



2019-07- 17 EMRIP 12th - July 2019

Expert Mechanism on the Rights of Indigenous Peoples 12th session

Statement under Agenda Item 8 :

United Nations Declaration on the Rights of Indigenous Peoples:

Thank you Madam Vice Chair,
Distinguished members of this Assembly,

Geneva for Human Rights (GHR¹) and its Working Group on Indigenous Peoples hereby wants to underline the achievements of this mechanism as well as the progresses of its associated instruments and procedures in the frame of the UNDRIP implementation.

Our project on Indigenous Peoples (GHR IPP²) led us to appreciate the important and valuable body of work of all instruments and mechanisms working jointly for the fate and survival of the Indigenous Peoples around the World.

This Mechanism and its joint engagement with the Permanent Forum, the Special Rapporteur and other UN Bodies and Agencies have significantly provided protection, visibility and remedies to human rights violations faced by Indigenous Peoples around the world.

Despite the numerous progresses in various fields related to Indigenous Peoples rights, we want to highlight the ongoing and worsening human rights violations and discriminations perpetrated against the native, tribal, indigenous and ethnic people(s) on all continents. More particularly in the frame of the issue of racial equality and extractivism within indigenous communities and territories as well as environmental and indigenous peoples human rights defenders who are targeted and intimidated.

The basis for an analysis of the status of implementation of the UNDRIP and an assessment of the recommendations and observation to members states made under its scope, can be found in the inspiring and creative body of work of the concerned mechanisms and instruments.

The 2007 expansion of the mandate³ of this Mechanism enabled a better follow-up of implementation policies and measures of the UNDRIP and its provisions.

Progresses have been made all around the world. The Ecuadorian constitution recognizes that the human rights, established in international instruments, are directly applicable and enforceable in their own national judiciary and legal system. We invite all states to follow the path of enshrining the HR instruments and legal obligations within their own constitutions.

The implementation of the Declaration will be enhanced by an improved implementation of its provisions by states as well as the proliferation of more recommendations and observations to member states by all UN Human Rights instruments and mechanisms working on Indigenous issues.

¹ <https://gdh-ghr.org/west-papua-project-ghr-wpp/>

² <http://gdh-ghr.org/indigenous-peoples-project-ghr-ipp/>

³ <https://undocs.org/A/HRC/RES/33/25>

An overview of such recommendation and observations will be useful to address the future challenges and tackle obstacles to the full implementation of the Declaration.

Land and resources have always been at the centre of the 'development policies' initiated by the ruling powers and states. States have played an important role in enabling the expansion of corporate based industries by failing to provide adequate protection and prevention remedies for indigenous people's land rights, important ecosystems and standards of living. It has also failed to establish proper and just regulation and enforcement which could prevent the uncontrolled growth of the resources exploitation and extractives industries.

This is shown to be symptomatic of a wider disparity between many government's development priorities and the needs of the Indigenous people: no response to the needs and expressed desires of Indigenous Peoples and Nations, including popular demands for cultural, social and economic justice, state accountability for human rights violations and a level of real autonomy or self-determination.

The role of regional mechanism is crucial as is the function of domestic courts and national bodies in the preparation of national action plans to implement the Declaration and implement its provisions.

In the frame of the enhanced and broadened participation of native and indigenous People(s) to the HR bodies and mechanisms dealing with Indigenous Peoples, we welcome the willingness of Indigenous Nations and Peoples to be considered as specific actors and interlocutors within the UN system: they are not NGO's nor CSO's organisations.

Building upon its reports and analysis of trends and patterns of violations , the Human Rights Council analysis on Indigenous issues are rare opportunities to tackle precise situation and violations. We welcome the forthcoming sessions 42nd and 45th Council with their studies and half day panels on Languages and Human Rights Defenders protection.

I thank you.

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