

HUMAN RIGHTS COUNCIL

33<sup>RD</sup> REGULAR SESSION

AGENDA ITEM 3&5: CLUSTERED ID WITH SPECIAL RAPPOREUR ON  
INDEGENOUS PEOPLES AND EXPERT MECHANISM ON THE RIGHTS OF  
INDEGENOUS PEOPLES

20<sup>TH</sup> SEPTEMBER, 2016

**STATEMENT BY NIGERIA**

Mr. President

We welcome the report of the Special Rapporteur on Indigenous Peoples, particularly its thematic analysis of the impact of international investment agreements on the right of indigenous people. We commend her extensive study covering a lot of international investment agreements and relevant case studies.

2. International investment agreements are meant to benefit indigenous people in whose territories these resources are located but unfairness in the investor-State dispute settlement process including those relating to the extractive and energy industries, has deprived them the right to economic benefits.

3. As pointed out by the Special Rapporteur the United Nations Declaration on the Rights of Indigenous People require free, prior and informed consent, prior to approving or undertaking an investment. It is however regrettable that multinational companies investing in their area though conscious of this declaration tend to ignore these commitments.

4. We are alarmed at the number of cases cited by the report of such blatant violations of the rights of indigenous peoples in the exploitation of energy, mineral, land or other resources that are predominantly located in their territories, which affect a whole gamut of their natural life and

livelihood. However, we are glad that Special Rapporteurs and other treaty bodies have made useful recommendations to States on this issue. In our view, the Trans-Pacific Partnership should be reviewed in favour of indigenous people, because the partnership as it is presently constituted is skewed in favour of investors. As the Special Rapporteur noted: The situation whereby investor rights are entrenched and indigenous rights are constrained, could have a particularly profound impact on indigenous peoples in the many resource-rich Partnership countries, given the huge number of extractive industries.

5. We agree with the Special Rapporteur's recommendations and conclusions outlining the duty and role of States and corporate responsibility. In particular, we believe that States should ratify the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration, appoint arbitrators with knowledge of indigenous peoples' rights and cooperate jointly to interpret relevant international investment agreements in relation to indigenous people's rights; among others. We request the Special Rapporteur who has done a good work in this area to also extend his case study to Africa where many indigenous peoples' rights over their mineral and other resources have been abused.

I thank you.

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