

**Human Rights Council
Expert Mechanism on the Rights of Indigenous Peoples**

Fourth session, 11-15 July 2011

Agenda item 5: United Nations Declaration on the Rights of Indigenous Peoples

Statement by the Arctic Caucus

Thank you Mr. Chairperson,

The Arctic Caucus is greatly encouraged by the fact that the UN Declaration on the Rights of Indigenous Peoples already being used and promoted by large parts of the UN system, including treaty bodies, by regional human rights bodies such as the Inter-American Commission on Human Rights and the African Commission on Human and Peoples Rights, as well as by domestic courts and legislatures. This underscores the fact that although formally not a legally binding instrument, the UN Declaration on the Rights of Indigenous Peoples in most parts mirrors binding international legal norms, and explains how these are to apply in an indigenous context.

Mr. Chairperson,

That said, we must still redouble our efforts to accelerate implementation of the Declaration on a national level. One opportunity to further this end is the 2014 World Conference of Indigenous Peoples. The Arctic Caucus join other delegations, as well as the UN Permanent Forum on Indigenous Issues in paragraph 122 in its report from its 10th session, and underscores that indigenous peoples must be awarded full, effective and equal participation at the World Conference, as well as in all preparatory processes. The Arctic Caucus believes that EMRIP could play an important role to meet this end. We concur with the observation made by Expert Member Wilton Littlechild that the Expert Mechanism should have the World Conference as an agenda item up and until 2014. We further call on EMRIP to make relevant recommendations to the Human Rights Council on this matter. The Arctic Caucus believes that regional preparatory conferences are critical for a successful World Conference, and commend Mexico for having offered to host a regional conference in the Latin American region. The Arctic Caucus recommends that EMRIP;

Proposes that the Human Rights Council calls on states in all the seven indigenous regions recognized by the ECOSOC to host regional meetings in preparation for the World Conference during the year 2012, and ensure that indigenous peoples own representatives take part in these preparatory meetings.

The Arctic Caucus further believes that indigenous peoples' own preparatory processes are critical for a successful outcome of the World Conference. We therefore appreciate the Saami Parliament in Norway's offer to host a conference to meet this end, and recommends that EMRIP;

Proposes that the Human Rights Council welcomes the Saami Parliament in Norway's decision to host an indigenous preparatory conference for the World Conference in 2013, and calls on the UN General Assembly and states to ensure that the outcome of the indigenous peoples' preparatory process is integrated into the outcome of the World Conference.

Mr. Chairperson, in the Arctic region, many indigenous peoples have elected governance bodies. The Arctic Caucus concurs with former Expert Member John Henriksen's observation that when indigenous peoples' right to self-determination has been firmly confirmed in international law, it makes little sense, and is unacceptable, that indigenous peoples' governance bodies, including elected parliaments and traditional and hereditary indigenous peoples' authorities, have less participatory rights in UN conferences and meetings than do NGOs. The Arctic Caucus therefore recommends that EMRIP;

Proposes that the Human Rights Council adopts a decision in line with EMRIP's Expert Advice No. 2, paragraph 35.

On a critical note, as all the Nordic countries now been examined, the Arctic Caucus finds that the Universal Periodic Review process lacks teeth. Especially in regard to indigenous peoples' rights, this process needs a serious update. Furthermore, States should conduct proper public hearings, in order to reach as many parts of the societies as possible, when preparing for such an important and process. As the UPR mechanism enters it's second cycle, the Arctic Caucus recommends that EMRIP:

Proposes that the Human Rights Council reviews the UPR mechanism to ensure a more effective examination of the situation for indigenous peoples.

Mr. Chairperson, the Arctic Caucus have studied with great interest the recent report by Special Representative of the UN Secretary-General on businesses and human rights, John Ruggie, and welcomes the Human Rights Council's establishment of a Working Group on the issue of human rights and transnational corporations and other business enterprises. The Arctic Caucus thus;

***Recommends* the EMRIP to communicate and share knowledge and good practices with the new Working Group on human rights and businesses, ensuring that the Working Group includes indigenous peoples' rights in their activities.**

On a final note, Mr. Chairperson, the Arctic Caucus welcomes the initiative by OHCHR to arrange a special seminar for National Human Rights Institutions at this EMRIP session. Too often, mainstream NHRI fail to include indigenous peoples' rights in their work and focus, and the Arctic Caucus recommends that EMRIP continues to share knowledge and good practices with the NHRI's. *as well as the impl of UNDR*

Thank you, Mr. Chairperson.