed thousands of sacred places and archeological sites in the process. The uranium was used for energy and military purposes. This is also one of the sources of the "depleted uranium" in the current US military arsenal. These abandoned, open pit uranium mines have not been covered over and are currently polluting the air with radioactive dust, and the waterways with radioactive sediment. The governmental agencies at the federal, state, and local levels are all aware of these abandoned mines but have not informed the public of the health hazards, nor tried to stop the expansion or the pollution in any way until our recent disclosures. Consequently, cancer, birth defects, and other health concerns are running rampant in this central part of the United States, including affecting crops, livestock, and wildlife. This raises grave concerns globally as many food stuffs are grown in the central part of the US and exported to all parts of the world.

The US also built hundreds of missile silos and radar stations within our Treaty territory. Recently, it was made known that one of the radar sites was nuclear powered and their tanks holding radioactive substances leaked into the underlying aquifer. There is no way to stop radioactive pollution of underground water. Both of our water sources, underground and at the surface are contaminated with radiation. The radioactive contamination of our homeland, without some land of clean-up is spreading the pollution to all parts of the world in the air, water and food and should be of major concern in the United Nations. This contamination is also leading to our extinction as we must drink the water. Consequently we have high rates of cancer, birth defects, thyroid disease, and miscarriages.

Environmental contamination does not occur just in the poorer parts of the world but is very easily hidden in the more developed States as in our case. We strongly recommend that the Working Group be mandated to work with the World Health Organisation, and in the United Nations Environmental Programs, to conduct investigations in all parts of the world where environmental contamination is threatening our extinction.

Respectfully submitted by Chairmaaine White Face, Spokesperson, Teton Sioux Nation Treaty council, PO Box 140, Manderson, SD 57756 USA
Working Group on Indigenous Peoples Agenda item 7  
Tomas Alarcon CAPAJ

Item 7 is a crucial agenda for indigenous peoples and increasingly the rest of the world is beginning to listen to the warning calls facing all people on the planet.

We are witnessing the impacts of climate change in our traditional communities in the Andean region. As we live interconnected with the environment, we recognize the adverse results in our daily living practices. We stand up today to be a voice on behalf of Pacha Mama.

It is an indisputable fact that indigenous peoples fundamental freedoms will be denied due to the disappearance of the entire homeland for environmental reasons. The human rights violation will be indirect from across oceans yet no less destructive in fact even more direct with entire disappearance of one's sacred homeland and actual extinction.

Once again in its history, the UN WGIP has proved its relevancy in the global human rights movement filling a gap in international law.

The Recommendations are:

1. The WGIP should distribute to states and assemble the results of the questionnaire as widely as possible. Indigenous peoples should also be able to provide information. We have a great deal to share.
2. The UN specialized agencies, programs and funds must be involved in future work. There should be further collaboration.
3. UN WGIP should prioritize the study of this imminent issue in the recommendations to the UN Human Rights Council.
4. UN WGIP support a training program and theme workshop with people directly affected with disappearance due to extreme environmental conditions. People from Andean can speak with peoples of the Pacific.
Agenda Item 7

The human rights situation of indigenous peoples in States and other territories threatened with extinction for environmental reasons

We welcome the Working Paper presented by Mrs Francoise Hampson under this agenda item.

The Pacific Caucus would like to report that our regional discussions, scheduled for March 2006, and as anticipated in the Working Group from the last session, did not occur as intended. Unfortunately we had to cancel the regional consultations due to conflict in scheduling with the CBD COP 8 held in Brazil around the same time. We are looking forward to convening these important regional discussions either in December 2006, when a regional seminar on indicators for Indigenous Peoples will be convened, or in March 2007 when the next Pacific Regional Consultations Workshop is scheduled.

The Pacific Caucus notes that this year there is much greater awareness and appreciation of the threats to Indigenous Peoples by the environmental changes. The recent tsunamis in the southern seas between the Pacific and Indian Oceans, three of which received global attention for their massive impacts on life and livelihoods, bring to reality the likelihood that Indigenous Peoples in many locations face extinction.

We also realise that our Arctic brothers and sisters are facing similar devastation as the ice melts and seas rise.

The danger is mounting and the time to confront these many resultant problems is now upon us.

The humanitarian crises, as we understand, is not the core of this study. We are focused particularly upon the human rights implications for peoples, such as the loss of control over territories, resources and identity, and the potential loss of sovereignty through relocations. For a number of Indigenous peoples in the Pacific the matter must now be addressed as part of daily living and wellbeing.

We note that most of the scientific institutions, information and other resources investigating the environmental threats in the Pacific region belong to the more wealthy nations on the Pacific Rim, including USA, Japan, Australia and New Zealand. (The policies of these countries towards the rights of Indigenous Peoples are of great concern at the moment.) But more importantly the control of the knowledge and scientific studies being undertaken in the Pacific region, by these wealthy countries, are beyond the reach of the Indigenous Peoples of the Pacific region. We consider that this issue, control and benefit of scientific research and resources and the interests of the Indigenous Peoples of the Pacific region, requires some consideration to assess whether the interests of the Indigenous Peoples are being adequately taken into account. For example, we note the requests made for the development of appropriate early warning systems.

Indigenous Peoples want the capacity to monitor environmental changes as they occur, to keep pace of such changes.

The Pacific Caucus supports the recommendation that the work on this study continue.

Relating to the questionnaire we look forward to seeing the results when they are available. We call upon all relevant States to give close attention to this questionnaire and respond by the end of October 2006. It would be valuable, of course, if States are able to provide additional useful information consistent with the objectives of the study. We ask that States contribute to the discussions on this agenda item in the session.
Item 7: The Human Rights Situation of Indigenous Peoples in States and Territories Threatened with Extinction for Environmental Reasons

Intervention by Vien Thach, Khmer Krom Federation

Item 7 is a crucial agenda area of concern for indigenous peoples and increasingly the rest of the world is beginning to listen to the warning calls facing all people on the planet.

The Khmer Krom Federation receives information from the people in the Mekong Delta region of Vietnam, our homeland. We are traditionally farmers. As the weather changes, we immediately feel the impact in our daily living. We live in harmony with nature and as our environment is adversely impacted so are we. We are people of the earth.

The working paper has initiated a rise in awareness.

These are all signs that local evidence supports and science suspects are due to climate change on our planet.

Once again in its history, the UN WGIP has proved its relevancy in the global human rights movement filling a gap in international law.

1. The WGIP should distribute to states and assemble the results of the questionnaire as widely as possible. Indigenous peoples should also be able to provide information. The KKF have a lot more to share about environmental conditions along the shores of Vietnam.
2. UN WGIP should prioritize the study of this imminent issue in the recommendations to the UN Human Rights Council. This issue can't sink in the UN reform waves.
3. UN WGIP support a training program and theme workshop with people directly affected with disappearance due to extreme environmental conditions in the Asia Pacific region.
Intervention by Zong Khang Yang
World Hmongs Peoples Congress

Item 7 is a crucial agenda area of concern for indigenous peoples and increasingly the rest of the world is beginning to listen to the warning calls facing all people on the planet.

In Asia, there are many signs of climate change affecting indigenous peoples. We recognize in our indigenous homelands immediate impacts.

It is an indisputable fact that indigenous peoples fundamental freedoms will be denied due to the disappearance of the entire homeland for environmental reasons. The human rights violation will be indirect from across oceans yet no less destructive in fact even more dire with entire disappearance of one’s sacred homeland and actual extinction.

These are all signs that local evidence supports and science suspects are due to climate change on our planet.

Once again in its history, the UN WGIP has proved its relevancy in the global human rights movement filling a gap in international law.

We make the following recommendations:

1. The WGIP should distribute to states and assemble the results of the questionnaire as widely as possible. Indigenous peoples should also be able to provide information.
2. UN WGIP should prioritize the study of this imminent issue in the recommendations to the UN Human Rights Council.
3. UN WGIP should explore creative inclusion and continuation of the study and special procedures to continue the necessary work in the UN Human Rights Council and any subsidiary body established in the future.
4. UN WGIP support a training program and theme workshop with people directly affected with disappearance due to extreme environmental conditions.
Aloha Mr. Chair. As time is of the essence for sinking states, I will begin with recommendations.

1. The WGIP should distribute to states and assemble the results of the questionnaire on the Legal Implications of disappearance of States and Other Territories for Environmental Reasons, Including the Implications for the Human Rights of Their Residents, with Particular Reference to the Rights of Indigenous Peoples. Perhaps, indigenous peoples should also be able to provide information as they are close to the land and recognize emerging environmental changes.

2. The WGIP should make sure the legal, statistical and factual data to identify the environmental threats is shared with UN specialized agencies, programs and funds. There should be further collaboration building on the data in cooperation with other UN bodies.

3. UN WGIP should prioritize the study of this imminent issue in the recommendations to the UN Human Rights Council.

4. UN WGIP should explore creative inclusion and continuation of the study and special procedures to continue the necessary work in the UN Human Rights Council and any subsidiary body established in the future.

5. UN WGIP support Community Trainings, Workshops and Seminars to listen to people directly affected with disappearance due to extreme environmental conditions.

When indigenous peoples are looking for reasons for future sessions of the UN WGIP and possible new means and mechanisms to be created in the UN Human Rights Council, Agenda Item 7 – The Human Rights Situation of Indigenous Peoples in States and territories threatened with extinction for environmental reasons – is exemplary of the necessity for the continuation and credibility of the purpose behind this annual gathering focusing on the human rights of indigenous peoples.

It is a living and breathing of what the Working Group can and has consistently been doing for decades. Indigenous peoples bring current challenges to the expert body. Experts recognise the merits of the claims and create studies to better understand the issue. When creativity is required, experts even go to other means to gather information such as questionnaires to gain insight into the legal question. Also, the recent tradition born here in the UN WGIP where indigenous peoples, NGOs and experts collaborate together in standard setting to create studies is a model for future mechanisms and illustrates the imagination of
this unique, universal body. There are also workshops in respective regions on legal matters to bring together peoples directly impacted and also to allow all indigenous peoples to share their experiences and expertise in the field. All of these actions offer practical solutions.

Three years ago, the indigenous peoples of the Pacific raised this issue at this very body and Francoise Hampson spearheaded an initial study. Hampson then continued to network with the Pacific Caucus and Hawaii Institute for Human Rights to serve as a nexus for information and initiatives.

At the initial meeting, some people were unsure about the relevancy of this issue in the framework of human rights. Less than a half decade has passed and already indigenous peoples are recognizing the commonality of the challenges facing their communities. The specific example of global warming is a new wave of colonialism where indigenous peoples face circumstances adversely affecting their human rights resulting from actions beyond their borders impacting their sacred homelands.

The expanded working paper has initiated a swell in the consciousness of the entire United Nations continent and begun beyond into the moral, legal and political oceans of preventative diplomacy and possible direct action for positive solutions. The questionnaire will continue the rising consciousness in the circles of human rights.

The legal implications of the human rights situation of indigenous peoples in States and other territories threatened with extinction for environmental reasons are essential to explore and find answers not abandon the sinking states.

The irreplaceable islands face the disappearance of the entire homeland of its inhabitants or a significant size of the sacred space of land due to extreme environmental reasons that will deny the human rights of indigenous peoples. It is a fact the water will continue the pattern to rise and the land disappear under the waves around the world. It is a universal moral challenge.

For the remaining time of my intervention, I will share excerpts from a speech given by Minute Alapati Taupo, the deputy permanent representative of Tuvalu to the UN. His presentation explained the philosophy behind the political strategy to survive climate change - the latest wave of colonialism from the industrial coasts to indigenous communities.

The Indigenous Peoples Pacific Caucus and Hawaii institute for Human Rights hosted a parallel event at the PFII about the immediate impact of global warming on the liqulid continent of the world.

Tuvalu advocating on the issue of climate change is a matter of survival. He said “It’s a matter of life and death. Within the next 50 years, we will be under the water

“This is really a serious matter for people of Tuvalu,” he stressed to the audience.

"We are positive if we don't reduce emissions, we are on that approach of not 'if' but 'when',” he said reflecting on the irreversible damage.

"We want to be in Tuvalu forever," he said. "We don't want to leave. We want to believe it will never happen. That is why we are fighting the industrial countries."
"We don't want to see it happening," Taupo said. "We are fighting our cause at every opportunity in the UN fora. We pursue every avenue where we can share our concerns."

"We are innocents in this issue," Taupo frankly states. "We didn't do anything to create the rise in sea levels." "We don't want to believe we are moving," he admits.

In a stand taken as strongly as when Tuvalu stood united for independence and stated in clear, unflinching language, Taupo said, "We want to maintain our sovereignty. It is the extinction of a people. Our identity will vanish."

From the taro farmer to the Tuvalu foreign minister, the population is realizing there are more questions than answers surrounding the result from the rise in sea levels in relation to self-determination and numerous aspects of international law.

"International law doesn't answer today's emerging questions, but will have to address," he said. "Our rights as a sovereign nation over our resources and territories will have to be maintained."

As Peter Smith noted, "The people of the low lying islands in the Pacific Ocean are victims of climate change caused by more powerful and industrially developed countries including Australia."

At the Australian Catholic Social Justice Council, Michael McKenzie from Kiribati asked, "When our people have to start swimming, will Australia be disposed to help us? We may be the first of a new wave of environmental refugees, victims of climate change largely brought about by the developed world."

Tuvalu is currently planning a global assembly in late February 2007 so an international audience can bear witness to the extreme weather firsthand. Participants will attend a series of conferences allowing for a National Summit on Climate Change, a Peoples Tribunal of Tuvalu and the Pacific Region, an international Commission on Human Rights & the Environment, a UN Pacific Social Forum and a Site Visit of the UN Office of the High Commissioner for Human Rights.

Today, every region is recognizing the impacts of climate change in their community. If the WGIP was continuing this theme will continue to grow in its importance. As it is, it cannot be ignored in the future of human rights in the United Nations.
The Unrepresented Nations and Peoples Organization (UNPO) is a democratic, international membership organization. Its Members are indigenous peoples, occupied nations, minorities and independent states or territories who have joined together to protect their human and cultural rights, preserve their environments, and to find non-violent solutions to conflicts, which affect them.

UNPO Members share one condition; they are not represented in major international fora, such as the United Nations. As a result, their ability to participate in the international community and to have their concerns addressed by the global bodies mandated to protect human rights and address conflict is limited. UNPO provides a legitimate and established international forum for Member aspirations and assists its Members in effective participation at an international level.

UNPO is dedicated to the five principles enshrined in its Charter: Non-violence, Human Rights, Self-determination and democracy, Environmental Protection, and Tolerance.

The UNPO headquarters is located in The Hague, The Netherlands.

**List of UNPO Members:**

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<thead>
<tr>
<th>Abkhazia</th>
<th>Gagauzia</th>
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<tr>
<td>Aboriginals of Australia</td>
<td>Greeks in Albania</td>
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<td>Hungarians in Romania</td>
<td>Ogoni</td>
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<td>Ingushetia</td>
<td>Oromo</td>
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<td>Inkeri</td>
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<td>Komi</td>
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<td>Southern Cameroons</td>
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**Visiting Address**
Paviljoensgracht 76
2512 BR The Hague
The Netherlands

**Mailing Address**
P.O. BOX 85878
2508 CN The Hague
The Netherlands

**E-mail:** unpo@unpo.org
**Website:** www.unpo.org
**Tel.:** +31 (0)70 3646504
**Fax:** +31 (0)70 3646608
L’Organisation pour les Nations et les Peuples non représentés (UNPO) est une organisation démocratique et internationale. Ses membres sont des peuples autochtones, des nations occupées, des minorités et des États ou territoires indépendants qui se sont réunis afin de protéger leurs droits humains et culturels, de préserver leur environnement et de trouver des solutions non-violentes aux conflits qui les touchent.

Les Membres de l’UNPO partagent la condition de ne pas être représentés dans des forums internationaux comme les Nations Unies. Par conséquent, leur capacité de participer au sein de la communauté internationale et de voir leurs inquiétudes traitées par les instances globales chargées de protéger les droits de l’homme et de régler les conflits se trouve limitée. UNPO procure un forum international légitime et solide pour les aspirations de ses Membres et les soutient pour une participation effective au niveau international.

UNPO se consacre aux cinq principes qui sont protégés par sa Charte : la non-violence, les droits de l’homme, l’autodétermination et la démocratie, la protection environnementale ainsi que la tolérance.

Le siège de l’UNPO se trouve à La Haye, aux Pays-Bas.

**Liste des Membres de l’UNPO:**

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Adresse bureau
Paviljoensgracht 76
2512 BR La Haye
Pays-Bas

Adresse postale
P.O. BOX 85878
2508 CN The Hague
The Netherlands

Email: unpo@unpo.org
Site internet: www.unpo.org
Tel.: +31 (0)70 3646504
Fax: +31 (0)70 3646608
La Organización para las Naciones y los Pueblos no-representados (UNPO) es una organización de membresía, democrática y internacional. Sus Miembros son pueblos indígenas, naciones ocupadas, minorías y Estados o territorios independientes que se juntaron con el propósito de proteger sus derechos humanos y culturales, de cuidar de su medio ambiente y de buscar soluciones pacíficas a los conflictos que les afectan.

Los Miembros de UNPO comparten una condición, la de no ser representados en los mayores foros internacionales tales como las Naciones Unidas. Por lo tanto, su capacidad de participar en la comunidad internacional y de ver sus inquietudes atendidas por las instancias mundiales encargadas de proteger los derechos humanos y de arreglar los conflictos es muy limitada. UNPO proporciona un foro internacional legítimo y establecido para las aspiraciones de sus Miembros y los apoya en la participación efectiva al nivel internacional.

UNPO se dedica a los cinco principios protegidos en su Carta: la no-violencia, los derechos humanos, la autodeterminación y la democracia, la protección del medio ambiente, y la tolerancia.

La sede de UNPO se encuentra en la Haya, en los Países Bajos.

**Lista de los Miembros de UNPO:**

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E-mail: unpo@unpo.org
Website: www.unpo.org
Tel.: +31 (0)70 3646504
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