

## EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES

8-12 July 2013, United Nations, Geneva

Agenda Item 4: Follow Up to thematic studies and advice

Indigenous World Association and Laguna Acoma Coalition for a Safe Environment

Greetings and congratulations on your election Mr. Chair.

My name is June L Lorenzo and I am speaking on behalf of the Indigenous World Association and the Laguna Acoma Coalition for a Safe Environment. Our coalition is very engaged in trying to ensure responsible behavior by a uranium company in the southwestern United States. At the moment we are monitoring the permitting process for a proposed uranium mine by Roca Honda, a Japanese company.

Thank you for this opportunity to speak. I will be brief as I do not want to duplicate the comments already made this morning. My comments are specific to the section of the report on the right to participate in decision-making, with a focus on extractive industries, at page 28 of the English version of the report.

First, while I understand the need for EMRIP to respect the terms of its mandate, and heed the words of EMRIP member Jannie Lasambang, I urge EMRIP to do further follow up and research on the issue outlined in item 4 on page 28. While you note that states “retain the primary obligation to ensure indigenous peoples right to participate is respected,” you encourage extractive businesses to make their own assessments as to compliance with the rights of indigenous peoples to participate in decision making. I urge EMRIP to push the theme of obligations of extractive industries to observe human rights obligations and explore ways to hold them responsible. Without more attention to this by human rights bodies, extractive industries will always have a way out of observing human rights obligations. We believe there are ways to hold them responsible and may be cases in which they will be held responsible.

Second, Item no. 7.c. regarding EMRIP’s recommendation regarding representation of indigenous peoples on corporate boards. With all due respect to indigenous individuals who choose to work for extractive industries, we have not to date witnessed one indigenous person who has represented the community interests of indigenous peoples. Rather, we have seen that once a person is put on a board or employed, they have bought in to the corporate values and cannot adequately represent the interests of indigenous peoples. If there are models that exist for doing this effectively we are very interested in seeing these. At this point in our experience, it seems like an unrealistic recommendation.

Third, I wish to stress the importance of assessing cultural impacts when doing assessments. We have had difficulty in our experience in the context of Roca Honda. Item 2 .e advises states to establish mechanisms to enable consultation to provide guidance on, *inter alia*, environmental and social impact studies. We urge EMRIP to supplement this advice by stressing the need to incorporate an assessment of **cultural impacts** associated with proposed extractive activities. In our experience, mining companies as well as the state permitting agencies are unwilling to assess the cultural impact dimensions of assessments. In areas where our cultural resources, including sacred place, will be irreparably harmed, this is a critical gap in the assessment process.

Thank you.