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**United Nations Permanent Forum on Indigenous Issues, Fourteenth Session
April 20 - May 1, 2015
Global Indigenous Women's Caucus**

Agenda Item 5. Half-day discussion on the expert group meeting on the theme "Dialogue on an optional protocol to the United Nation Declaration on the Rights of Indigenous Peoples"

Honorable Chairwoman Meagan Davis, Members of the UN Permanent Forum on Indigenous Issues, distinguished representations of Indigenous Peoples, sisters and brothers of the world.

The Global Indigenous Women's Caucus take note of the proposal to revise EMRIP's mandate, which emerged from the negotiations of the HLPM/WCIP Outcome Document. Paragraph 28 of the Outcome Document of the HLPM/WCIP which states: "We invite the Human Rights Council, taking into account the views of indigenous women and peoples, to review the mandates of its existing mechanisms, in particular the Expert Mechanism on the Rights of Indigenous Peoples, during the sixty-ninth session of the General Assembly, with a view to modifying and improving the Expert Mechanism so that it can more effectively promote respect and the enforcement of the Declaration, including by better assisting Member States to monitor, evaluate and improve the achievement of the ends of the Declaration."

We further take note that the HLPM/WCIP process arose between the annual sessions of the UNPFII. As a result, the proposed revision of EMRIP has not had the benefit of the full, equal, and effective participation by Indigenous women and Peoples. We are concerned that an essential Indigenous mechanism within the UN system is being revised without the full participation of Indigenous women and Peoples. We are concerned that a lack of full, equal, and effective participation is the new norm within the UN system.

This lack of full, equal and effective participation of Indigenous women and Peoples contradicts the Modalities Resolution of the HLPM/WCIP and UNDRIP Articles 3, 18, 32, 33, 36, 37, 38, 42, 43 and 46. The full, equal, and effective participation of Indigenous Peoples is a clearly established requirement.

We continue to be concerned about the desire for UN Member States to 'domesticate' our rights, rather than maintain relations with Indigenous Nations and Peoples in the international arena, on a nation-to-nation basis, which was the original purpose of Indigenous Nations and Peoples in coming to the UN. It should be duly noted that international law supersedes domestic law. We are concerned about moving disputes regarding our rights to our lands, territories and resources to an optional protocol, which would rely on governments to do the right thing and ratify this optional protocol.

We find a few proposals, presented in the expert paper submitted by Professor Mattias Åhrén to the Expert Group Meeting, relating to a possible new role for EMRIP to be particularly troubling.

The suggestion that only Indigenous Peoples recognized by states would be eligible to submit complaints to a new optional protocol body, is in direct violation of the UNDRIP, our right to full, effective and equal participation, and violates the right to self-determination. This is non-negotiable. We have been fighting against the perception that states decide who is or is not Indigenous for hundreds of years.

A six-month time limitation to raise human rights issues in international fora after exhausting domestic options is damaging and overly burdensome for our Peoples. We are unclear who determines what rights could be deemed principally important.

This proposed new role for EMRIP could lead to a claim of a 'duplication of work within the UN system.' We were happy to see that the original "Study on an optional protocol" stressed that "a voluntary mechanism cannot serve as a way for States to avoid being monitored by existing international or regional human rights bodies and mechanisms" as stated in paragraph 40.

In closing The Global Indigenous Women's Caucus stand on the principle that all deliberations concerning Indigenous Peoples, including a proposed optional protocol for the UNDRIP, and any proposed overhaul of the mandate of EMRIP, must include the full, effective, equal participation of all Indigenous Peoples in line with the UNDRIP.

Thank you Madame Chair