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item 1

**BUREAU DU PRESIDENT
CONSEIL DES DROITS DE
L'HOMME**



**OFFICE OF THE PRESIDENT
HUMAN RIGHTS COUNCIL**

Statement by Ambassador Carlos Portales

Vice-President of the Human Rights Council

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

Monday, 10 August 2009, 10:00am

Palais des Nations, Salle XX

Madame High Commissioner,
Distinguished members of the Expert Mechanism,
Ladies and Gentlemen,

It is a great pleasure for me to welcome the members of the Expert Mechanism on the Rights of Indigenous Peoples to Geneva. I also would like to extend my welcome to observers attending the session, including States and indigenous delegates.

You have traveled from different parts of the world to Geneva with a common objective – to contribute to the successful implementation of the mandate of the Human Rights Council Expert Mechanism and thereby, to the enhancement of the promotion and protection of the human rights of indigenous peoples the world over. This is an objective fully supported by the Human Rights Council.

The UN Declaration on the Rights of Indigenous Peoples was one of the first human rights texts adopted by the Human Rights Council. As you know, it was subsequently adopted by the General Assembly (GA resolution 61/295). The Declaration should contribute, along with the ILO 169 Convention concerning Indigenous and Tribal Peoples in Independent Countries and other human rights texts, to the realization of the international standards on the rights for indigenous peoples. I note that the agenda of this session also includes an item on the implementation of this landmark Declaration.

In addition to its contribution to the adoption of the Declaration, the Human Rights Council's commitment to indigenous peoples is demonstrated

in its support for mechanisms devoted to their rights. The Human Rights Council renewed the mandate of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (resolution 6/12) and, of course, established the Expert Mechanism on the Rights of Indigenous Peoples (HRC resolution 6/36).

Let me briefly recall the main features of the mandate given to the Expert Mechanism on the Rights of Indigenous Peoples. The Expert Mechanism was established to assist the Council in the implementation of its mandate by providing the Council with thematic expertise on the rights of indigenous peoples. This thematic expertise is to be provided in the manner and form requested by the Council, mainly through studies and research-based advice. Through such contributions, the Expert Mechanism has a crucial role to play in the promotion of universal respect for the protection of the rights of indigenous peoples and in helping the Human Rights Council develop its work in this area.

The Expert Mechanism is also entitled to suggest proposals to the Council, for its consideration and approval, within the scope of its work as set out by the Council. In this sense, there is room for the experts to propose to the Council how best to provide their expertise in order to ensure the respect and advancement of the rights of indigenous peoples. Of course, this work will have to be undertaken in the spirit of dialogue, stressing coordination and avoiding duplication with the Special Rapporteur and the Permanent Forum on Indigenous Issues.

As you all know, the Council, in its resolution 9/7, requested the Expert Mechanism to assist its work in completing the following tasks:

- (a) To identify and suggest by consensus to the Human Rights Council proposals for its consideration in 2009
- (b) To assist the Preparatory Committee by undertaking a review and submitting recommendations as contributions to the outcome of the Durban Review Conference, and
- (c) To prepare a study on lessons learned and challenges to achieve the implementation of the rights of indigenous peoples and to conclude it in 2009

You have already achieved some concrete results in following up these requests, as noted in the report of the first session of the Expert Mechanism, which was introduced to the Council earlier this year. In addition to the recommendation to Durban Review Conference, you have made progress in the preparation of the study on the right of indigenous peoples to education, which is to be discussed and adopted at this second session. Furthermore, steps have been taken to coordinate your work with the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people and the Permanent Forum on Indigenous Issues, both of which are present at this session. Close contacts with other UN mandates and bodies dealing with human rights including other subsidiary bodies of the Human Rights Council and treaty bodies, can also benefit the work of the Expert Mechanism and I note that treaty body members have already contributed to your work on education.

Recently, the Council has been developing its work by holding thematic discussions on issues ranging from the negative impact of the global economic and financial crisis to the relationship between climate change and human rights. Many of these thematic issues are also relevant for indigenous peoples and members of the Expert Mechanism might also be called to make a contribution to the development of such discussions in the future.

Before concluding, I would like to indicate that the results of your work this week will be considered by the Council already at its 12th session in September. We will consider the study on the right of indigenous peoples to education and the report of this second session, including any proposals the Expert Mechanism may wish to submit to the Council's consideration. At the same session, the Council will also consider the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. This will be a first step in implementing the recommendation made by the High Commissioner for Human Rights to consider reports devoted to indigenous peoples annually at the same Council session, which may also facilitate indigenous peoples' participation in the work of the Council.

Ladies and gentlemen, I would like to conclude by expressing the Council's support to the Expert Mechanism and to your efforts to advance the rights of indigenous peoples. I wish you a very successful session.