

**STATEMENT OF THE INTERNATIONAL DEVELOPMENT LAW
ORGANIZATION**

Fourteenth Session of the UN Permanent Forum on Indigenous Issues

April 23, 2015

New York

Delivered by Judit Arenas, Director, External Relations / Deputy Permanent Observer

[Check against delivery]

Chair,
Excellencies,
Distinguished delegates,

I would like to start by acknowledging the traditional owners and custodians of the land on which we are meeting.

In the world today, indigenous peoples are among the most disadvantaged and vulnerable. Unfortunately, many of them are struggling to realize their rights, including land rights and the right to manage their own natural resources and environments. Furthermore they have been denied of their languages and traditional ways, impoverishing their unique culture.

IDLO is placed in a unique position given that it is the only intergovernmental organization with an exclusive mandate to promote the rule of law.

The rule of law is sometimes seen as an intangible, complex and lofty concept. At IDLO, we believe that it is in fact the rising tide that lifts all boats: unless justice institutions, at both national and international levels, are capable of vindicating the rights of individuals and holding accountable those in positions of power and responsibility, no initiative to advance

any pillar of development within the post-2015 framework – economic, social or environmental – can take hold.

The rule of law cannot, paradoxically, be thought of in terms of rules or regulations. Rather, IDLO has seen that it acts as a tool of empowerment, allowing whole societies to pull themselves out of poverty and improve their life. Our Organization warmly welcomed the UN Declaration on the Rights of Indigenous Peoples, in particular the seminal requirement for free, prior and informed consent on matters that drastically affect the lives, livelihoods, resources and environments of indigenous peoples. However, how can consent truly be informed if those who are giving it have not been educated on the full range of rights they hold or the means of accessing these rights? And how can consent truly be free if one side of the negotiating table is unaware of the avenues of redress, be it litigation, alternative dispute resolution or otherwise, open to them?

IDLO has worked to use the rule of law as a tool of empowerment for indigenous communities in Ecuador, identifying key rights to open opportunities in a range of areas including fair trade, food security, women's empowerment and sustainable resource management. In Guatemala, we have formulated recommendations on reducing land-related conflicts. In sub-Saharan Africa, we have shed light on the impact of investment in sustainable land use on indigenous people. All too often with indigenous issues, resources and power are unfairly stacked on one side. Law, as we have seen, is a way to level the playing field.

Indigenous people must be brought to the table. We believe however that the table must also be brought to them. In this way, IDLO sees the rule of law also as a tool for enhanced inclusivity and access to justice. We have worked to strengthen the accessibility of law and justice for the world's most vulnerable populations, including migrant women, people living with HIV, and indigenous communities. Legal pluralism is also essential in advancing access

to justice, a principle that has been enshrined in the UN Declaration (through article 27), which acknowledges the fundamental role of customary and traditional laws.

This has guided IDLO's work to extend beyond traditional courthouses to encompass various different tribal, customary and informal justice systems. In Peru, for example, we are proud of our work in advancing inter-cultural justice, making informal legal and justice systems work better for indigenous people. Our commitment to inclusivity and pluralism has also led us to harness our convening power to engage a multitude of different stakeholders on indigenous issues, ranging from high-level policy makers to grassroots activities.

In another room of this same building, the negotiations on the transformative, universal and ambitious Post 2015 development agenda are taking place. As we move towards finalizing the intergovernmental negotiations dialogue on indigenous issues is intensifying.

However, without the participation of indigenous peoples in the development and implementation of laws related to natural resources and the environment, without strong justice institutions to enforce laws to protect indigenous lands, and without adequate legal education and awareness to level the playing field for vulnerable communities, indigenous peoples will not secure the protection and status they crucially need in order to survive and flourish in the post-2015 era. Strong partnerships across sectors are needed to build the capacity of indigenous peoples to advocate for their rights and institutions to uphold them, and, essentially to use the rule of law to transform this discourse into action.

The International Development Law Organization (IDLO) enables government and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity.