

Intervention by Delegation of Indonesia
On the 8th Session of the Expert Mechanism on the Rights of Indigenous Peoples
Item 3: Follow-up to the World Conference on Indigenous Peoples, including the review of the
mandate of the Expert Mechanism
Geneva, 20 July 2015

Mr. Chair,

First of all, let me re-iterate our position that we support the adoption of UNDRIP with the understanding that it is instrumental for the promotion of human rights of peoples to whom it is intended to be applicable, while we consider it is not applicable in our national context given the nature and fact of us as a multicultural and multi-ethnic nation with unchanged demographic composition at the time before and after independence. In accordance with our constitution, national laws and policies, we continue efforts to promote and protect traditional collective rights of sub-ethnic/local communities we call '*Masyarakat Hukum Adat*.' The latest efforts include, *inter alia*, the adoption of law no. 6 of 2014 on Village and Presidential Regulation No. 186/2014 on Social Empowerment of '*Komunitas Adat Terpencil*.'

With regard to the issue of follow-up to paragraph 28 of the outcome document of the 2014 High-Level Plenary Meeting of the UN General Assembly known as the World Conference on Indigenous Peoples, allow us to share some thoughts. First, a prudent and comprehensive approach should be always borne in mind.

The Human Rights Council, to which this Mechanism is accountable to, is ultimately responsible to decide whether to conduct the review. For us, it is pertinent that first, there should be a comprehensive assessment regarding the architecture and mandates of all mechanisms dealing with the issue of indigenous peoples at international level. Then, there should also be an assessment regarding the conduct of EMRIP itself in implementing its mandates, before deciding any further action, including to modify them.

On the latter point, we are of the view that the current mandates of the Mechanism as provided by HRC resolution 6/36 has elements that have not been fully explored and utilized. Therefore, we feel that this should be considered first before considering the review of the mandate. In particular, the mandate as stipulated in paragraph 1 (b) of resolution 6/36 can be more effectively utilized.

Moreover, improvement of the working methods of the Mechanism can also be pursued, by for example, holding more panel discussions which focus on sharing experiences and best practices among states. Furthermore, Advice and proposals to the Council can be made more practical, acceptable and action-oriented for States to implement, and thereby enhancing and widening the sense of ownership of the issue, including of the UNDRIP. As stipulated in the HRC founding documents and therefore should also be adhered to its mechanisms, selectivity, naming and shaming, and politicization as well as confrontation should be avoided.

Prudence and comprehensiveness are also related to the global situation on promotion and protection of human rights, where today's efforts are geared towards mainstreaming and streamlining. With the limited resources, we have to work smarter and more-focused. Complementarity and collaboration are key; and duplication should be avoided. In this regard, we feel that it is more important first and foremost to enhance complementarity and collaboration of all stakeholders on the issue of Indigenous Peoples, including this Mechanism, the SR on IPs and the PFI. More importantly, positive attitude and cooperation with the duty bearer, State, should always be maintained. We believe that only with the increased level of comfortability and willingness of all stakeholders, including States, to move together, the aims of our efforts, including fulfilling the ends of UNDRIP, can be realized.

Lastly, let me re-iterate our view that the follow-up of paragraph 28 of the outcome of WCIP should be done in a manner that is gradual, inclusive and acceptable to all, with comprehensive assessments of the current situation before considering any further action. To this, we stand ready to contribute constructively.

We kindly request that this statement shall be a part of the report of this EMRIP session and is reflected in the summary of this agenda item.

I thank you.