

Permanent Forum on Indigenous Issues  
First Session  
New York  
13-24 May 2002



Agenda Item 6  
Review of the activities of the United Nations system  
Theme: Environment

JOINT STATEMENT PRESENTED BY

**LES MALEZER**

**FOUNDATION FOR ABORIGINAL AND ISLANDER RESEARCH ACTION (FAIRA)**

AUSTRALIA

On behalf of

ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION (ATSIC)  
FOUNDATION FOR ABORIGINAL AND ISLANDER RESEARCH ACTION (FAIRA)  
NATIONAL ABORIGINAL AND ISLANDER LEGAL SERVICES SECRETARIAT (NAILSS)  
NATIONAL SECRETARIAT OF TORRES STRAIT ISLANDER ORGANISATIONS  
TORRES STRAIT REGIONAL AUTHORITY (TSRA)

*Extract from Economic and Social Council Resolution 2000/22*

The Economic and Social Council ... decides to establish as a subsidiary organ of the Council a permanent forum on indigenous issues ... (to) serve as an advisory body to the Council with a mandate to discuss indigenous issues within the mandate of the Council relating to economic and social development, culture, the environment, education, health and human rights.

E/RES/2000/22

Mr Chairperson, the above statement encapsulates a fundamental issue for Indigenous Peoples in our relationships with nation States and the United Nations.

That is, for Indigenous Peoples, 'so-called' human rights cannot be distinguished from the 'environment rights' incorporating issues of environmental management and protection, and sustainable development.

The Permanent Forum structure now not only provides us with the opportunity to discuss the rights of Indigenous Peoples in context, but to address, in one forum, the many 'faces' or facets of governments and the international community.

Mr Chairperson, in this intervention we opt to speak in general terms about the environmental agencies rather than attempt to address, in such a short time, key issues in any particular area.

We draw attention to the very many different agencies established to deal with environmental issues, and the highly-technical, specialised and scientific nature of these bodies.

Their operations are quite often entirely independent, drawing their mandates from world conferences or summits, being controlled and monitored by their members or signatories (being almost always nation-States), being resourced through their own means, and operating through the structures of independent secretariats.

With the exception of the Convention on Biological Diversity, our rights as Indigenous Peoples are regarded as integrated in mainstream rights, and the secretariats do not have Indigenous units.

Already, in the interventions provided to this forum, we have heard many examples of the variations in language and policies, which can exist between the various bodies.

While we are expressing, in UN human rights meetings, our objections to our rights – accepted universal rights - being subjugated to states' legislation, such policies and statements are being formulated and agreed in environmental forums.

While we demand the 'human right to self-determination' and the empowerment of Indigenous Peoples to govern our affairs and control our destinies, environmental agencies safeguard their capacity to undertake selective consultations with us on land and heritage rights, and regulate our participation in their arenas.

Unlike the human rights sector, there is no independent 'voluntary fund' to assist Indigenous Peoples to attend and present their case in environmental forums.

Mr Chairperson, we have experienced, too often, situations where Indigenous Peoples rights are being discussed in forums containing substantial state delegations but few Indigenous participants.

---

The state representatives are well-prepared and well-resourced for the meeting.

But, in contrast, Indigenous representatives may be under-resourced, relying upon our strong investment in the relevant topic to match states' influence.

It is of course to our disadvantage if our representatives in these environmental forums are not linked to, or are otherwise unaware of, the issues and indigenous representations in human rights forums; and *vice versa*.

It is also to our disadvantage if the environmental bodies do not make information about their mandate and operations relevant to and accessible by Indigenous Peoples.

Mr Chairperson, we believe it is appropriate to point out that prosperous States can exercise an inordinate amount of control and influence over environmental agendas.

They can participate and sign onto conventions that match, or at least do not compromise, their development interests, they can regulate, through member meetings, the implementation of the conventions, and they can extend their ownership over new concepts of the natural environment, such as genetic materials.

Indigenous states, in comparison, (e.g. New Guinea, Vanuatu, New Caledonia) do not have the resources to even participate in global discussions, yet they are under immediate and direct threat from global warming, de-forestation or nuclear pollution.

Affluent states can and do frustrate the exercise of Indigenous rights in international environmental treaties and programs, simply through denying the means to participate.

Our active involvement in the technical or scientific aspects of environmental management and protection is even less likely and more vulnerable.

To conclude these observations, Mr Chairperson, we make these following fundamental suggestions to the Permanent Forum.

That the Permanent Forum convene sessions at the World Summit on Sustainable Development, Johannesburg, 2002, for discussion of Indigenous Peoples and the Environment;

That the Permanent Forum request the international environmental agencies to develop and present coordinated guidelines and principles for dealing with Indigenous Peoples issues;

That the Permanent Forum formally request each relevant environmental agency to have in place on-line information about their 'Charter, Operations, and Indigenous Peoples';

That the Permanent Forum have dialogue with the United Nations Environmental Program for the purposes of:

- (1) establishing a Fund for Indigenous Peoples, and
- (2) advocating, facilitating and promoting State-funded programs

for the involvement of Indigenous Peoples in international processes.

Thank you, Mr Chairperson

---