

Thank you, Chair,  
Mr. Vice President,  
Excellencies,  
Distinguished Members of the Expert Mechanism,  
Colleagues and Friends,

It gives me great pleasure to join you for the opening of this 10th session of the Expert Mechanism on the Rights of Indigenous Peoples in a year that celebrates the 10th anniversary of the landmark UN Declaration.

Only when the last tree has died and the last river has poisoned, it has been poisoned, and the last fish has been caught, when we realize we cannot eat money. You have perhaps heard this phrase often attributed to the Kree people. It is a clear warning; we are reaching the limits of the planet's capacity to absorb damage. Indigenous people have rights, intrinsically and inalienably. And they have developed deep knowledge which we would do well to heed. If we do not recognize, promote and protect their rights and safeguard the knowledge which Indigenous Peoples treasure, we will irreparably harm the destiny of all humanity.

Ten years ago, the Declaration was a historic step forward for recognition of the rights of Indigenous Peoples to live in dignity and to maintain their own institutions, cultures and traditions. But the declaration continues to face massive challenges. There remains an enormous gap in some cases, a chasm between governments declared intentions to support Indigenous Peoples rights and the reality of Indigenous Peoples' lives. How can we bridge the gap between what we say in beautiful rooms like this one, and the daily grind in which so many are forced to live?

Frequently states allow the interests of big business to overshadow and sometimes subsume the rights of Indigenous Peoples to protect their lands, territories, resources, and environment. Frequently, consultations with indigenous peoples are mere proforma exercises and the key principle of free, prior, and informed consent is neglected in both law and practice.

The dominant narrative is de-risking projects for business and investors not for those whose lives may be devastated by ill-conceived projects. Indigenous Peoples are also habitually overlooked when it comes to deriving benefits from these businesses or these business and development ventures.

Now, development is essential for all states, but its purpose is to increase well-being throughout society, not to increase the burdens endured by communities. No projects should be financed without extensive public consultation or deliberation and consultation with the directly affected communities that is free from intimidation.

The 2030 Agenda for Sustainable Development offers us a new beginning for development that is built on universality, human rights, equality and environmental sustainability. It makes explicit reference to indigenous peoples and their development concerns. This framework offers real hope for accountability and effective human rights-based policy. We need to ensure that indigenous voices are amplified in all related processes.

I do not mean to ignore the significant progress which has been made in implementing the Declaration, including with respect to land rights. In the EMRIP's draft report on good practices you note that regional and national

courts increasingly invoke key principles of the Declaration such as the principle of free, prior, and informed consent. For example, the Inter-American Court of Human Rights in Pueblo indigena quetchua vs. Ecuador and the Mexican Supreme Court in the Independencia aqueduc case. Courts have also recognized Indigenous Peoples rights to traditional lands, including in the Endowara case before the African commission and the recent Ogvia case before the African court. And the Sarstoon Tamash Institute case before the Supreme Court of Belize.

The Declaration has also been brought to life at national levels through its influence on constitutions and statutes. In Ecuador the Declaration is directly applicable, the Republic of the Congo was the first African country to adopt a law on indigenous peoples. Indigenous activities have been instrumental in many such cases, including in Brazil where indigenous groups drafted their own protocol for consultation. EMRIP's draft report on good practices highlights many such examples and I trust you will be able to share more promising developments during this session.

Furthermore, a number of new regional instruments are based on the Declaration. Last year, the organization of American states approved the American Declaration on the Rights of Indigenous Peoples, recognizing, among other rights, the fundamental rights of Indigenous Peoples to their ancestral territories, consultation, and the principles Free, Prior and Informed Consent. Similarly, Finland, Norway and Sweden signed a Convention this year on indigenous Sami rights and culture which will now be examined by the Sami Parliament and national legislatures.

Indigenous women and girls are particular targets of violence, and this issue is now receiving long overdue attention from some State. I welcome the Human Rights Council's panel discussion last year on the causes and consequences of violence against indigenous women and girls, including those with disabilities. This was held following the advice by the EMRIP. In its subsequent resolution on Human Rights and Indigenous Peoples, the Council reaffirmed its decision to keep this issue high on its agenda.

And yet I have been acutely concerned by the large numbers of murders in the past year of human rights defenders seeking to realize land, environmental and indigenous rights. Many, but not all of them in Central America. Just ten days ago, another armed attack in Honduras targeted Bertha Zuniga, the daughter of the murdered indigenous activists, Berta Castaras. Fortunately she survived. It is intolerable that these attacks continue and that so few of the perpetrators are ever held to account.

Progress in achieving the goals of the Declaration remains dwarfed by the structural violence and injustice so many indigenous people in Europe including obstructions to their access to justice and failure to recognize their right to self-determination. In some States they are not even recognized as Indigenous Peoples making it almost impossible to claim their rights as a distinct group.

The suffering and injustice of Indigenous Peoples is reflected in a very wide range of recommendations from the Special Rapporteur on the Rights of Indigenous Peoples and other independent experts Treaty Bodies and the UPR. We simply cannot continue with business as usual. A parade of commitments that frequently fail to be carried through on the ground.

This speech has been used in the 2022 Russian booth examination

This session is an opportunity for all of us to take stock of the lessons learned in implementing the Declaration. It is also an opportunity to embrace the new expanded mandate of EMRIP. The inclusion of country engagement in your mandate should help to reinvigorate implementation of Indigenous Peoples' rights. As you consider the draft methods of work for the various activities covered by this mandate, new mandate, you can be certain of the support of my Office both here at Headquarters and in the field.

I urge all States to follow through with the essential commitments they made at the world conference in 2014, including the adoption of national action plans. A General Assembly resolution relating to participation of Indigenous Peoples representatives and UN meetings is currently in preparation and I encourage you to take a supportive stand on this issue.

Engagement needs champions. Many established champions of indent of Indigenous Peoples rights are in this room today and I offer you my deep respect. Others here are new to us. I welcome the 2017 OHCHR indigenous fellows and hope the knowledge you gain here in Geneva will inspire to return to act as agents of change in your countries. And my Office will continue to support this training program. We welcome all support provided to the UN Voluntary Fund for Indigenous Peoples which has helped many beneficiaries to attend this session.

We need to step up our work to advance rights of indigenous people, all of us, experts, NGOs, representatives of states, young and old need to ensure that this becomes at or at last, a priority as it always should have been. A decade has already gone by, made the second decade of the Declaration's history, be one of vigorous implementation And the transformative realization of Indigenous Peoples' rights.

I thank you, Mr. Chair.