

Intervention on Article 6 – Prevention

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

Joint submission with:

- Indigenous Peoples Rights International (IPRI)
- Narasha Community Development Group
- Movement for the Survival of the Ogoni People
- ESCR-Net
- Manushya Foundation
- Asia Task Force on the Legally Binding Instrument
- Legal Rights and Natural Resources Center, Friends of the Earth Philippines

The joint statement will be read by: Saro Pyagbara

Mr. Chairperson,

I deliver this intervention on behalf of Indigenous Peoples organizations in the room including Indigenous Peoples Rights International, Narasha Community Development Group, Movement for the Survival of the Ogoni People, and Tebtebba Foundation, along with support groups including ESCR-Net, Manushya Foundation, Legal Rights and Resource Center-Friends of the Earth Philippines, and the Asia task force on the Legally Binding Instrument.

We acknowledge the positive developments in the text of the treaty, especially in Article 6.4.d, in relation to the recognition of Free, Prior and Informed Consent for Indigenous Peoples.

The international standard of Free, Prior and Informed Consent is integral to the right to self-determination, and intricately connected to their right to control, manage and own their lands, territories and resources. It is not just about getting their consent, but also respecting right to say no to business activities, and the right to stop any activity that destroys the environment, and that violate their rights, and the right to participate in decision making processes at all stages, on matters affecting them.

We would therefore like to propose that this specific provision be further developed, as follows:

“Respecting Indigenous Peoples rights to their lands, territories and resources, and their right to self-determination, including ensuring Free Prior and Informed Consent and involving them in decision-making processes on all matters affecting them”

This textual suggestion finds basis in international law that fully recognizes the collective rights of Indigenous Peoples to self-determination, and to their lands, territories, and resources.

Article 6 in general, also lacks measures to prevent the criminalization of human rights defenders, including Indigenous Peoples and preventing impunity. We therefore propose that an article be added as follows:

“State parties shall take legal and policy measures to prevent criminalization of human rights defenders and imposing stringent punitive measures to persons acting with impunity in the commission of human rights violations. In relation to this, States shall ensure to prevent strategic litigation against public participation and similar actions that use the law and judicial measures that tend to suppress the exercise and defense of human rights.”

Thank you Mr. Chair.