

Intervention to the 13th Session of UN Permanent Forum on Indigenous Issues
Global Indigenous Youth Caucus Statement - May 12, 2014
Agenda Item 3: Discussion on the special theme for the year:
"Principles of good governance consistent with the United Nations Declaration on the Rights of Indigenous Peoples: articles 3 to 6 and 46" and Study on an optional protocol to the United Nations Declaration on the Rights of Indigenous Peoples

Thank you, Madam Chair.

We would like to congratulate you for being elected as the Chair. We look forward to working with you, the Forum Members, all the Indigenous participants to have a productive session.

The Global Indigenous Youth Caucus is an example of Indigenous youth leadership within international human rights. We reiterate our strong recommendation that the Forum include an Indigenous youth as a Forum Member to work with the Global Indigenous Youth Caucus and related UN mechanisms in the engagement of their work, as an example of full and effective participation.

In regard to Indigenous Peoples' rights consistent with the UNDRIP, State Governments must maintain relations and carry out negotiations and consultations under the principles of good governance including accountability, transparency, responsiveness, and inclusivity in order to ensure the enforcement of those articles in good faith.

In connection with that, we as the Indigenous youth will play an essential role in ensuring that our Peoples and Nations will thrive in the future through asserting our right to free, prior, and informed consent, as we perpetuate our inherent and inalienable right to self-determination. The State Governments should support Indigenous youth by providing us with the needed resources to design, promote and conduct educational training

programs about human rights and collective rights for all Indigenous Peoples, guaranteeing the full and effective intergenerational participation.

Bearing in mind that the UNDRIP should be interpreted in good faith, we want to remind the State Governments that Article 46 referring to territorial integrity may not be used to deny Indigenous Peoples' right to self-determination affirmed in Article 3 of The Declaration, the UN charter, and Article 1 of the international covenants, and should be interpreted in relation to the entire Declaration.

Good Governance must ensure that Indigenous Peoples have our own territorial integrity, as part of our right to self-determination and our right to maintain our nationalities as defined in Articles 3 to 6. State borders may not interfere with that integrity or lead to assimilation of Indigenous cultures into major societies.

As the State Governments have failed to fully implement the UNDRIP and enforce it on national and regional levels, there is an urgent need for establishing an effective monitoring mechanism and enforcing body for the UNDRIP.

As observed in the study regarding an optional protocol to the UNDRIP, we wish to highlight that an optional protocol could be an option to establish an effective mechanism to monitor and redress the violation of the rights of Indigenous Peoples. We recognize the need of having optional protocol particularly in the regions where there are gaps in monitoring bodies for Indigenous Peoples to access. However, optional protocols are still state-driven voluntary mechanisms. We are thus concerned that an optional protocol could allow states to move disputes regarding lands, territories and resources and other issues from international law to domestic law. We wish to keep options open for

understanding what other mechanisms would be effective, especially as we are still facing challenges with implementing the UNDRIP itself as a minimum standard for the rights of Indigenous Peoples. Therefore, the GIYC calls for an Expert Group Meeting specifically on the benefits and possible risks for Indigenous Peoples of an optional protocol with the full and effective participation of Indigenous Peoples. In such Expert Group Meeting, it should include specific perspectives from Indigenous youth in what possibilities an optional protocol creates for Indigenous youth.

Meanwhile, before the establishment of an effective monitoring body, we need the interim mechanisms to immediately start to address ongoing human rights violations of Indigenous Peoples. We need to strengthen the existing human rights mechanisms within the UN system and establish specific relationships between Indigenous UN mechanisms and mainstream monitoring bodies to ensure that mechanisms such as HRC, UPR, CERD, CRC and CEDAW pay attention to Indigenous issues in a coordinated way. Therefore, we recommend that the permanent forum communicate with the HRC and CEDAW/CRC/CERD committees and have special sessions reporting on the rights of indigenous youth, and during the country review, Indigenous Peoples' situations are required to be included in the country reports to be evaluated.

Furthermore, in the continuing transformation of international human rights law, in conjunction with a return of group rights for Indigenous Nations and Peoples, we recognize that colonization continues in today's world, and therefore we emphasize the need to refer to the Special Committee on Decolonization and/or other United Nations instances communications by Indigenous Nations and Peoples, wherever they reside, inter alia, with reference to the Charter of the United Nations. The General Assembly shall amend its rules and procedures to allow for the participation of Indigenous Nations

and Peoples. Meanwhile, the Assembly must urge State Governments to implement the UNDRIP. It shall guarantee that Indigenous Nations and Peoples have a genuine opportunity to participate in decision-making processes.

Last but not least, we as Indigenous youth have the right to decide what criteria is beneficial for a reporting mechanism, a monitoring body, or an optional protocol. Those criteria include, but are not limited to, Indigenous appointed representatives instead of State representatives in human rights monitoring committees.

Thank you.