

**UN Human Rights Council's
Expert Mechanism on the Rights of Indigenous Peoples**

1st session

1-3 October 2008

Geneva

Chairperson-Rapporteur John B. Henriksen's opening statement

Your Excellencies,
The President of the Human Rights Council,
Deputy High Commissioner for Human Rights,
Distinguished Representatives of Governments and Indigenous Peoples,
Members of the Expert Mechanism,
Ladies and Gentlemen;

I would like to take this opportunity to express my sincere thanks to my colleagues for the trust they have shown in me - by electing me as the Chairperson-Rapporteur of the first session of the Expert Mechanism on the Rights of Indigenous Peoples. It is indeed an honor to be elected as the Chairperson-Rapporteur, and it is with a strong sense of humility that I take up my responsibilities.

Before proceeding to the adoption of the agenda, I would like to share with you some preliminary remarks.

The decision of the UN Human Rights Council to establish the Expert Mechanism adds an important pillar to the United Nations' structure and mechanism for promoting and protecting all human rights. The Experts Mechanism is complementary to existing UN mandates relevant to indigenous peoples,

including the Special Rapporteur on Indigenous Peoples' Human Rights and Fundamental Freedoms, and the UN Permanent Forum on Indigenous Issues.

The Expert Mechanism provides a unique space for focused multilateral discussions on how we can contribute towards a better understanding of the scope and contents of the rights affirmed to indigenous peoples, and how the implementation of these rights can be advanced.

In September 2007, the Human Rights Council – through resolution 6/16 - initiated discussions on how to build on the achievements of the former Sub-Commission's Working Group on Indigenous Populations. These discussions concluded with the decision to establish the Expert Mechanism, through the adoption of resolution 6/36.

The mandate and functions of the Expert Mechanism are different from that of the former Working Group on Indigenous Populations. In its wisdom, the Council decided to place the Expert Mechanism as one of its subsidiary bodies; dramatically different from the Working Group, which was a subsidiary body of the former Sub-Commission on Human Rights. The UN Declaration on the Rights of Indigenous Peoples is a result of the Working Group's tireless efforts in this field, and I take this opportunity to acknowledge and thank them for this historic contribution. The special studies undertaken by the former Working Group also represent an important contribution to the advancement of indigenous peoples' rights, and they will indeed be very useful for the mechanism. In some instances it may even be appropriate to build upon the special studies of the Working Group.

The Expert Mechanism has a thematic mandate. At this point, it is not mandated to develop new standards or address country situations; nor is it a complaint procedure.

The Expert Mechanism is tasked with assisting the Council in the implementation of its mandate, through the provision of thematic expertise on the rights of indigenous peoples, in the manner and form requested by the Council. Resolution 6/36 stipulates that the thematic expertise shall focus mainly on studies and research-based advice.

This establishes the overall framework for the functions of the Expert Mechanism. It is my hope and belief that the thematic focus of this body will emerge as a natural outcome of the discussions and consultations during the annual sessions of the Mechanism.

The question of which thematic issues the Expert Mechanism should focus on will present many challenges, as there are many equally pressing issues to address. The rights affirmed by the UN Declaration on the Rights of Indigenous Peoples are an excellent basis for our discussions, and the Declaration can provide an important part of the conceptual framework for the substantive focus of this Expert Mechanism.

At its 9th session in September 2008, the Council adopted resolution 9/L.17 entitled “Human Rights and Indigenous Peoples”, which *inter alia* decides what topics the Expert Mechanism should focus on at its first session. The resolution requests the Expert Mechanism:

- (1) To submit recommendations to the Preparatory Committee of the Durban Review Conference (operative paragraph 4 of the resolution).
 - This request is related to the General Assembly’s decision to hold a review conference in 2009 on the implementation of the Durban Declaration and Program of Action, which was adopted by the World Conference against Racism in 2001.

- (2) The Expert Mechanism is also requested to prepare a study on lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education, and to conclude the study in 2009 (operative paragraph 5 of the resolution).
- (3) Finally, the Mechanism is requested to identify proposals and to suggest them to the Council, for its consideration in 2009 (operative paragraph 3 of th resolution).

Our main focus at this first session will need to be on these three topics, together with a necessary discussion on how the Expert Mechanism's methods of work should be, and how it best can contribute to the promotion and protection of indigenous peoples' rights.

Council resolution 6/36 decides that the annual meetings of the Expert Mechanism shall be open to the participation of all relevant stakeholders.

This open-ended arrangement for participation greatly facilitates the work of the Expert Mechanism. Of particular importance is that indigenous peoples' organizations and representatives without the regular ECOSOC consultative status are able to participate. Strong and broad indigenous peoples' participation is of outmost importance for the work of the Mechanism, as borne out by earlier UN experience in similar situations. It is required for the Mechanism to develop methods of work that ensures full and effective indigenous peoples' participation. I encourage indigenous peoples to support and assist the members of the mechanism in carrying out studies, and in identifying future areas of studies.

In this context, I would like to refer to resolution 9/L.17 of the Human Rights Council suggesting that the General Assembly adjust the mandate of the UN Voluntary Fund for Indigenous Populations, taking into account the creation of the Expert Mechanism. This proposal is extremely timely and important. In 2001,

when the UN Permanent Forum was established, the General Assembly extended the mandate of the Fund to assist indigenous representatives to attend the Permanent Forum sessions.

It is with great appreciation that I note that the Board of Trustees of the Fund approved 78 travel grants for indigenous representatives to attend the first session of the Expert Mechanism.

For the Mechanism to become an effective vehicle and process for the advancement of indigenous peoples' rights, it is equally important that Member States and other stakeholders engage themselves in the work of the Mechanism. It is my hope that we already at the inception of mechanism are able to establish a close and constructive dialogue between indigenous peoples and member states, and other stakeholders. It is also of vital importance that the Mechanism is perceived as meaningful for indigenous peoples and member states alike. For this to happen, it is of crucial that the Mechanism is able to address issues that are truly important for indigenous peoples.

The Expert Mechanism is mandated to provide the Council with thematic expertise on the rights of indigenous peoples. This means that the normative framework for the work of the Expert Mechanism includes all relevant international instruments related to the rights of indigenous peoples.

In the preamble of resolution 6/36 – the founding document of the Expert Mechanism - the Human Rights Council makes a reference to the UN Declaration on the Rights of Indigenous Peoples. This reference affirms that the Declaration should be part of the normative framework of the Expert Mechanism. In my view, the Expert Mechanism has an important role in promoting the rights affirmed in the Declaration, and in mainstreaming them into the Human Rights Council's overall efforts to promote and protect all human rights.

In conclusion, I would like to emphasize that it is of vital importance that adequate funding is secured for the activities of the Mechanism, in order to enable it to effectively carry out its mandate.

At this first session, we have three working days at our disposal. This means that there are only six meetings available for the completion of our agenda. I would therefore like to ask for your understanding, cooperation and indulgence for ensuring a productive session.

I look forward to working with you in making sure the Expert Mechanism is a valuable and important addition to the Human Rights Council's efforts to strengthen the rights of indigenous peoples, and I believe that this is our shared responsibility and commitment.

Thank you for your kind attention.