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Recommendations to the Permanent Forum by the Working Group on Armed Conflict on situations of Genocide, ethnocide and violence resulting in or threatening the extermination of Indigenous Peoples as a distinct group.

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The Permanent Forum is profoundly concerned by information received of genocide, near genocide, and ethnocide of Indigenous Peoples as a result of armed conflict. Whether by policy or result, Indigenous Peoples as Peoples are being exterminated, their existence as Peoples at high risk in many parts of the world. Last year the Permanent Forum expressed its concern about the situations in the Democratic Republic of Congo and Colombia. This year it has received alarming reports on the continuing situations in these States as well as Ethiopia and Sudan, West Papua and Maluku of Indonesia and Nepal, lamentably, among many others. The Permanent Forum recommends to ECOSOC:

1. Taking note of the creation of the mandate for a Special Advisor to the Secretary General on the Prevention of Genocide, the Permanent Forum recommends that the mandate allow the examination of situations of violence and armed conflict threatening the existence or extermination of Indigenous Peoples as a distinct group. The mandate should also call for communications to the Special Advisor from Indigenous Peoples and their representatives and organizations. The Permanent Forum urges the Secretary General's Special Advisor on the Prevention of Genocide to direct his or her attention to these situations in all parts of the world.
2. The use of good offices is requested of the Secretary General of the United Nations and the High Commissioner for Human Rights to aid the Special Representative on the Displaced, to promote the entry of the International Committee of the Red Cross and other international agencies of protection and humanitarian assistance to areas of armed conflict where Indigenous Peoples suffer gross and massive violations of human rights as Peoples, and where the ICRC has a presence, that this presence be made more effective and geographically wider-reaching within affected areas;
3. The Permanent Forum invites the ICRC to inform the Permanent Forum on situations of genocide, ethnocide and gross and massive violations of the human rights of Indigenous Peoples in areas of armed conflict, to the extent possible within its practices and mandate, and invites the ICRC to attend its next session.
4. The Permanent Forum invites the Prosecutor of the International Criminal Court to report on the relevance and use of the Statute of the International Criminal Court to Indigenous Peoples, with appropriate recommendations, and to attend the next session of the Permanent Forum.
5. The Office of the High Commissioner for Human Rights working in conjunction with the Working Group on Indigenous Populations in its review of situations of armed conflict affecting the survival of Indigenous Peoples as Peoples, non-conventional mechanisms with appropriate mandates, including the Rapporteur on the Democratic Republic of the Congo, the Rapporteur on the Sudan, the Rapporteur on Indigenous Human Rights, the Rapporteur on Extrajudicial, Arbitrary and Summary Executions, the Rapporteur on Violence Against Women, and the Secretary General's Special Representative on for the Displaced, to study these situations and report to the Permanent Forum at their next session, with appropriate recommendations for action.
6. The Special Rapporteur on Indigenous Human Rights, in his anticipated report to the General Assembly, is requested to report on these situations of armed conflict that threaten the existence of Indigenous Peoples as Peoples.

Mr. Chairman, the Permanent Forum has received reports that the atrocities against the Mbuti (Pygmy) Peoples continue. It has or will at this Session receive reports concerning the Anyuak (Anywaa) Peoples of Southern Sudan and Southwestern Ethiopia<sup>1</sup> and the Indigenous Peoples of Indonesia, particularly of Western Papua,<sup>2</sup> and Maluku.

The United Nations Special Rapporteur on Indigenous Human Rights reported to the 60<sup>th</sup> Session of the Human Rights Commission that the situation of violence against Indigenous Peoples in Colombia "approaches genocide."<sup>3</sup> The Commission on Human Rights, as well as the Permanent Forum has also received repeated reports of gross and massive violations against the Indigenous Peoples of Nepal.

Thank you, Mr. Chairman.

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<sup>1</sup> e.g., "Today is the Day of Killing Anuaks", Amnesty International, 25 February 2004.

<sup>2</sup> e.g., "Indonesian Human Rights Abuses in West Papua – Application of the Law of Genocide to the History of Indonesian Control", Allard K. Lowenstein International Human Rights Clinic, Yale Law School, April 2004.

<sup>3</sup> Although his visit to Colombia had been recent and will not be formally reported to the Commission until 2005, the Rapporteur felt it necessary to comment on this situation during his oral report to the Commission.