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COMMISSION ON HUMAN RIGHTS  
SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,  
on Friday, 6 August 2004, at 10 a.m.

Chairperson: Mr. SORABJEE

later: Ms. RAKOTOARISOA  
(Vice-Chairperson)

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The meeting was called to order at 10.05 a.m.

## SPECIFIC HUMAN RIGHTS ISSUES

- (a) WOMEN AND HUMAN RIGHTS
- (b) CONTEMPORARY FORMS OF SLAVERY
- (c) NEW PRIORITIES, IN PARTICULAR TERRORISM AND COUNTER-TERRORISM

(agenda item 6) (continued) (E/CN.4/Sub.2/2004/33-35, 36 and Corr.1, 37 and Add.1, 38-43 and 45; E/CN.4/Sub.2/2004/CRP.3; E/CN.4/Sub.2/2004/NGO/7, 15, 19, 21, 22, 25, 27 and 101)

1. Ms. LANDE (United Nations Watch) said that she hoped that the United Nations would become more active in the protection of woman's rights. First of all it must make it clear that forced and early marriage contravened international law. It must also combat the atrocious practice of female genital mutilation with its 135 million victims worldwide, by promoting awareness and influencing religious leaders. Finally, it must make an urgent protest against the mass rape and murder of women in Darfur. The Sudanese regime must be held accountable for those grave violations of human rights, which constituted war crimes and crimes against humanity. The Security Council had indeed finally adopted a resolution, but it was clear that the United Nations human rights institutions - the Commission, the Special Rapporteurs and the Sub-Commission - had failed the women of Darfur by their silence. The actions of the Islamic Conference, the African Group and the Arab League had done nothing to help the cause of the victims. United Nations Watch stressed the urgent need for democracies to reinforce cooperation within the United Nations, and failed to understand why the appeal by Ms. Hampson for an emergency special session on Darfur was being ignored.

2. Mr. LAMAIN (Foundation of Japanese Honorary Debts) said that the organization he represented looked after the interests of 80,000 Dutch citizens who had been imprisoned in Japanese concentration camps in South-East Asia during the Second World War. Considering that Japan had a moral obligation to provide compensation, his organization was endeavouring to obtain an official declaration of regret from the Japanese Government as well as financial compensation for the loss of human life and physical and mental injury to the victims. It was therefore asking the Sub-Commission to address a problem which had still not been resolved after some 60 years.

3. Ms. PARKER (International Educational Development) welcomed the fact that the Government of Morocco had promulgated a new family law which showed that full realization of international norms relating to women's rights was not incompatible with Islam; she therefore hoped that it would be fully implemented and would provide a model for other States. She also welcomed the attention the Sub-Commission was giving to the issue of terrorism and human rights and recalled that her organization had twice successfully challenged United States counter-terrorism measures. She reiterated the need to combat State terrorism, which claimed huge numbers of lives and led to resistance movements among oppressed peoples, as in the case of Iran, occupied Kashmir and Turkey, as well as in China where Falun Gong followers were brutally repressed and even pursued in other countries. In Sri Lanka, where the political crisis

was liable to degenerate into State terrorism, the Government should be urged to allow the Tamil people to establish an interim self-governing authority in the North, as proposed in the peace negotiations. She also denounced terrorism in armed conflicts, and particularly the terrorist acts committed by the armed forces in Iraq. Lastly, she stressed that the fight against terrorism should be aimed at actual terrorists and not at groups struggling to defend their right to self-determination. It was therefore important to evaluate military operations.

4. Ms. CARAYON (World Organization Against Torture), referring to the issue of “honour” crimes, particularly numerous in Pakistan, called on the relevant Special Rapporteurs actively to take up the promotion of legislative, educational, social and other measures to counter the practice and urged States to protect women by developing support services. Her organization also denounced the trafficking in women and girls across the world, particularly in Russia and in Serbia and Montenegro, and the impunity of traffickers, and urged the Sub-Commission to apply the Recommended Principles and Guidelines on Human Rights and Human Trafficking and to examine the relationship between increasingly restrictive avenues to legal immigration and the increase in trafficking. She further urged the treaty bodies and other United Nations mechanisms for the protection of human rights to take more account of women’s rights in their work.

5. Her organization also insisted on the absolute and permanent prohibition on the practice of torture, even in the fight against terrorism, since that was an imperative of international law. The fight against terrorism gave rise to serious human rights violations in legally grey areas, such as Guantanamo and Iraq. In Colombia, a law adopted in December 2003 gave the armed forces the power to make arrests and carry out searches without a court order. Several States, such as Yemen, the Philippines, Israel and the United Kingdom, had adopted counter-terrorism measures which, according to the treaty bodies, were in breach of their obligations. Her organization welcomed the appointment of an independent expert to examine the question of the protection of human rights and fundamental freedoms in the fight against terrorism, but regretted that his mandate did not enable him to conduct independent investigations or to undertake visits in situ. Lastly, she vigorously supported the creation of a mechanism to monitor the conformity of national counter-terrorism legislation with the obligations of States flowing from conventions and agreements.

6. Mr. FATTORINI (Movement against Racism and for Friendship among Peoples) expressed regret that the final report of the Special Rapporteur on terrorism and human rights (E/CN.4/Sub.2/2004/40) was available in only two working languages. His organization resolutely condemned all terrorist acts, whether committed by a State or by another body, but attached particular importance to the fundamental distinction between terrorism and the exercise of the right to self-determination and considered that the State bore prime responsibility for the promotion and protection of human rights. The question of the factors involved in State sponsorship of terrorism should therefore be considered in greater detail. The fight against terrorism should not be modelled on the combat against narcotic drugs, which had failed to prevent production and trafficking from increasing regularly and had concentrated mainly on strengthening the capacities of the police or the armed forces. Both the fight against terrorism and that against drugs could on occasion be used as a pretext for massive and grave violations of human rights by States, as could be seen in Chechnya, Turkey or the Middle East, or even in

the United Nations where the Iranian representatives of certain NGOs had been banned from the Commission and the Sub-Commission on an anti-terrorism pretext. If the fight against terrorism were to be really effective in the long term, the deep-rooted causes of the progress of terrorism must be analysed and human rights placed at the centre of the strategy.

7. Ms. ZANELATO (International Federation of Human Rights Leagues) observed that, since the launch of the international counter-terrorism campaign following the tragic events of 11 September 2001, force had prevailed over the law. Her organization was alarmed at the dangers in the adoption by States of control measures that destroyed liberties. The priority given to security above all else lent itself to a rise in arbitrary decisions and to human rights being called in question. While the fight against terrorism was both legitimate and necessary, it was all too often deflected from its initial objective to serve the interests of regimes which had little respect for human rights and to attack the defenders of those rights. In Djibouti, the Government had ordered the expulsion of all irregular immigrants in September 2003. In Tunisia, the new counter-terrorism act of 12 December 2003 was liable to criminalize still further any political protest activities. Although the decision of the United States Supreme Court concerning the legality of the detention of foreign nationals in Guantanamo was an important victory for the rule of law, there were grounds for concern with regard to the establishment in the United States, under a decree of 7 July 2004, of special military courts to rule on the legitimacy of the detention of those prisoners as "enemy combatants" and with regard to the fate of the 139 prisoners who had allegedly returned to their countries and been imprisoned or released there, in view of the fact that several of the countries of destination were well known for their strong-arm detention practices.

8. Ms. LEGRAND (Fraternité Notre Dame) said that, in its humanitarian work in the service of those most in need, her organization gave particular attention to the fate of women and children. In Haiti, Niger, Mongolia or the United States, it saved hundreds of children from death, hunger, violence, drugs and prostitution and welcomed them into its missions where it loved and cared for them, provided schooling and taught them the moral, civic and spiritual values that forged durable societies, such as a sense of mutual aid and work well done. In drawing attention to the duties incumbent on the education authorities, she wished to alert the Sub-Commission to the attacks on religious freedom and Christian education in European democracies, where the prevailing sectarian attitude made it increasingly difficult for Christians to found humanitarian or charitable organizations.

9. Ms. PERRACHON (Association of World Citizens) drew the Sub-Commission's attention to the fate of Falun Gong followers in China, who were sent without trial to forced labour camps with inhumane working conditions. According to the Laogai Research Foundation, 6.8 million people were currently imprisoned in 1,100 labour camps in China. The prisoners included common criminals, dissidents, journalists, prostitutes and Christians and almost half were Falun Gong followers. They provided a vast source of free labour for the mass production of consumer goods, intended mainly for export, under a system of veritable economic slavery, set up and maintained by the Chinese Government, which breached the Chinese Constitution and international law and encouraged corruption, torture and organized crime. The Sub-Commission must continue to make every effort to verify systematically the origin of manufactured goods and to close all forced labour camps in China.

10. Mr. CHAKMA (Asian Indigenous and Tribal Peoples Network) said that since 11 September 2001 it had become increasingly difficult to distinguish between terrorism and State terrorism. The emergency counter-terrorism laws adopted made no provision for guarantees of due process and the rights of defence. He denounced in particular the arbitrary detentions in Guantanamo, the qualification as “terrorists” of Uighurs in China, the prolonged detention, without charge or trial, of non-nationals in the United Kingdom, the impunity of government officials in China and Russia, the increasingly frequent trials of civilians in military courts in Egypt, the sentences imposed on refugees and asylum-seekers, the return of presumed terrorists to countries where it was certain that they would be tortured, and the reintroduction of capital punishment for terrorist acts, in particular in the United States, China, Jordan and India. The United Nations had so far proved incapable of preventing such backward steps. Security Council resolution 1546/2003 remained ineffective. The treaty bodies, the subsidiary bodies and the special rapporteurs did what they could, given their limitations. The Sub-Commission could very well envisage setting up a working group on the effects of terrorism and counter-terrorism measures on the enjoyment of human rights and fundamental freedoms.

11. Ms. RAKOTOARISOA congratulated Ms. Warzazi on the quality of her report on traditional practices affecting the health of women and the girl child (E/CN.4/Sub.2/2004/41). It was a fact that some societies attached great importance to safeguarding the honour of the community and regulated women’s sexual behaviour without taking into account international standards for the protection of their rights, but she agreed with Ms. Warzazi that the battle must be waged with tact and patience and noted that awareness-raising programmes were producing results. She stressed the need to inform societies of the harmful effects of traditional practices and raised the issue of certain religious cults which recommended or tolerated sexual relations with very young girls. She mentioned the risk of AIDS linked to female genital mutilation, the issue of prevention and diverging opinions concerning the use of condoms, and the legalization of polygamy in some countries, which aggravated the spread of AIDS. She also denounced the corporal punishment of women deemed to have an improper sexual attitude and the widespread practice of forced marriages.

12. Ms. KOUFA said she welcomed the progress made worldwide in the elimination of traditional practices affecting the health of women and the girl child. In particular, many States were taking steps to prohibit female genital mutilation and to prosecute the perpetrators, even beyond their own borders. She noted with satisfaction that a large number of conferences and meetings on the subject had been organized, often on the initiative of women in the societies in question, and stressed that if those practices were to be eradicated it was essential to strengthen women’s position and power in society. She welcomed the renewal of the Special Rapporteur’s mandate.

13. Mr. BÍRÓ also congratulated Ms. Warzazi on her work over the years on traditional practices affecting the health of women and the girl child - a matter of extreme importance about which he felt very strongly. The elimination of those practices, which effectively reflected male domination, could not be achieved from one day to the next, but education, persuasion and awareness-raising would play an essential role.

14. Mr. ALFONSO MARTÍNEZ praised Ms. Warzazi's devotion to the cause of eliminating traditional practices affecting the health of women. The roots of the problem were to be found in an outmoded cultural environment that needed to be changed. Such changes, however, could not be brought about by decree. Huge education campaigns were required to raise awareness and the Sub-Commission could pride itself on its pioneering work in that respect.

15. Ms. MOTOC introduced her preliminary report on human rights and the human genome (E/CN.4/Sub.2/2004/38), which specifically concerned discrimination in genetic matters. Genetic information taken from individuals was a valuable tool, particularly for medical research, but risked opening the way to genetic discrimination. There was a danger that human life and social relations would be reduced to their genetic dimensions, which could lead to social discrimination. For example, individuals could be refused insurance or a job because of their genetic heritage. A number of international instruments dealt with genetic discrimination; they included the Universal Declaration on the Human Genome and Human Rights and the International Declaration on Human Genetic Data, adopted by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1997 and 2003 respectively, and the European Convention on Human Rights and Biomedicine. The majority of the provisions of domestic law concerning the confidentiality of genetic data and discrimination were to be found in laws of more general application which provided a substantial, if incomplete legal framework for the handling of personal genetic information and raised the question of the right to privacy. Despite the fact that everyone benefited from the results of medical research, people often hesitated to undergo genetic tests if they were not sure what use would be made of the results. Among the measures needed to prevent genetic discrimination, laws and policies to protect the confidentiality of medical information were essential.

16. Indigenous peoples and the disabled were particularly vulnerable to misuse of their genetic data. Indigenous people feared unfair generalizations based on genetic variations within the group (as opposed to the individual). Another danger was that research would neglect the genetic bases of disease among relatively isolated traditional communities. The main concern of indigenous populations should be to ensure that pharmacogenetic research responded to the needs of genetically distinct but marginalized societies and enabled them to benefit to the full from new medical technologies. The patenting and marketing of genetic material were also controversial and there were fears that science might be manipulated to carry out a type of "disability cleansing" based on prenatal genetic tests. The specific experience of patients and their families in that regard should be taken into account. The conclusions of the report were that there was a need to regulate, and in certain cases to prohibit, secondary use of personal genetic data, to educate the public and researchers in the significance of the results of genetic studies, to reflect on the shortcomings of the technologies developed before generalizing their use, and to consider the implication of genetic tests from a public health perspective.

17. Mr. GUISSÉ thanked Ms. Motoc for her report, which covered the question fully and clearly showed the importance for mankind of research on the human genome. He agreed with all her comments and suggestions. He nevertheless wished to draw attention to the fact that the research targeted some particularly vulnerable people, whether disabled or unaware of the aims pursued, who could hardly be expected to give their informed consent. There was also a risk

that the results of the research, which were for the most part patented by major western pharmaceutical companies, would remain out of reach of those who most needed them. He therefore asked Ms. Motoc, in recognition of the right of every individual to life and health, to include in her recommendations the sharing of research results and the involvement of the populations concerned through the intervention of an informed adviser.

18. Ms. KOUFA also thanked Ms. Motoc for her willingness to investigate a difficult but very important issue which gave rise to serious dilemmas and could lead to grave abuses. She encouraged the Special Rapporteur to continue to look into the issue of possible discrimination against the disabled, if appropriate by consulting the work the Sub-Commission had already done on human rights and disability and by meeting with the Special Rapporteur on disability.

19. Ms. Rakotoarisoa, Vice-Chairperson, took the Chair.

20. Mr. BÍRÓ said that the question of the potential dangers of genetic engineering was largely unknown territory. The capacity to manipulate human nature before birth was no longer a matter of science fiction. The terrible question of eugenics had also been raised. The report gave a concise definition of genetic discrimination in paragraph 7 and rightly drew attention to two particularly vulnerable groups. It was important not to forget the category of individuals living in extreme poverty, which had been covered in the previous report, even if the various vulnerable groups sometimes overlapped. Although genetic therapies certainly had a use, it must be borne in mind that they were liable to be available only to the wealthy. The Special Rapporteur should be provided with more resources for continuing her work and producing a final report which might possibly lead to the drafting of an international human rights instrument.

21. Ms. WARZAZI said that Ms. Motoc's study should lead to recommendations requesting Governments to take steps to prevent genetic discrimination and regulate the use of genetic data, since it seemed that there were gaps in that regard in most domestic legislation. Any attempt to pervert science should be resisted and defenceless groups, especially indigenous peoples, must in particular be protected.

22. Mr. ALFREDSSON thanked Ms. Motoc for her study, although he considered that it was insufficiently critical of Iceland. He proposed to furnish her with documents in that regard and would await her next report with interest.

23. Mr. SALAMA said that the use of genetic data both opened up possibilities and presented dangers. Insofar as the use of such data combined commercial considerations and human rights imperatives, it might be useful to look at the practices of major companies from the point of view of discrimination. It would also be a good idea to consider discrimination not only between people but also between countries in order to prevent the emergence of a new split between the developed world and the developing world.

24. Mr. RAJKUMAR (Pax Romana) noted the gaps in international trade law where science and technology were concerned. Recalling that historically genetics had led to a genocide, he warned against certain current experiments, like the cloning of human embryos taking place in the Republic of Korea. Since, as Mr. Guissé had pointed out, most genetic data were in the

hands of major companies, it would be interesting to consider the issue of human rights and the human genome in the light of the information and communications technology standards drawn up by the Sub-Commission. It would equally be a good idea to develop guidelines for bioinformatics and biometrics. It was also important to study the relationship between the precautionary principle, human rights and the human genome. Lastly, “biotrafficking” must be more actively countered.

## PREVENTION OF DISCRIMINATION

### (b) PREVENTION OF DISCRIMINATION AND PROTECTION OF INDIGENOUS PEOPLES (agenda item 5 (b)) (continued) (E/CN.4/Sub.2/2004/28)

25. Mr. ALFONSO MARTÍNEZ introduced the report of the Working Group on Indigenous Populations on its twenty-second session (E/CN.4/Sub.2/2004/28). He thanked the members of the Working Group for their interesting and constructive contributions and all the representatives of Governments and of NGOs and indigenous groups who had taken part in the discussions and contributed to the high quality of the session. The principal theme of the general debate had been “Indigenous peoples and conflict resolution”, which had been the subject of a working paper prepared by the Chairperson-Rapporteur. The document had identified three main causes of conflict situations involving minorities: land, the exercise of the right of self-determination and contradictions between traditional indigenous authorities and the authorities appointed by the State to negotiate with the indigenous populations. The issue had given rise to a very constructive discussion and the Working Group had decided to include a sub-item on the agenda of its twenty-third session entitled “Indigenous peoples and conflict prevention and resolution”. It had also decided to request the Office of the High Commissioner to organize a workshop on indigenous populations and conflict resolution, in 2005 if possible.

26. The Working Group was particularly active in two vital areas: the heritage of the indigenous peoples and the principle of indigenous consent. It had decided to recommend that Mr. Yokota and the Saami Council should prepare a new working paper on the heritage of indigenous peoples, with specific proposals for draft principles and guidelines. It had also recommended that Ms. Motoc, the Tebtebba Foundation and other interested indigenous organizations should draw up guidelines concerning the free and informed consent of indigenous peoples with regard to developments affecting their lands and natural resources, for consideration by the Working Group at its next session. Referring to cooperation with other United Nations bodies, he said that the three bodies concerned with indigenous populations, namely, the Permanent Forum, the Special Rapporteur and the Working Group, were cooperating constructively and he hoped that the General Assembly would follow up the recommendation of the Economic and Social Council concerning the proclamation of a second International Decade of the World’s Indigenous Peoples. The Working Group had also addressed the question of States threatened with extinction for environmental reasons, especially from the standpoint of human rights, and had asked Ms. Hampson to submit a new working document on the subject at its twenty-third session. In conclusion, he said that the Working Group was in good health and should continue its work.

27. Mr. Sorabjee resumed the Chair.



28. Ms. MOTO said that discussion within the Working Group had been genuinely interactive as a result of increased NGO involvement. She emphasized the specific aspects distinguishing the Working Group from the Permanent Forum, namely, the denunciation of human rights violations, the drafting of standards and technical cooperation, and urged that its activities be continued.

29. Mr. GUISSÉ observed that the good health of the Working Group was due to the clear-sightedness and devotion of Ms. Daes and Mr. Alfonso Martínez who, in the name of the protection of the rights of indigenous peoples, had created within it a spirit of understanding and collaboration second to none. He hoped that the cooperation and teamwork between experts and NGOs would continue to prevail.

30. Mr. BENGUA emphasized the importance of the Working Group on Indigenous Populations, borne out by the many key figures who took part in its meetings. He wondered, in connection with the fundamental issue of conflict resolution, whether it might not be advisable for it to combine its efforts with those of the Working Group on Minorities, inasmuch as the mechanisms of mediation, conciliation and arbitration were the best means of settling conflicts, whether they opposed States to indigenous populations or States to minorities. He asked for an assurance that the problem of the relations between traditional indigenous authorities and State-appointed institutions - in his opinion a very interesting issue - would definitely be discussed at the twenty-third session of the Working Group.

31. Mr. ALFREDSSON stressed the need to keep the Working Group, the role of which differed both from that of the Permanent Forum and that of the Special Rapporteur of the Commission.

32. Mr. SHARUKH (Interfaith International) thanked Mr. Alfonso Martínez for his support for the proclamation of a second Decade of the World's Indigenous Peoples, even though the first Decade had done little to improve the situation of the populations in question. He also welcomed the way in which the report looked at the specific role of each body involved with indigenous peoples. He fully supported the Working Group's decision to request the Office of the High Commissioner to organize a workshop on indigenous populations and conflict resolution and its recommendations concerning the application of treaties, agreements and other constructive arrangements between States and indigenous populations. He stressed that the unremitting exploitation of natural indigenous resources by Canada, in violation of the treaties, was a very important and sensitive issue for the indigenous populations.

33. Mr. ARROYAVE (Observer for Guatemala) stated his unreserved support for maintaining the Working Group on Indigenous Populations, as well as for the Voluntary Fund for Indigenous Populations and the International Decade of the World's Indigenous Peoples, to which he intended to contribute as far as his means allowed. He welcomed the decision of the Economic and Social Council to proclaim a second Decade and recommended the organization of seminars and training programmes, not only for indigenous leaders but also for non-indigenous people in order to teach them respect for the rights of indigenous peoples. Although Guatemala was endeavouring to encourage participation by the Maya, Xinca and Garifuna peoples in the life of the nation, civil society still had a long way to go to put an end

to discrimination and the Government intended to continue to collaborate with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Permanent Forum on Indigenous Issues. International organizations like UNESCO should open their doors to indigenous people who found it difficult to bring their projects to fruition when they were not recognized by their Government. He supported the appeal by indigenous NGOs to countries hosting seminars or other events on indigenous questions to facilitate their participation. He approved the theme adopted by the Working Group for its twenty-third session, namely the international and domestic protection of traditional knowledge. Lastly, he believed that it was necessary to continue to analyse the issue of conflict resolution, which concerned all sectors of society and the international community and was based on dialogue, tolerance and the culture of peace.

34. Mr. BARNES (Indigenous World Association) expressed unreserved support for the continuation of the work of the Working Group on Indigenous Populations concerning conflict resolution and welcomed the fact that it had called for a working paper dealing with conflicts between indigenous traditional sources of authority and State-designated institutions. He was in favour of the proclamation of a new International Decade of the World's Indigenous Peoples and the establishment of an indigenous board to contribute to the programme of action for the Decade. With regard to the permanent sovereignty of indigenous peoples over natural resources, he supported the idea of giving the Special Rapporteur the task of preparing for the next session a full updated study, which should take into account the points raised by Mr. Alfonso Martínez in his working paper on conflict resolution and consider the application of international law with regard to indigenous populations, and in particular the positive impact that cases like that of the Western Sahara could have for all indigenous peoples.

35. Mr. VALDES (American Association of Jurists) drew the attention of the Sub-Commission and the Working Group on Indigenous Populations to the deplorable situation of indigenous peoples in Chile, and in particular the fate of the Mapuche people whose ancestral lands were being intensively exploited by large national and transnational corporations to the detriment of the environment and the indigenous cultural heritage. Resistance to those projects by those threatened and all social or political demands were brutally repressed by the Chilean authorities, who justified the involvement of the armed forces and their many human rights violations by calling them counter-terrorism measures. Chile showed no desire to improve the situation or to acknowledge the indigenous peoples and their rights, preferring the "rights of capital" by encouraging the implementation of major investment projects on indigenous land.

36. Mr. GONZALES (International Indian Treaty Council) said that the question of States threatened with extinction for environmental reasons required further research. It would be desirable to organize a seminar in the Pacific region or to send a questionnaire to the populations concerned in order to gain a better picture of their situation. A second Decade of the World's Indigenous People, coordinated by the United Nations High Commissioner for Human Rights, would be useful and should include the Millennium Development Goals. It could provide an opportunity for considering setting up a radio frequency for the indigenous peoples of the world and the question of the imprisonment of indigenous people, particularly women and children. His organization supported the recommendation to hold a seminar on the implementation of treaties and agreements and seminars on the rights of indigenous peoples. He unreservedly

supported the idea of the collective rights of indigenous peoples and advocated the adoption of the draft United Nations Declaration on the rights of indigenous peoples in its current form, pointing out that indigenous peoples and nations had already taken the initiative of publishing it in their own languages. Lastly, he was firmly in favour of keeping the Working Group on Indigenous Populations, which played an essential role, particularly in standard-setting, and still had much to do.

37. Mr. COOPER (World Association for the School as an Instrument of Peace) expressed the hope that an extended working paper could be drafted on the impact of the threatened extinction of States for environmental reasons. The situation of some Pacific peoples, for example in Tuvalu, who were likely to see their sacred lands submerged, was a matter for concern. While the fact was undisputed, there was a need to take all possible measures of prevention and to protect the rights of the threatened populations. Sending out a questionnaire and organizing seminars in the regions concerned would yield useful information and provide a better understanding of the spiritual bond of those populations with their land and with nature. It would also be desirable to ask the United Nations specialized agencies and development funds what they intended to do. A voluntary trust fund should perhaps be envisaged to help the indigenous peoples affected. The Sub-Commission could, for example, invite the Prime Minister of Tuvalu to take the floor at a future session and appoint a special rapporteur. The only certainty was that time was running out.

The meeting rose at 1 p.m.