

Dear Sir/Madame,

I am pleased to address you in my capacity as Special Rapporteur on the rights of indigenous peoples pursuant to United Nations Human Rights Council Resolution 15/14 of 30 September 2010.

I am currently carrying out a study on the rights of indigenous peoples in relation to natural resource extraction and development projects affecting them, in light of the high level of information I have received from indigenous peoples expressing concerns about this issue. In my previous reports to the United Nations Human Rights Council, I have examined the duty of states to consult with indigenous peoples about decisions affecting them (A/HRC/12/34) and the responsibilities of corporations whose activities affect indigenous peoples (A/HRC/15/37). I am now building upon these previous reports in order to provide an analysis of the effects of natural resource extraction and development projects on the rights of indigenous peoples, as well as an assessment of the responsibilities of States, corporations and indigenous peoples in this context.

An important component of this study will be the eventual development of a set of guidelines directed at States, corporations and indigenous peoples on the duty to consult with indigenous peoples in relation to natural resource extraction and development projects. With this document, I aim to provide guidance on the steps necessary to ensure that these types of projects are carried out in a way that is consistent with relevant human rights standards on the rights of indigenous peoples, including with respect to lands, territories and natural resources; consultation and free, prior, and informed consent; participation in and control over the design and implementation of project activities; mitigation measures; and benefit sharing.

To gather information for the preparation of this study, I have developed a questionnaire for governments, indigenous peoples and organizations, NGOs, business enterprises and other interested parties. The purpose of this questionnaire is to understand the views, concerns and recommendations of different relevant actors regarding the subject matter of this study, in accordance with the mandate given to me by the Human Rights Council to “examine ways and means of overcoming existing obstacles to the full and effective protection of the rights of indigenous peoples ... and to identify, exchange and promote best practices.”

I kindly request that you complete the attached questionnaire. While responses can be submitted in all official languages of the United Nations, responses in English and Spanish would be preferred.

Please submit your response preferably via email at indigenous@ohchr.org or by mail to the Special Rapporteur on the rights of indigenous peoples; c/o OHCHR-UNOG, Office of the High Commissioner for Human Rights, Palais Wilson; 1211 Geneva 10, Switzerland. Should you have any question regarding this request, do not hesitate to contact Ms. Karin Lucke at 022 917 94 31.

Please submit your response no later than 1 May 2011.

Thank you in advance for your time and kind co-operation.

Questionnaire on natural resource extraction and development projects on or near indigenous territories

The Special Rapporteur on the rights of indigenous peoples wishes to gain a wide understanding of the current concerns and possible good practices related to the issue of natural resource extraction and development projects on or near indigenous territories. To that end, he invites business enterprises to submit their observations and comments in response to the following questions:

1. What are the major concerns regarding the extraction or development of natural resources within or in close proximity to the territories of indigenous peoples? Please provide examples of any specific negative experiences and information about the lessons learned from those experiences.
2. What are the possible benefits for indigenous peoples of extractive or natural resource development within or in close proximity to their territories? Please identify any specific examples of positive cases or good practices.
3. What are the principal steps required for avoiding negative impacts for indigenous peoples from the extraction or development of natural resources and for establishing good practices in this regard?
4. Please provide information on any social responsibility policies, guidelines or practices that your company may have that are relevant to the issue of the rights of indigenous peoples in relation to natural resource extraction and development projects affecting them.

Thank you for your cooperation and please feel free to provide any additional information relevant to the topic of natural resource extraction and development projects on or near indigenous territories that may be useful to the work of the Special Rapporteur on the rights of indigenous peoples.