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SUMMARY RECORD OF THE 42nd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 8 April 2004, at 9 a.m.

Chairperson: Mr. SMITH (Australia)

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INDIGENOUS ISSUES

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The meeting was called to order at 9 a.m.

INDIGENOUS ISSUES (agenda item 15) (E/CN.4/2004/79, 80 and Add.1-3 and Add.4 and Corr.1, 81 and Add.1, 111 and 122; E/CN.4/2004/G/22, 28 and 47; E/CN.4/2004/NGO/3, 11, 20, 51, 57, 76, 100, 132, 133, 138 and 247)

1. Mr. MAHIOU (Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations) drew attention to document E/CN.4/2004/79 on the International Decade of the World's Indigenous People, which referred to recent developments in the Voluntary Fund for Indigenous Populations. The Fund, whose mandate had been extended twice by the General Assembly, had proved to be a dynamic and flexible instrument. It had supported the participation of representatives of indigenous peoples in the proceedings of the Working Group on Indigenous Populations since 1985, the Working Group on the draft United Nations declaration on the rights of indigenous peoples since 1995 and the Permanent Forum on Indigenous Issues since 2001. A total of 1,600 representatives had attended such events during the past 10 years.
2. The Fund's role was thus in keeping with the Secretary-General's report on the strengthening of the United Nations system (A/57/387), especially the decision to forge closer links with civil society through an effective partnership between representatives of indigenous populations and the United Nations system.
3. At the seventeenth session of the Fund's Board of Trustees held in Geneva in March 2004, 547 applications for travel grants to attend forthcoming sessions of the two Working Groups and the Permanent Forum had been considered. On the basis of selection criteria established by the General Assembly, the Board had recommended the award of 106 grants, bearing in mind the need to maintain balance between regions, genders and generations. The recommendations had been approved by the Acting High Commissioner for Human Rights and would be announced at the next session of the Working Group on Indigenous Populations in July 2004.
4. On behalf of the Board, he thanked the Governments of Canada, Chile, Denmark, Estonia, Greece, Guatemala, Israel, Norway and the Holy See for their contributions and the Governments of Bolivia, Chile and Venezuela for their pledges of contributions. The Board would nonetheless be compelled to limit the number of grants awarded although the number of applications, especially from developing countries, was continually increasing. He called on all Governments to make their contributions for 2005.
5. Mr. CHÁVEZ (Chairperson-Rapporteur of the Working Group on the draft United Nations declaration on the rights of indigenous peoples), introducing the Working Group's report on its September 2003 session (E/CN.4/2004/81 and Add.1), said that the first part of the report summarized the discussion on preambular paragraphs 14 and 15 and articles 1-4, 8, 10, 13-21, 23, 25-28, 30, 31, 33, 36, 44 and 45 of the draft declaration. The second part, containing a summary of the drafting proposals submitted by government delegations, was intended to assist in reconciling the views expressed during the proceedings with a view to forging a consensus. The third part contained the draft text, supported by all indigenous organizations and some government delegations, which had served as the basis for the discussions.

6. With regard to the first part, he noted that there had been a radical change during the last two sessions in the way that Governments and representatives of indigenous peoples approached the process. The standoff between the two groups had been replaced by greater openness and a willingness to engage in dialogue. However, the change of approach had not been sufficient to achieve the consensus needed to incorporate amendments to some articles in the original draft. While the proposal by a group of government delegations to adopt, on a provisional basis, the version of articles 14, 16, 18, 44 and 45 that had been circulated on the last day of the session had attracted some support, other government delegations and some indigenous representatives had expressed their opposition to any amendments to the original draft. He felt, nevertheless, that a consensus was within reach and that the proposal should serve as the basis for a final text to be adopted in the future.

7. With regard to the second part of the report, the summary indicated that the gap between positions had narrowed and that consensus wording was attainable for about half of the draft text. However, other articles, concerning such sensitive issues as land, territory and natural resources, were still causing difficulties. As the Working Group was scheduled to conclude its proceedings by the end of the year, its results during the next few months would need to be at least equivalent to those achieved during the past four sessions. There were two basic prerequisites for attaining that ambitious goal. The first was time. Basing himself on a proposal that certain States had informed him they intended to submit, he requested the Commission, as an exceptional measure that would not set a precedent, to authorize the Working Group to hold an additional session in September 2004 so that it could submit its conclusions to the Commission at its sixty-first session. The second prerequisite was political will reflected in concrete action. The best demonstration of such will would be to confer on representatives of both Governments and indigenous peoples the authority to conclude agreements.

8. It was time to back down from rigid positions and to make concessions that would enable the legitimate aspirations of indigenous peoples to be reflected in the draft declaration. He would continue, for his part, to make every effort to overcome the remaining differences.

9. Mr. MORALES MORALES (Chairperson of the Advisory Group of the United Nations Voluntary Fund for the International Decade of the World's Indigenous People) drew attention to the information on the financial situation of the Voluntary Fund contained in document E/CN.4/2004/79. The recommendations adopted at the ninth session of the Fund's Advisory Group in March 2004 had been approved by the Acting High Commissioner on behalf of the Secretary-General. The Group had reviewed 160 applications from indigenous communities and organizations for the financing of projects in the framework of the International Decade of the World's Indigenous People. Applying the selection criteria established by the General Assembly and the Secretary-General, it had recommended awarding 35 grants for projects involving training for indigenous communities in 26 different countries through seminars, workshops, publications and other activities. The Group had also recommended the financing of activities to be carried out by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in its capacity as Coordinator of the Decade, including a publication, three training workshops and a seminar to assess the impact of the two Voluntary Funds.

10. He thanked the Governments of Canada, Chile, Denmark, Estonia, Greece, Japan and Norway for their contributions to the Fund. He also thanked the Governments of Australia, France, Luxembourg, the Netherlands, New Zealand, Norway, Sweden and Switzerland for agreeing to transfer the balance of their contributions to the International Year for the World's Indigenous People to the Voluntary Fund.

11. He urged the Commission to consider proclaiming a second International Decade of the world's indigenous people and to maintain the activities of the Advisory Group and the Fund. The valuable experience gained over the past 10 years by the Group and OHCHR represented a solid foundation for organizing a second Decade that would further contribute to the promotion and protection of the rights of indigenous peoples throughout the world.

12. Mr. STAVENHAGEN (Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people), introducing his report (E/CN.4/2004/80 and Add.1-4), said that during the three years since the establishment of the mandate of Special Rapporteur considerable national and international progress had been made in securing recognition of the rights of indigenous people, ratification of key instruments such as the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO) and the enactment of relevant national legislation.

13. However, millions of indigenous people in many countries were still suffering human rights violations, inter alia in the area of administration of justice, which was the subject of the main body of his report. In recent years some countries had recognized the specific needs of indigenous peoples in that area but in others they were denied equal access to justice on account of racism, lack of official recognition of indigenous rights and inadequate provision for linguistic and cultural differences. Social and political protest activities by indigenous people were in some cases criminalized and he had received many complaints of serious breaches of due process and of physical and psychological abuse during detention.

14. He had recommended judicial reform to ensure respect for the rights of indigenous peoples, the establishment of alternative channels of justice, respect for indigenous languages and culture throughout the justice system and broad involvement of indigenous people in the reform process. He appealed to States to conduct independent investigations into complaints of abuses by law enforcement agencies. He was also concerned about reports of private armed or paramilitary groups hired by large corporations in indigenous areas which committed gross human rights violations with impunity.

15. If his mandate was extended, he proposed to undertake a study of education and indigenous peoples and to convene an international seminar of experts on the subject.

16. Turning to communications regarding human rights violations, he said that there had been an increase in complaints during the period under review in terms of both quantity and substance. For example, indigenous communities in Asia and Latin America complained of giant development projects that were endangering their rights. In conflict situations, there had been reports of massacres and forced displacements by the warring parties. There were also ongoing complaints of harassment of indigenous leaders and defenders and ill-treatment and torture during judicial proceedings.

17. Commenting on his recent mission to Mexico, he said that indigenous rights were adversely affected by agricultural and political conflicts in indigenous areas. Discrimination was reflected in low human and social development indicators. He had recommended that the Government take urgent action to prevent and address social conflict in indigenous regions, review the indigenous justice system, broaden the scope of the integrated economic and social policy for indigenous peoples, giving special attention to migrants, displaced persons, women and children, and review the 2001 constitutional amendments in order to restore peace in Chiapas and fulfil the indigenous peoples' request for respect of their human rights.

18. On his mission to Chile, he had observed that the indigenous population was still being denied full involvement in public affairs. Despite a number of initiatives, the executive had not yet amended the Constitution to reflect indigenous rights or ratified ILO Convention No. 169. Various human development indicators were below the national average. The indigenous population, especially the Mapuche, also demanded the restoration of usurped land. He had recommended to the Government, inter alia, that it step up the process of constitutional reform, ratify ILO Convention No. 169, establish a poverty reduction programme for indigenous communities, take urgent steps to prevent and address land ownership and use conflicts, prevent the criminalization of legitimate protest activities and establish a national human rights institution.

19. Turning to his mission to Colombia, he said that despite the commendable recognition of indigenous rights in the 1991 Constitution, major challenges remained in practice. He had received many complaints about the devastating effects of the persistent armed conflict on indigenous communities, including killings, mass displacement, forced recruitment of young people by armed groups, rape of women and girls, and the laying waste of indigenous land. He was particularly worried about some small communities whose very survival was under threat from massacres and forced displacement. He referred in that connection to the Secretary-General's statement to the Commission the previous day on the need for resolute action to prevent genocide.

20. He had initiated a process of monitoring compliance with the recommendations made in his reports, in cooperation with the Government concerned, civil society and United Nations agencies.

21. Mr. CARVALLO (Chile) thanked the Special Rapporteur for having accepted his Government's invitation to visit Chile. While it had challenged some points in the mission report (E/CN.4/2004/80/Add.3), there were many others that would prove extremely useful in improving indigenous programmes and policies. The Government considered that it had a responsibility to redress the injustices suffered by Chile's indigenous peoples in the past, by taking urgent action to integrate them into the development process, while respecting their diverse identities.

22. In 1993, after the restoration of democracy in Chile, the Government had promulgated the Indigenous Act recognizing the existence of indigenous people, the rights of indigenous associations and communities, and their right to participate in decision-making. While not all legitimate demands of the indigenous population had been met, an appropriate institutional framework to discuss them and, if necessary, to take legal action had been put in place. The Constitution guaranteed equal access to justice for everybody living in Chile and indigenous

people also had the right to free legal assistance under the legal defence programme of the National Indigenous Development Corporation and the Public Criminal Defence Office, which had lawyers who specialized in indigenous cases as well as intercultural facilitators. The State of Chile did not discriminate against or punish any person on the basis of ethnic origin.

23. As noted by the Special Rapporteur, Chile was a strong supporter of the inter-American human rights system. In a case before the Inter-American Commission on Human Rights, a group of Pehuenche, the State of Chile and the ENDESA company had reached an amicable settlement in the Ralco hydroelectric plant case. The settlement included improvement of legal protection for the rights of indigenous peoples and their communities, strengthening of Pehuenche territorial and cultural identity, conservation of the environment, and compensation in the form of money and land for the families who had brought the case.

24. The Chilean Government was pursuing targeted poverty reduction policies in indigenous communities, based on a “development with identity” strategy. Under the ORIGENES programme launched in 2001, over 2,500 projects had been carried out in 414 communities. Public investment in indigenous communities had exceeded US\$ 70 million between 1996 and 2003. In 2003 alone the Government had appropriated almost \$7 million for indigenous scholarships and almost \$4 million for bilingual intercultural education. The Ministry of Health ran two health-care programmes for indigenous peoples. Between 1994 and 2003 the Government had provided 260,793 hectares of land to almost 11,000 indigenous families. It had created six Indigenous Development Areas in the traditional territories of the Aymara, Atacameño and Mapuche peoples.

25. The Government was carefully considering the Special Rapporteur’s recommendations, which would of course call for close consultation with indigenous communities themselves. It intended to press ahead with a constitutional amendment that would recognize the indigenous peoples and to ratify ILO Convention No. 169. At the same time the Government was studying proposals relating to indigenous peoples’ rights contained in the recently published report of Chile’s Historical Truth and New Treatment Commission.

26. Mr. HERNÁNDEZ (Mexico) said that the Mexican authorities had carefully considered the report by the Special Rapporteur on his visit to Mexico in June 2003 (E/CN.4/2004/80/Add.2) and had prepared an extensive response. The Government agreed with the Special Rapporteur that the country was faced with many challenges, especially in the area of social justice. The historical injustice suffered by the indigenous population had left a legacy of poverty, marginalization and discrimination. It would take a long time to reverse past trends but the Government was determined to do so.

27. The Special Rapporteur had welcomed steps taken in the areas of bilingual intercultural education, agricultural reform and road-building. He had commended but described as insufficient the recent constitutional amendment which recognized the multicultural character of the country, defined community members and recognized their right to self-determination on the basis of constitutional autonomy coupled with national unity. He had also welcomed the establishment of the National Commission for the Development of Indigenous Peoples.

28. As noted by the Special Rapporteur, agrarian issues, political conflicts, and access to and administration of justice were the main problems to be addressed as a matter of urgency. The Government had described in its response the concrete action that had been taken to date, especially to deal with long-running agrarian conflicts. The competent judicial bodies were developing prevention and release programmes and the Government was redoubling its efforts to provide a satisfactory response to the indigenous peoples' demands for justice.

29. Mexico assured the Commission of its intention to continue cooperating with the Special Rapporteur. It viewed his recommendations as an important contribution to its pursuit of an integrated human rights policy on behalf of one of the country's most vulnerable groups.

30. Mr. BIGGAR (Ireland), speaking on behalf of the European Union (EU), asked the Special Rapporteur how he viewed the relationship between his mandate and the Permanent Forum on Indigenous Issues. As indigenous peoples were often excluded from the decision-making processes which affected them, it would be interesting to know what the Special Rapporteur considered to be the main obstacles to their full participation.

31. Mr. STAVENHAGEN (Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people) said that he had carefully considered the information submitted by Mexico and Chile in response to his report and welcomed the constructive suggestions that had been made by the delegations of those countries. There was a very close link between his work as Special Rapporteur and the work of the Permanent Forum. However, the existence of the Forum in no way detracted from his responsibilities as Special Rapporteur; in fact, the two mechanisms complemented each other. In an effort to further enhance coordination between them, he regularly attended the meetings of the Forum and intended to be present at its third session in May 2004. He strongly encouraged the participation of indigenous peoples in all forums on indigenous issues and had received significant support from OHCHR in his efforts in that regard. Progress had, however, been limited due to a lack of resources. He hoped the concern expressed by the EU would facilitate greater international cooperation in promoting the participation of indigenous groups in the work carried out at all levels by the human rights mechanisms.

32. The CHAIRPERSON invited the Commission to conduct its general debate on agenda item 15.

33. Mr. HERNÁNDEZ (Mexico) said that States should do more to guarantee the rights of indigenous persons, who for centuries had suffered from social exclusion, poverty and discrimination. Mexico's commitment in that regard was reflected in its efforts to create the necessary national and international conditions for the realization of indigenous rights. At the beginning of his term of office, President Fox had established a fluid and respectful relationship with the indigenous communities in Mexico, based on constructive dialogue. Since then, a national commission for the development of indigenous populations had been established to help indigenous communities to exercise their right to self-determination and autonomy. Furthermore, general legislation on the linguistic rights of indigenous populations had been adopted. The Government had made it a priority to establish a new relationship between the State, indigenous peoples and Mexican society as a whole, based on cultural diversity, dialogue

and respect. Furthermore, the Government intended to encourage the participation of indigenous people and communities in the preparation of a legal framework that would guarantee the full enjoyment of their rights and encourage equitable development whilst preserving their culture, customs and traditions.

34. The measures adopted at the national level were consistent with the importance that the Government had always attached to indigenous issues in international forums. In 2001, his delegation had proposed the creation of the post of special rapporteur on the situation of human rights and fundamental freedoms of indigenous people. In order to support and strengthen the work of the Special Rapporteur, his delegation was preparing, with the delegation of Guatemala, a draft resolution designed to extend his mandate for a further three years. Mexico acknowledged the favourable impact of the Special Rapporteur's recent visit to Mexico. His recommendations were being duly considered by the competent authorities.

35. All delegations had to show the necessary political will if any meaningful progress was to be made with regard to the draft declaration on the rights of indigenous peoples, which should be adopted without delay. Furthermore, in the 10 years since the proclamation of the International Decade of the World's Indigenous People, the international community had gained some idea of the magnitude of the task ahead. As the Decade was reaching its end, the Commission should reflect on the measures to be taken in the future. A serious and responsible analysis of past achievements would provide a solid basis for future action.

36. Mr. HEYWARD (Australia) said that, after only two sessions, the Permanent Forum on Indigenous Issues was successfully implementing its mandate. It might, in the future, be viewed as one of the significant achievements of the International Decade of the World's Indigenous People. Australia welcomed the efforts that had been made by the Forum to address not only the mandated issues of economic and social development, environment, health, human rights, culture and education but those encompassed by the special themes of each session, such as indigenous children and youth. It looked forward to the Forum's forthcoming consideration of issues relating to indigenous women. It was hoped that the Forum's dialogue with other United Nations agencies and organizations such as the World Bank would intensify in the future. Its efforts in that regard reflected its unique role within the United Nations system as an action-oriented partnership that had the potential to mainstream the rights of indigenous peoples throughout the system. Member States should continue to support the Forum. However, Australia remained concerned about the clear overlap between the various existing United Nations bodies dealing with indigenous issues and therefore favoured a review of the work of those bodies in order to rationalize activities and avoid duplication. It was disappointing that the review had not been carried out sooner.

37. Another key focus of the International Decade had been the elaboration of a draft declaration on the rights of indigenous peoples. Although Australia was committed to developing an agreed international instrument on those rights by the end of the Decade and recognized the critical importance accorded by many indigenous peoples to that process, many States had expressed concern about significant parts of the draft text. Some of those States had proposed alternative language in an effort to find agreement. Regrettably, however, it seemed unlikely that consensus would be reached in 2004.

38. Australia's approach to indigenous issues at the international level was matched by its commitment at the domestic level. It acknowledged that the Aboriginal and Torres Strait Islander peoples were the most disadvantaged group in Australian society; it was addressing the specific needs of that group in the priority areas of health, housing, employment and education and was building the capacity of individuals, families and communities to participate in Australian society. Indigenous-specific expenditure had risen to record levels in the past year, reflecting the commitment to address indigenous disadvantage and to achieve reconciliation between the country's indigenous and non-indigenous populations. That commitment was based on a partnership with indigenous peoples that would give them greater control over their affairs and an effective voice in decision-making on matters that directly affected them. The targeted measures were clearly improving the situation. For example, there had been a significant decline in infant mortality since the 1970s and a phenomenal increase in the number of indigenous students enrolled in higher education since 1992. Furthermore, between 1996 and 2001, the number of indigenous people in employment had increased by 22 per cent. Other indicators, such as the individual home ownership rate and the number of native title settlements, had also been on the increase. Australia was a tolerant and diverse society that was founded on mutual respect and a commitment to achieving human rights for all. Indigenous disadvantage was, however, a reality in Australia as it was elsewhere. All States should work in partnership with their indigenous peoples in order to protect their rights and to resolve the problems common to indigenous peoples throughout the world.

39. Mr. FERNÁNDEZ PALACIOS (Cuba) said that, in the last year of the International Decade of the World's Indigenous People, it was regrettable that the report of the Special Rapporteur and the discussions of the Working Group on Indigenous Populations and the Permanent Forum on Indigenous Issues revealed a deterioration in the precarious situation of indigenous peoples. The Special Rapporteur had focused on the well-defined link between the current hardship suffered by indigenous peoples and the discriminatory justice administration systems under which they were forced to co-exist with other population groups. For over 500 years, land ownership and possession had been at the top of the list of issues affecting indigenous peoples. However, the existing mechanisms used to grant ancestral land ownership, to recognize the right of peoples to natural resources and to resolve conflicts resulting from the dispossession of land had been grossly ineffective in many different parts of the world.

40. It was clear that the mandates of the three specialized mechanisms within the United Nations system devoted to indigenous issues were not only well-differentiated but complemented each other. The cooperation between the Working Group on Indigenous Populations and the Special Rapporteur, for example, enabled the latter to gain access to the valuable information provided on various issues by indigenous people and concerned Governments. Furthermore, the participation of several members of the Permanent Forum in the activities of the Working Group had added an important dimension to the Group's work. The two bodies had provided each other with invaluable mutual support when developing initiatives deemed to be crucial to the full enjoyment of the rights of indigenous peoples.

41. In conclusion, he expressed Cuba's frustration with the failure to reach agreement on a declaration on the rights of indigenous peoples, as illustrated by the most recent report of the Working Group set up nine years earlier (E/CN.4/2004/81). The lack of consensus on the provisions of the draft text examined by the Group at its latest session demonstrated the lack of flexibility and political will of a few States in frustrating the legitimate aspiration of hundreds of

indigenous peoples, some of whom were literally in danger of extinction, to have an international instrument of at least a declaratory nature to help them move forward in their struggle for a better future. The time had come for the Commission to take decisions on how to proceed in the face of such an abnormal situation. It should not rule out the possibility of assuming responsibility itself for the crucial task, which was rightfully considered to be one of the most important of the Decade.

42. Mr. CERDA (Argentina), speaking on behalf of the Group of Latin American and Caribbean States (GRULAC), said that GRULAC wished to reaffirm its commitment to improving the human rights situation of indigenous peoples throughout the world, and especially in the Latin American and Caribbean region. In some of the countries that formed the Group, indigenous people constituted the majority of the population. The universal acceptance of the collective and individual rights of indigenous peoples was essential if the mechanisms established by the international community to promote, protect and monitor implementation of those rights were to function effectively. The treaty bodies and the special procedures of the Commission were unable to meet the demands of indigenous populations because existing protection measures were directed towards the enjoyment of individual, and not collective, rights. GRULAC would continue to support international measures to promote recognition of the collective rights of such populations and encouraged all States to continue to hold constructive dialogue on the central themes contained in the draft declaration on the rights of indigenous peoples so that it could be finalized before the end of the International Decade in December 2004. The declaration would be a significant step forward in terms of human rights and would be a useful tool for combating the discrimination faced by indigenous peoples.

43. A number of significant achievements had been made within the framework of the International Decade, such as the establishment of the Permanent Forum on Indigenous Issues and the appointment of a Special Rapporteur, whose mandate should be renewed. GRULAC supported the activities of the Working Group on Indigenous Populations and noted with satisfaction that the Voluntary Fund for Indigenous Populations had permitted the participation of indigenous delegates in various forums and the implementation of a number of projects in indigenous communities. All States should continue to contribute to that Fund.

44. GRULAC was considering the possibility of supporting a second International Decade of the world's indigenous people with a view to strengthening international cooperation in solving the problems of indigenous communities in the fields of human rights, the environment, development, education and health. The collective rights of indigenous people had to be recognized if the human rights mechanisms and measures for the promotion and protection of their rights were to function effectively. In conclusion, he urged the Working Group on Indigenous Populations to continue its efforts to promote and protect the rights of indigenous peoples throughout the world.

45. Ms. LYKKE THOMSEN (observer for Denmark), speaking also on behalf of Estonia, Finland, Iceland, Norway and Sweden, as well as the Greenland Home Rule Government, said that the promotion of the human rights of indigenous peoples contributed to the maintenance of multicultural and tolerant societies built on effective participation by all groups. The International Decade of the World's Indigenous People had contributed to significant improvements in that regard, notably the establishment of the Permanent Forum on Indigenous Issues, which had rapidly established itself and had actively pursued its mandate by raising

awareness of indigenous issues throughout the United Nations system. The appointment of the Special Rapporteur on indigenous people was also an important achievement. The Special Rapporteur had documented important aspects of the situation of indigenous people and underlined the urgent need to set standards regarding their right to participate effectively in decision-making processes affecting their lives. He should continue to seek constructive cooperation and dialogue with the Permanent Forum on Indigenous Issues.

46. On the other hand, one of the major objectives of the Decade had not yet been realized, namely the adoption of a draft declaration on the rights of indigenous peoples. All members of the Working Group established to elaborate the draft declaration should approach its next session in a spirit of compromise in order to achieve a consensus text before the end of the Decade.

47. The numerous activities undertaken during the Decade by both the United Nations and the many indigenous organizations had contributed to an increased awareness of the situation of indigenous peoples. Incorporating indigenous representatives into the work of the United Nations at different levels served an important purpose in that regard. Lastly, she commended the indigenous peoples' organizations for their indispensable work and commitment.

48. Mr. ZUÑIGA (United States of America) said that, over 100 years previously, the United States had been in conflict with the native peoples of America. Since then, it had adopted various policies, sometimes promoting assimilation and other times the termination of tribal status. More recently, its policies had been directed towards self-determination. It had not always taken the right approach. The native peoples had struggled to survive. Nevertheless, they had fought to defend the national territory during numerous wars and were now fighting in the war against terrorism. Their patriotism was evident. The United States was fortunate to have the native people at its side and was proud to have a government-to-government relationship with over 560 Indian tribal governments within the country.

49. Indigenous people comprised the majority of the population in some countries of the Americas and a significant minority in the others. It was essential to work together. Political systems and parties had to be fully open to the participation of native peoples at all levels, without discrimination. States should recognize the humanity and dignity of each indigenous person; they should understand the human desire of indigenous peoples to have control over their own local affairs and work with them to meet their needs.

50. His Government welcomed the efforts of Guatemala, Mexico and Peru and applauded their persistence in creating the post of Special Rapporteur on indigenous people. The Special Rapporteur should encourage dialogue between States and indigenous communities. The United States had also supported the creation of the Permanent Forum and had been monitoring its development. The Forum, still in its infancy, was beginning to achieve its goal of mainstreaming the concerns of indigenous communities throughout the United Nations system. The Working Group on the draft declaration continued in its efforts to articulate international protection for indigenous people. With the Permanent Forum, the Working Group on the draft declaration and the Special Rapporteur, the United States could not continue to support the Working Group on Indigenous Populations. Such duplication of performance was neither appropriate nor justifiable. That particular Working Group was an obsolete bureaucracy that had its own institutional interests and continued to absorb valuable resources. The Working Group

on the draft declaration also continued to struggle to achieve its goals. The declaration would have a worldwide impact and could have unintended consequences as its applicability made it clear that a unitary state would be unable to comply with its structure. Alarming, at least one regional body and a host of international human rights lawyers had begun to cite the draft as an authoritative source. However, it had no legal standing. The United States took the work of elaborating a declaration on the rights of indigenous peoples seriously. It had therefore examined its position and had put forward the notion of “internal self-determination”, which recognized that local authorities would and should make their own decisions on a range of issues from taxation to education and from land resources management to membership. Those were the powers of a government and the essence of a federal system. In that sense, the draft declaration was not a human rights instrument, but a blueprint for how States ought to conduct relations with indigenous peoples. The United States was ready to negotiate that kind of aspirational document but could not support continued negotiations on a draft declaration that sought to re-order internal relationships within a sovereign democratic state.

51. Mr. CAUGHLEY (Observer for New Zealand) said that, besides enjoying the same rights and freedoms as other citizens, the Maori in New Zealand enjoyed special protection to preserve their cultural identity. Sadly, however, a large proportion of Maori belonged to groups with poor social, health and economic indicators. The Government tried to strike the right balance between enhancing the status of Maori and protecting the rights of all of its citizens, for instance through policies designed to assist disadvantaged groups. He urged all States to participate in the Permanent Forum, as the pre-eminent international body for discussing indigenous issues. Regrettably, his delegation could not agree to the draft declaration on the rights of indigenous peoples in its current form. While the parties were very close to agreement on five amended articles, he urged those seeking to maintain the existing text to reflect carefully on their positions before the next meeting.

52. Mr. PAREDES PROANO (Observer for Ecuador) said that his Government aimed to consolidate the unity of Ecuador, based on a profound respect for its geographical, cultural and ethnic diversity. Indigenous peoples enjoyed the rights to preservation of their collective identity, ancestral land titles, and participation in the use and protection of renewable energy resources. Indigenous communities were entitled to use their own conflict resolution procedures, provided that they remained consistent with the Constitution and laws of the country. A recent draft law stated clearly the responsibilities of indigenous authorities concerning the administration of justice. Ecuador acted in full accordance with its Constitution and laws with regard to the situation of the Sarayacu peoples, in contrast to allegations made by the Special Rapporteur. He expressed his support for the Working Group on the draft declaration on the rights of indigenous peoples, and for an extension of the International Decade of the World’s Indigenous People.

53. Mr. MEYER (Observer for Canada) expressed strong support for the Special Rapporteur and looked forward to his visit to Canada in May 2004. He urged all parties involved in negotiations concerning the draft declaration on the rights of indigenous peoples to seek a consensus before the next session of the Commission. Given the substantial progress made by the Working Group at its ninth session, several draft articles could have been adopted already. Time should not be spent considering what action to take in the event that the parties failed to reach an agreement. He urged all concerned to show the necessary determination and flexibility to facilitate the achievement of a consensus.

54. Mr. HANDS (Observer for Venezuela) welcomed efforts by the Special Rapporteur and the Working Group on Indigenous Populations to raise awareness of indigenous issues among the various international agencies and the private sector. Venezuela had adopted several laws to promote the participation of indigenous communities in public life and to preserve their cultural identity. For example, the Constitution had been translated into Wayuu, and books had been published in other indigenous languages. The Permanent Commission of Indigenous Peoples of the National Assembly had taken various steps to enhance the participation of indigenous peoples in decisions concerning the distribution of natural resources.

55. Ms. FORERO UCROS (Observer for Colombia) said that indigenous communities had been granted ownership rights over 27 per cent of Colombian territory. A draft law had been elaborated with a view to increasing the autonomy of those communities. Under the proposed new arrangements, indigenous peoples could form their own authorities with the power to decide how to allocate State resources, administer services and levy taxation. Some communities suffered constant human rights abuses at the hands of illegal armed groups, engaged in illicit drug production. Consequently, the Government had taken steps to protect the affected populations. It had organized field visits by State agencies and non-governmental organizations (NGOs), established follow-up committees, constituted indigenous security councils and special investigative groups, provided media and transport assistance, and cooperated with local authorities to improve public security.

56. Mr. BARNES (Indian Council of South America), speaking also on behalf of the Indigenous World Association, the International Human Rights Association of American Minorities, and the International League for the Rights and Liberation of Peoples, said that Mr. Leonard Peltier, a lifelong advocate of native peoples' rights, was being held prisoner in the United States for a crime he had not committed; he had become a worldwide symbol of injustice towards indigenous peoples. Furthermore, the United States continued to allow legitimate social protests by indigenous communities to be penalized by the arbitrary use of anti-terrorism legislation. He urged the United States Government to seek truth, justice and reconciliation with regard to its native peoples.

57. Mr. SALDAMANDO (International Indian Treaty Council), speaking also on behalf of International Young Catholic Students, the International League for the Rights and Liberation of Peoples, the Indian Council of South America and the Indigenous Peoples' Centre for Documentation, Research and Information, said that the Seminar on Treaties, Agreements and Other Constructive Arrangements between States and Indigenous Peoples, held in December 2003, had been disrupted by a statement by the United States delegation claiming that the experts present had no legitimacy because they were not representative of the tribal governments recognized by the United States. According to the Charter of the United Nations, the Economic and Social Council was entitled to establish consultative arrangements with NGOs, irrespective of arrangements in the United States.

58. The United States had also failed to implement a decision by the Inter-American Commission on Human Rights of the Organization of American States concerning its denial of property rights to the Western Shoshone Nation. It had claimed that its domestic law was sufficient to address the problem of broken treaties, in spite of the fact that that domestic law had been the very source of the violations. At recent meetings of the Working Group on the draft declaration on the rights of indigenous peoples, Australia, Canada and the United States had

adopted a position that denied the relevance of international human rights standards to indigenous peoples. Powerful States were determined to impose their own rules, irrespective of their international obligations.

59. Mr. MIOT (International Federation of Rural Adult Catholic Movements) said that, in many parts of the world, indigenous peoples had been forced to abandon their lands, owing to the exploitation of natural resources by transnational corporations or the construction of hydroelectric dams. The interests of private companies took precedence over the interests of indigenous communities. Indigenous peoples also suffered from the theft of traditional knowledge, in the absence of legal protection in that area. He called for greater recognition of indigenous rights to ownership of natural resources and the protection of traditional knowledge. The Working Group on Indigenous Populations should continue to be the main international body for discussing indigenous issues.

60. Mr. VALDES (American Association of Jurists) said that the Mapuche were subject to systematic human rights abuses in Chile. There had been no improvement in their status since the end of military dictatorship. The Chilean parliament had refused to enact constitutional reforms concerning indigenous peoples or to ratify ILO Convention No. 169. Several Mapuche leaders had been imprisoned on false premises following trial by military court. Subsequent protests had met with violent repression, which the Government had justified under anti-terrorist legislation dating from the dictatorship. As the Special Rapporteur had pointed out in his report, legitimate social protests, particularly those by indigenous communities, should not be treated as criminal activities.

61. Mr. CHAKMA (Asian Indigenous and Tribal Peoples Network) said that, between 1979 and 1983, the Government of Bangladesh had implanted over half a million settlers in the Chittagong Hill Tracts, with a view to undermining the authority of the indigenous Jumma peoples. It continued to provide free rations to settlers, in order to sustain the conflict and annihilate the Jumma peoples. The Government had yet to withdraw its troops in accordance with the 1997 peace agreement. Illegal settlers, supported by the army, had recently burned down a Jumma village, killing and raping the inhabitants. There had been no prosecutions concerning human rights abuses in the Chittagong Hill Tracts.

62. Mr. PARY (Indian Movement "Tupaj Amaru") said that the selfishness of Governments of rich countries had frustrated the work of the Working Group on the draft declaration on the rights of indigenous peoples. States such as Australia, Canada and the United States were motivated solely by geopolitical interests, and continued to deny indigenous peoples the right to self-determination. In the context of the Working Group, they had consistently rejected proposals concerning collective property rights, permanent sovereignty over natural resources, demilitarization of indigenous lands and protection of intellectual and cultural property. They were not interested in developing a legal instrument consistent with other international human rights standards. The Commission should either extend the mandate of the Working Group for a further three years to allow completion of the draft declaration, or suspend it for a period of one year to allow the parties to reflect upon their positions.

63. Ms. MILANOVA (International Helsinki Federation for Human Rights) said that, in spite of violent repression, the Chaldo-Assyrian community of northern Iraq had managed to maintain its traditional identity, language and culture. It would require additional protection from the new

State of Iraq in order to resist assimilation by Christian Arabs or Kurds. The rights of small ethnic and religious communities in Iraq were currently ignored, as part of an attempt to create ethnic power enclaves. The Commission should request the Special Rapporteur on indigenous people to monitor and report on developments in Iraq with regard to the rights of the Chaldo-Assyrian community, and expand the mandate of the Special Rapporteur on Iraq to address issues arising from the ethnic and religious diversity of the country.

64. Mr. CONDORI (Indian Council of South America) said that, in the past 20 years, the Commission had not been successful in improving conditions for indigenous peoples. As in the case of the recent murder of the Shipibo mayor of Pucallpa (Peru), Gabino Muñoz, politically and economically motivated assassinations of indigenous people over land and natural resources issues remained commonplace. In October 2003, Bolivian government forces had brutally attacked indigenous people who had been protesting against the selling of Bolivian gas to transnational corporations. Indigenous communities in Colombia, in particular, suffered considerably from injustice, violence and political repression.

65. At the end of the International Decade of the World's Indigenous People, the targets set at the 1993 World Conference on Human Rights had clearly not been attained. The Permanent Forum on Indigenous Issues had similarly been a disappointment, and consensus had so far been reached on only 2 of the 45 articles of the draft United Nations declaration on the rights of indigenous peoples. A second International Decade dedicated to indigenous people was therefore called for.

66. Mr. PAILLAMA (International Work Group for Indigenous Affairs) commended the Special Rapporteur for his report on the situation in Chile (E/CN.4/2004/80/Add.3), which highlighted some key points: there was no adequate mechanism for dialogue between the State and the indigenous peoples, and their rights were not formally recognized in the Constitution or adequately protected by legislation. Moreover, the use of "faceless" witnesses in court hearings was a blatant violation of the right to a fair trial and was incompatible with international human rights standards. That practice constituted a quintessentially racist act against the Mapuche people.

67. The recommendation not to penalize legitimate social protest by applying emergency legislation such as anti-terrorist laws was particularly pertinent. Only recently, the Mapuche leaders Pascual Pinchun and Aniceto Norin had received heavy prison sentences for alleged "terrorism" committed in the context of social conflict over land rights. His organization supported the recommendation of the Special Rapporteur to declare a general amnesty for indigenous human rights defenders on trial for social and/or political activities in the context of the defence of indigenous lands. Such an amnesty would be of great service to the Mapuche people, which had been criminalized unjustly.

68. Ms. LEURINDA (All for Reparations and Emancipation) said that 12 Tolupan indigenous leaders had been killed in Honduras for opposing illegal logging and usurpation of their ancestral lands. Government officials protected armed squads hired by logging companies to terrorize and kill Tolupan people, to suppress their claims to a share in the earnings from timber logged on their lands. The General Directorate of Criminal Investigation and the National Preventative Police continued to ignore the demands of the indigenous community to investigate the killings.

69. Members of the San Francisco tribe had received death threats for denouncing the uncontrolled passage of logging trucks through police checkpoints. It was regrettable that, while indigenous leaders were killed and terror forced many indigenous people off their land, the Honduran President spent vast amounts of money on campaigns trumpeting his Government's success in combating crime and restoring public security. Indigenous people did not feel safe, and it was obvious that indigenous issues did not form part of the Government's agenda.

70. Mr. LITTLECHILD (International Organization of Indigenous Resource Development) called for the adoption of the United Nations declaration on the rights of indigenous peoples and extension of the mandate of the intersessional Working Group. The Working Group on Indigenous Populations needed more time to address unresolved issues, and his organization supported a second International Decade of the world's indigenous people. He commended OHCHR on two excellent expert seminars on issues pertinent to indigenous peoples and urged immediate follow-up on the recommendation to Governments contained in paragraph 20 of document E/CN.4/2004/80/Add.4. He called on Canada to consider appointing an indigenous lawyer or judge to fill one of the current vacancies on the Supreme Court. Follow-up was also needed on the conclusions and recommendations contained in document E/CN.4/2004/111, in particular paragraph 9 (c).

71. His organization wished to thank the Special Rapporteurs on health, racism and indigenous peoples for their work. He welcomed Mr. Stavenhagen's decision to focus on the administration of justice, as the current review of the Canadian justice system was sure to affect First Nations and Metis Peoples in Saskatchewan.

72. Mr. MATO (Netherlands Centre for Indigenous Peoples) said that a Philippine national workshop of indigenous peoples on human rights had been conducted in February 2004 to evaluate the human rights situation of indigenous peoples after the visit of the Special Rapporteur in December 2002. The conclusions drawn up by the Cordillera Peoples' Alliance were to be submitted to the Commission.

73. He drew attention to a number of human rights violations committed by Toronto Venture Incorporated (TVI) with the consent of members of the Philippine military: two Subanon men had been shot on 19 May 2003; checkpoints had been set up to prevent the exit and entry of villagers protesting against TVI operations in the area; building materials had been confiscated and a school had been built near the cyanide processing plant; the plantation project of Subanon women had been destroyed; and four villagers had been wounded during a peaceful barricading to prevent TVI from destroying the Subanon people's sacred mountain.

74. He called for an independent investigation into human rights violations, the immediate cancellation of the mineral production sharing agreement signed by the TVI and prompt implementation by the Philippine Government of the recommendations made by the Special Rapporteur.

75. Mr. DIAZ DE JESÚS (Comisión Jurídica para el Desarrollo de los Pueblos Originarios Andinos) said that violations of the human rights and fundamental freedoms of indigenous peoples were widespread. Leaders of the Popular Indigenous Council of Oxaca had been forced underground to escape persecution; Tenek leader Domingo Martell and Raramuri Isidro Valdenegro López in Chihuahua had been arbitrarily detained; six Mexican soldiers had raped

two Tlapanecas women in the Caxitepec, in the State of Guerrero, on 23 August 2003; and other members of the military had raped two Mixteca women in 2002 in the mountain region of Guerrero. The women had given testimony to the Special Rapporteur, who had failed to include those in his report. Over 100 indigenous leaders had met with the Special Rapporteur on 31 May 2003 and supplied documents and testimony relating to human rights violations perpetrated against indigenous peoples in Mexico. He was surprised and saddened to find that neither the principal allegations contained therein, nor the meeting, were mentioned in the report. It was particularly distressing to note the omission of the forced sterilization campaigns targeting indigenous men and women and the lack of a special section on women or children, as stipulated in Commission resolution 2001/57.

76. Mr. CALFUQUIR (INCOMINDIOS) dedicated his statement to Mr. Alex Lemún, a young Mapuche who had been killed by the Chilean police. The impunity afforded to the perpetrators was indicative of the repression suffered by indigenous peoples. It was ironic that, although the Commission had investigated and condemned cases of serious human rights violations during the Pinochet dictatorship, such acts continued to be perpetrated against indigenous peoples to the present day.

77. While Chile prided itself on its sound economic policy, indigenous peoples were marginalized and exposed to conditions of abject poverty. Their rights were not enshrined in the Constitution and the promised impending ratification of ILO Convention No. 169 was an attempt to defuse tensions during the run-up to elections.

78. In the extremely arid area of northern Chile, mining companies were using and polluting water, thus depriving indigenous communities of that vital and scarce resource and dooming subsistence agriculture. In the south, logging companies had stolen indigenous lands and were destroying forests and native fauna and flora, and polluting the water with chemicals which put the very survival of indigenous communities at risk. The logging companies, with the consent of the Government, had established a system of private armed guards, who terrorized the Mapuche people and often collaborated with the police to that end.

79. The administration of justice, land rights and the right to education and health care were based on a policy of discrimination. The construction of hydroelectric power stations, highways and rubbish dumps on indigenous land was carried out without the consent of the indigenous communities and without respect for property rights or ceremonial, sacred or archaeological sites.

80. Mr. DAHL (Inuit Circumpolar Conference) said it was unlikely that the draft declaration on the rights of indigenous peoples would be adopted before the end of the current International Decade of the World's Indigenous People and the possible approval of a second Decade. Setting human rights standards relevant to indigenous peoples should not depend on the formal context of such a Decade, but rather be seen as an integral part of the fulfilment of the purposes and principles of the United Nations itself. Both Member States and indigenous peoples should strive to continue the standard-setting process with a view to adopting the draft declaration. The value of the declaration was considerable and people in decision-making positions around the

world used it as a reference. Should the process of standard-setting be prematurely terminated, the efforts expended to guarantee the rights of indigenous peoples thus far might have been in vain. If the mandate was, however, to be renewed, working methods needed to be improved, as current procedures were inadequate.

81. Mr. YOMAKI (Survival International) said that it was time for the international community to act on the human rights violations perpetrated by the Indonesian Government against the indigenous West Papuan people.

82. The extension of Indonesian control over West Papua was a violation of the right to self-determination. A recent Yale Law School report had established that Indonesia was guilty of crimes against humanity, and that the atrocities committed might constitute genocide. Activities were, however, carried out in great secrecy, which made it difficult to unearth the truth. The West Papuan indigenous leader Tom Beanal had called for investigations into crimes against humanity and had urged Indonesia to engage in an open dialogue with the West Papuan people with the mediation of a neutral third party.

83. His organization further expressed its solidarity with Gana and Gwi Bushmen and the Bakgalagadi people, who had been forcibly evicted from their lands in the Central Kalahari Game Reserve by the Botswana Government. The tenth anniversary of the Rwandan genocide was a reminder that the international community had stood by as an entire people had been brought to the verge of extinction. Such harsh lessons of the past should make it clear that immediate action was required, before the atrocities committed by the Indonesian Government in West Papua would wipe an entire people and culture off the face of the earth.

84. Ms. ZIEGLER (Centre de Documentation, de Recherche et d'Information des Peuples Autochtones) said that indigenous peoples had a strong interest in maintaining the Working Group on Indigenous Populations, as demonstrated by the statement of the caucus of indigenous peoples and its recommendations, adopted by consensus in 2002. Other relevant documents in support of that position included Commission resolution 2003/55; Sub-Commission resolution 2002/17; recommendation No. 83 of the Permanent Forum; a written statement submitted to the Economic and Social Council by 13 organizations of indigenous peoples in consultative status; European Parliament resolution B5-0050/2004; and a letter handed to the Secretary-General by a member of the European Parliament.

85. Mr. METHO (Anti-Slavery International) said that in the previous four months members of the Ethiopian defence forces had murdered over 1,137 members of the Anuak tribe. Over 8,500 Anuak had fled to refugee camps in the Sudan, to escape the ongoing massacres carried out by the Ethiopian Government. On 13 December 2003, a van carrying eight Ethiopian Government and United Nations refugee camp officials had been ambushed near Gambella. Although there had been no evidence as to the identity of the assailants, the mutilated bodies had been publicly displayed in Gambella and it had been alleged that the perpetrators had been Anuak, thus inciting some "Highlanders" to massacre 424 unarmed Anuak civilians during the following three days. The Government had blamed the incident on "ethnic conflict" between Nuers and Anuak. The Nuers, however, bore no responsibility, but instead had been among those who had saved thousands of Anuak lives. There was no hostility between the Anuak, the Nuers and Highlanders.

86. The international human rights organization Genocide Watch had produced a report based on eyewitness testimony, which was available for consultation on its Internet site.
87. The Government of Ethiopia had been unable or unwilling to stop the killing of innocent people and many other ethnic groups were facing the same injustice. International pressure was the only hope for the Anuak people.
88. On the occasion of the commemoration of the genocide in Rwanda, the Secretary-General had called for immediate action on signs of possible genocide. The signs of approaching genocide in Ethiopia were there, and urgent action was required to avoid another Rwanda. A delay in response could lead to conflict and even greater loss of life, which, in turn, could destabilize the country. The Anuak people did not want an apology from the United Nations 10 years later for having ignored the portents of a crime against humanity.
89. Mr. MALEZER (Foundation for Aboriginal and Islander Research Action) said that, in his organization's view, the Australian Government had rejected the spirit of the International Decade of the World's Indigenous People in discriminating against the Aboriginal peoples and Torres Strait Islander peoples. Statistics revealed a worsening situation: though indigenous people accounted for only 2.4 per cent of the total population, they were the most marginalized and disadvantaged group in Australia. There were significant differences between Aboriginals and non-Aboriginals, and even between Australian Aboriginals and populations in certain developing countries, for indicators such as life expectancy, birth weight and infant mortality. Less than 17 per cent of Aboriginal people had completed secondary school, as compared with 40 per cent of non-Aboriginals; 60 per cent of Aboriginals aged between 15 and 24 were unemployed; and indigenous people were nearly six times more likely to live in overcrowded homes. Aboriginals were vastly overrepresented in Australia's prisons and accounted for 20 per cent of all deaths in custody; 42 per cent of all juveniles in detention were indigenous and they had a virtually 100 per cent chance of progressing into the adult corrections system. For Aboriginal peoples, the enemy was the State, which had segregated their rights and interests, to the benefit of the colonizing populations.
90. Ms. RAJANDRAN (Human Rights Council of Australia) said that work on the draft United Nations declaration on the rights of indigenous peoples had been the main vehicle for change during the International Decade of the World's Indigenous People. However, with States such as Australia reluctant to change their policies, that work might now be heading in the wrong direction. The completed declaration must state that indigenous peoples had the right to self-determination - an internationally recognized right - the right to own their territories and natural resources and the right to development and a share in the benefits thereof.
91. States that discriminated against indigenous peoples had dominated the sessions of the Working Group and the new draft fell far short of a human rights standard. The Working Group's report did not demonstrate that any progress had been made in pursuit of the goals set 10 years previously. Her organization called upon the Commission to instruct the Working Group to confine itself to the draft declaration submitted by the Sub-Commission on the Promotion and Protection of Human Rights and to conclude its work in the spirit of the original resolutions.

92. Ms. RICHARDS (Australian Council for Overseas Aid) called upon the Commission to give serious consideration to the immediate declaration of a second International Decade of the world's indigenous people, and the establishment of a panel drawn from indigenous peoples to plan and implement a programme of socio-economic, cultural and environmental advancement. Some progress had been made in the current Decade, as exemplified by the important new mechanisms such as the Permanent Forum on Indigenous Issues and the Special Rapporteur on indigenous people, but the programme of action had not received sufficient support. Greater efforts were needed in areas such as indigenous peoples' participation in United Nations structures and programmes, financial contributions, international cooperation, education about and for indigenous peoples, and commitment to constitutional and legal reforms for indigenous peoples' economic, social, cultural, civil and political rights.

93. Mr. AHREN (Saami Council) said policies towards the Saami people's land were still basically the same as those introduced during the colonization era, a period characterized by racist theories. The Committee on the Elimination of Racial Discrimination had sharply criticized Finland, Norway and Sweden for discriminating against the Saami people by failing to recognize their right to their land, waters and natural resources. The Saami Council called on those States to implement the Committee's recommendations. It also asked the Government of the Russian Federation to heed its own Saami population's desire for a Saami Parliament.

94. Donors should contribute to the Voluntary Fund for the Permanent Forum on Indigenous Issues, and States should second indigenous individuals to the Forum secretariat. The Saami Council was deeply troubled by the lack of progress on the declaration on the rights of indigenous peoples. It was vital to affirm indigenous peoples' human rights through a standard-setting process leading to the adoption of a declaration. The Council called on member States to authorize an additional session of the Working Group later in the year. Lastly, he thanked the Special Rapporteur for having visited Saami areas; the Council supported the extension of his mandate.

95. Mr. DEER (Indigenous World Association) said his organization supported the suggestion that there should be a review of the International Decade of the World's Indigenous People. It was vital to avoid ending the Decade with the dissolution of the Working Group on Indigenous Populations. He said he was deeply concerned at the remarks made by the representative of the United States on the draft declaration on the rights of indigenous peoples. Indigenous peoples had suffered as much under democracy as under dictatorship. It was outrageous to use democracy as an excuse for denying indigenous peoples their rights.

96. Ms. WILHELM (Society for Threatened Peoples) said the sharp increase in the rate of destruction of the Amazon rainforest - the livelihood of indigenous peoples in Brazil - gave cause for profound concern. The effectiveness of the Brazilian Government's anti-deforestation plan would be limited as long as budget cuts prevented environmental agents from doing their work and loopholes and corruption in the judicial system prevented proper enforcement of environmental protection laws. Despite the Government's promises, the process of demarcation and official recognition of indigenous territories had stalled as a result of threats from landlords and others, and some territories had even been reduced or opened up to invaders. The model of development currently being promoted, although protection-oriented, was in fact opening up the rainforest to vast projects that caused serious environmental damage. In addition, violence against indigenous peoples was on the rise, particularly as a result of the increasing presence of

the military in Amazonia. Her organization called on the Commission to urge the Brazilian Government to implement ILO Convention No. 169 and to stop all development projects threatening the survival of indigenous communities in the Amazon region.

97. Mr. CARVALLO (Chile), speaking in exercise of the right of reply, said he wished to respond to various comments made in the course of the debate. His Government had presented a detailed report rectifying certain of the Special Rapporteur's observations on the administration of justice in Chile. There were no cases where legitimate action in pursuit of social or political demands had been prosecuted, and there were no laws or court rulings that might tend towards the elimination of indigenous peoples: indeed, the Special Rapporteur had failed to produce a single example.

98. Chile was a democratic State based on the rule of law and guarantees of due process. Illegal actions were investigated and were liable to punishment by judicial bodies that upheld the principle of just and rational proceedings. His Government understood and shared the grief at the death of Alex Lemún. The court's ruling on responsibility for that incident was still awaited.

The meeting rose at 12.15 p.m.