

**Opening Statement by International Chief Wilton Littlechild, Expert Member
(WEOG Region)**

**7th Session of the UN Expert Mechanism on the Rights of Indigenous Peoples
(7th to 11th July 2014)**

**Agenda Item 7: UN *Declaration on the Rights of Indigenous Peoples*
July 10th, 2014**

Good morning to all delegations. It is my honour to chair this agenda item: the UN *Declaration on the Rights of Indigenous Peoples*. To begin, I would like to make a few comments on the final summary of responses to the questionnaire seeking the views of States and indigenous peoples on best practices regarding possible appropriate measures and implementation strategies to attain the goals of the UN *Declaration*. I would also like to introduce three conference room papers that will be available tomorrow for distribution.

Following this, I will moderate a very distinguished panel of experts on the topic of the role of parliamentarians in the implementation of the UN *Declaration*, Mr. Akiyo Afouda (Human Rights Project Officer, Inter-Parliamentary Union), Ms. Ms. Maria Eugenia Choque Quispe, Member of the Permanent Forum of Indigenous Issues and Mr. Johnson Ole Kaunga, Indigenous movement for peace advancement and conflict transformation, Kenya. I will also provide a few comments.

Lastly, following the panel, we will hear updates from the Special Rapporteur on the Rights of Indigenous Peoples and the Chair of the UN Permanent Forum on Indigenous Issues.

Questionnaire

In terms of the final summary of responses to the questionnaires on implementation strategies of the UN *Declaration*, I am pleased to report that 25 States responded and 19 Indigenous peoples responded. The information gathered from these questionnaires informs the work of the Expert Mechanism and, I therefore want to thank those who responded for your valuable contributions.

The following issues were examined: development of an overarching or national strategy; adoption of specific legal, policy or other measures to implement the UN *Declaration*; whether the UN *Declaration* has been taken into account when devising relevant laws, policies and other measures; whether steps have been taken to raise awareness of the Declaration at the community and Government levels; challenges encountered when adopting measures to attain the goals of the UN *Declaration*; and views of best practices of measures and implementation strategies to attain the goals of the UN *Declaration*. Six thematic areas were the focus of this questionnaire: self-determination and autonomy; participation in decision-making, including obligations to seek to obtain Indigenous peoples' free, prior and informed consent; culture and languages; non-discrimination and equality; lands, territories and resources; and Treaties, agreements and other constructive arrangements with States.

I would like to thank the University of Manitoba for their assistance in preparation of this summary. Again, I thank all States and Indigenous peoples who contributed to this work and urge others to do the same for next year's summary.

Conference Room Papers

There are three Conference Room Papers that will be circulated tomorrow. The first is a Compilation of Conclusions and Recommendations from the United Nations Seminars on Treaties, Agreements and other Constructive Arrangements, which can inform many aspects of the Expert Mechanism's work. The second is on Article 31 of the UN *Declaration* and the World Indigenous Nations Games, which provides a historical background and updates on activities related to the upcoming World Indigenous Peoples Games to be held in 2015. The third conference room paper is a Compilation of References to Indigenous Women and Girls in Reports and Advice of the Expert Mechanism on the Rights of Indigenous Peoples (1st to 6th Sessions). This can be of assistance in highlighting the particular perspectives and needs of Indigenous women and girls.

Panel Presentation

I would like to present an overview of my presentations on behalf of the Expert Mechanism to the International Parliamentary Conference on Parliaments and the Rights of Indigenous Peoples.

We are fortunate to have as an excellent reference the Parliamentary Handbook entitled, the UN *Declaration on the Rights of Indigenous Peoples: Understanding and Implementing it in the work of Parliaments: a Handbook*, 2012. The first part of this handbook addresses questions concerning Indigenous peoples and the second addresses what Parliamentarians can do in terms of the respect for and realization of Indigenous peoples' rights. A further piece of work yet to do that would compliment this handbook is a similar reference guide for judges and judicial officers.

I would like to thank the Inter-Parliamentary Union for inviting me to speak at their recent conference held in April of this year in Santa Cruz, Bolivia, which resulted in the Santa Cruz Declaration.

At that conference, I spoke about some concrete steps towards implementation that can be taken at a national level by States, Parliaments, and Indigenous peoples. These are:

- 1) **Governance** – Indigenous peoples, Tribes and Nations' adoption of the UN *Declaration*;
- 2) Inclusion of the UN *Declaration* in the **Indigenous peoples, Tribes and Nations' Constitution**;

- 3) Work on having the **State/province/regional governments'** support and **endorsement** of the UN *Declaration*; In this regard, I would like to highlight the recent action of the Yukon Territorial Government in Canada who endorsed the UN *Declaration* through a legislative motion on May 14th, 2014.
- 4) **Federal level** – consider an **Implementation Act**;
- 5) Utilize all relevant **Parliamentary Committees**;
- 6) **Academic level** – include UN *Declaration* in the curriculum, all schools and colleges should be teaching the UN *Declaration*;
- 7) **Local level** – Educate our own members and staff in our administrations.
- 8) **Implementation of Treaties** entered into between Indigenous Peoples and States, as recognized by article 37 of the UN *Declaration* – reflect on how this can best be achieved through mutual respect and partnerships between Indigenous peoples and states. Again, I refer delegations to the Conference Room Paper to be available tomorrow.

It is critical that this fundamental aspect of the rights of Indigenous peoples is set at the bar of “consent” and not “consultation.” Otherwise, you can be consulted but someone else makes the decision. President Evo Morales similarly said, “not only participation but decision-making.” This is one of the central conclusion of the work of the Expert Mechanism in our studies on the right to participate in decision-making and the supporting Commentary on the Ruggie Principles: consent as a requirement is a way to respect the right to self-determination. Consent should not be replaced by consultation in seeking to obtain free, prior and informed consent of Indigenous peoples.

We can also be informed by the work initially emerging from the Permanent Forum on Indigenous Issues, including the first Expert Group Meeting on Free, Prior and Informed Consent, which I chaired as a member of the Forum. We can also be informed by two reports completed by the Working Group on Indigenous Populations, one of which is a legal commentary and both of which are still of great relevance today.

I would also like to remind delegations of the important work of the UN Permanent Forum on Indigenous Issues referenced by the Chair, Dr. Dalee Sambo Dorough yesterday on “Principles of good governance consistent with the United Nations Declaration on the Rights of Indigenous Peoples: Articles 3 to 6 and 46” at this year’s past session. During the session, the Inter-Parliamentary Union made an excellent presentation on the importance of parliamentarians’ involvement in implementation of the UN *Declaration* as a framework of Indigenous peoples’ rights, sustainable development and Indigenous peoples’ political participation. An analysis of the impact of Indigenous women in all of these areas was provided.

In conclusion, the resulting Santa Cruz Declaration calls for specific actions by Parliaments on implementation of the UN *Declaration* and participation of the upcoming World Conference on Indigenous Peoples in September 2014 and follow up action after this World Conference.