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**Statement by Professor James Anaya  
Special Rapporteur on the rights of indigenous people**

Twelfth Session of the United Nations Permanent Forum on Indigenous Issues

22 May 2013

New York



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Mr. Chairperson,

Distinguished members of the Permanent Forum on Indigenous Issues,

Representatives of Indigenous Peoples and Members States,

Friends and colleagues

It is a great pleasure to be able to again address the Permanent Forum and all those attending this year's session. As always, I am grateful for this opportunity to share some of my experiences over the past year as Special Rapporteur on the rights of indigenous peoples, as well as to provide some information on my work that I believe is pertinent to the work of the Forum and its focus this year on the review of its work.

**Activities to promote indigenous peoples' rights in fulfillment of the mandate**

Mister Chairperson,

I would like to provide updates on a number of the various activities I have carried out over the past year in fulfillment of my mandate from the Human Rights Council. These activities fall within four areas of work: promoting good practices, country reports, responding to cases of alleged human rights violations and thematic studies.

With respect to the promotion of good practices, I have continued to provide technical assistance to Governments in their efforts to develop laws and policies that relate to indigenous peoples. Most often, this technical assistance has dealt with the development of procedures surrounding the duty to consult with indigenous peoples about Government decisions that affect them, as has been the case with my recent interactions with the Governments of Chile and Peru. I am also continuing to work towards the promotion of good practices in the context of my thematic study on extractive industries, as I will discuss later in my presentation to the Forum.

Since I last presented to the Permanent Forum, I have completed and made public my report on my official visit to the United States in April and May last year. I have also conducted visits to Namibia and El Salvador; my report on Namibia is already available online and my report on El Salvador should be made public in the coming weeks. Also, in March of this year, I held a consultation in Kuala Lumpur, Malaysia with indigenous representatives from countries throughout the Asia region, and on the basis of these consultations I am currently completing my

report on the situation of indigenous peoples in that region. I was very pleased with the comprehensive information that was provided by indigenous representatives during the consultation, and I am grateful for the assistance of the Asia Indigenous Peoples Pact for their work in hosting and organizing that event. Later this year, I will visit Panama, Canada, and Peru. I look forward to coordinating with Governments and indigenous peoples' representatives from these countries as I proceed to prepare the agendas for the visits. I invite indigenous representatives to submit to me information and suggestions relevant to my anticipated visits to these countries, including proposals for my agendas.

In connection with my examination of specific cases, I would like to draw attention to the *Joint Communications Report of Special Procedures Mandate Holders* issued periodically by the Office of the High Commissioner for Human Rights. The report contains the full texts of letters that I have sent and replies received from governments concerning cases of alleged violations of the human rights of indigenous peoples. The most recent Joint Communications report of Special Procedures Mandate Holders included the communications in cases I have examined in Australia, Bangladesh, Brazil, Cameroon, Canada, Chile, Colombia, Costa Rica, Ethiopia, Guatemala, Kenya, Nepal, New Zealand, Peru, Philippines, Russian Federation, Suriname, United States and Venezuela.

The cases that I have addressed regarding these countries reveal that many ongoing barriers to the full enjoyment of the rights of indigenous peoples persist throughout the world. These cases involve threats to the enjoyment of indigenous peoples' rights to their traditional lands and resources, acts of violence against indigenous peoples and individuals, including against indigenous women and children, the forced removal of indigenous peoples for large-scale development projects, the suppression of indigenous peoples own forms of organization and self-government, and conditions of poverty and related social ills that are perpetuated by patterns of discrimination.

The next Joint Communications Report, which will include documentation on my examination of additional cases, should be released in the coming weeks. I would like to remind indigenous representatives others present that I they can submit to me information on cases of alleged human rights violations at any time, through email, regular mail or fax. The preferred method of submission of information is by email, which allows my staff and I to process the information most efficiently. Within the resources available to me, I do my best to act on all submissions that include complete and well-documented information, in cases that involve violations of the rights of indigenous peoples that may not be adequately addressed by domestic authorities.

With respect to my work on thematic issues, I have continued work on my study on extractive industries affecting indigenous peoples. As I have noted previously, and as made evident by numerous statements at this and previous sessions of the Forum, the issue of extractive industries is one of the most common pressing concerns of indigenous peoples worldwide, representing a range of human rights problems. My final report on this issue will be presented to the United Nations Human Rights Council in September. Over the past year, I have participated in several meetings to gather perspectives on the issue from indigenous peoples, Governments, and companies, including meetings in Australia, Norway, Sweden, the United Kingdom and the United States. Additionally, as part of my study, I launched an online forum to gather examples of specific extractive projects that are being carried out in or near indigenous peoples territories.

I am grateful for the numerous contributions provided to me through these media from indigenous peoples, Governments, companies, and non-governmental organizations from around the world. My report this year will build on the experiences I have examined with a view towards promoting the development of new models for extractive operations that better respect and advance the rights of indigenous peoples.

**Need to harmonize the myriad activities with the United Nations system that affect indigenous peoples**

Mr. Chairperson,

Given that this year the Permanent Forum is engaged in a process of reviewing its work, I would like to provide a few comments of relevance to one of the central mandates of the Permanent Forum, which is to provide expert advice on indigenous issues to the programmes, funds and agencies of the United Nations. This year, my report to the General Assembly offered comments on the need to harmonize the myriad activities within the United Nations system that affect indigenous peoples, and I would like to reiterate some of the comments I made in that report, today.

As those present are aware, the Declaration on the Rights of Indigenous Peoples, which was adopted by the General Assembly in 2007, calls upon the various components of the United Nations system to contribute to and promote the full realization of the rights affirmed in the Declaration. In this regard, the provisions of the Declaration also provide the principle benchmark for United Nations actions related to indigenous peoples.

In my report to the General Assembly, I provided an overview of the various processes and programmes within the United Nations system that are of particular relevance to indigenous peoples or about which indigenous peoples have expressed concern. These include processes and programmes related to UNESCO; the Food and Agriculture Organization; the World Intellectual Property Organization; and the World Bank Group; as well as processes carried out within the framework of United Nations treaties like the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change.

I note that a number of these institutions and procedures within the United Nations system have done important work to promote the rights of indigenous peoples. However, the agencies, funds, programmes and intergovernmental organizations of the United Nations should do more to develop or further pursue initiatives within their respective work areas to advance respect for the rights of indigenous peoples. I make a series of specific recommendations about how these institutions should ensure that the design and execution of their various activities and programmes are consistent with and reinforce the Declaration on the Rights of Indigenous Peoples.

In addition, in my report to the General Assembly I looked at current United Nations processes for the development of new multilateral treaties or other instruments, like those being discussed within the World Intellectual Property Organization concerning the protection of genetic resources and associated traditional knowledge. The provisions of these new instruments, as I

emphasize in my report, should be consistent with international standards concerning the rights of indigenous peoples, both in relation to indigenous participation in these processes as well as in terms of substantive outcomes. In no instance should a new international treaty or other instrument fall below or undermine the standards set forth in the Declaration or established in other international sources.

As for existing treaties or other normative instruments, including agency guidelines and policies, these should to be interpreted and implemented in a way that is consistent with the Declaration on the Rights of Indigenous Peoples, whether or not the specific texts of these instruments reflect language that exactly matches the terms of the Declaration. If a text is such that it cannot be applied consistently with the Declaration, it should be amended or reformed.

I hope that the Permanent Forum will continue to build upon and strengthen its important work contributing the processes within the United Nations system that affect indigenous peoples, and that my own work on this issue will be of some usefulness in this regard. I also note that the United Nations Inter-Agency Support Group on Indigenous Issues, in which the Permanent Forum plays a key role, should continue to strengthen its efforts to promote and harmonize indigenous issues within the United Nations system.

Mr. Chairman,

I would like to make special mention of the upcoming World Conference on Indigenous Peoples, which will be held in 2014 as a high-level plenary meeting of the General Assembly. In December last year, I participated in a meeting in Guatemala together with members of the Permanent Forum and the Expert Mechanism on the Rights of Indigenous Peoples, during which we discussed our roles in this event. As I have stated in the past, I see the World Conference as providing four important opportunities. First, it can contribute to the development of measures for the direct participation of indigenous peoples in United Nations meetings; second, it can help to advance greater and more concerted efforts within the United Nations system to advance the rights of indigenous peoples; third, it can assist in promoting action at the national and local levels to secure the realization of indigenous peoples' rights; and finally, it can be a cause for celebrating indigenous peoples and their contributions worldwide.

Mr. Chairperson,

I would like to conclude by expressing my gratitude for the opportunity to address the distinguished members of the Permanent Forum and representatives of indigenous peoples and States present today. As always, I am committed to cooperating with the Permanent Forum in the shared pursuit of promoting and securing the full enjoyment of the rights of indigenous peoples.

Thank you Mr. Chairperson, and all those present, for your kind attention.