



International Indian Treaty Council
Consejo Internacional de Tratados Indios

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United Nations Expert Mechanism on the Rights of Indigenous Peoples
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Item 5: Interactive Dialogue with the Expert Mechanism on the Right to Development

International Indian Treaty Council Intervention presented by Ghazali Ohorella

Thank you. Indigenous Peoples' Right to Development is affirmed as a key element of Self-Determination in Article 3 of the UN Declaration. Our right to determine our own priorities for Development is further affirmed in Article 32.

We therefore highlight the alarming lack of monitoring mechanisms with rights-based criteria for the approval and implementation of projects carried out in the name of Conservation, "Just Transition", climate change mitigation and the creation of "Protected Areas". This glaring gap exists even when rights safeguards have been adopted, for example in preambular paragraph 11 of the Paris Agreement and in the political declaration for the Global Biodiversity Framework.

If mining lithium and other so called "transition minerals" is carried out without FPIC in the same way that mining for coal, tar sands, gold and uranium continues in our territories, how can it be called a transition? How is it "Just" if Indigenous human rights defenders are forcibly removed and repressed in the creation of Protected Areas? If FPIC is not mentioned in the CBD Article 8j regarding "access and benefit sharing" for development of our biodiversity knowledge, how can it purport to meet the UN Declaration's minimum standard?

Oversight mechanisms with rights criteria based on the UN Declaration must be established with the full and effective participation of Indigenous Peoples in the design and implementation of these projects and programs including effective grievance processes for redressing rights violations. We ask EMRIP to advise the Human Rights Council to call on CBD and the UNFCCC to develop and implement monitoring, evaluation and grievance mechanisms to protect the rights of Indigenous Peoples before such projects are initiated.

As these programs are already underway, this is a matter requiring immediate action. Thank you.

*Working for the Rights and Recognition of Indigenous Peoples
Trabajando por el reconocimiento y los derechos de los Pueblos Indígenas*