



**Statement of  
Ms. Victoria Tauli-Corpuz  
Special Rapporteur on the Rights of Indigenous Peoples**

**11<sup>th</sup> Session of the Expert Mechanism on the Rights of Indigenous Peoples**

Item 7: United Nations Declaration on the Rights of Indigenous Peoples: good practices and lessons learned. Dialogue with Special Rapporteur on the Rights of Indigenous Peoples, the Chair of the UNPFII, the Board of Trustees of the UN Voluntary Fund for Indigenous Peoples, and members of the Committee on the Elimination of Discrimination against Women and the Human Rights Committee.

**Geneva  
11<sup>th</sup> of July 2018**



Madame Chair of the Expert Mechanism on the Rights of Indigenous Peoples (Ms. Erika Yamada ),  
Distinguished Members of the Expert Mechanism,  
Chair of the UN Permanent Forum on Indigenous Issues (Ms. Mariam Wallet Aboubakrine)  
Chair of the UN Voluntary Fund for Indigenous Peoples (Ms. Claire Charters)  
Honourable member of the Human Rights Committee (Sarah Cleveland) and Committee on the Elimination of discrimination against women (Aruna Devi Narain)  
Indigenous representatives, Excellencies, ladies and gentlemen,

It is a pleasure for me to address you today. We are meeting for the 11<sup>th</sup> session of the Expert Mechanism on the Rights of Indigenous Peoples, but the second time after the adoption of EMRIP's new mandate by the Human Rights Council in September 2016 (HRC/RES/33/25). Two years down the road, I think there is reason to acknowledge the potential and first positive steps that we are seeing as a result of the review of EMRIP's mandate in terms of advancing the rights of indigenous peoples in the international framework.

I would like to highlight three of them upfront:

1) The fact, that we are now discussing such a pertinent issue as *Free, Prior and Informed Consent of indigenous peoples*, which is a theme identified by the EMRIP members. As we all know, FPIC is essential for the respect of the substantive rights of indigenous peoples. Lack of respect for FPIC is and one of the concerns that is most frequently raised to me in my role as the Special Rapporteur on the rights of indigenous peoples. We need to map and understand the potential good practices of consultation and FPIC to be able to promote these rights better. I look forward to the final report of the Expert Mechanism on this issue and trust we will jointly advocate for a common and consistent approach to the interpretation of the standards and requirements of consultation and free, prior and informed consent.

2) A second positive outcome of the new mandate is the increased focus on advancing indigenous peoples' rights at the national level. This was exactly the main conclusion emerging from the 10<sup>th</sup> Anniversary of the UN Declaration on the Rights of Indigenous Peoples last year, where we clearly saw that despite advancements globally, much more needs to be done at the national level to implement the Declaration. The UN mechanisms on the rights of indigenous peoples can play an important role in supporting Governments in this undertaking. I encourage EMRIP to take into account the recommendations and observations I have made in my country reports and communications when engaging at the national level.

3) Thirdly, I would like to emphasise the importance of cooperation between the UN mechanisms working on indigenous peoples' rights. This is nothing new, but it was reiterated and actively called for by the Human Rights Council in the reviewed EMRIP mandate. We cannot ignore the fact that indigenous peoples continue to be victims of massive human rights violations, structural discrimination and inequality and in fact, most often are "left behind" despite global commitments to address their situation of marginalisation. We have to work together across the United Nations specialized mechanisms, other UN human rights bodies, as well as regional and national human rights institutions, governments and indigenous peoples to urgently improve the conditions that indigenous peoples are facing.

I therefore appreciate this annual opportunity to call for further coordination and cooperation in advancing the rights of indigenous peoples.

I would like now to say a few words on my activities and work. I will briefly comment on my activities since I addressed the Expert Mechanism last year, with a particular focus on criminalisation, self-governance and sustainable development, which are issues that I am presently dedicating my attention to.

### **Violence and criminalisation against indigenous peoples**

One of my most serious concerns is the worrying escalation of violence, criminalisation, harassment and threats against indigenous peoples, particularly when they are defending and exercising their rights on their lands, territories and natural resources. These human rights violations often arise when indigenous leaders and community members voice concerns over extractive and investment projects, such as mining, agribusiness or hydroelectric dams affecting their fundamental rights.

It seems that once more, indigenous peoples have ended at the forefront as targets of persecution - this time because of the intensified competition over natural resources, which is taking place on their traditional lands and territories..

My report to the Human Rights Council's 39th session in September (A/HRC/39/17) will provide an analysis of these concerns. In particular, the report will analyse the individual, but also the collective impacts that these attacks and criminalisation have on indigenous peoples and their communities. Moreover, the report will elaborate on the need to develop collective prevention and protection measures.

The report is a first step of looking at this issue. I am committed to continue raising attention to attacks and criminalisation of indigenous human rights defenders and seek to find and promote solutions in terms of adequate prevention and protection measures for them.

### **Indigenous Peoples and self-governance**

Following the 2011 EMRIP study on participation in decision-making and the UN Permanent Forum's recent work on sustainable development in the territories of indigenous peoples, I wish to focus more on indigenous peoples and self-governance, particularly as it relates to the achievement of sustainable development.

In fact, there are numerous indigenous governance systems across the world, which are enabling indigenous peoples to practice their right to self-government and achieve sustainable development in ways they define themselves. These include traditional authorities, customary law and dispute resolution mechanisms as well as new governance institutions, such as indigenous parliaments, councils and organisations amongst others.

Many of these indigenous governance systems have proven to be better than external actors in ensuring the well-being and rights of indigenous peoples. They furthermore contribute to conflict reduction, climate adaptation, conservation and protection of nature, and culturally appropriate education and health services, amongst many other positive outcomes. The recognition of and support to indigenous governance systems is hence essential for the realisation of indigenous peoples' rights more broadly, and in particular their right to self-determination.

In my report to the General Assembly in October this year, apart from providing the annual update on my activities, I will make an introductory comment on the topic of indigenous peoples and self-governance. The aim is to open the discussion and highlight some of the key areas, which I seek to explore further over the coming year in consultation and dialogue with States and indigenous peoples.

### **Sustainable Development and Indigenous Peoples' rights**

While we are meeting here in Geneva, the High Level Political Forum on Sustainable Development is opening later today in New York to monitor the implementation of the Sustainable Development Goals since 2015.

The 2030 Agenda promises to “leave no one behind”. In order not to leave indigenous peoples behind, the Agenda needs on one hand to effectively address discrimination against indigenous peoples, so they can fully benefit from mainstream development efforts, while on the other hand ensure respect for their right to define and pursue their self-determined development paths. Given indigenous peoples’ unique ways of life, traditions, cultures and holistic development approaches, development for indigenous peoples might not take the exact same form as mainstream development processes.

Therefore, indigenous peoples’ participation through their own representatives and institutions in this process is indispensable. Only in this way, we can ensure that the implementation of the 2030 Agenda is culturally appropriate and grounded in indigenous peoples’ traditions, values and development approaches – and that it will respect and promote their rights.

### **Country Visits and communications**

Let me finish with a few words on my recent country visits as well as communications with governments.

Since I reported to EMRIP last year, I have conducted two official country visits: to Mexico from 8 to 17 November 2017, and to Guatemala from 1 to 10 May 2018. I wish to thank the Governments of Mexico and Guatemala for their invitation for these visits, as well as for their cooperation during the missions and for allowing me to pursue them in an independent manner.

Mexico and Guatemala have played an important role in supporting the advancement of the rights of indigenous peoples at the international arena, including in the adoption of the UN Declaration on the Rights of Indigenous Peoples and in the establishment of my mandate. However, at the national level, both countries country still face serious challenges in implementing these commitments.

In Mexico, I received information about some steps ahead in the fields of health and education, as well as efforts to facilitate indigenous peoples access to justice. But I could observe that the actual situation of indigenous peoples in the country reflects a huge gap between the international commitments adopted by the State and the reality on the ground.

There is a need for effective and coordinated action at the federal, state and municipal levels to confront the serious situation of indigenous peoples in terms of lack of adequate implementation of their rights to self-determination and on their lands, territories and natural

resources, their political participation and access to justice. Urgent measures should also be adopted to solve the violence and insecurity problems as well as the poverty, marginalization and discrimination they are confronting.

I consider that it is necessary to create the conditions for a sustained and inclusive dialogue between the State and the indigenous peoples in the country to address all the problems examined in the report and create a new relationship based in equality, respect and non discrimination.

. In Guatemala,. indigenous peoples constitute the majority of the population. In spite of this, they have never participated on equal footing in the political, social, cultural and economic life of the country. I could observe that indigenous peoples face structural racism and discrimination in their daily lives, reflected in the lack of protection of their lands, territories and natural resources and in their difficulties in gaining access to justice, health and education, or political participation. I was concerned to learn that in spite of the overall economic growth, the levels of inequality are increasing.

In following up the visit of my predecessor, professor Rodolfo Stavengahen in 2002, I could observe his main recommendations on the implementation of the 1996 Accord on Indigenous Peoples' Rights and Identity (ADIPI) remain unfulfilled. It is deeply disturbing that today, 22 years after the signing of the Peace Accords, only 19% of the commitments adopted in the ADIPI have been implemented. There has not been enough progress in particular in relation to securing land and resources rights, bilingual intercultural education, and recognition of indigenous authorities and justice systems.

Both in Mexico and Guatemala I received numerous complaints about the impacts of the current 'development' model on the rights of indigenous peoples .. The drastic increase of extractive and other projects fails to respect indigenous peoples' right to determine their own priorities and strategies for the development or use of their lands, territories and natural resources. These projects are generally undertaken without adequate human rights impact assessments nor appropriate consultations to obtain the free, prior and informed consent of the indigenous peoples concerned.

I will be presenting my official country visit reports to the Human Rights Council in September this year. I hope their conclusions and recommendations help to provide a basis for a sustained dialogue with the Governments of Mexico and Guatemala with a view to advance in the protection, respect and implementation of the human rights of indigenous peoples in both countries.

Apart from the country visits, I have continued to share information to governments and other actors in relation to allegations of violations of indigenous peoples' rights. Since last year, I have sent 37 communications to more than 20 States and other actors in relation to violations of a wide range of economic, social and cultural as well as civil and political rights. I appreciate the answers I have received and the dialogue some of the communications have led to with different Governments..

I started by referring to the positive steps and signals the new EMRIP mandate seems to be bringing. Let me end by highlighting that we all need to keep on working to improve the international monitoring framework of indigenous peoples' rights, but just as much to support the development of the national legal, institutional and policy frameworks which can effectively protect, promote and realize indigenous peoples' rights on the ground.