



Presentation by His Excellency Archbishop Silvano Tomasi, Permanent Observer of the Holy See to the United Nations and Other International Organizations in Geneva
at the 30th Session of the Human Rights Council:
Annual Half-Day Panel Discussion on the Rights of Indigenous Peoples
Geneva, 22 September 2015

Mr. President,

In recent years, the international community has advanced in its consideration and activity concerning issues and human rights of indigenous peoples, most especially in the landmark adoption of the UN Declaration on the Rights of Indigenous Peoples in 2007. A deep chasm, however, still divides the lived reality of many indigenous populations from the commitments, policies, and legislative actions aiming to improve their lives. In many parts of the world, much still needs to be done to safeguard their human rights and fundamental freedoms. Greater efforts are still to be made – at the international, national and local levels – in setting development policies that truly involve indigenous peoples and respect their specific identity and cultures.

The World Conference on Indigenous Peoples Outcome Document presents the stepping stones that would bring the work of the international community on indigenous peoples' rights to the next level.¹ The commitments promote the full integration of indigenous peoples in today's society. Particularly beneficial is the initiative to consult and cooperate in good faith with indigenous peoples, through their own representatives, in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them. The Outcome Document focuses on the human rights of indigenous women and addresses the problem of violence against women and youth. It highlights the grave challenges they face, from the difficulty in sustaining indigenous languages to preserving traditional knowledge and ensuring sustainable livelihood.

As noted by the Special Rapporteur, and other United Nations documents, the situation of indigenous peoples' human rights and their ongoing resistance against intrusions into their lands by extractive industries and land grabbers has improved. However, in some parts of the world, systematic violations of their human rights continue ranging from arbitrary arrests, torture and extrajudicial killings, to the labelling of indigenous organizations or naming leaders, activists and organizations as "terrorists". Their lack of access to basic social services and the violation of their cultural rights remain

¹ A/RES/65/198 Resolution adopted by the General Assembly on 21 December 2010 available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/524/42/PDF/N1052442.pdf?OpenElement>

appalling. Violence against indigenous women is still pervasive in many countries. Many indigenous children are not able to finish primary school and indigenous women's access to health care services remains limited. All these issues will undercut the achievement of the Sustainable Development Goals which will soon be adopted.

The increasing arrival of foreign investments into many countries further exacerbates the loss of lands and resources of indigenous peoples and leads to significant environmental destruction of their territories. Exploitation by the mining industry and the increase of foreign investments which amount to more than 2,700 state-to-state bilateral investment treaties (BITs) continue to deteriorate the human rights of indigenous peoples. This only hinders their right and capacity to pursue their own economic, social and cultural development which is still very much challenged².

Mr. President,

At stake are the human rights of native populations that have developed the traditional knowledge and the expressions of folklore or who occupy the territories from which the genetic material comes, as well as the right of the countries to the resources associated with biological diversity; the right of the inventor or discoverer to remuneration for any intellectual value that they may have added, the possible rights and interests of companies and society's right to or interest in the stimulation of inventive activity and the development of science and the arts must be duly protected. Finally, the more general right of all mankind to be assured that the products of scientific progress will serve everyone equally and not only the sectors with the greatest acquisitive potential should also be guaranteed.³ The ethical challenge to be met therefore is that of reconciling the various rights and interests in such a way that the legitimate economic interest does not compromise higher values such as the social function of inventions and knowledge and the human rights of the peoples from which the knowledge and resources originate.

The Holy See advocates a unitary approach of law that is structured on the basis of fundamental human rights. According to that vision, the value of justice in any set of enactments has to be measured by the possibility of perpetuating it and reconciling it with such human rights. In this way, the correct determination of the scope of ownership rights has to be made in relation to the principle of justice and the common good, which includes the universal destination and purpose of the goods of creation.

Thank you, Mr. President.

² Statement of the UN Special Rapporteur on the Rights of Indigenous Peoples - See more at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16300&LangID=E#sthash.2e0djWqK.dpuf>

³ The latter point is the central theme of the controversy surrounding access to drugs and their connection with intellectual property, a matter that is not directly related to the purpose of the Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore.