

Unrepresented Nations and Peoples Organization

The Unrepresented Nations and Peoples Organization (UNPO) is an international, nonviolent and democratic membership organisation. Its Members are indigenous peoples, minorities, unrecognised States and occupied territories that have joined together to defend their political, social and cultural rights, to preserve their environments and to promote their right to self-determination.

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Movement for the Survival of the Ogoni People

The Movement for the Survival of the Ogoni People (MOSOP) is a non-violent mass-based social movement organization of the indigenous Ogoni people of Southern Nigeria. MOSOP is the umbrella organization representing more than 1,200,000 indigenous Ogoni people campaigning for social, economic and environmental justice.

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I. Introduction

1. This report, jointly submitted by the Unrepresented Nations and Peoples Organization (UNPO) and the Movement for the Survival of Ogoni People (MOSOP) on the occasion of the 31st session of the Universal Periodic Review, during which Nigeria is under consideration, draws attention to human rights violations occurring in Ogoniland. First, the report will give a brief background to the Ogoni issue to then address different types of human rights violations the Ogoni community is exposed to, with a particular focus on violations resulting from oil exploitation in the Niger Delta region. Finally, it will present a series of recommendations aimed to facilitate constructive discussion during the 31st UPR session in Geneva.

II. Background

- 2. Ogoniland is located in Rivers State and covers around 1,000 km². The Ogoni have settled in the Niger Delta way before the 15th century.¹ Currently, their population consists of more than 500.000 people organized in six kingdoms, namely Babbe, Eleme, Gokana, Ken-Khana, Nyo-Khana and Tai.² Four main languages are spoken in Ogoniland: Khana, Tai, Gokana and Eleme. Despite the introduction of Christianity by European missionaries in the 19th century, many Ogoni still retain elements of traditional beliefs and religious practices.
- 3. The environment is a central part of Ogonis' lives. The Niger Delta region is endowed with an abundance of rivers, creeks and streams. The unique ecosystem provides the livelihood for the majority of the population, most of whom earn their living as fishers and farmers. The Ogoni's traditional cultivation practices ensure sustainable management of the abundant natural resources.³ Their ancestral lands and the rivers which surround them also are of highest traditional, cultural and spiritual importance and are worshiped as a deity by parts of the population. This explains why the Ogoni are so dependent and emotionally attached to their lands and environment, making the conservation of the environment of the Niger Delta crucial to their survival and cultural identity.
- 4. Nigeria hosts one of the largest proven oil and gas reserves on the African continent. Most of them are concentrated in the Niger Delta region. In the late 1950s, Shell Oil Company began oil drilling operations in Ogoniland. The ruthless exploration of oil in the Ogoni's ancestral homeland resulted in severe and widespread environmental degradation, with numerous oil spills and oil well fires causing grave environmental damage across the region, such as water and soil pollution, the destruction of the fragile ecosystem which constitutes the basis of the Ogoni's livelihood system, as well as severe health problems.
- 5. MOSOP was founded in 1990 as a mass-based democratic social movement to represent the Ogoni people. The same year, MOSOP drafted the Ogoni Bill of

¹ Fagbayibo, Babatunde. 2009. *Nigeria Constitutional, Legislative and Administrative Provisions Concerning Indigenous Peoples, International Labour Office, African Commission on Human and Peoples' Rights*, p.3.

³ Yakubu, Okhumode H. 2017. Addressing Environmental Health Problems in Ogoniland Through Implementation of United Nations Environment Program Recommendations: Environmental Management Strategies, p.4.

Rights and handed it over to the Nigerian government and the United Nations. The bill outlined the demands of the Ogoni people regarding environmental, social and economic justice and listed their main concerns, namely oil-related suffering, governmental neglect, lack of social services and political marginalisation. Throughout the early 1990s, the Ogoni organised a series of non-violent activities, such as mass protests and other acts of peaceful civil resistance, many of them were spearheaded by women activists. Most of these activities were suppressed by successive military regimes. In 1993, Shell withdrew from Ogoniland due to the alleged "hostile attitude" of the Ogoni community to the company's activities. However, the company resumed its activities the same year under the protection of the Nigerian military. Protest marches were organised in Ogoniland, which, again, were met with a heavy-handed response by the military.

- 6. In 1995, after eight months of being detained without official charges, the movement's symbolic leader, Ogoni activist, writer and poet Ken Saro-Wiwa, as well as eight other Ogoni leaders were executed by the infamous regime of military dictator Sani Abacha. Although the extrajudicial execution of the "Ogoni Nine" was met with widespread international condemnation and brought the Ogoni's struggle to the attention of the international community, to this day, the Ogoni's situation remains disastrous, as Nigeria and Shell have not taken any effective measures to clean-up the polluted areas or show accountability for crimes committed. In addition, the prime beneficiary of oil revenues is the Nigerian central government. Little to none of the potential wealth created by oil exploration is distributed within the Niger Delta.
- 7. The operations of oil conglomerates, including Shell, and the almost complete failure of the Nigerian government to regulate the oil industry and protect the rights of the people of the Niger Delta are the main cause for several human rights violations, which will be examined in the following. The section below will summarise the four main concerns as regards human rights violations in Ogoniland, namely the violation of Ogoni's right to a healthy environment, violations of their right to health, the attacks perpetrated against them and the lack of effective participation of the Ogoni in economic and political decision-making processes. The main sources of this report are the assessment made by the United Nations Environment Programme (UNEP) in 2011, and its subsequent developments, reports on the issue prepared by other civil society organizations, UNPO's news sources, as well as MOSOP communiqués.

III. Human Rights Issues

a. Environmental Rights

8. According to the Constitution of the Federal Republic of Nigeria, the State has the duty to protect and improve the environment in Nigeria.⁴ The duty to control environmental pollution is enshrined in the National Environmental Standards and Regulation Enforcement Agency Act.⁵ Finally, the 2004 Environmental Impact Assessment (EIA) Act includes the obligation to carry out an environmental impact assessment report for projects likely to have a significant impact on the environment.⁶

⁴ Constitution of the Federal Republic of Nigeria. 1999, Section 20.

⁵ National Environmental Standards and Regulation Enforcement Agency (NESREA). 2007 Act, Sections 7 And 8.

 $^{^{\}rm 6}$ Environmental Impact Assessment (EIA). 2004 Act, Section 2.

- 9. As part of the 2nd Universal Periodic Review in 2013, Nigeria accepted four recommendations calling for better monitoring of the environmental impact of oil industry on human rights of people of the Niger Delta and better protection of affected communities.⁷
- 10. Nigeria failed to implement both national legislation and international commitments as Ogoniland remains one of the most polluted regions worldwide. Decades of oil exploitation in the Niger Delta have resulted in severe environmental degradation in Ogoniland. Every year, there are many oil spills in the region due to old and poorly maintained pipelines along with oil theft. Oil spills and flaring have had severe impacts on the environment in Ogoniland, causing irreversible damages to the fragile ecosystem.
- 11. Royal Dutch Shell is the main company operating in the Niger Delta region. Spills from facilities operated by Shell amounted to over 350,000 barrels between 2007 and 2014, according to the company's own figures. But in a report published in November last year, Amnesty International estimated 100,000 barrels had been spilled in one incident in 2008 alone, compared to just 1,640 barrels reported by Shell.⁸
- 12. Making containing the severe effects of these spills even worse, Shell and other oil companies seem to deliberately manipulate or suppress reports on occurring spills, falsely labelling them as incidents of oil theft rather than acknowledging responsibility for reckless neglect of maintenance of, sometimes, decades-old pipelines. Moreover, for 74 per cent of oil spills in the Niger Delta region, Shell did not respect the deadline of 24 hours to respond to spills. Such delays in responding to oil spills increase the likelihood that they will spread and contribute to further negative impacts on the right to water, health and livelihoods. This systematic failure to respond to oil spills in time has exacerbated the pollution in the region.⁹
- 13. The Ogoni communities have struggled against Shell and the Nigerian government for many years, advocating primarily for the need to stop oil exploitation and to clean-up the polluted areas. However, their actions did not result in any substantial changes.
- 14. In 2011, UNEP published a study on the impact oil pollution had on communities living in Ogoniland. The report exposed a worrying level of pollution, including severe and widespread contamination of soil and ground water across Ogoniland. According to UNEP's assessment, Delta ecosystems such as mangrove swamps, rainforests and swampland have been severely damaged, in some cases irreversibly.
- 15. The UNEP report comes to the conclusion that the environmental restoration of Ogoniland would take 25 to 30 years. The recommendations contained in the report include the creation by the central government of an Ogoniland Environmental Restoration Authority to oversee the implementation of the

⁷ UPR Info. Database of recommendations received by Nigeria. Available at: https://www.upr-info.org/database (last accessed 24 February 2018).

⁸ Deutsche Welle. 2016. Environmentalists report three dead in explosion in polluted Niger Delta. Available at http://p.dw.com/p/1IMDW (last accessed 24 February 2018).

⁹ Amnesty International UK, 2018. Nigeria: Amnesty data activists uncover serious negligence by oil giants Shell and Eni, available at: https://www.amnesty.org.uk/press-releases/nigeria-amnesty-data-activists-uncover-serious-negligence-oil-giants-shell-and-eni, (last acessed on 19th March 2018)

recommendations and the establishment of an Environmental Restoration Fund with an initial provision of US-\$1 billion to cover the costs for the clean-up.

- 16. In July 2012, a special unit within the Federal Ministry of Petroleum Resources, the Hydrocarbon Pollution Restoration Project (HYPREP), was created and entrusted with the mission to protect and restore the environmental rights of all communities affected by hydrocarbon pollution in Nigeria. As of yet, the unit has not created any meaningful change or initiated initiatives which would work towards materialising the recommendations made by UNEP.
- 17. In 2014, three years after the publication of the UNEP Report, the United Nations' Special Rapporteur on Minorities carried out a mission to Nigeria. She expressed concern about the on-going pollution in Ogoniland and urged the Nigerian government, as well as other oil companies implicated in the environmental damage, to implement the UNEP recommendations. According to her, measures taken have to include:

"the proper maintenance of oilfield facilities and the decommissioning of facilities that are no longer used; the creation of training, employment and livelihood incentives to encourage people not to participate in illegal oil-related activities; the implementation of clean-up actions in all affected areas without further delay; the distribution of potable water to communities where drinking water wells do not comply with Nigerian national standards; and the monitoring of all such measures during and following clean-up operations, including tracking the health of communities exposed to oil pollution and providing adequate medical treatment when needed. Concerned communities must be consulted fully." 10

- 18. In June 2016, the newly elected government under President Muhammadu Buhari officially launched the clean-up project, promising to thereby fully implementing UNEP's recommendations. However, the process was suspended and hardly any improvements have been made. Rather, the Nigerian government apparently seeks to expand oil exploration in the region.¹¹
- 19. Although the clean-up was officially launched in June 2016, the project manager was announced only in 2017 and is yet to put together a secretariat, create an action plan and wait for the approval of the governing council before the clean-up can be implemented. While the project for the clean up is conducted in slow to no pace, pollution of the Niger Delta region continues to increase.
- 20. The areas polluted by oil spills in Ogoniland have yet to be cleaned. Civil society organisations continuously voice their growing fear over the extent of damage reckless oil extraction has caused for the livelihood of local communities. To date, UNEP's recommendations have not been implemented. According to MOSOP, reasons are, among others, unnecessary bureaucracy, lack of funding, as well as only lukewarm political will to improve the situation by both the Nigerian government and Shell. The failure to implement the recommendations has resulted in a loss of confidence among already-sceptical Ogoni communities.
- 21. In December 2017, while the Nigerian Government approved \$1 billion to purchase arms for the fight against insurgent, it failed to provide the agreed sum of \$200 millions annually for five years to carry out the cleaning-up of the region. This illustrates the unwillingness of Nigeria to solve the environmental situation in

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¹⁰ Rita Izsák, Report of the Special Rapporteur on Minority Issues, A/HRC/28/64, 5 January 2015.

¹¹ Ogoni News. 2018. MOSOP Urges President Buhari to Avert The Danger Possed by Belema Oil and Robo Micheal in Ogoniland. Available at: http://www.ogoninews.com/ogoni/item/1466-mosop-urges-president-buhari-to-avert-the-danger-possed-by-belema-oil-and-robo-micheal-in-ogoniland (last accessed 26 February 2018)

Ogoniland and to protect the lives of the Ogoni people. The MOSOP has long denounced Nigeria's lack of interest towards the Ogoni communities.¹²

- 22. Community members have urged HYPREP to immediately put in place a process that will address the implementation of emergency measures in order to deal with the issues of water, health, and infrastructure.¹³
- 23. In February 2018, the Norwegian Ambassador to Nigeria pledged his support to the Federal Government to implement the UNEP recommendations. The Project Coordinator of HYPREP has expressed hope that this partnership will lead to the successful delivery of the project.¹⁴

b. Right to Health

24. The right to health is enshrined in many core international instruments, such as the Universal Declaration of Human Rights and the International Covenant on Economic Social and Cultural Rights, both of which Nigeria ratified in 1993. The Committee on Economic, Social and Cultural Rights states that

"Development-related activities that lead to the displacement of indigenous peoples against their will from their traditional territories and environment, denying them their sources of nutrition and breaking their symbiotic relationship with their lands, have a deleterious effect on their health."

Nigeria violated the Ogoni peoples' right to health by failing to secure a healthy environment and to enforce laws to protect the environment and prevent pollution.

- 25. The UNEP report has documented the severe impact pollution has on public health in Ogoniland. Women, men and children living in the Niger Delta drink and cook with polluted water. Local fish, which constitutes a large part of their diet, is also contaminated with oil and other toxins. The Ogoni suffer from a diverse range of illnesses caused by their exposition to toxic chemicals. The report found community members were drinking water from wells contaminated with benzene, a known carcinogen, at levels over 900 times above the amount stated in guidelines by the World Health Organization (WHO).¹⁵ Despite the community's awareness of the dangers of using polluted water, in most cases, the Ogoni are forced to continue using it as they lack alternatives.
- 26. As a result of the pollution, various severe health conditions have been detected among members of the Ogoni community, such as blood disorders, cancers of different organs, negative reproductive conditions, impaired disease immunity, stunting and respiratory diseases.¹⁶
- 27. Preliminary checks and statistics put forward by MOSOP suggest that at least four out of ten children born in Ogoniland die within the first three months. A study recently carried out has found that of the 16.000 infants who died within the first

¹² Nigerian Voice, 2018. MOSOP Call for Global Intervention Over Alarming Death Rate in Ogoniland, available at: https://www.thenigerianvoice.com/news/264540/mosop-call-for-global-intervention-over-alarming-death-rate.html, (last accessed on 19 March 2018)

¹³ Business Day Online. 2018. Why we are kicking against environmental terrorism — MOSOP's president. Available at: http://www.businessdayonline.com/kicking-environmental-terrorism-mosops-president/ (last accessed 24 February 2018).

¹⁴ The Nation. 2018. Norwegian envoy pledges support for Ogoni clean-up. Available at:

http://thenationonlineng.net/norwegian-envoy-pledges-support-ogoni-clean/ (last accessed 24 February 2018).

¹⁵ United Nations Environment Programme (UNEP). 2011. *Environmental Assessment of Ogoniland*.

¹⁶ Yakubu, Okhumode H. 2017. Addressing Environmental Health Problems in Ogoniland Through Implementation of United Nations Environment Program Recommendations.

- month of their life in the Niger Delta in 2012, 70 per cent would have survived their first year would it not have been for the oil spills.¹⁷
- 28. Another concern for the community's health, are often fatal accidents and explosions caused by unsafe work conditions, oil theft and illegal gas flaring. In July 2015, an explosion killed 14 people and in March 2016, another explosion killed three workers repairing an oil pipeline.
- 29. Despite the alarming health situation, the concerns of the community have not been taken into account by the Nigerian government, which did not provide them with any information on the impacts of pollution on their health.¹⁸ Civil society organisations and community members urged the government to take immediate action in order to improve the quality of drinking water.
- 30. The Ogoni have welcomed UNEP's report on the environmental consequences of oil pollution and are of the opinion that, if fully implemented, it could substantially improve their situation. At the same time, however, they strongly advocate for a similar study focusing on the health impact of the pollution on the community to be conducted and recommendations to be made. The Ogonis are calling for two main emergency interventions: (a) an immediate Health Impact Assessment (HIA) and (b) a Social Impact Assessment (SIA).

c. Attacks Against Peaceful Civil Society Movements

- 31. The Fundamental Rights Chapter of the Nigerian Constitution (IV) enshrines, inter alia, the right to life, dignity, personal liberty, a fair hearing, private and family life, freedom of thought, conscience and religion, freedom of expression and the press, peaceful assembly and association, freedom of movement and freedom from discrimination. In Ogoniland, all of the abovementioned rights have been violated by the Nigerian central government during the past 30 years, most of them by way of extrajudicial and excessive use of force and attacks by the Nigerian military and affiliated security companies against members of the Ogoni community.
- 32. After being detained without official charges Ken Saro Wiwa, at the time Vice-President of UNPO, and eight other Ogoni leaders were brought before a court established by the military government of General Abacha. They were all executed on 10 November 1995. This extrajudicial killing of peaceful activists has raised international awareness about the violence directed towards the Ogoni.
- 33. Since this event, attacks against members of the Ogoni community have not ceased. MOSOP has reported that the persecution of the Ogoni has led to the death of more than 4,000 people between 1993 and 1999. Thousands of Ogoni people have been disappeared or died under unclear circumstances.
- 34. After a visit to Nigeria in 2007, the Special Rapporteur on Torture concluded that the behaviour of security forces and police paid by oil companies, including torture and ill-treatment, constitute gross breaches of human rights norms. Furthermore, the Special Rapporteur concluded that the increasing violence in

¹⁷ Movement for the Survival of the Ogoni People (MOSOP). 2017. Press release, available at: http://unpo.org/article/20516 (last accessed 24 February 2018).

¹⁸ Amnesty International. 2015. Clean It Up: Shell's False Claims About Oil Spill Response in The Niger Delta, p.12.

- the Niger Delta has its roots in the Federal Government's decades of neglect and marginalization of people in the region.¹⁹
- 35. Many violent raids have been carried out by Nigerian security forces in Ogoniland during the past two years. In February and March 2016, raids were carried out on Yeghe and neighbouring communities, in which over 28 persons were killed, tens of others were injured, raped and properties have been destroyed. On 18 September 2016, another raid was carried out in Yeghe during which two people were shot and arrested.
- 36. On 27 December 2017, the Nigerian-owned energy company RoboMichael and the Nigerian army deployed two armoured tanks and ten trucks loaded with soldiers to invade and forcefully occupy MOSOP's Secretariat in Bori. RoboMichael Oil Company has recently been issued an Oil Mining License (OML-11) by the Nigerian National Petroleum Corporation (NNPC). This act of aggression constitutes a threat to peace and security in Ogoniland²⁰ and can be compared to the use of similar tactics in the past, whereby the Federal Government supported companies who deliberately stirred conflict in Ogoniland between local chiefs and their people through bribery.
- 37. As this represents a threat to peace in the region, MOSOP strongly condemns the continuous harassment, excessive use of force, sporadic shooting and clandestine operations in Ogoniland and fears an escalation of violence as RoboMichael tries to resume oil exploration in the region.
- 38. This climate of violence creates fear among the community at large who is still mourning the death of many members and struggling to hold Shell accountable for all the damages caused by oil exploitation on the Ogoni's lands. Many leaders have raised their concern on the intentions of RoboMichael and fear that the company will behave similarly to Shell. MOSOP representatives have expressed their wish to reach a peaceful settlement through dialogue, taking into consideration the interests of the Ogoni people as expressed in the Ogoni Bill of Rights. They strongly oppose any oil exploration activity on their lands by RoboMichael.
- 39. In March 2018, the Federal Ministry of Interior disclosed a new plan to build a maximum-security prison facility with a modern cemetery in Ogoniland. This project involves the seizure of over 41 hectares of land in Bori, Ogoni. The Ogoni community strongly opposes this project since the authorities did not consult them nor did they obtain their prior consent to carry out a new project in their land. Given the overall crackdown on peaceful civil society movements in the area, the construction of a detention centre is seen as a further step towards massive and systematic securitisation of the region, increasing tensions rather than working towards demilitarisation and de-escalation.

²⁰ The Nigerian Voice. 2018. RoboMichael is Threat to the Peace and Security of Ogoniland. Available at: https://www.thenigerianvoice.com/news/261911/robomichael-is-threat-to-the-peace-and-security-of-ogoniland.html (last accessed 24 February 2018).

¹⁹ Manfred Nowak. 2007. Statement of the Special Rapporteur on Torture after visit to Nigeria, HR/07/35, 12 March 2007.

d. Lack of Effective Participation of Ogoni in Decision-making Processes Affecting their Rights

- 40. Article 27 of the International Covenant on Civil and Political Rights, which Nigeria ratified in 1993, includes the positive duty of the State to "ensure the effective participation of members of minority communities in decisions which affect them." The State thus has the duty to consult with indigenous peoples prior to any economic development or granting of any resource concessions within their traditional lands or territories.
- 41. The Committee on the Elimination of Racial Discrimination has further stated that States shall not only consult indigenous people, but also get their free, prior and informed consent whenever their lands and resources are at stake.²² Nigeria has ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1967.
- 42. The duty to get the consent of indigenous people to carry out a project on their lands, that might impact their rights is also recognised in Convention 169 of the International Labour Organisation. Even though Nigeria accepted to consider the ratification of this Convention during the last Universal Periodic Review in 2013, it has not ratified it to this day.²³ The ratification of the Convention would be a signal of Nigeria's sincere commitment to the protection of its indigenous peoples' rights and would be highly welcomed by the Ogoni people.
- 43. As demonstrated, the duty to consult and obtain the consent of indigenous people to carry out projects on their lands is widely recognised and has been reaffirmed and institutionalised and various international agreements. However, the exploitation of the region's hydrocarbon takes place with little to no consultation of the Ogoni community, hence, without their prior consent. Nigeria thus violates the Ogoni's right to effective participation in decision-making processes, as the Ogoni have been denied their right to effective participation in the development process ever since oil exploration first started in the Niger Delta region.²⁴ Nigeria did not consult them prior to the project, nor throughout the process.
- 44. The Ogoni people raised serious concerns about the total lack of effective participation of their people in the entire value chain of the oil exploration activities in the region, through the denial of their involvement in key decision-making process of the industry, discriminatory hiring practices, and the absence of clear and focused Community Development Agreements (CDAs) and Community Benefit Sharing Agreements (CBAs) which would recognise the rights of communities to Free, Prior and Informed Consent (FPIC).²⁵
- 45. Apart from exclusion from the decision-making process regarding oil exploitation in the Niger Delta, the Ogoni people also suffer from a lack of representation at the government level as they are underrepresented in politics. In 1996, Nigeria held local government elections to fill all local government seats with elected civilian chairs and councillors. However, all persons associated with MOSOP

²¹ UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, Article 27

²² Committee on the Elimination of Racial Discrimination. 1997. General Recommendation No 23 on Indigenous Peoples.

²³ UPR Info. Database of recommendations received by Nigeria. Available at: https://www.upr-info.org/database (last accessed 24 February 2018).

²⁴ Egba, Godwin. 2018. Why we are kicking against environmental terrorism – MOSOP's president. Available at: http://www.businessdayonline.com/kicking-environmental-terrorism-mosops-president/ (last accessed 24 February 2018).
²⁵ Ibid.

were prevented from participating in the elections and those who decided to run for these positions were either beaten or detained and then disqualified.²⁶

46. This marginalisation of the Ogoni can also be illustrated by the decline of the Ogoni language, which is no longer included in the school curriculum. While English is the main language of instruction, only Ibo, Hausa and Fulani are sporadically offered in the education system to attract bilingual conscious parents. Representatives of the Ogoni community have advocated for a multilingual education programme in schools that includes teaching children their mother tongue.²⁷

IV. Recommendations

In light of the observations made above, MOSOP and UNPO call on the federal government of Nigeria to:

- 1. Fully implement the recommendations made by the 2011 United Nations Environment Programme report Environmental Assessment of Ogoniland;
- 2. Carry out an immediate Health Impact Assessment (HIA) and, Social Impact Assessment (SIA) of Ogoniland;
- 3. Put an immediate end to the killings and repression through military invasion of the Ogoni communities;
- 4. Ensure the effective participation of the Ogoni in decision making processes having an impact on the enjoyment of their rights, by consulting them and obtaining their consent before carrying out any project on their lands and;
- 5. Guarantee a multilingual education programme in schools that includes teaching Ogoni children their mother tongue.

²⁶ UNPO Ogoni member Profile, available at: http://unpo.org/members/7901 (last accessed 8 March 2018).

²⁷ Izsák, Rita. 2015. Report of the Special Rapporteur on Minority issues, A/HRC/28/64, 5 January 2015.