

4<sup>th</sup> Session of the Expert Mechanism on the Rights of Indigenous Peoples

Agenda Item 6

Individual Statement by Catherine Iorns Magallanes

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Mr Chairperson,

Thank you for allowing me the opportunity to address the meeting on the important matter of the possible future work of the Expert Mechanism. I am a Law professor in Aotearoa New Zealand and a member of the International Law Association Committee on the Rights of Indigenous Peoples. On that Committee, I am part of the team writing a Commentary on the interpretation of the UN Declaration on the Rights of Indigenous Peoples, with a view to a better understanding of its standards and what they may require.

The UN Declaration has enormous potential to be used as a force for positive change within states, and there have been many calls just within this Session for its better implementation. This task would be assisted if there was further detail elaborating on what the appropriate understanding of the articles in Declaration could entail in different situations. For example, it could help persuade states to adopt measures suggested by indigenous peoples by providing more specific goals to enable the realisation of the human rights of indigenous peoples.

**My proposal** is that the Expert Mechanism be tasked with a study to provide elaboration and guidance on measures for promotion of the Declaration, in accordance with Article 42.

I suggest that the Expert Mechanism, as a research-oriented body, is in an ideal position to provide such elaboration and guidance.

While such a study may outline existing good practices, it could not be limited to what currently exists, because the aspirations reflected in the Declaration require many better practices to be developed. The Expert Mechanism is in a position to gather together such suggestions and publicise them.

I would like to separately note that this elaboration and guidance is also relevant to the EMRIP study on participation in decision-making. The Expert Mechanism's Report is an excellent statement on current practices; but of course it is not the final statement on how indigenous peoples can better participate in decision-making on matters which affect them. Good practices will be developed further.

I understand that EMRIP can already continue work on these practices and standards as follow-up to the important Reports on participation in decision-making that they have produced. But if any specific recommendation is needed for particular follow-up, on the continued elaboration of what would be good practice in this area, I would wholeheartedly support this, as part of the continued, positive development of international law and practice.