

16th session of the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)

20th July 2023, Geneva, Switzerland

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Agenda Item 8: Panel discussion on the rights of Indigenous Peoples to engage freely in all their traditional and other economic activities, with a focus on fishing practices.

On behalf of Asia Indigenous Peoples Caucus

Presented by Frederic Wilson, Asia Indigenous Peoples Pact (AIPP)

Dear Madam Chair,

The Indigenous Peoples' in Asia acknowledge efforts of the EMRIP, FAO, DIHR and other relevant UN agencies in recognize and promoting the rights of Indigenous Peoples in the context of fisheries are enshrined in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention No. 169. The initiative develops by FAO, Indigenous Peoples' rights to their customary and traditional occupation are also recognized in the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (the SSF Guidelines).

Indigenous peoples often find their natural resources, cultures, and communities under pressure. While Indigenous Peoples are frequently referred to as 'vulnerable', they are not vulnerable *per se*. Rather, they find themselves in situations of vulnerability when their rights are violated. In many instances, they are victims of systemic discrimination and human rights abuse. Indigenous people who draw their livelihood from small-scale fisheries are no exception to this rule. The recognition of their terrestrial and marine tenure rights is often lacking, which has repercussions for their short and long-term wellbeing. `

Constituting a substantial portion of small-scale fishers in Asia, Indigenous Peoples are disproportionately exposed to human rights challenges from a broad range of business operations, not limited to the fisheries and aquaculture industries. These include coerced labor and human trafficking, insufficient access to marine and inland resources and markets, exclusion from decision-making processes, and a lack of recognition of their human rights, including the right to a healthy environment and customary rights. In addition, pollution and waste from surface vessels and deep-sea mining activities threaten marine species and may adversely impact

fishing and seafood harvesting industries, placing the livelihoods and culture of Indigenous Peoples at risk. These challenges are further compounded by illegal, unreported, and unregulated fishing practices.

The importance of environmental, socio-cultural, and economic impact assessments, proper Free Prior and Informed Consent (FPIC), and fair and equitable sharing of the benefits arising from conservation and sustainable use of fisheries resources shall be emphasized.

Therefore, we would like to call upon the member states, Expert members, and other relevant stakeholders:

1. The recognition by the Government as enshrined in the UNDRIP, including the roles of NHRI, to the IPs of Marine, coastal and small islands are very much needed.
2. To urge government to recognize that Indigenous Peoples have the knowledge and ability to successfully conserve and manage biodiverse ecosystems more effectively at a lower cost, especially when their human rights are respected, protected, and fulfilled.
3. To prioritize the promotion of sustainable and equitable small-scale fisheries that effectively safeguard the human rights of Indigenous Peoples, in line with the principles outlined in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention No. 169 as well as relevant human rights and other norms and standards.
4. Indigenous community-based model should be supported by the government and other stakeholders to allow for building the momentum to manage and restore their fisheries resources and livelihoods.

We should listen and consider the dialogue, and conversations within and outside of Geneva conference room from Indigenous Peoples, and small-scale fisheries from communities struggling with the very issues of their sustainable alternative livelihoods.

Thank you, Madam Chair.