Your Excellency,

The members of the Human Rights Council’s Expert Mechanism on the Rights of Indigenous Peoples would like to draw your attention the Council’s draft resolution entitled “Human Rights and Indigenous Peoples”, to be considered by the Council during its session in September 2008; a copy of the draft resolution is attached for your reference.

This draft resolution is of great concern to the Expert Mechanism. We believe it has the potential to seriously undermine the role of the Expert Mechanism as a vehicle for dialogue between indigenous peoples and member states on indigenous peoples’ rights.

The draft resolution requests the Expert Mechanism to prepare a study on lessons learned and challenges on access and quality of the education of indigenous peoples, and to submit a progress report to the Council in 2009 (para. 2). The study on education is to be finalized by 2010 (para. 2), and a list of future topics to be suggested to the Council in 2010 (para. 4). In our opinion, if adopted as drafted, the resolution will effectively limit the work of the Expert Mechanism to the right to education during the period 2008-2010.

The members of the Expert Mechanism acknowledge and respect that resolution 6/36 of the Human Rights Council decides that the Expert Mechanism shall provide the Council with thematic expertise in the manner and form requested by the Council. However, it is our firm belief that it is of vital importance that indigenous peoples’ representatives are
also given the opportunity to identify their topical priorities. This will further strengthen
the interface and relevance of the Council to their lives and well-being. The Expert
Mechanism should also be able to determine its own methods of work, and be assured
that they are involved in decisions on which topics the Expert Mechanism should focus
on during the course of its work.

The right to education is undoubtedly an issue of fundamental importance to indigenous
peoples around the world, and we believe that the Expert Mechanism should address this
issue. However, the members of the Expert Mechanism humbly suggest that the draft
resolution is somewhat premature. In our opinion, it would best serve our purpose to
ensure the first session is used to discuss and identify a list of topics to be submitted for
the consideration and decision of the Council in 2009. This will serve as a building block
towards establishing a good working relationship between the expert mechanism,
indigenous peoples and member states.

Your Excellency, in view of the above, we kindly request you to consider making the
views of the members of the Expert Mechanism known to member states participating in
the work of the Council.

Yours sincerely,

Catherine Odimba Kombe     Jannie Lasimbang     John B. Henriksen

José Carlos Morales     José Mencio Molintas