

**Global Indigenous Youth Caucus Intervention to the 3<sup>rd</sup> Session of the Expert Mechanism on the Rights of  
Indigenous Peoples**

**Agenda Item 4: Declaration on the Rights of Indigenous Peoples**

**14 July 2010**

Mr Chairperson, the Global Indigenous Youth Caucus stands to address agenda item 4, the United Nations Declaration on the Rights of Indigenous Peoples (the **Declaration**). We will address two issues:

1. Education as a key theme for youth; and
2. The implementation of the Declaration.

**1 Relevant articles**

By way of background, articles under the Declaration specific to youth include:

- Article 21: the right to improve economic and social conditions with particular attention on youth; and
- Article 22: where “particular attention shall be paid to rights and special needs... of youth... in the implementation of the Declaration.”

**2 Education**

Turning to the first issue, from a youth perspective, education is a fundamental theme contained in the Declaration. We note the previous study of the Expert Mechanism submitted to the Human Rights Council in 2009 in particular paragraphs 54-57 as well as the Expert Mechanism Advice No.1 (2009) on the Rights of Indigenous Peoples to Education paras 10 and 12.

We reaffirm that indigenous languages are essential to maintain our identity and to ground ourselves within our indigenous worldviews. Modern society constrains our ability to learn our native tongue in a traditional way. Therefore, indigenous language must be recognised and implemented, without discrimination, into education curricula in rural and urban schools. Furthermore, curricula must be set by indigenous peoples to ensure authenticity. Universal access to bilingual and bicultural curricula will uphold the rights of indigenous youth to learn our own indigenous language.

Implementing indigenous language and culture into mainstream schooling curricula will affirm articles 14, 15, 17, 21 and the preambular paragraphs of the Declaration.

We believe mainstream school curricula must balance both mainstream and traditional education regardless where our youth are attending schools. As demonstrated in New Zealand through Kohanga Reo and Kura Kaupapa, the full immersion indigenous schools have supported the cultural revitalisation of Maori youth. Language is the life force of our peoples and must be protected and promoted for future generations.

**3 Endorsement and implementation of the Declaration**

The Declaration is a significant human rights tool for Indigenous peoples and its importance will continue to grow within our lifetime. However, as an aspirational document, these fundamental rights under the Declaration are in effect ‘empty rights’ unless they are incorporated into domestic law.

We commend those countries that have endorsed the Declaration and call on the United States and Canada to endorse the Declaration without reservation and with the participation of youth.

We note that implementation is essential to give effect and substance to the rights within the Declaration. Incorporation ensures that the State is held accountable for breaching rights under the Declaration. Aside from international pressure and judicial creativity it is difficult for our peoples hold their state accountable, when the Declaration is merely endorsed.

We the Youth Caucus wish to also focus on parliamentary sovereignty as a barrier to the implementation of the Declaration and make the following two observations:

1. On a conceptual and practical level, parliamentary sovereignty should not be viewed as an absolute barrier to self-determination. We advocate for greater dialogue and analysis on the implementation of pluralism. As pluralism can take many forms such as the devolution of law-making power from Parliament to indigenous groups or complete autonomy. This broad spectrum can be balanced to give substance to self-determination, the right to make decisions on our own affairs, and protect indigenous nationhood; and
2. There is a need to recognise the basis of sovereignty may be founded upon the alienation and colonisation of Indigenous peoples. This issue must be recognised and present in discussions on implementing the Declaration.

Echoing calls on decision-making process, there is a need to challenge the existing constitutional landscape and advocate for constitutional transformation in respect of our place as indigenous peoples.

#### **4 Recommendations**

Mr Chairperson we respectfully submit the following three recommendations:

1. The Expert Mechanism follow the progress of the Expert Mechanism study on education with the aim to guarantee universal access for all indigenous youth to language, culture, and supported by scholarships to attend educational institutes.
2. The Expert Mechanism and the Special Rapporteur continue to monitor the endorsement and incorporation of the Declaration as mandated by article 42 of the Declaration, with participation of the youth from the relevant region. As well as the implementation of existing customary indigenous laws into domestic law.
3. The Expert Mechanism undertake a study on pluralism and in particular whether parliamentary sovereignty can accommodate self-determination through indigenous self-governance.

As youth, the Declaration will continue to be a key document in the protection of our indigenous rights and future. Thank you, Mr Chairperson.