

# INDIAN LAW RESOURCE CENTER

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## UN EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES 10<sup>TH</sup> SESSION 10-14 JULY 2017

*Agenda Item 6: Ten years of implementation of the United Nations Declaration on the Rights of Indigenous Peoples: good practices and lessons learned*

Statement by the Indian Law Resource Center, a non-governmental organization in consultative status with ECOSOC

The adoption of the Declaration ten years ago was a landmark development in international human rights law. And yet, a decade later, indigenous rights are violated around the world on a daily basis. Treaties are broken. Lands are seized and land defenders executed. Indigenous women are assaulted, they go missing and are murdered at unconscionable rates while state justice systems do nothing.

Securing real implementation of the Declaration is the challenge of this next decade. When the Human Rights Council adopted Resolution 33/25 in September, it gave this body many important new tools to use in building and strengthening international protections for indigenous rights--tools to advance implementation of the Declaration.

The report we are discussing today is one of the first results of that new mandate, and it provides a valuable example of how the Expert Mechanism can use its powers to good effect. Paragraph 2b of Resolution 33/25 requires the Expert Mechanism to “identify, disseminate and promote good practices and lessons learned regarding the efforts to achieve the ends of the Declaration, including through reports to the Human Rights Council on this matter.”

To fulfill this element of its mandate, the Expert Mechanism must be proactive. It must seek out information from all relevant sources in order to identify these good practices and lessons learned. The Expert Mechanism must look out into the world, actively gather information from indigenous peoples, states and others, analyze that information, and report back to the public and the Council about what is going on with regard to the implementation of indigenous peoples' rights.

The Expert Mechanism must use its judgement and expertise to determine what is a good practice and what lessons can be learned from failures to implement the Declaration. This is important work. It requires independence and courage. It requires the Expert Mechanism to make determinations and to speak out about what it has learned from its research, its conversations, its investigations.

This report is very helpful. It gathers together useful research on the history of implementation, it identifies specific instances where implementation has been inadequate or ineffective, and it offers concrete recommendations for actions by states and UN bodies. We encourage the Expert Mechanism to follow up on these recommendations and to offer its expertise to relevant actors to assist with their implementation. We hope that as the Expert Mechanism continues to develop and implement its working methods, future reports will show how country level engagement and the ability to actively seek out information from indigenous peoples and other relevant sources can result in further good results.