

United Nations Expert Mechanism on the Rights of Indigenous Peoples
9th Session, July 11-15, 2016
Agenda Item 8: Best practices and strategies for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples

Statement of National Congress of American Indians
and
Native American Rights Fund
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Thank you Chair, and warm regards to members of the EMRIP, indigenous brothers and sisters, member states, and to others in attendance. I am Heather Whiteman Runs Him, staff attorney at the Native American Rights Fund. This statement is made on behalf of the National Congress of American Indians, the oldest and largest coalition of indigenous governments within the United States of America. Our leadership is comprised of representatives duly chosen under the unique laws, traditions, and customs of each indigenous nation.

We thank the United States for its stated commitment to realizing the UNDRIP and the World Conference Outcome Document, but call on the United States to support and fully implement the American Declaration on the Rights of Indigenous Peoples recently adopted by the Organization of American States, as it provides important protections to Indigenous peoples of the Americas and goes beyond the provisions in the UN DRIP in several key areas such as treaties, rights of children, and rights of peoples in voluntary isolation. We appreciate the comments of the representative from Guatemala to that end.

There remains action that must be taken by the United Nations to realize the purposes of the Declaration on the Rights of Indigenous Peoples, especially to promote the implementation and realization of fundamental rights. The outcome document from the World Conference on Indigenous Peoples recognized concrete steps that the United Nations can take to move decisively toward implementation of the Declaration's principles, since violations of indigenous rights are actually increasing in many parts of the world. Violence on a horrific scale is being inflicted on indigenous communities, and increasingly it is inflicted on indigenous women and girls.

Without adequate implementing measures by states as yet, the Declaration is not having the effect it should in reducing human rights violations against indigenous peoples, and violations appear to be increasing in many countries. Some states profess support for the Declaration, but in practice they ignore the Declaration's requirements. The increased incidence of

adverse actions violating indigenous rights is apparently due in part to growing pressures from climate change, increased demand for energy, and increased competition for natural resources in indigenous territories.

The Declaration continues to hold significant promise as a means through which we can address the ongoing attempts to destroy indigenous cultures and societies, the taking of indigenous homelands and resources, and the economic marginalization of indigenous peoples. Without effectively implementing measures and international monitoring of indigenous peoples' rights, the purposes of the Declaration cannot be achieved.

The Outcome Document from the World Conference reaffirms the support of member states for the Declaration in OP 3, and commits to a number of much needed actions towards the implementation of the Declaration. Perhaps the strongest statement on what needs to be done to promote the full realization of the Declaration can be found in the Alta Document, which reflects indigenous peoples' views on this matter.

We remain concerned for the physical security of our people, especially women and children, and of our homes. Our right of self-determination is our most important right – it is the right that makes all other rights possible. Our lands and resources and the ecosystems where we live are most precious to us because they are essential to our existence. I think we can all agree that the United Nations can and should play a critical role in helping to effectuate these rights and all of the rights in the Declaration.

OP 28 of the Outcome Document recognized that the existing mechanisms of the Human Rights Council should be reviewed to “more effectively promote respect for the Declaration, including by better assisting Member States to monitor, evaluate, and improve the achievement of the ends of the Declaration.” We have engaged in the consultation process and now, as we look towards a resolution in the next session of the Human Rights Council, we encourage member states to continue to work for a strong and meaningful modification and improvement of the EMRIP mandate that will strengthen its role in realization of the rights enshrined in the Declaration not just within the United Nations itself, but at the country level, where it is most needed. .

We also recall the commitments in the Outcome Document OP 33 and OP 40, to enable the participation of indigenous representative institutions through an appropriate and dignified status. Increased participation of indigenous representative institutions in the UN system is required by the Declaration and will be invaluable as the UN and member states continue to work towards realization of the Declaration. The process for refining this commitment and making it a reality continues, and we call on member states to see this process through.

We call upon all member states to work with us, and to hear us, on how we can realize the provisions of the Declaration, so that it is not an aspiration but becomes reality as it should be. Please support these modest but critical recommendations for UN action.