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Philippines

3rd session of the Expert Mechanism on the Rights of Indigenous Peoples
13 July 2010
Item 3

Thank you, Mr. Chairperson,

At the outset, allow me to congratulate you on your election as Chairperson. My delegation also wishes to welcome the other members of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) to Geneva, as well as the representatives of indigenous peoples who have travelled far and wide to attend this meeting.

The Philippines actively supported the establishment of this expert body. We note the mandate of the EMRIP to provide thematic expertise to the Human Rights Council primarily through studies and research-based advice. In this regard, we thank the members of the Expert Mechanism for their efforts in preparing the progress report on the study on indigenous peoples and the right to participate in decision-making.

The Philippine Constitution in Sec.22 states that the Government recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development.

I wish to take this opportunity to comment on some aspects of the progress report.

The report underscores that the Universal Declaration on Human Rights affirms that everyone has the right to take part in the government of his/ her country, directly or through freely chosen representatives. With regard to indigenous peoples, however, due to a number of factors, such as historical, cultural, and institutional ones, the realization of this right can be a challenge in many parts of the world.

One dimension of the challenge, it appears, is mentioned in par. 49, wherein it is stated that there is not enough training and exposure given to community leaders to ensure that legal and administrative decision-making processes result in quality judgements and decisions. Consequently, many indigenous peoples have lost confidence in, or mistrust, their own decision-making institutions.

Perhaps the Expert Mechanism can further elaborate on this point and suggest means to overcome or remedy this observed trend.

Another dimension of the challenge is cited in par. 86, which discusses state-established councils or committees that "do not necessarily reflect the position of

communities, may have limited knowledge of the subject matter and are inaccessible to the community they purport to represent.”

Taking this statement into consideration, it may be fitting to focus on how to make state-established bodies more accessible to indigenous peoples, and also how to make the internal decision-making structures and customs of indigenous communities more accessible or understandable to the government and general public.

Such would improve the reciprocal discourse and understanding between government and indigenous peoples, and likely lead to greater and more effective participation of indigenous peoples in decision-making. For in many cases, governments and indigenous peoples need to work hand-in-hand in respectful partnerships in order to promote mutually beneficial outcomes and policies.

Lastly, I just wish to state that the Philippines’ Indigenous Peoples’ Rights Act has a definition of the concept of free, prior and informed consent which could be a reference in the work of the Expert Mechanism.