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HUMAN RIGHTS COUNCIL**

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Statement by Ambassador Sihasak Phuangketkeow

President of the Human Rights Council

At the opening of the third session of the
Expert Mechanism on the Rights of Indigenous Peoples

Monday, 12 July 2010, 10:00am

Palais des Nations, Salle XX

Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights,
Distinguished members of the Expert Mechanism,
Ladies and Gentlemen,

It is a great pleasure for me to address you for the first time in my capacity as the President of the Human Rights Council and to mark the opening of the third session of the Expert Mechanism on the Rights of Indigenous Peoples. Let me welcome you all to this important meeting, including those indigenous representatives who have travelled from very far in order to contribute to the mandate of the Human Rights Council's Expert Mechanism. Your contributions are extremely valuable as we together look for ways to enhance the promotion and protection of the human rights of indigenous peoples around the globe.

As you know, the Human Rights Council has the mandate to promote universal respect for the protection of all human rights and fundamental freedoms for all, without discrimination of any kind and in a fair and equal manner. To this end and in order to assist the Council in the implementation of its mandate, the Council has created various instruments and mechanisms, including its special procedures, the Universal Periodic Review as well as advisory bodies, such as the Expert Mechanism on the Rights of Indigenous Peoples.

Since its establishment, the Council has taken a number of concrete steps to promote and protect the rights of indigenous peoples in the context of its mandate, starting with the adoption of the UN Declaration on the Rights of Indigenous Peoples at its first session in June 2006 after some 20 years negotiation with all stakeholders. As you all know, the Declaration was subsequently adopted by the General Assembly in September 2007, and it is today our key reference in the promotion and protection of the rights for indigenous peoples.

In pursuing its mandate in the area of the rights of indigenous peoples, the Human Rights Council can today rely on, among other mechanism, two human rights mechanisms addressing specifically the issue of human rights and indigenous peoples, the mandate of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Expert Mechanism on the Rights of Indigenous Peoples.

The Expert Mechanism was established with the mandate to assist the Council in the implementation of its mandate by providing expertise on the rights of indigenous peoples. This expertise is provided in the manner and form requested by the Council, mainly through studies and research-based advice. The Expert Mechanism is also entitled to make proposals to the Council, for its consideration and approval, within the scope of its work as set out by the Council.

Although this is only your third session, the Expert Mechanism has already been able to build a constructive approach in the implementation of its mandate, always aiming to achieve concrete results and engaging constructively with the Human Rights Council. This is appreciated by the Human Rights Council, which, at its twelfth session, welcomed the first and second reports of the Expert Mechanism. The Council also welcomed the successful completion of the Expert Mechanism's study on lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education. It encouraged States to disseminate the study broadly and to take it into account when

elaborating national plans and strategies. All observers today present, in particular Member States and indigenous peoples, are invited to take the study and its findings into account in their activities and plans in order to implement the right of indigenous peoples to education.

The Council is also keen to encourage cooperation between the UN mandates dealing with indigenous peoples. The participation of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. James Anaya, and the Chair of the Permanent Forum on Indigenous Issues, Mr. Carlos Mamani, in this session is an important sign of the on-going collaboration between these UN mandates and the Expert Mechanism. Similarly, your close collaboration with other human rights mandates and bodies, such as treaty bodies, regional human rights mechanisms and national human rights institutions as well as UPR process is also welcomed as it enriches your discussions and contributes to the expertise provided to the Council. I am also pleased to see the continuous large participation of civil society in the work of the mechanism which will no doubt advance indigenous issues.

Turning to the focus of the 3rd session of the Expert Mechanism, I would like to recall that the Council, in its resolution 12/13, requested the Expert Mechanism, in accordance with its mandate, to carry out a study on indigenous peoples and the right to participate in decision-making. The Expert Mechanism was requested to present a progress report to the Council at its fifteenth session, to be held in September this year, and a final study to the eighteenth session in 2011. In selecting the right to participate as the theme of the 2nd study, the Council took into account the proposal made by the Expert Mechanism at its 2nd session. This reflects the constructive dialogue that has been established between the Council and the Expert Mechanism. The fact that a significant number of written contributions have been submitted to the Expert Mechanism to support its research and preparation of the progress report is another sign of the importance attached by States and other stakeholders to the work of the Expert Mechanism. I would like to invite all the observers present at this third session to further contribute to the topic of indigenous peoples and the right to participate in decision-making, taking into account the progress report prepared by the Expert Mechanism.

In addition to the new study, you will also have a general discussion on the United Nations Declaration on the Rights of Indigenous Peoples and its use to promote the rights of indigenous peoples in the international, regional and national contexts. Considering that the principles of the Declaration figure prominently in the studies and other work of the Expert Mechanism, this discussion will no doubt contribute to the future work of the Expert Mechanism.

Before concluding, I would like to indicate that the Council, at its 15th session in September this year, will consider the report of this session, including proposals the Expert Mechanism may wish to submit to the Council's consideration, as well as the progress report on the study on indigenous peoples and the right to participate in decision-making. At the same session, the Council will also consider the reports of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the annual report on the rights of indigenous peoples of the High Commissioner for Human Rights. I look forward to your contribution to the session in September and beyond. As you know, the Council is engaged in the process of reviewing its work and functioning pursuant to GA resolution 60/251 establishing the Council. With this in mind, I would encourage you to provide any input or contribution.

Ladies and gentlemen,

I am confident that with our shared commitment, we will continue to make progress in the promotion and protection of the rights of indigenous peoples. Your work is an important element of these efforts, and I would therefore like to conclude by expressing the Council's support to this body and wish you a very successful and productive session.