



**UN Expert Mechanism on the Rights of Indigenous Peoples 8th Session
(20-24 July 2015)**

Agenda Item 3: Follow-up to the World Conference on Indigenous Peoples including the review of the mandate of the Expert Mechanism (20 July 2015)

Statement by the Indian Law Resource Center, Native American Rights Fund, and National Congress of American Indians, non-governmental organizations in consultative status with ECOSOC

Mr. Chair,

The World Conference on Indigenous Peoples was an historic success. Indigenous nations and organizations from around the world joined together to achieve concrete commitments to fulfill the promise of the Declaration. Now it is time to act on those commitments and to advance the rights of indigenous peoples.

We welcome the recent Secretary-General's report on progress in implementing the outcome document.¹ We appreciate his call for indigenous peoples' views to be taken into account in developing any final decisions and, although his recommendations are not as detailed as we had hoped, we recognize that they are positive and productive steps.

Today, we wish to address three points in the outcome document that require further action: development of a permanent implementing and monitoring body for the UN Declaration; establishment of new rules to enable the participation of indigenous governing institutions in the UN; and UN actions to combat violence against indigenous women.

A strong and effective implementing body is crucial for achieving the ends of the Declaration. We wish to see a body with a broad and far-reaching mandate to promote respect for indigenous rights and to discourage violations. In general, the body should be empowered to invite and receive information from all sources, to conduct country visits, to issue studies, reports, and recommendations, and to offer general observations on recurring or systemic issues. This basic ability to consider information from relevant parties and to present reports with recommendations for actions by relevant actors, including the Human Rights Council, is an essential function of any serious implementing body.

¹ A/70/84-E/2015/76, Progress made in the implementation of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, Report of the Secretary-General (18 May 2015).

Importantly, the mandates of the Special Rapporteur and the Permanent Forum should not be jeopardized. These bodies both perform critical functions in their own right, and the implementing body should enhance, not duplicate their important work.

The body must be both effective and cost-effective. It should ensure a balance of indigenous and other experts, and both states and indigenous peoples' representatives should play a role in nominating and selecting members, having in mind the need to include experts from all regions of the world. The body will require a sufficient number of members and a sufficient number of meeting days to accommodate an expanded mandate. Existing human rights treaty bodies that do similar work consist of 10 to 25 experts who meet from four to nine weeks per year. This reformed body should include at least 10 experts meeting in three annual two-week sessions. The body should be innovative and flexible, and use cost-effective tools such as internet and teleconferencing technology when possible.

We also urge development of rules to provide accredited indigenous governing institutions with permanent participation rights within the UN. Current ad hoc arrangements about participation are unpredictable and inadequate. Indigenous governing institutions must have a status that respects them as rights-holders, and they must be able to participate as governments, not civil-society or non-governmental organizations.

We welcome the Secretary-General's proposal for the President of the General Assembly to establish an open-ended consultation process with states and indigenous peoples to determine next steps concerning participation, and we support the Permanent Forum's call to establish a new procedure to guarantee the effective participation of indigenous governments in the UN.² Toward that end, we recommend the creation of an accreditation committee, made up of both states and indigenous peoples' governing institutions, to conduct the formal accreditation process.

Existing accreditation processes create barriers to participation because indigenous institutions may not have the same structures or resources as states or NGOs, and the UN has consistently recognized this fact. While state recognition could be one criterion for accreditation, it cannot be the only one. Indigenous governing institutions are inherently sovereign. Their status does not, and must not, depend on states' recognition.

Once accredited, indigenous governments should be able to participate in practically all UN meetings, to submit documents and proposals, make statements, and take part in UN activities on a permanent or ongoing basis. They should have priority over NGOs with regard to seating and order of speaking. Indigenous governing institutions are sovereign governments, and these new rules will enable them to rejoin the world community and make valuable contributions to the UN.

Finally, we are deeply concerned about the global pandemic of violence against indigenous women and girls. We support the World Conference and the Permanent Forum's³ call for the Commission on the Status of Women to consider empowerment of indigenous women, and we

² E/2015/43-E/C.19/2015/10, Permanent Forum on Indigenous Issues, Report on the fourteenth session (20 April-1 May 2015).

³ E/2015/43-E/C.19/2015/10, Permanent Forum on Indigenous Issues, Report on the fourteenth session (20 April-1 May 2015).

urge that this take place during the Commission's session in 2016. We also support the World Conference's call for the Human Rights Council "to consider the causes and consequences of violence against indigenous women and girls." To that effect, we request that the Human Rights Council hold a panel during its annual discussion on the rights of women and that the Secretary-General issue a report with concrete recommendations for action to address the issue.

We would welcome a joint report by the Special Rapporteurs on the rights of indigenous peoples and on violence against women, to address this crisis. We also urge the UN to request that both the new implementing body and the System-Wide Action Plan pay particular attention to the rights of indigenous women and children, in order to ensure their full protection from all forms of violence and discrimination.

We believe that, taken together, these three measures are essential to the effective implementation of the Outcome Document, and that they are vital to the achievement of the ends of the Declaration.

Thank you.