

United Nations Expert Mechanism on the Rights of Indigenous Peoples

Eighth session July 20 – 24, 2015

Agenda Item 9: Proposals to be submitted to the Human Rights Council for its consideration and approval

Intervention by the International Indian Treaty Council, presented by Andrea Carmen

Thank you Mr. Chairman.

The International Indian Treaty Council makes the following proposal for the next EMRIP study. It builds upon the issues raised but not adequately and fully addressed in several of the important studies to date including the current Study on the Right to Cultural Heritage as well as the two Studies on Access to Justice. It also responds to many of the concerns which have been expressed by participants in during the current session.

**We propose an EMRIP Study on Mechanisms for redress, remedies, restitution and repatriation in conformity with Articles 11, 27, 28 and 40 of the United Nations Declaration on the Rights of Indigenous Peoples and Operative Paragraph 27 of the World Conference on Indigenous Peoples Outcome Document.**

This EMRIP Study could highlight good practices currently in place as well as shortfalls and gaps, and provide guidance on practical steps for implementation of the Declaration Articles and the operative paragraph in question which address the right to and criteria for the establishment of effective transparent, just and participatory processes and mechanisms for redress, remedies, restitution and repatriation pertaining to land and resources, cultural, intellectual, religious and spiritual property, ceremonial objects and human remains, conflict resolution and infringements of individual and collective rights.

This Study would make a significant contribution to the understanding of States and Indigenous Peoples of how we can work together to develop effective participatory processes to provide redress, remedies, restitution and repatriation to Indigenous Peoples in the spirit of partnership, reconciliation and justice.

Thank you.