

**Human Rights Council**

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

**Fourth session, 11-15 July 2011**

**Agenda Item 5: Implementation of UN Declaration on the Rights of Indigenous Peoples**

**Statement by Hawai'i Institute for Human Rights**

Joshua Cooper joshuacooperhawaii@gmail.com

Thank you Mr. Chairperson,

As this is the first time we take the floor at the Expert Mechanism on the Rights of Indigenous Peoples, please allow the Hawaii Institute for Human Rights to congratulate you on your appointment as Chairperson of EMRIP. We would also like to note the excellent method of sharing responsibility with the consistent rotation of the chairperson-rapporteur annually guaranteeing every region participates in the shared responsibility.

This agenda item is the heart of EMRIP. Every year, we see it beat stronger and stronger as indigenous nations and states continue to breathe life into this dynamic document as each article is made more and more relevant in the daily living of indigenous peoples around the planet. It is important for indigenous peoples to gather annually in Geneva to measure and monitor how the articles are being utilized by indigenous peoples to realize human rights in own homelands and the human rights agenda of members states of the United Nations.

This is a historic session where all states have adopted the UN Declaration on the Rights of Indigenous Peoples. There are no more states against the UN Declaration on the Rights of Indigenous. The global consensus is reason for celebration. The national policies and practices along with new laws to realize the rights in the UN DRIP deserve to be commended. Yet, the continued statements by states contradicting their commitment under international law is concerning.

The final two states that recently reversed their positions perpetuate problematic positions that aim to limit the full realization of the human rights of indigenous peoples. We are concerned that specific rights such as the right to self-determination and free prior and informed consent are being countered continuously by states that agreed to promote and protect indigenous rights as outlined in the UN Declaration on the Rights of Indigenous Peoples.

The human rights enshrined in the articles of the UN Declaration on the Rights of Indigenous Peoples are essential to ensure equality and dignity for indigenous peoples around the planet.

The UN human rights treaty bodies are incorporating the UN DRIP to interpret indigenous rights in the state reporting process to the core international human rights instruments. This will be an important area to acknowledge advances and adversity in the realization of the human rights of indigenous peoples. The DRIP reinforces the rights in the international human rights instruments.

Another important initiative regarding the use of the UN Declaration on the Rights of Indigenous Peoples is the Universal Periodic Review of the UN Human Rights Council. In the review of the US, we prioritized as civil society the reversal of the US position for the UN DRIP. The change in position between the consideration of report in November and adoption in March illustrated the usefulness of this new global mechanism. We only have one more session then all states will have had their human rights reviewed and indigenous peoples were an important element of this global review of every state. Many questions and recommendations regarding the implementation of the UN Declaration on the Rights of Indigenous Peoples were served to states and many states sincerely shared their aspirations to acknowledge the human rights of indigenous peoples. In the second cycle beginning before our next EMRIP session, it will be important to review the advancements in the realization and implementation of indigenous rights. We will focus throughout the second round beyond symbolic and structural reforms to substantive reforms for respect.

While the UPR process has been positive in many ways, the other processes taking place around the world with UN specialized agencies, program and funds deserves close attention and advocacy efforts. In international environmental processes, states are not meeting their responsibilities under the UN DRIP denying the basic standards in the negotiations on these imminent issues in international law such as the Convention on Biological Diversity and the UN Framework Convention on Climate Change. We will work diligently in Durban to change the current practice in favor of a more positive perspective of putting the principles in the DRIP into practice regarding indigenous peoples.

The World Conference on Indigenous Peoples in 2014 is an epic event. The UN DRIP must be the foundation and framework to ensure the fundamental freedom in this global experience.

The Hawaii Institute for Human Rights recommends the following recommendations to the Expert Mechanism on the Rights of Indigenous Peoples to fully realize the implementation of the UN DRIP from the grassroots to the global level. We request EMRIP to propose to the UN HR Council

- \*States implement the articles of the UN DRIP featured in the EMRIP thematic studies and share continuously the advancements reporting regularly

- \*Indigenous Peoples and states coordinate national plans to implement the UN DRIP in partnership with National Human Rights Institutions when possible to promote indigenous rights

- \*States participating in the UPR second cycle prioritize the implementation of the DRIP in its questions and recommendations

- \*That the UN specialized agencies, programs and funds coordinate campaigns to educate own staff and member states in which they operate to implement the UN DRIP and new initiatives such as UNDP continue to share developments and seek positive input from indigenous peoples regarding the new United Nations - Indigenous Peoples Partnership (UNIPP) at the country level illustrating best practices