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**Special Rapporteur on the rights of indigenous peoples,  
James Anaya**

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Permanent Forum on Indigenous Issues**

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Madam Chairperson,

Distinguished members of the Permanent Forum on Indigenous Issues

Representatives of Indigenous Peoples and Member States,

Ladies and gentlemen,

It is my honor to once again address the Permanent Forum on Indigenous Issues and all those attending the session. This is my last statement to the Forum in my capacity as Special Rapporteur, since – after 6 years in this position - I will be ending my mandate at the beginning of next month. I would like to warmly congratulate Vicky Tauli-Corpuz, who has been named by the Human Rights Council as my successor. I am confident that Vicky will do an excellent job as Special Rapporteur, as she brings to the position a wealth of experience and knowledge and demonstrated dedication to advancing the rights of indigenous peoples on a global scale.

As I bring to a close my own work as Special Rapporteur, I am grateful for the opportunity today to once again share some of my experiences and thoughts, and to hear from representatives of indigenous peoples, Governments and others during the interactive dialogue.

Throughout my two three-year terms as Special Rapporteur, I have devoted significant attention to refining my work methods within the framework of my mandate provided by the Human Rights Council. I have tried to develop work methods oriented towards building a constructive dialogue with indigenous peoples, Governments, United Nations agencies and others in order to address challenging issues and situations and build on advances already made. In carrying out my work I have sought to coordinate appropriately with the various relevant mechanisms of the United Nations, especially the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples.

In accordance with my mandate, my activities have been within four interrelated work areas: promoting good practices; country reports; cases of alleged human rights violations and thematic studies. Within each of my work areas, I have built upon established work methods generally employed by Human Rights Council special procedures, while also developing new ones, especially in relation to the promotion of good practices and addressing cases of alleged human rights violations through the communications procedure. In my final report to the General Assembly presented in October of last year, I provide an overview of these work methods as I have developed them over the course of my mandate.

In my view, the innovation in work methods has contributed to greater responsiveness to the human rights concerns of indigenous peoples and to assisting States and other actors to address those concerns. I have tried to move beyond reacting to denouncements of alleged human rights violations, to helping to assist indigenous peoples and States to develop concrete proposals and programmes of action for advancing the rights of indigenous peoples.

With respect to my analysis of the situations of indigenous peoples in specific countries, I would like to provide some comments on my final three country reports, which were developed over the past year in connection with visits to Canada, Panama and Peru.

My report on the situation of indigenous peoples in Canada follows my visit to various locations across that country in October 2013. In my report I highlight that Canada's relationship with the indigenous peoples within its borders is governed by a well-developed legal framework and a number of policy initiatives that in many respects are protective of indigenous peoples' rights.

But despite these positive elements, daunting challenges remain. The numerous initiatives that have been taken at the federal and provincial/territorial levels to address the problems faced by indigenous peoples have been insufficient. The well-being gap between aboriginal and non-aboriginal people in Canada has not narrowed over the last several years, treaty and aboriginal claims remain persistently unresolved, indigenous women and girls remain vulnerable to abuse, and overall there appear to be high levels of distrust among indigenous peoples toward government at both the federal and provincial levels.

As I stress in my report, indigenous peoples' concerns merit higher priority at all levels and within and branches of government. Concerted measures, based on mutual understanding and real partnership with aboriginal peoples, through their own representative institutions, are vital to establishing long-term solutions. To that end, it is necessary for Canada to arrive at a common understanding with indigenous peoples of objectives and goals that are based on full respect for their constitutional, treaty, and internationally-recognized rights.

Sra. Presidenta,

Mi informe sobre la situación de los derechos humanos de los pueblos indígenas en Panamá fue desarrollado en gran parte sobre la base de la información recibida durante mi visita al país en julio de 2013. Considero que Panamá cuenta con un marco legal avanzado en cuanto a los derechos de los pueblos indígenas. En mi informe señalo que el sistema de las comarcas ofrece una importante protección de los derechos de los pueblos indígenas, particularmente con respecto a tierras y territorios, participación y autogobierno, salud y educación. Las leyes y programas nacionales en materia indígena suponen un fundamento importante sobre el cual se pueden continuar construyendo y fortaleciendo los derechos de los pueblos indígenas del país.

Sin embargo, observo que este fundamento es en muchos aspectos frágil y precario. Tal como se señala en el informe, se presentan en Panamá una serie de problemas relacionados con la implementación y garantía de los derechos de los pueblos indígenas, en especial sobre sus tierras y recursos naturales, proyectos de inversión a gran escala, autogobierno y participación, y los derechos económicos y sociales, incluyendo el desarrollo económico, la educación y la salud.

Mi informe sobre la situación los pueblos indígenas en Perú sigue una visita a ese país en diciembre de 2013. El propósito de esta visita fue conocer la situación de los pueblos indígenas en Perú especialmente en relación a los efectos de las actividades de las industrias extractivas y los procesos de consulta y participación en este contexto. Como resultado de las actividades extractivas en Perú a lo largo de varios años, diversos pueblos indígenas en el país han sufrido impactos sociales y ambientales negativos, y sin percibir muchos beneficios de estas actividades. A raíz de esta situación, ha existido un alto nivel de descontento y de desconfianza entre los pueblos indígenas hacia el Estado y el sector industrial extractivo, lo que ha resultado en numerosos actos de protesta y enfrentamientos. A pesar de esas

experiencias negativas, cabe notar que los pueblos indígenas en Perú no han expresado una posición de rechazo completo a las actividades extractivas, sino que han remarcado la necesidad de que sus derechos sean respetados en este contexto.

Perú está haciendo esfuerzos importantes para responder a los problemas asociados con la extracción de recursos naturales que afectan a los pueblos indígenas. Sin embargo, se requieren mayores esfuerzos para asegurar que las actividades extractivas se lleven a cabo de forma compatible con los derechos de los pueblos indígenas y por medio de un esfuerzo coordinado y comprensivo para atender las preocupaciones de los pueblos indígenas y promover la paz social.

Sra. Presidenta,

Durante el transcurso de mi mandato, he dedicado atención especial al examen de la cuestión de las industrias extractivas en relación con los pueblos indígenas, dentro del contexto de mis estudios temáticos mas allá de mi examen de situaciones en países específicos. He encontrado que los pueblos indígenas a lo largo del mundo han sufrido consecuencias negativas, y hasta devastadoras, a causa de las industrias extractivas. A la misma vez, he percibido que, a pesar de esas experiencias negativas, y mirando hacia el futuro, no se debe suponer que los intereses de las industrias extractivas y de los pueblos indígenas sean totalmente o siempre contrapuestos. En mi trabajo he encontrado que en muchos casos los pueblos indígenas están abiertos al dialogo sobre la extracción de los recursos naturales de sus territorios, siempre que se realice de manera beneficiosa para ellos y respetándose sus derechos.

Por lo general, existe la necesidad de mayor comprensión entre los Estados y los actores industriales en cuanto al contenido y las implicaciones de los derechos de los pueblos indígenas en este contexto, y para el desarrollo de nuevos modelos de negocio para la extracción de los recursos naturales de sus territorios según métodos que respeten sus derechos. En mi informe final al Consejo de Derechos Humanos de septiembre de 2013, hago un esfuerzo para profundizar en el entendimiento de los estándares internacionales aplicables, inclusive con respecto a los derechos de los pueblos indígenas sobre tierras y recursos naturales, y los principios de consulta y el consentimiento libre, previo e informado. Además, identifiqué a grandes rasgos las condiciones mínimas que hacen falta si es que las industrias extractivas vayan a desarrollarse dentro de los territorios indígenas de manera sostenible y beneficioso para los pueblos indígenas.

Madam Chairperson,

Central to all of my work has been advocacy to advance commitment to, and operationalization of, the Declaration on the Rights of Indigenous Peoples. My appointment as Special Rapporteur came just a few months after the United Nations General Assembly adopted the Declaration in September of 2007. The adoption of this instrument marked a historical moment of recognition of the existence of indigenous peoples who are characterized by distinct cultural identities, and who have suffered and in many ways continue to suffer, widespread and systematic deprivation of their human rights. At the same time, the Declaration paints a vision that is an alternative to this widespread deprivation of human rights, a vision of a world in which indigenous peoples' individual and collective rights are affirmed and respected. Throughout my tenure as Special Rapporteur, I have witnessed indigenous peoples striving to make this alternative vision a reality, amid daunting

challenges, and I have also seen some progress to that end as States and multiple international institutions have moved to develop policies and programs to advance respect for indigenous peoples' rights.

The Declaration represents both a significant achievement and a challenge for the global movement to advance the rights of indigenous peoples. On the one hand, it stands as an embodiment of a significant level of consensus that has been generated about the content of indigenous peoples rights and as a catalyst for incremental steps toward the implementation of those rights. On the other hand, the Declaration reminds us of how far there still is to go to see these rights fully implemented across the globe and firmly embedded in the practice of States and other influential actors at both the international and domestic levels. As I have said on numerous occasions, greater efforts need to be made to bridge this implementation gap. And I believe it is well understood that bridging the implementation gap must be a central focus of the planned high-level General Assembly meeting for a World Conference of Indigenous Peoples.

In thinking about the continuing challenge of implementation that the Declaration lays before us, I would like to turn our focus on the achievements that the Declaration represents. I believe it bears taking stock of the basic elements of the indigenous rights movement that have yielded those achievements, while we contemplate now how to gain further progress toward the realization of indigenous peoples' rights in the context of the World Conference and beyond. I would like to highlight three such animating characteristics of the indigenous rights movement.

First, the indigenous rights movement has been enlightening. It has been a force to enlighten and educate about the presence of indigenous peoples in the world today, about their conditions, aspirations and contributions; a force to make known that indigenous peoples are not just historical figures to be relegated to images of savagery or romanticism. Indigenous peoples and their allies have used various means – including advocacy in the political arena, the media, the courts, academic platforms, the arts and international forums such as this one – to raise awareness about the present day manifestations of historical oppression that indigenous peoples continue to suffer as well as about what they bring to the world's rich cultural mosaic and knowledge. This enlightenment has been an essential precondition for mobilizing social and political forces to recognize indigenous peoples and their rights. Yet as I have found in my work as Special Rapporteur, there is still a great deal of ignorance in the world about indigenous peoples, and that ignorance continues to breed attitudes that resist needed change. I am convinced that more, broader and deeper enlightenment and education are needed to bring about the kind of social and political climate that will yield more decisive steps toward operationalizing the rights that are enshrined in the Declaration on the Rights of Indigenous Peoples.

A second element of the indigenous rights movement that has animated progress is a pragmatic tendency, a tendency to be pragmatic and constructive in the search for solutions that are grounded in fundamental principles. This principled pragmatism can be seen in the historical treaty making by indigenous nations by which they sought to reach arrangements that were both respectful of their sovereignty and accommodating to the presence of European settlers. It can also be seen at work when indigenous peoples moved to gain access to the United Nations in the 1970s within existing limitations on participation, eventually to gain a permanent presence in the United Nations as exhibited by this Forum. Pragmatism and constructive problem solving will undoubtedly be key to the success of continuing efforts to

gain greater participation within the United Nations, both in the context of ongoing discussions toward the anticipated World Conference on Indigenous Peoples and in other contexts. In more local settings, as Special Rapporteur I have seen numerous instances in which indigenous peoples have been able to use existing domestic legal arrangements to their advantage, despite flawed or weak aspects of those legal arrangements, and in doing so build precedents and practices that are ultimately conducive to the exercise of their rights. In their pragmatism indigenous peoples and their allies have known to distinguish principle from dogmatism, to distinguish enduring truths and rights from the conventions and doctrine that are transient and circumstantial. They have been creative and open to building common ground for peaceful coexistence and amicable relations.

A third and final characteristic the indigenous rights movement I would like to mention is its optimism. I believe optimism animated the great Iroquois, or Haudenosunee, Chief Deskaheh, when he travelled to the League of Nations in 1923, with hopes of a response that could lead to justice for his people. Even though his efforts did not bear immediate fruit, that same optimism was present in subsequent efforts by indigenous peoples to appeal to the international community. That same optimism allowed indigenous peoples, once having gained a foothold in the United Nations, to propose and imagine a day when there would be a Declaration on the Rights of Indigenous Peoples. And that same optimism now helps drive the multiple efforts across the globe in multiple settings to see the rights enshrined in the Declaration made reality in indigenous peoples' everyday lives. As I have been welcomed into indigenous communities in several countries during my time as Special Rapporteur, I have learned of their struggles and challenges, but at the same time amid the struggles I have consistently seen optimism that looks beyond the present to a better future, if only a distant future.

Six years ago, after I had just been named Special Rapporteur, another great Haudenosunee Chief, Oren Lyons, came up to me here at the Permanent Forum and expressed the optimism that is an important characteristic of the indigenous rights movement, while reminding me of the tasks ahead. He looked at me and said, "We have a lot of work to do, Jim, but the wind is on our backs." Six years later, I think the wind is still at on our backs, as we confront the challenges before us.

Madam Chairperson,

I would like to conclude by expressing my deep gratitude to the indigenous peoples, States, members of the Permanent Forum, non-governmental organizations and others who have supported my work during my two consecutive terms as Special Rapporteur on the rights of indigenous peoples. My sincerest thanks also go to the staff at the Office of the High Commissioner of Human Rights and the University of Arizona who have helped me with the work on a day-to-day basis. I cannot express with words how highly rewarding to me personally this work has been and how I privileged I feel to have served in this way. I wish all the best to Vicky Tauli Corpuz as she continues the work of the mandate, and I urge all concerned to support her in the work.

I thank you Madam Chairperson, and all those present, for your kind attention.