

Expert Mechanism on the Rights of Indigenous Peoples
12th Session

Item 8: UN Declaration on the Rights of Indigenous Peoples, Including Study on Recognition,
Reparation, and Reconciliation

Statement by: Geneva International Centre for Justice

Delivered by: Aditi Ramakrishnan

Thank you, Madam President.

GICJ is concerned about the rising number of conflicts between the perceived national and economic interests of those in power, and the right to redress that indigenous people are entitled to under Article 28 and 29 of UNDRIP.

The UNDRIP has specific provisions protecting the land, resources, and rights of indigenous people, including to their sacred rituals and burial sites. However, in the United States, the longstanding issue of the Dakota Access Pipeline, rigidly opposed for its adverse impacts on indigenous water resources and burial sites, was given the green light by the Trump administration regardless, even after President Obama stopped it. This impact on water was dismissed by the government's investigation committee, but the indigenous people should have a greater say in it as it is their ecosystem that could be impacted by it. Now, the economic potential of the pipeline has given rise to proposals to expand it and nearly double its capacity. The Standing Rock Sioux now has to settle for the lowest common denominator, and is requesting a hearing on the expansion plan.

In Canada, similarly, the Wet'suwet'en have opposed the Coastal GasLink pipeline, protesting it and undergoing the arrest of several, including women and elderly. This comes despite Canada's stated commitment to implementing the UNDRIP.

Madam President,

GICJ appreciates the United States' reversal of their original opposition of the UNDRIP, as well as Canada's public commitment to implementing the Declaration's provisions as well as the recommendations of the Truth & Reconciliation Commission. However, we worry about the stalling or deprioritization of the guarantee of redress and reparation with a regime change, or with an emerging economic opportunity. We argue that reparations for indigenous peoples, as well as a recognition of their rights, should not suffer these fluctuations.

Thank you.