

**Statement by Victoria Tauli Corpuz
Special Rapporteur on the rights of indigenous peoples
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I am grateful for the opportunity to address the Permanent Forum and all of you attending this session to share some of my views on the issue of indigenous peoples' right to self-determined development and other economic, social and cultural rights. Dealing with this now is timely and important because the UN member-states are currently negotiating the post-2015 Development Agenda, with focus on the means on how the Sustainable Development Goals can be implemented and what indicators to use to measure progress achieved.

I would also like to share with you some of my activities during my first year as Special Rapporteur on the rights of indigenous peoples.

In my first report to the 69th session of General Assembly in 2014 (A/69/267), I provided some reflections on the issue of the rights of indigenous peoples, including their economic, social and cultural rights in the post-2015 development framework, in the hope of providing some guidance to Member States as they negotiate development which can bring about transformative changes. In my report, I identified obstacles and advances in achieving the economic, social and cultural rights of indigenous peoples and offered some recommendations for addressing these rights in the context of policies and strategies to reach global Sustainable Development Goals and overcome the shortcomings of the Millennium Developments Goals, especially with regards to indigenous peoples.

The progressive realization of the economic, social and cultural rights of indigenous peoples clearly cannot be achieved through the perpetuation of the dominant development paradigm which promotes exclusive and distorted economic growth which favors a small number of wealthy elites and certain geographical areas. The unprecedented inequality seen today within and between countries and the multiple financial, environmental, energy and food crises the world faced speak of the failures of this economic and social development model. Indigenous peoples are among those who are suffering from this inequality. While the total population of indigenous peoples consists of 5% of the world's total, they compose 15% of the world's poor. The eradication of Indigenous peoples' poverty requires economic and social structural transformation which integrates respect and protection of indigenous peoples' individual and collective rights, generation of decent jobs, reinforcement of sustainable traditional livelihoods and indigenous entrepreneurships which can access socially and environmentally responsible investments.

Indigenous peoples have the right to define and pursue their self-determined, sustainable development path and priorities. Respect of their rights to their lands, territories and resources and their right to free, prior and informed consent are integral elements of a transformative change in development which includes respect for their cultural integrity and diversity and promote their well-being. The complementary and crosscutting principles of self-determination, equality, including gender equality, and non-discrimination underpin this development path. Community-based monitoring and information systems which will look into and report on how indigenous peoples' rights and development priorities are being implemented should be a crucial component of the work in promoting a transformative development agenda.

Madam Chairperson,

States' duty to respect, protect and fulfil indigenous peoples' economic, social and cultural rights is grounded on human rights instruments which include the UN Declaration on the Rights of Indigenous Peoples and the ILO Convention No.169, the International Covenant on Economic, Social and Cultural Rights, among others. Due to the long and complex histories of colonization and subsequent processes of nation-state building where racism, discrimination against and marginalization of indigenous peoples persisted, States may have to adopt special measures. According to the Committee on the Elimination of Racial Discrimination, special measures are integral to the principle of non-discrimination. Since non-discrimination has an individual and a collective dimension, special measures should not only address the socio-economic gaps between indigenous and non-indigenous sectors of society but also remove discriminatory barriers to the exercise of the rights to self-determined development and cultural integrity.

Within the context of economic, social and cultural rights, I am paying attention to the situation of indigenous women. In addition to the racism, discrimination, economic marginalization, generally faced by indigenous peoples, indigenous women have an added burden of gender-based discrimination. Despite their crucial roles in food production, biodiversity conservation, and transmission of languages, culture and knowledge, many of them are still challenged by domestic and state violence, violation of their reproductive health rights and patriarchy which keeps reproducing itself through laws, media, education and in modern or customary institutions. As I noted in my first report to the Human Rights Council, I am placing special emphasis on the problems faced by indigenous women and working closely with them to ensure that their concerns are addressed consistently in my work. I am devoting my second report to the Human Rights Council, which I will submit in September 2015, to this important topic.

Madam Chairperson,

Huge challenges remain in the implementation of the economic, social and cultural rights of indigenous peoples. Sadly, this implementation gap is reflected by the failure of the international community to use the Millennium Development Goals as a vehicle to overcome discrimination and achieve substantial equality for indigenous peoples in the context of development. Unfortunately, indigenous peoples were not formally involved in the formulation of the MDGs and neither the goals nor the targets and indicators have any reference to the situation of indigenous peoples. Based on available data regarding social and economic conditions of indigenous peoples, it is clear that the MDGs did not adequately address or resolve their social and economic disadvantages.

In my report to the General Assembly, I laid out a non-exhaustive list of obstacles and advancements to the full realization of the rights of indigenous peoples in the context of development. Strengthening indigenous peoples' own strategies for sustainable development is not only key to achieving their economic, social and cultural rights but it is also an indispensable element of the global efforts to achieve sustainable development. There are more evidences proving that indigenous peoples whose human rights are protected, e.g. their rights to their lands, territories and resources, right to self-determination, their ecosystems are in a much better shape than national parks, protected or conservation areas managed by the State or other external actors.

A report released by the World Resources Institute and the Rights and Resources Initiative in 2014, shows that deforestation rates are dramatically lower in areas where Indigenous Peoples have legal recognition of their land rights. In the Brazilian Amazon, the deforestation rate is 11 times lower in Indigenous Peoples' and community forests. In the Guatemalan Petén, it is 20 times lower, and in the Mexican Yucatan, it is 350 times lower.

Madam Chairperson,

States have the duty to consult with indigenous peoples and ensure their participation before adopting legislative or administrative measures that affect them, including development projects, programmes or strategies. Reviews of UN Development Assistance Frameworks, which constitute the main framework for UN-system development assistance at the country level, have concluded that indigenous peoples had little participation in the elaboration of such Frameworks, and that most of them do not provide for disaggregated data and benchmarks related to indigenous peoples' development. The implications of this omission are simple and far-reaching: if indigenous peoples' needs and concerns are not reflected in these overall frameworks established by governments and supported by the UN-system and other bilateral and multilateral donors, they may simply be excluded from development efforts and their rights may even be further undermined.

I remain deeply concerned that the particular situation of indigenous peoples often remains invisible within national statistics. In order to devise adequate policy responses to address inequalities and to monitor the effectiveness of measures to overcome discrimination, the existence of relevant information is a precondition. There is a need to further develop indicators that capture essential aspects of self-determined development, such as vitality of indigenous languages and cultures, security of tenure with regards to lands, territories and resources and the recognition of indigenous customary laws and autonomous governance institutions. Indigenous representatives who are engaging with the Post-2015 Development Agenda have made a briefing paper which contains indicators relevant for indigenous peoples for each of the goals and target already adopted by the Open-ended Working Group on Sustainable Development. I am urging States to consider the integration of these in the final indicators for the SDGs.

An essential element for overcoming discrimination and achieving economic, social and cultural rights of indigenous peoples is the design and delivery of adequate social services, especially within the education and health sectors. Culturally appropriate services are related to higher achievement outcomes.

I would like to conclude the first part of my intervention by underlining that the universality of the proposed Sustainable Development Goals is a unique opportunity to address existing inequalities between indigenous and non-indigenous sectors of the population in all countries across the globe. The processes to define, implement and monitor the Sustainable Development Goals should be used as a vehicle to address indigenous peoples' aspirations for self-determined development and achieve equality in development outcomes. I am hopeful that this time the voices of indigenous peoples will be taken account and that their rights will be adequately reflected in the SDGs and the indicators and means of implementation being developed.

Activities to promote indigenous peoples' rights in fulfilment of the mandate

Madam Chairperson,

I would now like to add a few words on my work as Special Rapporteur since my appointment by the Human Rights Council in June 2014. As my predecessor, Professor James Anaya explained in his statements to the Permanent Forum, the various activities carried out by the Special Rapporteur can be described as falling within four, interrelated

areas of work. These are the promotion of good practices; thematic studies; country reports; and responding to cases of alleged human rights violations.

Last September I submitted my first report to the Human Rights Council, expressing my views and thematic priorities for my mandate (A/HRC/27/52). I intend to focus particular efforts over the next three years on issues related to the economic, social, cultural and environmental rights of indigenous peoples. In my report, I identify some of what I consider to be the main obstacles to the full and effective protection of the rights of indigenous peoples and I offer some preliminary comments on ways to overcome such obstacles, including the failure or reluctance of governments to recognize indigenous peoples; the challenges in the development of practical implementation measures; completion of reconciliation and redress for historical wrongs; ongoing negative attitudes towards indigenous peoples on the part of broader societies and social and economic conditions which prevent the full enjoyment of their rights. Although I acknowledge the difficulties in overcoming these continuing problems, I hope to be able to work with States and others, within the framework of my mandate, to advance towards their solution.

In November 2014, I carried out a country visit to Paraguay for the purpose of developing a report to assess the human rights situation of the indigenous peoples in the country. I would like to thank the government of Paraguay for their cooperation during my visit, as well as the indigenous peoples and organizations and the UN country team who provided invaluable assistance in preparing and carrying out my visit. In my public statement at the end of my mission, I expressed my concerns about some of the serious problems faced by Paraguay indigenous peoples, including the lack of security on their rights to lands, territories and resources; lack of consultation; lack of access to justice and to adequate social services; and the high rates of inequality, racism and discrimination they face. I will deal with these issues more in depth in my country visit report to be submitted to the 30th session of the Human Rights Council next September.

As part of my mandate to consider relevant recommendations of the world conferences, summits and other United Nations meetings, I would like to make a short comment on the World Conference on Indigenous Peoples, in which I was invited to participate in September 2014. The Outcome Document of the Conference is an important step forward in the realization of indigenous peoples' collective and individual human rights. I believe the effective implementation of the World Conference on Indigenous Peoples' Outcome Document will contribute significantly to the realization of indigenous peoples' rights and development. I will look forward to seeing States develop, jointly with indigenous peoples, the National Action Plans to implement the Outcome Document. The development of the System-wide Action Plans of the UN Agencies, programmes and funds should likewise be informed by indigenous peoples' priorities.

Closing the gap between the increasing recognition of indigenous peoples' rights at the international and national levels and the actual implementation on the ground is going to be my main pre-occupation. I remain committed in my role as Special Rapporteur to monitor closely how the member States and the United Nations are implementing the WCIP Outcome Document.

An important issue regarding ongoing UN processes relevant to the rights of indigenous peoples are the multilateral discussions on climate change. In this regard, I took part in the 19th Conference of Parties of the UNFCCC held in Lima, Peru in December 2014. While I was there, several indigenous leaders and activists met with me. I also had an informal meeting with the Vice-Minister of the Ministry of Interculturality. I co-signed a Joint letter of several Special Mandate Holders addressed to the Parties of the Climate Change

Convention which expressed our proposals for ensuring the inclusion of human rights in the decisions reached in Lima. Various UN and other intergovernmental bodies and civil society organizations which held their own events, invited me to speak in my capacity as a Special Rapporteur.

Just recently, in March 6, 2015, I participated as a panel member in the High Level Panel on human rights and climate change organized by the Human Rights Council in 6 March 2015. In my presentation, I highlighted the crucial contributions of indigenous peoples of their traditional knowledge and practices to climate change mitigation and adaptation efforts. Respecting their rights to their lands, territories and resources and reinforcing their harmonious relationships with their ecosystems allow for better management of their territories which provide the environmental services (e.g. climate change mitigation, water provision, biodiversity, etc.) the world badly needs. I also stressed that using the human-rights based approach and ensuring the full and effective participation of indigenous peoples in climate-related decisions are critical to achieve solutions for this pressing global problem.

Regarding the discussions surrounding the post-2015 sustainable development agenda, I have tried to contribute, as commented above, with my report to the General Assembly. Another process that has merited my attention has been the review and proposals of Environmental and Social Safeguards undertaken by the World Bank. Twenty eight Special Mandate Holders, including myself, submitted a joint letter to express our concern regarding the lowering of human rights standards in the WB draft Environmental and Social Safeguards Framework.

Just before this session of the Permanent Forum, I was invited to participate in a global consultation with indigenous peoples convened by the World Bank. We met with the Senior Management, the Executive Board Members and the WB President. I am encouraged by the results of that consultation in which the Bank committed to take into account the concerns expressed by indigenous representatives regarding Paragraph 9 which is on the alternative approach clause which provides opportunities to states to opt out from applying the Environmental and Social Standard 7 on Indigenous Peoples. The use of the term free prior and informed consent instead of the previous term, free, prior informed consultation with broad community support is another encouraging development. However, there needs to be a more substantial elaboration of this concept and its use in the draft. I will monitor the evolution of the process and remain hopeful that the final safeguards will provide for the full respect of the rights of indigenous peoples in accordance with the minimum international standards contained in the UN Declaration on the Rights of Indigenous Peoples.

I intend to continue working in close cooperation with this Permanent Forum and with the Expert Mechanism on the Rights of Indigenous Peoples. In this regard, I took part in three coordination meetings between the three UN mechanisms on indigenous peoples and the respective secretariats, (UNPFII, EMRIP and Special Rapporteur on Indigenous Peoples' Rights). These were held during the EMRIP session in July 2014, during the Business and Human Rights Forum in December 2014. I participated in the Expert Group Meeting convened by the Permanent Forum in 28-29 January 2015 on a dialogue on an optional protocol to the UNDRIP.

I was also invited to the Expert Seminar on the Promotion and Protection of the Rights of Indigenous Peoples with Respect to their Cultural Heritage which took place in Rovaniemi, Finland from 26 and 27 February 2015, to provide inputs to study to be developed by the EMRIP on this issue. During the two day seminar, I provided comments on the concept of "cultural heritage" as it pertains to indigenous peoples, including both tangible and intangible forms and an analysis of the links between lands, territories and the environment and

cultural heritage. I also took the opportunity to meet with the Presidents and Vice-President of the Saami Parliament in Norway, Sweden and Finland, respectively, and the Saami Council, whom I would like to thank for devoting time to inform me on their issues and concerns.

As part of my mandate to develop a cooperative dialogue with regional human rights institutions, I accepted the invitation to participate last February in Costa Rica as an expert witness in a case under consideration by the Inter American Court on Human Rights concerning the Kalifña and Lokono indigenous peoples in Surinam, whose rights had been affected by the establishment of natural reserves in their territories without their consent. I hope to increase this cooperative dialogue in future, including with other relevant regional human rights bodies. While I was in Costa Rica I held informal meetings with the Vice-Minister of the Ministry of the Presidency and the Ombudsman. I also had meetings with various indigenous peoples' representatives from several territories and the Resident Coordinator of the UN Country Team.

I sincerely thank the various government high level officials who invited me to meet with them, even if I was not on an official country visits. I am encouraged by this flexibility shown by government officials who went out of their way to invite me for meetings to discuss issues relevant for indigenous peoples. On these occasions I also had opportunities to meet with indigenous peoples' representatives and I thank them for making these meetings happen.

As mentioned earlier, Madam Chairperson, a central and ongoing part of my work involves receiving and in appropriate cases acting upon information of alleged violations of the rights of indigenous peoples in specific situations. This aspect of my work relies to an important extent on the written information provided to me by indigenous peoples and their organizations, NGOs and other sources. I would like to acknowledge the many individuals and groups that have provided information over the past year, often in relation to very difficult and sensitive situations. During this time, I have received information about situations of alleged human rights violations in countries in every continent and, in response have sent communications to governments about these situations. These cases involve infringements of rights of consultation and consent, particularly in relation to natural resource extraction, infrastructure megaprojects, and protected areas; displacement or removal of indigenous communities; denial of the rights of indigenous peoples to lands and resources; the situation of indigenous peoples in voluntary isolation; and incidents of threats or violence against indigenous peoples and individuals, among other situations.

I have made a concerted effort to engage with governments about credible information of alleged human rights violations in specific cases in which I believe my intervention may be of some use. I would like to acknowledge the governments that have responded to my communications. I note, however, that over the past year a number of governments did not respond to communications from me requesting information on alleged human rights violations, and I urge them to do so in the future.

As I work to carry out this mandate, I do so with optimism for a better future for indigenous peoples, encouraged by positive developments in many places, and yet concerned by the reality of ongoing struggles and violations of indigenous peoples throughout the world. I continue to reaffirm my strong commitment to my role as Special Rapporteur, while I acknowledge with humility the responsibility it represents.

I thank you all for your kind attention.