

10th SESSION of THE EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES

Item 8: Study on the Promotion and Protection of the Rights of Indigenous Peoples with Respect to their Cultural Heritage

Made by: *Mr. Pablo Mis* – Program Coordinator for the Maya Leaders Alliance and Toledo Alcaldes Association on behalf of the Maya Q’eqchi and Mopan of southern Belize.

July 10th and 11th 2017

Thank you, Madam Chair.

1. As the Maya people of southern Belize, we join with the voices of our brothers and sisters that have spoken before us on this floor. We offer our congratulations to our esteemed brother Dr. Albert Barume for his re-election as Chair, and we welcome the new Experts on EMRIP. In its report on the rights Indigenous Peoples to their Cultural Heritage 30/53, EMRIP under item 10 reminded

“Culture is one of the underlying pillars of the United Nations Declaration on the Rights of Indigenous Peoples. The close relationship between the cultural rights of indigenous peoples and their right to self-determination is reflected in article 3 of the Declaration, which states that by virtue of their right to self-determination, indigenous peoples may freely pursue their cultural development.”

This is just one point in the report that demonstrates to us the importance of the Declaration.

2. Madam Chair, our Culture, like all other aspects of our lives cannot be separated from our connection to our lands and territories. We call upon the UN systems, including EMRIP, to ensure that Article 25 of the Declaration, on rights to land and territories, forms the basis of their studies and mandates. This is important if we are to find the reports relevant and useful hence enabling us to change our dire situation.
3. We, the Maya people, have seen the destruction and conversion of our sacred temples into materials for building streets. In this regard we implore States to ensure that proper protection is given to cultural sacred sites consistent with the spirit of the Declaration.
4. We note in the report that the efforts of the CARICOM States in drafting a regional framework seeking to establish the proper protection of cultural heritage. The Maya People reminds us that we are still here, we continue to create and recreate our culture. For that reason we urge the CARICOM States to ensure that proper consultations be carried out in the drafting of the framework. Proper consultation with the Indigenous peoples of the Caribbean is an essential ingredient for achieving a proper protection framework.

5. Allow me Mr. Chair to share a few examples of how the reports of the mechanisms have allowed us to apply the spirit of the Declaration. The Declaration was overwhelmingly adopted in 2007. In 2008, the Maya people lodged a constitutional claim at the Supreme Court of Belize asking for a determination on the rights of the Maya people to customary lands and resources. The Maya Land Rights is the first to apply the Declaration, specifically Article 25, rights to land and territories within the Caribbean jurisdiction. In 2015, this case concluded before the Caribbean Court of Justice where it agreed with Article 25 of the Declaration. In this context, it must be noted that the Declaration was useful in concluding that this is a landmark protection of Indigenous Peoples rights within the Caribbean region.
6. Madam Chair, we agree with the observation of the Chair of the EMRIP, that meaningful intervention to advance human rights ought to be home grown. The Declaration is a global consensus of the minimum human rights normative. Its relevance and responsiveness must be placed within the respective context of Indigenous peoples realities. Article 18 and 19 speaks about our own process of decision making and FPIC. To operationalize these two articles the Maya people have developed the Maya Consultation Framework. It outlines culturally appropriate and minimum international and domestic normative standards applicable to the context of the Maya people. This home grown (borrowing Chair Barume's word) consultation framework is the Maya peoples' vehicle for achieving Article 81 and 19 of the Declaration.
7. EMRIP in its advice to Indigenous peoples reminded that we are the keepers, the custodians of our cultural heritage. To this end, I want to mention that the Maya cultural heritage is only beautiful and recognized as belonging to our countries when it is on printed billboards or tourism promotional videos in airplanes. We agree that economic development is essential including for indigenous peoples as stated in Article 3 of the Declaration. As keepers and custodians of our heritage and in fulfilling the spirit of Article 3 of the Declaration the Maya people have embarked on the creation of a Maya economy. We urge States to put in place the enabling environment for Indigenous Peoples use their resources, including cultural heritage, for economic development based on our principles and values.
8. Lastly, we urge that a specially attention be given to the criminalization of Indigenous Leaders especially Indigenous Women