



**Protecting the rights of Indigenous Peoples in the context of extractive industries. Oral intervention at the 21<sup>st</sup> session of the UN Human Rights Council (10-28 September) (Not delivered)**

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Item 3<sup>1</sup>: Interactive dialogue with the Special Rapporteur on the situation of human rights and fundamental freedom of Indigenous Peoples  
*Oral statement*<sup>2</sup>

Madam President,

Amnesty International has submitted a written statement on the 'Right to consultation and consent of Indigenous Peoples in the Americas' (UN index: A/HRC/21/NGO/124).<sup>3</sup>

We welcome the Special Rapporteur's report to this Council and support the report's observations on consultation with Indigenous Peoples in the context of extractive industries.

Amnesty International recognises the critical importance of robust forms of consultation. These frameworks must be developed in collaboration with Indigenous peoples (including Indigenous women) - not unilaterally by states. If a project has potential to impact significantly on Indigenous Peoples and their environment, it can proceed only on the basis of their free, prior and informed consent.

We also appreciate the Special Rapporteur's assessment that the rights to consultation and free, prior and informed consent should be seen as necessary to protect other substantive rights of Indigenous Peoples. In this regard, we appreciate the relevance of a broad range of related rights set out in the UN Declaration on the Rights of Indigenous Peoples. Of course, apart from rights related to physical resources such as traditional lands, a core substantive right includes the right of Indigenous Peoples to recognition of their institutions and their right to exist as distinctive communities and to determine their future development.

Any assessment of the impact of an extractive industry on Indigenous Peoples' substantive rights must have regard to historical injustices experienced by the peoples and persistent failure by states to ensure effective redress for these injustices. As the Special Rapporteur has consistently noted, Indigenous Peoples' present disadvantage stems from the well-documented history of the taking of indigenous territories, and the historical and ongoing suppression of Indigenous Peoples' political institutions. Extractive projects on Indigenous Peoples' lands have the potential to add considerably to these injustices if not carried out consistently with human rights standards. In this respect, we note that past human rights violations may need to be addressed in the context of any proposed extractive activity on Indigenous Peoples' lands.

Madam President, we would like to ask Mr. Anaya whether he plans to conduct more work in the future on

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<sup>1</sup> Item 3 on the agenda of the Human Rights Council: *Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.*

<sup>2</sup> The statement was not delivered due to lack of Council meeting time.

<sup>3</sup> See Amnesty International written statement to the 21<sup>st</sup> session of the Human Rights Council, *Right to Consultation and Consent of Indigenous Peoples in the Americas* (Index: AMR 01/007/2012), available at <http://www.amnesty.org/en/library/info/AMR01/007/2012/en>

indigenous institutions – i.e., their historical and ongoing suppression – and how states might promote contemporary indigenous institutions that affirm indigenous values, rights, and practices.

Thank you Madam President.