

## **24<sup>th</sup> session of the Human Rights Council**

### **Half-day panel discussion on the World Conference on Indigenous Peoples: Human Rights as a Cross-cutting Theme in the World Conference on Indigenous Peoples**

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#### **1<sup>st</sup> segment (5 minutes):**

- All Your Excellencies, President of the Human Rights Council, Mme Director, Indigenous peoples' representatives, All Delegations,
- I would like to thank my colleagues of the Expert Mechanism for allowing me to serve as Chair of the Expert Mechanism and for their contributions to the work of the Expert Mechanism over the past year.
- The three UN indigenous-specific mechanisms have participated in several preparatory events related to the World Conference. In January 2012, members of the Permanent Forum, the Special Rapporteur and I participated in a brainstorming session on the World Conference in Copenhagen, Denmark to discuss initial expectations and planning for the event. Also, in December last year I participated in a meeting in Guatemala together with members of the Permanent Forum and the Special Rapporteur on the Rights of Indigenous Peoples, during which we focused our discussions on how the three mechanisms can contribute to the preparatory process for the World Conference and in the event itself.
- Representatives of the three mechanisms also participated in the Global Indigenous Preparatory Conference in Alta, Norway held in June, during which the Draft Alta Outcome Document of the World Conference on Indigenous Peoples was adopted. I would like to thank the Sami Parliament and the Government of Norway for hosting the Indigenous Global Preparatory Meeting in their sacred territory in Alta, Norway.

- Out of this meeting, the Alta Outcome Document was produced which provides an important overview of the issues that are of central concern to indigenous peoples, both in terms of the content of the rights and how those rights might be protected.
- The meeting in Alta was part of the global preparatory process and will contribute to dialogues and negotiations between states and Indigenous peoples on the final outcome document of the WCIP. Our task as the Expert Mechanism is to ensure that our studies and research based Advice, inform the agenda leading into the World Conference and the outcomes of the Conference itself. To this end, the Expert Mechanism issued CRP 1, which provides an overview of the Expert Mechanism's Compilation of Recommendations, Conclusions and Advice from Studies Completed, during its 6<sup>th</sup> Session.
- The sixth session of the Expert Mechanism provided the first opportunity to consider further the Alta Outcome Document. At this session in July 2013, several proposals were made to the HRC, including that:
  - the Human Rights Council consider the themes identified in the Alta Outcome Document as the themes adopted for the World Conference;
  - the Human Rights Council recommend to the President of the sixty-eighth session of the General Assembly that the practice of appointing a State representative and an indigenous peoples' representative to conduct informal consultations be continued.
  - the Human Rights Council support increased financial, technical and political support for the participation of indigenous peoples in the World Conference. This would include urging States that have not yet provided financial support for indigenous preparatory activities to do so as a matter of urgency. Such preparatory activities include local and national activities aimed at raising the understanding of the issues, rights and processes of indigenous peoples leading up to the World Conference, and diverse forms of participation by indigenous peoples, through video for example. Furthermore, related documentation should be made available in formats accessible to indigenous peoples with disabilities, as proposed in the Web Content Accessibility Guidelines (WCAG);

- The Human Rights Council supports the full and effective participation of indigenous peoples, including traditional indigenous Governments, indigenous parliaments, assemblies and councils, in the World Conference.
- It is imperative that this right, the right to participate in decision-making, be respected and recognized by the UN and its member states, in relation to the World Conference. Indigenous peoples must be full and effective participants in all aspects of the World Conference, including the preparatory meetings and the outcome document. A World Conference that is not indigenous peoples-centered will undermine its own success.
- Furthermore, the Indigenous-specific mechanisms must have ample opportunity to participate in the World Conference. Related to this, I call on each of the member states of the Human Rights Council to support the outcome of the deliberations of our sessions and of our work.
- One area of reform to be advanced at the World Conference, that I truly hope to see realized at all levels, is the full and effective participation in decision-making of Indigenous peoples on an equal basis throughout the United Nations system. Recognition of Indigenous peoples in this way will mark an important advancement of the recognition and promotion of the rights of Indigenous peoples, consistent with article 3, *inter alia*, of the UN Declaration on the Rights of Indigenous Peoples. This should be pursued as one important outcome of the World Conference on Indigenous Peoples.
- Given the timing of the sessions, the Expert Mechanism's 7<sup>th</sup> Session will provide the last opportunity for Indigenous specific mechanisms to inform the World Conference on Indigenous Peoples, along with possibly the Human Rights Council Session in the fall of 2014.

**Second Segment:**

- Through the thematic Advice, studies and research that the Expert Mechanism provides to the Human Rights Council, we have had the opportunity to contribute to an understanding of the human rights of Indigenous peoples, including in the areas of natural resources, health, education, discrimination against Indigenous women and

persons with disabilities, as well as implementation strategies and awareness of Indigenous peoples' issues throughout the UN system.

- I would like to highlight today some of this year's work of the Expert Mechanism related to this work, focusing on the CRP 1 that I referenced early.
- In relation to the first theme of the Alta Outcome Document, Indigenous Peoples' Lands, Territories and Resources, the CRP 1 highlights the inter-relationship between the right to self-determination and to permanent sovereignty over Indigenous peoples' lands, territories and resources, making reference to our Advice No. 4. The importance of partnerships in development is underscored, referencing the Expert Mechanism's Comment on the Human Rights Council's Guiding Principles on Business and Human Rights.
- Regarding the second theme on the UN System and Action for the Implementation of the Rights of Indigenous Peoples, the Expert Mechanism focuses on the right to full and effective participation of Indigenous peoples in relation to the right to education, referring to Advice No. 1. Further, the need for the establishment of an international mechanism for the enforcement of rights related to Treaties, Agreements and other Constructive Arrangements is examined.
- Increased involvement of, and representation of, Indigenous peoples throughout the UN system is advanced, making note of Advice No. 4 which sets out numerous measures to be adopted by states, in collaboration with Indigenous peoples. Training throughout the UN system on Indigenous peoples' rights is also promoted.
- In relation to the third theme of the Alta Document, implementation of the rights of Indigenous peoples, the Expert Mechanism has outlined the centrality of the right of self-determination, in achieving a human rights-based approach and addressing the underlying causes of rights violations, such as land dispossession, conflict, displacement and loss of sustainable livelihoods. Furthermore, the full and effective participation of Indigenous women and girls can be advanced through national, regional and international plans of action. Transitional justice mechanisms can address historical injustices and concomitant contemporary impacts, consistent with the UN Declaration. Such mechanisms should be monitored by relevant UN special procedures. Advice Numbers 1, 2, 3 and 5 provide guidance in this area.

- The Alta Outcome Document's fourth theme, Indigenous peoples' priorities for development with free, prior and informed consent, is supported by the Expert Mechanism's Advice No. 3 which examines the inter-relationship between Indigenous peoples' cultures, languages and ways of life and the right to self-determination. The importance of recognizing Indigenous peoples' understanding of justice and of related practices and rights to self-determination over justice systems is highlighted in CRP1. Rights related to economic, social and cultural development are examined, as well as how the rights to free, prior and informed consent and to self-determination positively impact the former. Advice No. 1, 2, and 5 are also relied upon.
- A common theme throughout the Expert Mechanism's Advice, Studies and Research is the need for full recognition of the rights contained in the UN Declaration on the Rights of Indigenous Peoples, at all levels, including the actions of states, Indigenous peoples, UN entities, and private sector parties. It is only when there is a common understanding of the human rights of Indigenous peoples by all sectors that we can hope to make progress on breathing life into the achieving equality and justice for Indigenous peoples worldwide.
- Each step backwards in promoting the full and effective participation of Indigenous peoples sends a message that we are not truly respected members of the human family. Conversely, each step forward widens the circle of humanity to one based on mutual respect and recognition.
- I call on each of you here today to be part of this vision – so that in our lifetime we can live in a world where the survival, dignity and well-being of Indigenous peoples is realized, in large part due to the efforts of the UN human rights system to advance the rights contained in the UN Declaration in a meaningful way. The World Conference on Indigenous Peoples provides the platform for this important work to be advanced.