

# **UN system-wide actions for the Implementation of the Rights of Indigenous Peoples**

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#### **Rights of indigenous peoples**

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H.E. Edita Horda and co-chair Ghazali Ohorela, Your Excellencies, Distinguished Delegates and Representatives of States and Indigenous Peoples, Ladies and Gentlemen,

*Gawis ay masdem ken dakayo am-in.* This means good afternoon to you all in my Kankana-ey Igorot language.

I am honored to speak before you today, to share my own assessment of the Outcome WCIP Document on enhancing the system-wide actions of the United Nations for more effective implementation on the Rights of Indigenous Peoples and my recommendations on how to implement this. Indigenous peoples' rights and development issues basically cut across the work of all UN agencies, bodies, programmes and funds. This is one of the main reasons on why indigenous peoples persisted in getting the UN to establish the UN Permanent Forum on Indigenous Issues and its Secretariat to help raise awareness and coordinate the UN as far as the policies and programmes of the various UN entities on indigenous peoples are concerned.

I have been actively engaged with many of the UN processes as early as the 1980s as an indigenous activist and leader so I will speak on the basis of these experiences.

In this present era the world is faced with multi-faceted problems in development, peace and security, human rights and environment, increasing inequality and worsening poverty, amidst scandalous wealth getting concentrated in the hands of a few. Indigenous peoples are equally suffering from these problems. This picture presents a compelling argument for pushing the UN to be more coherent and coordinated in terms of how it addresses indigenous peoples' issues. Many indigenous peoples are still confronted with problems of grave human rights violations and inappropriate development priorities which lessen further their capacities to live well and live with dignity. Global decisions on how to pursue development like the Millennium Development Goals did not include indigenous peoples.

For so long many indigenous peoples find themselves in the midst of armed conflicts, most of which are not their own wars. Their territories remain militarized and they are not invited to take part in peace negotiations between the states and armed groups. Thus, the protection of their right to live and their right to their lands, territories and resources remain very fragile.

These situations which I described clearly tell us that unless more coherent and coordinated system-wide action from the UN is done, we will find indigenous peoples' issues falling between the cracks. Mainstreaming indigenous peoples' issues should be the responsibility of UN agencies, bodies, programmes and funds.

We need to understand that indigenous peoples are among those who have and continue to contribute significantly in terms of saving the earth, by mitigating climate change and strengthening communities who truly believe and practice sustainability, stewardship and harmony with nature, mutual reciprocity and collectivity. We are not simply victims of a system which promotes unrelentless exploitation of the earth and economic growth, generation of bigger profits at the expense of social protection, and super-individualism. We are contributing solutions to the crises we all face. It will be to the detriment of the earth and the human society if we continue to be excluded in decision-making processes which impact us and our rights get trampled on a daily basis.

The Commission on Human Rights (now the Human Rights Council) and the ILO were the main bodies where we, indigenous peoples, began our journey to get attention to our issues. We then got involved with Earth Summit in 1992. These processes which led to the drafting and adoption of the UN Declaration on the Rights of Indigenous Peoples and the inclusion of a chapter on the indigenous peoples in Agenda 21 made me determined to work more to ensure better coherence and coordination.

I have seen over and over again how human rights conventions and instruments have been contradicted by other global agreements, not necessarily agreed within the UN, but by other multilateral and regional bodies. I am specifically referring to economic, trade, finance, investment and intellectual property rights agreements. I witnessed how most States did not exert enough efforts to make the various agreements coherent with human rights conventions and declarations, with multilateral environmental agreements and ILO Conventions and programmes promoting social protection. In many cases these bodies did not succeed because States would

invoke national sovereignty, territorial integrity and put language like, as appropriate, to escape from complying with their legal obligations.

When I became a member of the UNPFII and got elected as the Chair each year from 2005-2009, I understood better how the UN system works. I saw the challenges that need to be addressed and the facilitating factors which enabled the UN system to address better indigenous peoples' rights and development.

The adoption of the UN Declaration on the Rights of Indigenous Peoples, establishment of the UNPFII, the EMRIP and the Special Rapporteur mandate confirm the relevance and importance of indigenous issues to the core purposes of the United Nations. The UNDRIP provides the UN-system with a common normative framework and the specialized mechanisms promote its implementation, by member-states and by the UN-system itself. Articles 41 and 42 of the UNDRIP specifically requires the UN-System to promote respect for and contribute to the full realization of its provisions through the mobilization of financial cooperation and technical assistance. This established that the UN system, has to mainstream the attention to the specific situation of indigenous peoples throughout its diverse agencies, funds and programs.

Let me highlight the paragraphs in the WCIP Outcome Document which refer directly to the issue I am asked to address. Paragraph 31, requests the UN Secretary General to develop a system-wide action plan to ensure a coherent approach to implement the UNDRIP and to report to the 70<sup>th</sup> Session of the General Assembly on progress made. We will look forward to this and I hope indigenous peoples will be able to participate again in this session. This paragraph also says that a senior official of the UN be assigned to coordinate

the action plan at the highest level possible. Paragraphs 32, 33 and 40 are equally important. Paragraph 40 requests the SG to submit “recommendations regarding how to use, modify and improve existing United Nations mechanisms to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, ways to enhance a coherent, system-wide approach to achieving the ends of the Declaration.

I am happy to see these paragraphs and I would like to remind everybody that in all these, the effective participation of indigenous peoples in these processes which will come up with these reports have to be ensured.

Before I was appointed as the UN Special Rapporteur on Indigenous Peoples, my institution, Tebtebba, commissioned a report on how the UN has implemented the UN Declaration on the Rights of Indigenous Peoples. This study concluded that

there have been some positive developments in terms of coordination between the UN entities on their work on indigenous issues. The establishment of the Inter-agency Support Group (IASG) on Indigenous Peoples’ Issues is one mechanism which deals with the issue of coherence and coordination. I was witness to the way this mechanism operated. I frankly think there is still room for improvement, but many of what the IASG has been doing has borne good results.

This same report also observed that “four UN agencies and funds (UNDP, IFAD, FAO and UNEP) and programs such as GEF and UN-REDD have developed institutional policies or guidance on support to indigenous peoples. The policies have clear positive effects in terms of enhanced visibility and action, collaboration, commitment, transparency, accountability and in-house coordination. Further, the recently released UNDP Social and Environmental

Standards, specify the obligations of UNDP to not participate in projects that violate provisions of UNDRIP, including operational requirements to ensure such compliance. " The direct alignment of institutional safeguards with the provisions of UNDRIP is, without any doubt, a good practice.

Ladies and Gentlemen,

I will conclude my remarks with some key recommendations which I think should be taken into account on this issue for system-wide coherence and coordination.

First, I think it is important that awareness raising with the UN System on indigenous peoples' human rights, development issues and peace and security has to be ramped up. I observed that the majority of the staff of the UN do not really know that the UN Declaration on the Rights of Indigenous Peoples and the ILO Convention No. 169 exist. Nor do they know that there are bodies and mechanisms such as the UNPFII, EMRIP and the Special Rapporteur on the Rights of Indigenous Peoples. More efforts should be exerted to provide trainings and seminars to UN personnel on indigenous peoples' rights and development perspectives and existence and mandates of UN mechanisms addressing indigenous peoples and development perspectives.

Secondly, more dedicated staff addressing indigenous peoples' rights and issues should be hired in the various UN bodies, agencies, programmes and funds. If the Secretary General will make his assessment of the monitoring of the implementation of the WCIP Outcome Document, this means, establishing indicators for measuring this. One of the indicators will be the number of staff dedicated to implementing policies and programmes

addressing indigenous peoples. But it will not only be the WCIP Document which will be monitored and measured but the implementation of the UNDRIP and ILO Convention 169, relevant Conventions and Programmes of Action at the global, regional, national and local levels.

Thirdly, the senior official who will oversee coordination and system-wide action for coherence should endeavour to consult and involve indigenous peoples in carrying out his work.

Fourth, there should be an increase in dedicated resources in terms of funds to support the work on indigenous peoples. So disaggregation of budgets of UN bodies, agencies, programs and funds in terms of how what they have allocated for indigenous peoples should be done.

Fifth, further optimization of the use of the recommendations of the UN Special Rapporteurs, treaty monitoring bodies, ILO supervisory mechanisms and other monitoring mechanisms, to strengthen capacity within the UN-system to understand and promote indigenous peoples' rights should be done. This includes using such recommendations for country programming.

Finally, efforts should be put in organizing and creating communities of practice of bodies, agencies, programmes and funds to come together and share how they are coordinating, what resources are they sharing with each other and what are the impacts in terms of the implementation of the UNDRIP, ILO Convention 169 and other relevant conventions, programmes of action and policies on indigenous peoples.

As for my role as the Special Rapporteur on the Rights of Indigenous Peoples, I will commit to monitor closely how the UN is implementing the WCIP

Outcome Document. I will endeavour to discuss with the high level officials and the staff of the UN bodies, programmes, agencies and funds, to offer my help in making their institutions more responsive to indigenous peoples.

I sincerely believe that this is my role as the Special Rapporteur and this is what is expected of me by indigenous peoples the world over. I will end by thanking the States of the United Nations, the indigenous representatives, the UN officials and staff, who all worked to have this WCIP Outcome Document drafted and adopted. I warmly congratulate all of you who have set aside long-standing differences to agree on this document.

While this document is not perfect, it is a big stepping stone in the upward struggle to get indigenous peoples' collective and individual human rights respected, protected and fulfilled.

*Matago-tago tako am-in!* Thank you very much.