

FINLAND

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160

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Permanent Forum on Indigenous Issues

Human Rights; Interactive dialogue with the Special Rapporteur of the Commission on Human Rights on the situation of human rights and fundamental freedoms of indigenous peoples, Mr Rodolfo Stavenhagen, Monday, 22 May, 2005

- Let me first of all express the appreciation of my Government to your important work. Once again, you have addressed a crucial topic in your report, namely the implementation gap between legislation and day-to-day reality of indigenous peoples. In your report, you also emphasised the importance of ensuring that the human rights of indigenous peoples is kept on the agenda of the new Human Rights Council and that the indigenous peoples are guaranteed an important role in future discussions on this topic. It is on this topic that I would like to make a few comments.
- The September Summit provided a very good starting point for the deliberations of the Council on indigenous issues. In the Summit Outcome document, the heads of our States or Governments reaffirmed the commitment to continue making progress in the advancement of the human rights of the world's indigenous peoples. The Summit thus made it clear that the rights of indigenous peoples worldwide has been placed high on the international agenda. The Summit also reaffirmed the commitment to present for adoption a final draft United Nations Declaration of the Rights of Indigenous Peoples as soon as possible. It is now up to us to move forward and to make these commitments reality also through the new Council.
- In our pledges and commitments prepared for the elections of the Human Rights Council, Finland highlighted a number of issues relating to the rights of indigenous peoples. Expressing its commitment to promote actively the development of human rights norms by the Council, Finland underlined that the Council should, as a priority, adopt a Declaration on the Rights of Indigenous Peoples.
- Finland is pleased that after many years of intense negotiations in the Working group on the indigenous declaration, a solution has now been found, which for Finland, like for many other countries, is an acceptable compromise - a text ready for adoption. As is obvious from the long lasting negotiations between the governments and representatives of indigenous peoples in the Working group, the task of the working group was not easy and many, at times almost impossible, compromises had to be made in order to reach an end result.
- All the parties to the negotiations participated with keen interest, open mind and willingness to reach the goal for the enhancement of the situation of indigenous peoples around the world. No party to the negotiations can claim that the result is perfect, but a wide range of problems was solved for the first time in history and awareness raising was being brought to a new level due to the work of this working group.
- It is of utmost importance that the result, the draft declaration, is now formally adopted as soon as possible. The work of hundreds of governments and indigenous peoples representatives should be honored and the process, that started over 10 years ago, be brought to a honorable and meaningful end.
- Finland believes that the Human Rights Council has great potential in creating a more direct link to the national level. For instance, the Universal Periodic Review should provide a platform for an open dialogue on existing concerns and exchange of best practices also in relation to the rights of indigenous peoples. In the process of preparing for the Council elections, Finland identified a number of such concerns, and made a set of pledges on how to further strengthen the

rights of indigenous peoples at the national level. Among other things, Finland made a pledge on the ratification of the ILO Convention No 169 concerning Indigenous and Tribal Peoples in Independent Countries, which is directly linked to a solution for the question of land rights in the Sámi Homeland. Finland will be prepared to make a more detailed account of these issues in the context of the Universal Periodic Review.

- The Special Procedures should be in the center of the work of the Council. In particular, much more emphasis should be given to the follow-up of the recommendations of the Special Rapporteurs. For instance, when the recommendations contain elements relating to legislative needs, we should seek ways of involving parliamentarians more directly in this work. Your present report contains many such recommendations, some of which are specifically addressed to parliamentarians. As a minimum, Governments should bring such recommendations to the attention of their national Parliaments for action and follow-up.
- For Finland, one of the priorities in the Council is to ensure widest possible participation by those affected by the decisions of the Council. It is therefore evident that whenever rights of indigenous peoples are being addressed, indigenous peoples and organisations should be able to participate actively in all stages of the process. This is the only way the Council can make informed decisions, rooted in the day-to-day reality of the indigenous peoples.
- Finland would be very keen to hear your views on ways in which the Council could most effectively strengthen the work of the United Nations to protect and promote the rights of indigenous peoples. We would also welcome any ideas that you may have on the interaction between the Permanent Forum and the Human Rights Council.