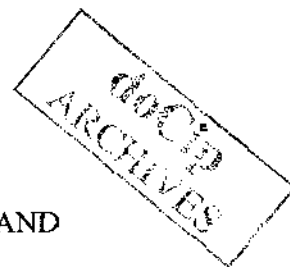


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Permanent Forum on Indigenous Issues
Third session, New York, 10-21 May 2004



**JOINT STATEMENT OF THE INUIT CIRCUMPOLAR CONFERENCE AND
THE SAMI COUNCIL**

Item 4 (d) – Human Rights

Thank you Mr. Chairman;

The Inuit Circumpolar Conference and the Saami Council humbly submits the following recommendation for the Permanent Forum's consideration;

Recommendation:

The Permanent Forum, in its advisory capacity, encourages the Economic and Social Council to adjust the working measures of the CHR Working Group to ensure their full conformity with the principles expressed in the international human rights covenants, and in particular, the right of Indigenous peoples to self-determination, as reflected in the draft Declaration.

As the Permanent Forum members know, the realization of a UN Declaration on the Rights of Indigenous Peoples remains uncertain. It is clear to the ICC and the Saami Council that it is highly unlikely that a Declaration, acceptable to Indigenous Peoples, will be passed before the end of the Decade.

The fact that this process has been time consuming and difficult is evidence of the complexity of the issues and the unique substance of the status and human rights of Indigenous Peoples. No other standard-setting activity within the UN has been as time consuming. Yet, at the same time, it must be recognized that in the long and horrific history of gross violations perpetrated against Indigenous Peoples, not a single standard-setting body has comprehensively addressed the extensive and distinct political, economic, social, and cultural rights of Indigenous Peoples. Therefore, additional time is needed to adequately respond to our particular status and rights as Peoples.

Still, if there is a new mandate beyond the Decade, we must recognize that the current procedures are inadequate and ineffective.

In this way, the Declaration text itself contains important guidelines that, if practiced by all concerned, would assist us in achieving a working methodology to ensure the success of the UN standard setting process. For example, the principle of consent and participatory rights are critical to achieving a Declaration that actually uplifts the status and conditions of Indigenous Peoples worldwide.

We would like to convey our strong objection to a proposal by the Chair of the inter-sessional Working Group (UNCHR Res. 1995/32, 3 March 1995), to prepare a "Chair's text" for Articles 25-30 as a way of addressing our most critical and fundamental rights to lands, territories and resources. Prior to the Chair's announcement of his proposal, both nation state

members and Indigenous Peoples worked cooperatively to achieve consensus on at least eight articles. Though we were too rushed in our efforts, an unprecedented momentum was generated. We were alarmed by the introduction of dramatic and wholesale changes to the lands, territories and resources section by the governments of Australia and Canada, despite positive progress on a range of articles. The proposal diverted attention away from the probable opportunity to provisionally adopt a number of articles at the session.

The ICC and the Saami Council believes such an approach to be unacceptable, especially given the current *time frame* of the inter-sessional Working Group. All of the Articles of the draft Declaration, including Articles 25-30, should be addressed in an open and fair manner, consistent with the various suggested methods for improving the dialogue and remaining work of the inter-sessional Working Group.

There must be a renewed commitment on the part of UN Members to complete a Declaration on the Rights of Indigenous Peoples. We are not suggesting any time frame or deadline. Rather, the world community should take the time needed to address our fundamental collective and individual human rights and to ensure that the Declaration does meet the objective of safeguarding our *distinct cultural* characteristics as well as protecting and promoting our distinct political, social, economic and cultural rights.

Without firm and explicit recognition of our right to self-determination, our unique collective rights and most importantly our rights to lands, territories and resources, the fate of Indigenous Peoples is uncertain. However, the Permanent Forum, the UN and the member nations have the opportunity to create certainty – you can do so by taking action to help set international standards that actually promote and encourage respect for our human rights.

Mr. Chairperson,

The Inuit Circumpolar Conference and the Saami Council further submits the following recommendation for the Permanent Forum's consideration;

Recommendation:

“The Permanent Forum recommends that the CBD, ILO, OHCHR, UNDP and the World Bank Group, under the auspices of the Permanent Forum, holds a technical seminar on the principle on free, prior and informed consent, *prior to the fourth session of the Permanent Forum.*”

The Inuit Circumpolar Conference and the Saami Council believe that the Permanent Forum – as a matter of priority – should look into the possibility of holding first a technical seminar to discuss the principle of free, prior and informed consent. In particular, such a technical seminar can investigate whether there is a need for a definition of free, prior and informed consent. The technical seminar could then be followed by a working group on free, prior and informed consent, as the Forum suggested already at our 2nd session.

Finally Mr. Chairperson,

Allow us briefly to address the domestic situation. Inuit and Saami right to land are continuously violated. In the Saami areas, the Saami people lost most of our rights to land during an era marked by racism. Today, the Saami people enjoys a relationship with our states based on mutual respect. Still,

the fact remains that the right to our lands and resources have not been returned. In Norway, the proposed so called *Finnmark Act*, supposed to regulate resource management in the hart of the Saami territories, falls way bellow existing international law on indigenous rights. In Finland, the government, stating that they are looking into the Saami land rights issues, are at the same time in secrecy seeking legal title to the Saami territories. Finnish courts have granted the government such, even though it is clearly against Finnish domestic legislation, not to mention *international law*. The Russian Federation and Sweden too, have failed to adequately address the Saami land rights issues. In 2003, the Committee Against Racial Discrimination criticized Finland, Norway and Sweden equally for grave violations of the Saami people's land rights.

Thank you Mr. Chairperson.