

Indigenous Peoples

The Fifth Session of the Permanent Forum on Indigenous Issues

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The fifth session of the Permanent Forum on Indigenous Issues was held at the United Nations headquarters in New York from May 15 to 26, 2006. This year's special theme was "The Millennium Development Goals (MDGs) and indigenous peoples: Redefining the Millennium Development Goals," and re-examination of the current development projects and approaches under the MDGs was attempted from indigenous perspectives. At the same time, there was concern and confusion among the indigenous participants about the abolishment of the Commission on Human Rights and the creation of the Human Rights Council. They expressed concern over the status of the relevant Special Rapporteurs, the Draft Declaration on the Rights of Indigenous Peoples, and the Working Group on Indigenous Peoples. These issues were discussed at the Forum which adopted a number of recommendations to the Human Rights Council, whose first session was to be held in June 2006.

At the Forum's opening session, the Programme of Action for the Second International Decade of the World's Indigenous People was launched in the General Assembly Hall. It was the first time that the Permanent Forum's opening was held in this Hall, making it another historic event for indigenous peoples.

Special Theme: Redefining the Millennium Development Goals

In the last year's report of the Forum, it was pointed out that "[t]he Forum is concerned that, unless the particular situation of indigenous peoples are adequately taken into account, some Millennium Development Goals processes may lead to accelerated loss of lands and natural resources for indigenous peoples, and thus of their means of subsistence and their

displacement, as well as to accelerated assimilation and erosion of their culture (E/C.19/2005/9)." Therefore, this year, the Forum focused more on redefining the Goals, and reiterated the importance of a rights-based approach to development in the implementation of the Millennium Development Goals. Particularly, it emphasized the need to provide indigenous peoples' own definitions of poverty and development.

In the recommendation, it was stated that, although it might not be possible to redefine the Goals, the Permanent Forum recognizes that there is a clear need to redefine the approaches to the implementation of the Goals so as to include the perspectives, concerns, experiences and world views of indigenous peoples, to provide their own definitions of poverty and development.

Shimin Gaikou Centre made an intervention on the adverse effects of large-scale development projects funded by Japan's Official Development Assistance (ODA), particularly the infringement of rights to land and natural resources and forced rehabilitation caused by the construction of large-scale dams. In the past, large-scale development projects such as the Narmada dam in India were enforced in indigenous peoples' territories without their consent. As a result, many people belonging to indigenous communities were forced to leave their ancestral land without adequate compensation, leading to the loss of their traditional culture and lifestyles. Such adverse affects of ODA invited debate in the 1980s and 1990s, but still the construction of large-scale dams continues in indigenous territories in the Philippines, Indonesia, Thailand, India, and Burma.

Our intervention, which demanded the Government of Japan to adopt guidelines on



The author with indigenous peoples from India

indigenous peoples in international cooperation agencies such as Japan International Cooperation Agency (JICA) and Japan Bank for International Cooperation (JBIC), had support from 19 Asian indigenous peoples' organizations and some NGOs based in Japan.

Recommendations to the Human Rights Council

Indigenous peoples expressed their concern over the possible change in the function and mandate of the Working Group on Indigenous Populations (WGIP), the Draft Declaration on the Rights of Indigenous Peoples and the Special Rapporteur. At the Forum, there were interventions on the recommendations made to the Human Rights Council regarding mandates and functions on the rights of the indigenous peoples. In particular, the number of interventions on the draft declaration was high. In February this year, the Chair of the intersessional working group (Working Group on the Draft Declaration), Sr. Luis-Enrique Chávez, had proposed a revised text reflecting the discussions and consensus, and had sent it to the Human Rights Commission. The chair's text (U.N. Doc. E/CN.4/2006/79, Annex I) has been subsequently sent to the Human Rights Council.

At the outset, Australia, New Zealand and the US made a collective statement against the adoption of the draft declaration. They stated that there is no consensus on most of its crucial provisions, and thus it remains "fundamentally flawed." They suggested that they would oppose the declaration when it is discussed at the Human Rights Council. On this issue, several countries, most indigenous peoples

organizations, and NGOs expressed support for the early adoption of the draft declaration without any amendments. As a result, the Forum recommended the adoption of the draft declaration at the Human Rights Council.¹

In the Global Indigenous Caucus statement, it was expressed that indigenous issues should be a standing agenda item of the Council, and that due attention must be paid to the human rights and fundamental freedoms of indigenous peoples. It was also recommended that the mandate of the Special Rapporteur on the Human Rights and Fundamental Freedoms of Indigenous Peoples be maintained and strengthened, and that the key role of the independent experts at all levels in the UN system in developing and monitoring the human rights standard be maintained. These issues were included in the Forum's recommendation, which also stated that indigenous peoples' active participation should be ensured when matters affecting their rights were discussed by the Council.

Considering the impact of the creation of the Human Rights Council, it is understandable that there were a number of caucus and collective statements in the agenda item on human rights. However, it led to the reduction of the time allotment for individual statements on the agenda. It has become quite severe to make interventions on individual issues of human rights, and this fact reiterates the need for the creation of an expert's body to replace the mandate of the Working Group on Indigenous Populations.

The Main Theme of the 6th Session: Land, Territories and Resources

Next year's special theme was been decided as "Land, Territories and Resources." The rights to land and resources are core issues of the rights of indigenous peoples, and state governments express their disagreement with the admission of these rights. In the past, the Forum's recommendations were mostly addressed to UN agencies and there were few strong recommendations against governments, which became a



Representatives of the Jumma (Chakma), Ainu and native American indigenous peoples gather at Permanent Forum 2006

source of dissatisfaction among indigenous peoples organizations. In particular, since the past two years' special theme has been the MDGs, there has been little opportunity for indigenous peoples in so-called "developed" countries, such as the Ainu and the Okinawans, to express their issues at the Forum. However, as the next year's theme is land and natural resources, which are the central issues of indigenous rights, it is expected that there will be more fundamental and essential discussions on the rights of indigenous peoples.

Furthermore, there will be a half-day session specializing in Asia in next year's Forum. This year, there was a half-day session on Africa, and the Asian caucus expressed that they also feel the necessity to hold a session that is specifically about the region. Moreover, there was a decision that next year's Forum will be held in Bangkok. On this point, due to the budget requirement, there is a need to wait until the decision by the UN Economic and Social Council (ECOSOC). If it is materialized, a larger number of participants from the Asian region can be expected.

Five years have passed since the establishment of the Permanent Forum, and the Forum's mandate and authority

are getting clearer. In last year's and this year's sessions, it discussed ongoing development and its impact from the perspective of indigenous peoples. Such arguments were absent in the discussion of the other UN agencies, and the recommendations from the Forum will be important in critically analyzing the present approach in development. On the other hand, with the establishment of the Human Rights Council, the Permanent Forum, which remains under ECOSOC, will be separated from the other Human Rights agencies in the UN. Moreover, the Programme of Action for the Second International Decade of the World's Indigenous People has been adopted, but the recognition of the second decade has been scarce at the country level, and its implementation has been stagnated as before. The second decade's agenda will be the implementation of the international standard of the rights of indigenous peoples at the country level.

Note:

- 1 The Draft Declaration on the Rights of Indigenous Peoples was adopted at the first session of the Human Rights Council on June 2006 and the Council recommended the adoption in the General Assembly. The next issue of Connect (Vol. 10 Issue 3) will include a feature on this topic.