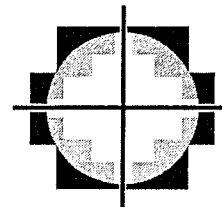


Presented by Ms. Maivan Clech Lam 25/05/05 #5, 290

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AMERICAN INDIAN LAW ALLIANCE

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

Fourth Session of the United Nations Permanent Forum on Indigenous Issues
Economic and Social Council of the United Nations
Item 5 Future Work
May 25, 2005

.. Madam chairperson and esteemed members of the Permanent Forum. My name is Maivan Clech Lam and I am the Academic Counsel at the American Indian Law Alliance.

As you know, this year is the 60th anniversary of the founding of the U.N. Marking the occasion, heads of states are convening in New York this September to consider the subject of U.N. renewal across a range of its basic structures and functions, including the make-up and work of the Commission of Human Rights (CHR). Indigenous peoples have a very high stake in the future composition and mandate of the CHR. We therefore submit a number of recommendations on the subject that we urge you to convey to the Secretary-General, the President of ECOSOC, and the High Commissioner for Human Rights. To provide a context for our recommendations, we first briefly recapitulate the revisions to the CHR that have been proposed.

Proposed Revisions. In late 2003, the Secretary-General appointed a High-Level Panel on Threats, Challenges, and Change to advise him on reforms that the U.N. might need to meet the challenges of a changing world. The Panel issued a report at the end of 2004 entitled "A More Secure World: our Share & Responsibility" in which it recommended, among other things, that:

1. The CHR, which now counts 53 member-states, be expanded to include all 191 member-states so as to eliminate political contests over its membership.
2. States appoint human rights "figures" as heads of delegations to the CHR.
3. An advisory panel of independent experts be appointed to assist the CHR in its work.
4. The CHR present annual reports on the status of human rights observance worldwide.

The Secretary-General submitted his own proposals regarding the CHR. He suggested:

1. That the CHR in Geneva be dissolved and replaced by a Human Rights Council that will join ECOSOC and the Security Council as one of three primary U.N. Councils, and presumably sit in New York.
2. That membership in the new Council be reduced to about 40 members.
3. That members be selected on the basis of the observance of the highest human rights standards.

Our recommendations are as follows:

1. Whether human rights work is entrusted to a Commission or a Council, its seat, and the office of the High Commissioner for Human Rights, should remain in Geneva because:
 - a. moving the U.N.'s human rights work from Geneva to New York will negatively subject it to the politically charged atmosphere that prevails at U.N. headquarters;
 - b. an impressive network of international as well as Swiss human rights organizations have painstakingly built up offices in Geneva that provide indispensable support to Indigenous delegates in their work. In addition, since Indigenous peoples began attending international forums in Geneva in 1921, we have enjoyed a warm relationship with the City and Canton of Geneva.
2. We support the High Level Panel's recommendations:
 - a) that states appoint human rights figures to head their delegations to the CHR;
 - b) that the CHR be guided in its work at its highest level by an advisory council of independent experts;
 - c) that the CHR compile annual reports on the status of human rights worldwide.
3. However, we reject the High Level Panel's recommendation that CHR membership be universalized for two simple reasons:
 - a) this will likely reduce human rights standards to the lowest possible common denominator especially with regard to Indigenous peoples;
 - b) given our limited resources, it is already very difficult for Indigenous peoples to canvas the current 53 members of the CHR regarding our concerns, let alone all 191 member states.
4. We support the Secretary-General's proposal that CHR members exhibit high human rights standards. However, these criteria must be made objective. We propose, therefore, that members of the CHR be recruited from among member states that have ratified a minimal number of key human rights instruments.

We thank you for your attention.