Oral statement by Mr. Rodolfo Stavenhagen, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people

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Ms. Chairperson,
Distinguished members of the UN Permanent Forum on Indigenous Issues,
Distinguished representatives of indigenous peoples and organizations,
Ladies and Gentlemen,

As in previous years, I have the honour to address the Permanent Forum on
Indigenous Issues in order to present a summary of the activities carried out
in my capacity as Special Rapporteur since my last presentation at this
Forum, in May 2006, along with a number of reflections on the general
situation of the rights of indigenous peoples.

Summary of activities carried out

Since my last participation at the Forum, a number of key events have taken
place in relation to the international protection of the rights of indigenous
peoples. The first one is, as known, the establishment of the new Human
Rights Council by resolution of the General Assembly as a main body of the
international human rights machinery. The second, also sufficiently known by
this audience, is the adoption by that Council of the UN Declaration on the
Rights of Indigenous Peoples, a development of a momentous importance to
which I will refer later on.

In September 2006, I presented at the second session of the Council my
annual report corresponding to the activities carried out in 2005. In March
2007, I presented my last report before the fourth session of the Human
Rights Council, in Geneva, referring to activities carried out in 2006.

In this last report, I put a special emphasis on the evolution of the rights of
indigenous peoples in the world in recent years, as well as in the challenges
faced in the protection of these rights, including those of particularly
vulnerable groups, such as forest peoples, peoples living in isolation, or
pastoralists. I also submitted to the Council’s consideration the reports on the
official visits I undertook to Ecuador and Kenya, as well as a summary of the
communications sent to Governments in relation to alleged violations of the
human rights and fundamental freedoms of indigenous peoples. This year I
further presented a study on best practices in the implementation of the
recommendations included in my annual reports, following a request made by
the Commission on Human Rights in 2003.

Along with the thematic research, the communications with Governments, and
the official missions, I have carried out a number of activities in coordination
with Governments, international organizations, universities, civil society, and
indigenous peoples. Among others, I would like to highlight the visits I have
carried out in Guatemala, Canada, and the Philippines, as well as various
activities in Mexico, as a follow-up to my reports on these countries; and the
activities organized by the Office of the High Commissioner for Human Rights
in Cambodia and Nepal regarding the situation of the rights of indigenous
peoples in these two countries.
I would also like to refer to the Asian regional consultation organized in Phnom Penh, Cambodia, with the participation of several indigenous organizations and of the Chairperson of the Permanent Forum. The meeting allowed me to gather information on the situation of the rights of indigenous peoples in Asia, to which I will be referring next Monday 21 May on occasion of the Forum’s half-day discussion on Asia (E/C.19/2007/CRP.7).

I would also like to mention my participation in other events relevant to my mandate, like the expert meeting on the implementation of the Special Rapporteur’s recommendations, that took place in Montreal in October 2006, and that has led to a recent publication on the mandate; the Arctic regional consultation on lands and natural resources, organized in Copenhagen in March this year; the seminar on the implementation of the recommendations of international bodies and procedures, organized on occasion of the 80th anniversary of the Committee of Experts of the International Labour Organization (ILO); and the informal meetings with the Parliament of the Federal Republic of Germany in relation to the discussion concerning the ratification of ILO Convention 169 on indigenous and tribal peoples (a proposal that unfortunately did meet the majority required for ratification).

Among the activities that I have the intention to carry out in the forthcoming months before the end of my mandate, I have requested an official visit to the Republic of Congo-Brazzaville. Congo, that expressed publicly the interest on the Special Rapporteur’s visit at the last session of the Human Rights Council, will be the third African country I will visit officially in my capacity as Special Rapporteur.

**General overview of the rights of indigenous peoples**

_Ms. Chairperson,_

In my last report to the Human Rights Council, I drew the attention to a number of trends in relation to the situation of the rights of indigenous peoples in various parts of the world, with a view to guiding the action by Governments, international human rights bodies, and civil society in their efforts to provide a more effective protection of their rights vis-à-vis the new challenges they are facing.

One of the new trends that have been reinforced in recent years is directly related to the special theme of the Forum’s current session. I am referring to the continuous loss of indigenous lands and territories, including their loss of control over their natural resources. This process has been intensified as a result of economic globalization, and especially with the intensified exploitation of energetic and hydric resources.

The environmental impact of extractive industries, such as in North America and Siberia; the extension of plantation economies, particularly in some areas of South East Asia and in the Amazon; the destruction of the last original forests of the planet due to indiscriminate logging, like in various countries in Equatorial Africa and Latin America, are all processes with a tremendous
impact on indigenous peoples, leading to massive violations of their human rights. I have personally visited several of these areas and I have been able to verify some of these cases, which are reflected in my report to the Council.

For instance, in a recent expert seminar on the issue of indigenous peoples and the land in Cambodia, many participants pointed at the serious situation of land loss experienced by indigenous communities in this country as a result of widespread corruption and economic concessions over indigenous ancestral lands granted against the provisions of the Land Law. All throughout South East Asia, indigenous and tribal peoples remain vulnerable face to the militarization of their territories and the loss of their lands as a result of commercial plantations and the construction of megaprojects, which have a substantial environmental and social impact that not always benefit the local population.

Similar situations are found in other parts of the world, such as in Mexico, in relation to the project of construction of the La Parota dam; in the Philippines and Guatemala, where there have been related cases of abuses perpetrated against indigenous rights defenders; and of some countries in Africa (Cameroon, Congo, Uganda, Tanzania and others), where the dispossession of the ancestral lands of the most vulnerable and marginalized groups is increasing, even though there are laws on paper that should protect these communities.

The various processes of loss of control over the lands and natural resources affect especially some communities whose ways of life places them in situations of special vulnerability. This is particularly the case of forest peoples, who face the loss of their traditional habitats practically with no compensation or economic alternative, and who face an uncertain future of poverty, loss of identity and social conflict. The situation of the few communities that continue living in isolation in remote areas of the tropical forests is of special concern; they are now threatened by powerful economic interests over their traditional territories, and run a serious risk of complete physical disappearance. This is the case in various Latin American countries in the Amazon basin. The life of pastoralist communities living in arid and semi-arid lands is also at risk as a consequence of the privatization and allotment of their traditional herding areas, or because of the creation of natural protected areas. These related processes have slowly reduced their traditional habitats, as seen in various Eastern African countries.

Extractive industries, large commercial plantations, and non-sustainable patterns of consumption have lead to widespread environmental pollution and destruction, as the world’s public opinion is now aware of. These processes have had a particularly serious impact on indigenous peoples, whose ways of life are inextricable related to their traditional relation to the lands and natural resources. The deterioration of this link leads very often to the mass departure of indigenous communities, which in turn generates high rates of poverty and serious problems of nutrition, health, and welfare. A dramatic example is that
of the Arctic people, who suffer directly from the consequences of global warming.

In order to defend their rights and to express their needs, indigenous peoples have resorted to different forms of social organization and mobilization, which are often the only way for their demands to be heard. However, all too often, social protests are criminalized, leading to new and sometimes gross violations of human rights. I have documented various cases in my reports to the Human Rights Council, including extrajudicial execution, forced disappearances, torture, arbitrary detentions, threats and harassment. Many of these incidents take place in the framework of the struggle led by indigenous peoples and communities to defend their ancestral territories and natural resources.

The growing migration of indigenous persons is another expression of globalization and of the inequalities and poverty generated by it. Indigenous migrants are particularly exposed to human rights abuses in agricultural and mining works, in the urban context, and at the international level. Forced migration of indigenous peoples is the result of the situation, often desperate, that they face in their places of origin. Even though numerous Governments have adopted social policies aiming at “bridging the gap” in the socio-economic indicators between the indigenous and the non-indigenous population, they results achieved so far have been meager.

**Inidgenous women and children**

*Ms. Chairperson,*

I would to call the attention of this Forum once again to the persistent situation of disadvantage in which indigenous women, boys and girls are found in many parts of the world. Since I received my mandate six years ago, I have received both orally and in written, a considerable amount of information regarding the discriminations, the violence and the abuses suffered by these groups. In this connection, I have the honour of being accompanied today by the Special Rapporteur on violence against women, its causes and consequences. She will momentarily present, with greater knowledge, her reflections about the impact of this phenomenon in the rights of indigenous women. The Special Rapporteur on trafficking in persons, especially in women and children, has also submitted a number of important considerations on her issue of expertise. I am pleased by the contributions of the two Special Rapporteurs, a further expression of the Forum’s efforts to mainstream indigenous issues into all relevant areas of the international human rights system.
The Declaration on the rights of indigenous peoples

Ms. Chairperson,

I have been able to observe that indigenous communities in many parts have been encouraged by the adoption by the Human Rights Council of the Declaration on the rights of indigenous peoples in June last year. They feel that their claims and wishes have been heard by the United Nations. Many of these communities are, however, deceived and concerned by the delay imposed upon the adoption of the Declaration at the UN General Assembly, and hope that this is only a temporal measure.

Irrespective of the outcome of the discussions that will take place at the General Assembly, the Declaration represents, already now, an obliged framework of reference to guide the action of the Council itself, as well as of other international human rights bodies, the Office of the High Commissioner for Human Rights, and Permanent Forum on Indigenous Issues. I sincerely hope that the principles of the Declaration be reflected in concrete practices and actions that will directly benefit indigenous communities.

The future of the International protection of indigenous rights

Ms. Chairperson,

To conclude, I would like to refer very briefly to the ongoing revision of mechanisms and methods of work that the Human Rights Council is currently carrying out, and that opens a crucial juncture for the international protection of the rights of indigenous peoples.

In my last presentation at the Council I called upon Member and Observer Status to ensure that the rights of indigenous peoples receive the attention required in the future work of this body. In particular, the Council should take into account the important legacy left by the Working Group on Indigenous Populations as a forum of discussion and technical advice in relation to the rights of indigenous peoples, and consider the possibility of establishing a new expert body in this matter, that as a matter of course should include indigenous experts from different parts of the world. I encourage the Permanent Forum on Indigenous Issues, as well as the Indigenous Caucus, to continue playing an active role in this regard.

The Permanent Forum, the future expert body, and the mandate of the Special Rapporteur, working in close coordination and within their respective spheres of competence, are called to play a key role in the defense of the rights of indigenous peoples vis-à-vis the challenges, both old and new, that threaten their physical survival and the cultural and spiritual heritage of their forefathers and their ancestors.

Thanks very much for your attention.