

Statement by Indigenous Peoples Links, PIPLinks

**To the first session of the Expert Mechanism on the Rights of Indigenous Peoples
October 2008**

Agenda item 3

We warmly welcome the establishment of the UN Expert Mechanism and the recognition of the expertise of indigenous experts in the committee. We offer our good wishes and support in your future work. It is essential to have specialist structures to elucidate and address the serious, systematic and continuing abuse of the collective and individual rights of indigenous peoples, which are one of the most persistent shames on the record of all who profess our commitment to upholding human rights but especially on the record of too many member governments of the UN.

Mr Chairman Indigenous Peoples Links endorses the indigenous caucus statement on this agenda item. We also endorse the Asian indigenous caucus statement. Both contain valuable specific recommendations.

Here I will concentrate on some specific additional recommendations.

The Declaration on the Rights of Indigenous Peoples is an essential, hard gained and welcome feature of the new normative framework. We propose that the expert mechanism explore all ways to ensure that the Declaration is recognised and used to help systematically guide the work of the Human rights division and other sections of the UN and state members and other bodies affiliated to the UN in their dealings with Indigenous Peoples. This is a priority.

However we would urge that we also look beyond internal adherence.

The Private sector and the world of NGOs have many corporations and institutions that have had huge and sometimes adverse impacts on indigenous peoples. We see the Declaration on the Rights of Indigenous Peoples now as a minimum standard guiding dealings with Indigenous Peoples also for these bodies.

We are aware of past efforts to urge corporations, particularly those with the potential for the most profound and adverse effect upon indigenous peoples lands, lives and

culture including extractive industry /mining and oil extraction companies, to raise their standards by recognising the full rights of indigenous peoples as included in the declaration *including their rights to land, subsistence and culture and the right of potentially affected communities to determine the future of their lands and exercise free prior informed consent before any operations on their lands.* .

These corporations have so far failed to adhere to the key principles contained within the UN Declaration especially in respect for affected communities right to free prior informed consent over projects affecting their lands and future.

We therefore propose taking the opportunity provided by the passage of the Declaration and the establishment of this Expert Mechanism to initiate

1. An interactive study of Corporations starting with corporations in the oil and mining industries, to record their responses to the passage of the Declaration and its influence on their practice and interaction with indigenous peoples, to assess their current practice against the standards of the UNDRIP and engaging with such corporations and industry bodies on the content of the UNDRIP seeking their public endorsement of the declaration and seeking their commitment to adhere to its relevant provisions.

That this process invite interaction also with Professor Anaya, the Special Rapporteur on the rights and fundamental freedoms of indigenous peoples and with Professor Ruggie, the rapporteur/ special representative on the Human Rights responsibilities of Business enterprises and with concerned organisations.

2. Propose an interactive study of the efforts by NGOs/including churches to respond to the passage of the declaration in their interaction with indigenous peoples. This might start with the fielding of correspondence and a web-based questionnaire to some NGOs and affected indigenous communities to see if and how the passage of the UNDRIP is being responded to inside their organisation's policy and practices.

3. In future meetings we urge the Expert Mechanism to consider an agenda point be established where experts, delegates of member states and observers can report in a guided thematic manner, on steps taken since the passage of the UNDRIP to realise the implementation of the Declaration in the identified thematic area and where appropriate report on continuing breaches of its principles to inform thematic studies.

Thank you