

**High-Level Event to Commemorate the 5th Anniversary of the Adoption of the UN
Declaration on the Rights of Indigenous Peoples**

**Thursday, 17 May, 2012
Morning (10am - 1pm)
Conference Room 1, United Nations, New York**

Remarks by the Chair of the United Nations Permanent Forum on Indigenous Issues

Excellencies,
Distinguished colleagues,
Ladies and Gentleman,

It is an honour for me to address you here today on the occasion of the 5th anniversary of the adoption of the Declaration on the Rights of Indigenous Peoples. We come here to the United Nations to commemorate the anniversary, and we will.

"Nay uhl Deneh ba bay ut'en wha gha ya tsu'l dugh, et huwa soo nay dzi yo tse ba tsoon tun"- in my Dakelh dene language, it says " we are talking about the important work of our people and so we hold them, deep in our hearts". I call, now, on our ancestors to be with us, to guide and comfort us, as we go forward.

The Declaration was adopted by the General Assembly in 2007 after over two decades of intense struggles. Thanks to the efforts of the global indigenous movement, agreement was reached on a document that captures the range and diversity of indigenous peoples worldwide, and places their rights firmly on the global agenda.

This adoption was an historical gesture of recognition by the United Nations and by States of the place of Indigenous peoples in history and future of the human family. The adoption of the UN Declaration is an acknowledgment of the profound importance of the teachings of Indigenous peoples and of the relationships we collectively have with the world we live in. As the UN Secretary-General Ban Ki-Moon stated on the International Day of the World's Indigenous Peoples, on August 9, 2008:

"The Declaration is a visionary step towards addressing the human rights of indigenous peoples. It sets out a framework on which States can build or rebuild their relationships with indigenous peoples...(It) provides a momentous opportunity for States and indigenous peoples to strengthen their relationships, promote reconciliation and ensure that the past is not repeated."

Today we also extend our deep gratitude to the many committed representatives of Indigenous peoples, Non-Governmental Organizations, States and the United Nations whose passion and dedication lead to the adoption of the Declaration. The full and active participation of indigenous peoples over more than two decades was crucial. It is their Declaration, as well.

But we are mindful that this journey started many years ago with Haudenosaunee Chief Deskaheh and Maori religious leader T.W. Ratana, who travelled to attend the League of

Nations, at whose doors they were tragically turned away. Today, we want to reaffirm the extreme importance that we, indigenous peoples, be not only consulted, but fully and effectively engaged in any matter that affects our lives, ranging from policies and legislation to economic and development projects. Our consent must be a reality, and not only a statement of intent or an assertion on paper.

The Declaration is a milestone that provided fresh impetus to ensure that full and equal enjoyment by indigenous peoples of all their human rights truly forms an indivisible part of any human rights implementation strategy, nationally, regionally and internationally. The Declaration is a living document holding the dreams and hopes of all Indigenous peoples. Furthermore, the Declaration sets the minimum standards for the survival, dignity and well being of the world's Indigenous peoples. On the basis of the Declaration, therefore, much more can be built. On the Declaration we, indigenous peoples, can *affirm* our aspirations in our relations with States, the United Nations system, intergovernmental organizations, corporations and other institutions around our concept of development with culture and identity.

Our identity is defined through the prayers and hope of our ancestors. We live with their blessings and are inspired by their songs which we use to celebrate our relationships and our life milestones. The drums, the heartbeat of Indigenous peoples, which resound in the deep jungles of Africa, in the longhouses of Indigenous peoples in North America and in the Andean mountains all acknowledge and celebrate our existence. With the "waiata and "hakah", Maori relatives express the sacredness of who we are as peoples. We pass on these humble teachings of our elders and ancestors to our young people so they will live in harmony with each other and with everything which lives.

Every generation has its dreams and every generation has its responsibilities for our collective well being. Our elders are the custodians of our immense cultural heritage: they should be treated with sacred respect and their teachings should guide us in our present. Our children and grandchildren are our present and our future. They are our hope... a hope that sings on the notes of the bamboo flutes of Asian girls and boys and resounds with the spiritual dances of the youth in the Arctic. Our women are the backbones of our communities and they are the key actors in sustaining and developing our lives. We should always recognize that and fight for their dignity and rights to be upheld always.

The UN Declaration on the Rights of Indigenous Peoples, that we are here to celebrate today, reflects also the beginning of the healing process necessary for a new dawn in history... One in which past dispossessions and injustices perpetrated against indigenous peoples all over the world are recognized so they are not repeated again... One in which no civilization or people is considered as inferior to others. This inhumanity of peoples to other peoples lies at the very heart of the conceptual framework in the UN Declaration on the Rights of Indigenous Peoples and other international instruments such as the ILO Convention 169.

The United Nations, this house of hope for all peoples is also the House of hope for Indigenous peoples. It is where Indigenous peoples come to tell their stories and their challenges, hoping that the international community will listen, will pay attention and act with compassion.

Today, as we sit here Indigenous peoples continue to call on the United Nations, its agencies, funds and programmes and States to address the ongoing systematic and systemic violations of the human rights, including land rights of Indigenous peoples.

Lands and resources provide the central foundation for all wealth. As such, the dispossession of lands and resources from Indigenous peoples is also the greatest source of their poverty. We are born to the land, we live on and with the land, with all other living things. It gives us shelter, food, medicines and warmth that we need. We see it as we see our Mother and we love her. The elders remind us to "take care of the land, and it will take care of you". But now these lands and the decisions about them lay somewhere else. These decisions to mine, log or dam have profound impacts on Indigenous peoples - much of it negative. But the Declaration can be used as the foundation of each and every claim for the recognition and protection of the inextricable spiritual linkage between we, indigenous peoples, and our lands and the natural world.

The Declaration is an international human rights instrument that, today, enjoys universal consensus. It is the same instrument that underpins the activities of the Permanent Forum on Indigenous Issues. Therefore, I would like to speak about the evolving role of the Permanent Forum in light of today's commemoration.

With the adoption of the Declaration five years ago, the Permanent Forum was endowed with a new function. The Declaration, specifically article 42, added new and extensive responsibilities to the mandate of the Permanent Forum. It calls upon the Forum to aim at contributing to the "respect for and full application" of the Declaration – that is the Forum shall work to promote the incorporation of the Declaration into national law and policy, including through national courts and through administrative decisions. It also works in partnership to create awareness of the rights contained in the Declaration. Second, it calls upon the Forum to follow up on the "effectiveness" of the Declaration – that is to examine and assess the *realities* on the ground, to see how the international standards created by the Declaration are implemented at the local and national level and what gaps in implementation persist.

As we move past the 5 year benchmark, the Permanent Forum will continue to pay close attention to the challenges and bottlenecks related to implementation.

Ladies and gentlemen, let me briefly outline some of the ways that the Declaration has helped to translate rights into reality.

The Permanent Forum consistently recommends that all States with indigenous peoples review their legislation, policies and programmes in accordance with the Declaration and several countries have taken measures to integrate the spirit and intent of the Declaration as a result of this process. Though the Declaration is still young, we have seen a positive evolution in thinking about the rights of indigenous peoples. In the case of the Congo, legislation and a National Plan of Action to Improve the Quality of Life of the Indigenous Peoples were inspired by the Declaration. The Plurinational State of Bolivia has incorporated the Declaration into its domestic law and applied through its Constitution. And many other good practices at national level are out there and have been reported to the Forum.

Many UN treaty bodies have invoked the rights enshrined in the Declaration in their periodic reviews of States parties' and highlighted the situation of indigenous peoples, such as the Committee on the Rights of the Child (CRC) and the Committee on the Elimination of Racial Discrimination (CERD). States have also invoked the Declaration during the process of the Universal Periodic Review of the Human Rights Council. Looking forward, the Permanent Forum, together with UN treaty bodies and the Office of the High Commissioner for Human Rights will, within their capacities, continue to work towards transforming the Declaration in its entirety into living law.

Ladies and gentlemen, we are all responsible for publicizing, engaging in awareness-raising activities, and disseminating the contents of the United Nations Declaration on the Rights of Indigenous Peoples. These tasks have been made easier now that the Declaration is available in over 50 languages, including many indigenous languages, a clear reflection of the linguistic diversity of indigenous peoples.

We are even more responsible now that we plan the road to the World Conference on Indigenous Peoples in 2014. Indigenous peoples want to ensure that talk about them is with them, that they need assurances for full and effective participation every step of the way. We have an obligation to take full advantage of the chance to advance the human rights of Indigenous peoples.

Words shared must be respectful. Commitments must be real, genuine and in good faith - to be made jointly by agreement. Actions, together with the necessary resources, timelines, capacity building and technical assistance, must be the solid cornerstone for going forward; and the results for Indigenous peoples must be deep, lasting and transformative. This approach is essential. It is absolutely necessary at the international, regional and, where it counts the most, at State level. For the survival, dignity and well-being of Indigenous peoples, as stated in article 43 of the Declaration, this is absolutely essential.

The Permanent Forum welcomes the fact that the Declaration has begun to create a positive and cooperative environment for the promotion and protection of the rights of indigenous peoples. The effectiveness of the Declaration is largely dependent on this environment. Looking ahead we hope this environment makes the Declaration a truly transformative force in the lives of indigenous peoples.

Today we cannot ignore the challenges and gaps in implementation of the Declaration. We call on each and every one of you, present here today: "Act on it." We can move together towards a future built on recognition of equality of Indigenous peoples to all other peoples is before us here to embrace and to uphold.

But let us also take this opportunity to reaffirm the spirit, principles and rights enshrined in the Declaration and let us renew our commitment to concrete action for its full implementation.

I thank you for your attention.