

Thank you very much Madam Independent Expert, Excellencies, distinguished experts, ladies and gentlemen. It is my special pleasure to be here this afternoon on behalf of the expert mechanism on the rights of indigenous peoples.

As you know the expert mechanism is also a subsidiary body of the human rights council and a little like the forum it provides expert advice and thematic expertise to the council albeit in our case its in relation to the rights of indigenous peoples. As we all know many IPs are also minorities even if there are significant differences between IP and minorities generally. Especially in terms of historical experience as well as cultures, religions, and languages. These differences between IPs and minorities are reflected at the international, policy and legal level. Also in the forum of separate declaration, one for minorities and one for IPs.

Despite these differences the political circumstances of many IPs especially the state's failure to recognise them as such have meant that some IPs have continued to utilise the declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities. Provisions in binding human rights treaties focus on the persons belonging to minorities and the minorities discourse to seek the promotion and protection of their rights. There are also many similarities between IPs' rights and minorities rights and many similarities made by the claims made by IPs and minorities in the international, legal and policy sphere.

They include rights and claims made in relation to education, participate in decision making, cultures and languages and access to justice. These are areas on which the expert mechanism has focused or is focusing in the case of access to justice. It has presented reports on the studies on these topics together with advice to states to international organisations to national human rights institutions and to IPs specifically directed at implementing the UN declaration on the rights of IPs. It is the expert mechanisms hope that its studies and advice can support the work of this forum and the independent expert in the implementation on the declaration on persons belonging to national or ethnic, religious and linguistic minorities.

Indeed, it would be our expectation that our studies and advice would be taken into account when the declaration on minorities is interpreted and applied, including our comments for example on the states duties to seek to obtain the IPs free prior and informed consent in some circumstances. The expert mechanism is always ready to liaise with you on how to work together to promote and protect the rights of IPs and minorities. Especially their practical implementation and we annually participate in this forum in the hope of fostering such opportunities.

In relation to the specific recommendations being considered during the forum, outlined in A/HRC/FMN/2012/03, the expert mechanism has the following comments. In relation to paragraph 6 and its reference to legislative measures to implement the declaration on the rights of persons belonging to minorities, the expert mechanisms would like to stress the benefits of coordination and partnership between UN mandates focused on IPs and minorities to achieve this goal. The greater

the consistency in messaging and cooperation in strategies the better able the IPs and minorities' focused mandates are to be.

Second, in relation to paragraph 8 it would be appropriate to consider also the means by which the declaration on the rights of persons belonging to minorities also promotes the realisation of principles contained in treaties, agreements and other constructive arrangements between IPs and states. Together with the UN treaties and declarations already mentioned therein indigenous agreements with states can provide a framework for the promotion and protection of the rights of persons belonging to minorities.

Third, and in relation to paragraph 8 and 15 the declaration on the rights of persons belonging to minorities should be portrayed as a tool to promote the realisation of human rights principles contained in regional human rights instruments such as the American Declaration on the Rights and Duties of Man. The Inter-American human rights system has been a tremendously powerful tool in attempts by IPs to secure their realisation of their rights. Often the basis of synergies between the declaration on the rights of IPs and rights and duties expressed in the American human rights instruments, a similar potential no doubt existed for the implementation of the rights of persons belonging to minorities. Madam Chair I have several other comments on the specific paragraphs, but I would like to conclude finally with paragraph 58, the expert mechanism would appreciate the opportunity to discuss with independent expert and forum participants the ways in which it might incorporate minorities issues in its annual workplan. In closing I would like to again reiterate the importance for UN mandates focused on minorities and IPs to work together into the future in the interests of promoting and protecting the rights and freedoms of both and our ongoing willingness to work with the forum and the independent expert at their request. Thank you very much.