

Intervention on Article 1, Definitions

Submitted through: Indigenous Peoples International Centre for Policy Research and Education-
Tebtebba Foundation

Joint with:

- Indigenous Peoples Rights International and the
- Narasha Community Development Group

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Mr. Chair,

We would want to intervene on three points:

1. On the proposal to delete the word “collective” in the definitions specifically Articles 1.1 and 1.2.

Indigenous Peoples have the collective rights to land, territories and resources, collective rights to their culture, to their identify, to right to self-determination, among others. These are all recognized under international law, and contained in the UN Declaration on the Rights of Indigenous Peoples that already has the support of 144 States when it was passed in 2017, and gained more State support throughout the years.

We are therefore extremely concerned with the proposal of the esteemed delegate from Brazil, to remove the word “collective” from the Definitions especially Article 1.1 and 1.2, for the reason that, as peoples having collective rights, the violation of such rights likewise impact on the Indigenous Peoples, as a collective.

2. On the proposal to remove the word “omissions” in Article 1.2, in relation to commission of human rights abuses.

Human rights abuses are committed, not only by direct actions, but also by omission. We have repeatedly raised the problem of impunity that allows unimpeded human rights abuses without fear of prosecution. Removing the word “omission” will allow the perpetuation of an environment of impunity for human rights abuses, where States can sit on the fences while human rights abuses are committed, and have no accountability for it.

3. On the proposal of the United States to delete “safe, clean, healthy and sustainable environment”.

A safe, clean, healthy and sustainable environment is integral to the full realization of the right to life and the right to health, among others. For Indigenous Peoples, we believe in the inter-generational responsibility to protect the land, environment and natural resources, not just for the perpetuation of life of the current generation, but also of generations to come.

We would also like to point out, the UN Human Rights Council, passed Resolution A/HRC/48/L.23/Rev.1 on October 5, 2021, recognizing access and having safe, clean, healthy and sustainable environment as a universal right. In this Resolution, States are implored to continue to take into account, human rights obligations and commitments relating to the enjoyment of a safe, clean, healthy and sustainable environment in the implementation of and follow up to the Sustainable Development Goals, and adopt policies to ensure full enjoyment of this right.

We therefore strongly support the positions of Namibia, Palestine, and South Africa to retain the word “collective” in Article 1.1 and 1.2, and the word “omission” in Article 1.2. We also call for the retention of the words “safe, clean and sustainable environment” as supported by Panama and as already provided in the definitions.

Thank you Mr. Chair.