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"NGO in Special Consultative Status with the Economic and Social Council of the UN"

Commission on Human Rights
Sub-Commission on the Promotion and Protection of Human Rights
Working Group on Indigenous Populations
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Agenda Item 4.a

*Review of Developments Pertaining to the Promotion and Protection of the Rights of
Indigenous Peoples, including their Human Rights and Fundamental Freedoms*

General Debate

Statement by Victoria Tauli Corpuz

On behalf of my delegation from Tebtebba and the Asian Indigenous Women's Network, I would like to congratulate you for being *elccted again* as the Chairperson of the Working Group. Your innovative leadership is breathing new life into the WGIP even amidst threats of its extinction. We are firmly convinced as you that this body should continue to exist because it still remains as a very important space for indigenous peoples. Besides it is still the only United Nations body mandated to do standard-setting activities.

For this agenda item, I would like to discuss three developments. First I would like to say something about alarming developments which still continue in indigenous territories. Then I will say something about the conference we held on conflict resolution which has a direct bearing on the theme of this 22nd Session. Thirdly, I will respond to the suggestion of Madame Hampson that we deal with the question on how the United Nations should organize itself better to promote the rights of indigenous peoples.

With the increasing desire of states for more *economic* growth, senseless exploitation of indigenous peoples territories' and resources continues unabated. It is mainly through the sheer resistance of indigenous peoples that some of these efforts are either slowed down or stopped. The accusation of resisting indigenous peoples as terrorists has become commonplace especially after Sept. 11. The criminalization of political dissent and resistance is happening in *various parts* of the world. In the Philippines, Indonesia, Nepal, India, Chile, Colombia, among others, there is an increasing number of indigenous peoples being arbitrarily arrested and treated as common criminals, tortured, raped and killed. We held the Second Asian Indigenous Women's conference from March 4-8, 2004 in the Philippines and here we heard stories from indigenous women who got displaced from their *communities* by mining corporations, logging companies and plantations. Some of them were even raped by military men or paramilitary men who serve as company guards. It was mentioned here that with the enactment of anti-terrorist laws, like the Prevention of Terrorist Acts (POTA) in India, indigenous peoples become easy prey of anti-terrorist drives. There has to be a review of how the anti-terrorism campaigns are being used to *justify* further the gross violations of the human rights and fundamental freedoms of indigenous peoples. We participated recently at the Beijing Plus 10 NGO Forum in Asia-Pacific where we trained some of our members on how to document violations *against women* in situations of armed conflict. We invited Amnesty International to help us develop a campaign on violence against indigenous women because many of the *rape cases* remain unsolved and justice has never been seen by the victims. The Asian Indigenous Women's Network will have a meeting soon with the Special Rapporteur on Violence Against Women to explore how we can work with her on these issues.

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The theme "conflict resolution and indigenous peoples" is very relevant to all of us and I would like to inform you that we held in December 2001 the "International Conference on Conflict Resolution, Peace-Building, Sustainable Development and Indigenous Peoples". More than 100 indigenous peoples from all parts of the world took part in this conference and we looked at the issues of lands, territories and resources, peace accords and indigenous conflict resolution practices, the relationship of self-determination and sustainable development, indigenous definitions and concepts of conflict, among others. We finally finished the book which contains the papers presented and we will give to you a copy of this book. We have a side-event on Wednesday, 22 July from 1-3 p.m. at Room 12 where we will launch this book and we are inviting you to be a panelist for this event. The Manila Declaration which was the final statement of this conference will be annexed to our statement on Agenda Item 4b.

With regards to how we can enhance further the role of the United Nations in promoting human rights we have a few recommendations on this. We actively participated in the mission of Mr. Stavenhagen to the Philippines in 2002 and we gained very valuable insights on how to make this mechanism more effective in addressing indigenous peoples' rights. First of all, it is so important to disseminate more widely the information on this mechanism. On our part, we consolidated our experience in hosting and helping organize his mission to the Philippines. We prepared a book "How to engage with the UN Special Rapporteur" which is a guide for those who would like to work with him. It contains the lessons we learned about this process and a more detailed presentation of the official report he made. We will present this book tomorrow in another side-event also between 1-3 p.m. at Rm. 12. Another book which is a report of what happened one year after his visit will also be presented. This contains the proceedings of the national human rights conference co-organized by various indigenous organizations which includes the Cordillera Peoples' Alliance and Tebtebba. This side event will include indigenous speakers from Colombia, Canada and Chile who were also visited by the Special Rapporteur a few months back.

Secondly, there needs to be clearer understanding on how his recommendations can be implemented. The Office of the High Commissioner on Human Rights is the one who has to carry the burden of implementing some of his recommendations aside from the governments. There needs to be more discussions with the OHCHR on how to carry out his recommendations. In particular, for example, in his Philippine mission, one of his recommendations is the setting up of a Philippine office of the OHCHR. How can we make this a reality? We believe that having such an office will be important because our National Commission on Human Rights does not exhibit much independence from the government. So to supplement its work an OHCHR unit in the country is very much needed. My colleague, Joan Carling from the Cordillera Peoples' Alliance, will talk about this more in her intervention.

Thirdly, indigenous peoples have to be educated more widely and given support on how to use other existing mechanisms within the UN to have their issues addressed. I am referring to the Treaty bodies and their complaints mechanisms. These are mechanisms not yet widely used by indigenous peoples because they simply do not have adequate knowledge on these, nor the means to do so. What is the Special 1503 procedure? How do we get to bring cases to the Human Rights Committee? Do we really need to exhaust all domestic means before we can bring complaints to this committee? These and other questions need to be answered. More widespread education on these needs to be done both by the UN secretariat, by NGOs and by indigenous peoples, ourselves.

Finally, the complementation between the different UN bodies dealing with indigenous issues still has to be developed. We strongly support the immediate establishment of the Second Decade. We are also very much supportive of the immediate adoption of the Declaration on the Rights of indigenous peoples. We have shared with the indigenous caucus yesterday our suggestions in terms of how to improve the methods of work of the WGDD and the substance of the draft declaration. We will elaborate further on this when the agenda item on the draft declaration comes.

Thank you very much Mr. Chairperson.

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