

Statement by Binota Dhamai

Chair-Rapporteur

United Nations Expert Mechanism on the Rights of Indigenous Peoples

Expert workshop on possible way to enhance the participation of Indigenous Peoples in the work of the Human Rights Council

United Nations High Commissioner for Human Rights,

President of the Human Rights Council,

Excellencies,

Indigenous leaders and representatives,

Distinguished experts,

Ladies and Gentlemen,

It is my pleasure to join the discussion on this very important topic on enhancing the participation of indigenous peoples in the United Nations. The Expert Mechanism on the Rights of Indigenous Peoples has always been a strong proponent of enhancing Indigenous Peoples’ participation in the work of the Human Rights Council.

Articles 5 and 18 of the United Nations Declaration on the Rights of Indigenous Peoples explicitly defined Indigenous Peoples’ right to participation in decision-making on matters that related to them, including the overarching right to self-determination, as expressed in articles 3 and 4 of the Declaration. The United Nations has the obligation to promote the United Nations Declaration on the Rights of Indigenous Peoples inside as well as outside of the United Nations. Article 41 of the Declaration specifically addresses the role of the United Nations in the full realization of its provisions, including by establishing ways and means of ensuring the participation of Indigenous Peoples on issues affecting them in the United Nations.

The participation of Indigenous Peoples themselves was essential in the evolution of the Expert Mechanism’s mandate, a mandate that contributes positively to improving their participation. It establishes a country engagement component which Indigenous Peoples themselves can trigger and ensures greater independence of the Expert Mechanism in choosing the subject matter of its own reports.

In our experience, the participation of Indigenous Peoples in United Nations processes is indispensable. It is crucial to informing our understanding of Indigenous Peoples’ human rights issues and proposing realistic measures to address them. It is for this reason that we proposed to the Human Rights Council to establish this expert workshop with equal participation of States, Indigenous Peoples and relevant institutions and organizations with the objective of proposing recommendations for possible ways to ensure the enhanced participation of indigenous peoples before the Human Rights Council.

Ladies and gentlemen,

The Expert Mechanism’s report on self-determination, in which it is highlighted that the participation of Indigenous Peoples internationally, including the expression of Indigenous Peoples’ world views, lived experiences and perspectives at the United Nations, is an example of the exercise of their self-determination and their right to determine their space in the international community based upon the right to equality. Self-determination may also include Indigenous Peoples’ right to determine their place in the international community based upon the principle of equal rights. From an indigenous perspective, participation by Indigenous Peoples in the international indigenous movement is an example of the exercise of self-determination. That includes expressions of Indigenous Peoples at the United Nations and other international forums where they can express their world views and perspectives on the international level, external to their own communities. The “importance of ensuring that Indigenous Peoples’ voices, the very people whose self-determination is affirmed by the Declaration, are heard in the international community through participation in international policy forums and decision-making bodies” is recognized.[[1]](#footnote-1)

The participation of Indigenous Peoples in international forums is an important expression of their self-determination, and many Indigenous Peoples’ organizations are increasing their representation at such meetings. The importance of that participation was recognized by the General Assembly, by its adoption of resolution 71/321, on enhancing the participation of Indigenous Peoples’ representatives and institutions in meetings of relevant United Nations bodies on issues affecting them.

It is proposals to the Human Rights Council, Expert Mechanism has invited the Council to continue to facilitate, in consultation with Indigenous Peoples, the participation of Indigenous Peoples’ representatives and representative institutions in the work of the Council, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples and to commit to reducing as much as possible the barriers to Indigenous Peoples’ participation in the work of the Council, such as the languages barriers, as well as to promote the internet access and in person attendance of indigenous representatives.

The Expert Mechanism has further encouraged the registration and accreditation modalities of the workshops to follow the example of the Expert Mechanism to allow for the broadest participation possible of Indigenous Peoples. The modalities under which Indigenous Peoples participate in other United Nations mechanisms, such as the Permanent Forum on Indigenous Issues, should be assessed to see whether any aspects of those modalities could be applicable to the work of the Human Rights Council, when its work affects Indigenous Peoples.

The Expert Mechanism regrets that Indigenous Peoples and their representative institutions can only take the floor in the Human Rights Council through non-governmental organizations that had been accredited by the Economic and Social Council, as they were “the peoples”, recognized in article 1 of the United Nations Declaration on the Rights of Indigenous Peoples, and should be given formal status in the United Nations to allow them to express themselves as such. The participation of Indigenous Peoples at the United Nations was indispensable and crucial to informing the United Nations understanding of Indigenous Peoples’ human rights issues and proposing real measures to address them.

In this regard, the Expert Mechanism has encouraged members of the Human Rights Council to consider how to facilitate the participation of Indigenous Peoples in its work and discussions, especially in the dialogue with the Expert Mechanism and the Special Rapporteur on the rights of Indigenous Peoples, which obviously required their inclusion.

I would like to finish by acknowledging the UN Human Rights Council for its efforts in advancing the rights of Indigenous Peoples. The Expert Mechanism welcomes the Council decision to continue discussing further steps and measures necessary to enable and to facilitate the participation of indigenous peoples’ representatives and institutions in the work of the Human Rights Council and its decision to take into consideration the summary report on the discussion and the resulting recommendations coming out of this four- day workshop.

Thank you very much.

1. A/HRC/48/75, para 17. [↑](#footnote-ref-1)