

## STATEMENT OF THE INTERNATIONAL DEVELOPMENT LAW ORGANIZATION

Fourteenth Session of the UN Permanent Forum on Indigenous Issues

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Observer***

*[Check against delivery]*

Chair,  
Excellencies,  
Distinguished delegates, ladies and gentlemen,

I would like to start by acknowledging the traditional owners and custodians of the land on which we meet today.

In the world today, indigenous peoples are among the most disadvantaged and vulnerable. Unfortunately, many of them are struggling to realize their rights, including land rights, the right to manage your own natural resources and environments, and the right to non-discrimination. Furthermore indigenous peoples have been denied of their languages and traditional ways, impoverishing their unique culture.

We see in the post-2015 development agenda an opportunity to address this if we are really believing that we can achieve an agenda that will leave no one behind.

The rule of law is sometimes seen as an intangible, complex and often lofty concept. At the International Development Law Organization, as the only intergovernmental organization with an exclusive mandate focused on furthering the rule of law, we believe that it is in fact the rising tide that lifts all boats: unless justice institutions, at both national and international levels, are capable of vindicating the rights of individuals and holding accountable those in positions of power and responsibility, no initiative to advance any pillar of development within the post-2015 framework – be it economic, social or environmental – can take hold.

The rule of law cannot, paradoxically, be thought of in terms of rules or regulations. Rather, at IDLO we have seen how the rule of law acts as a tool of empowerment, allowing whole societies to pull themselves out of poverty and improve their lives. Our Organization welcomed the UN Declaration on the Rights of Indigenous Peoples, in particular the requirement for free, prior and informed consent on matters that

drastically affect the lives, livelihoods, resources and environments of indigenous peoples. We believe that this needs to be fully included as the post-2015 agenda is shaped and as we think of its implementation. Furthermore, we believe that everyone needs to be educated on the full range of rights included in the Declaration, how to access them, and of the avenues of redress – be it litigation, alternative dispute resolution or otherwise - that are critical to making this a reality.

IDLO has worked to make the rule of law a tool of empowerment for indigenous communities. For example, in Ecuador, we have focused on identifying key rights to open opportunities in a range of areas including fair trade, food security, women's empowerment and sustainable resource management. In Guatemala, we have formulated recommendations on how to reduce land-related conflicts as they affect indigenous peoples. In sub-Saharan Africa, we have shed light on the impact of investment in sustainable land use on indigenous people. All too often with indigenous issues, resources and power are unfairly stacked on one side. Law, as we have seen, is actually a way to level the playing field.

Indigenous peoples must be brought to the table in any post-2015 discussion. However, we believe that the table must also be brought to them. In this way, IDLO sees the rule of law also as a tool for enhanced inclusivity and access to justice, and a way of tangibly delivering a 2015 development agenda that will work for *all*. We have worked to strengthen the accessibility of law and justice for the world's most vulnerable populations, including women and indigenous people. Allow me to raise one important item that is critical to these discussions: legal pluralism. We believe that legal pluralism is also essential in advancing access to justice.

Access to justice, included in proposed Sustainable Development Goal 16, a principle that has already been included in the UN Declaration, through article 27, acknowledging the fundamental role of customary and traditional laws. This has guided IDLO's work to extend beyond traditional courthouses to encompass various different tribal, customary and informal justice systems. In Peru, for example, we are proud of our work in advancing inter-cultural justice. Forging an alliance between government and civil, IDLO ensured the development of an inter-institutional, coordinated and culturally appropriate response to challenges posed by access to justice for Peruvian indigenous communities.

Our commitment to inclusivity and pluralism will continue to be a key principle and cornerstone of our technical assistance programs, especially as we look forward to supporting the implementation of the post-2015 development agenda.

In another room of this same building right now, the negotiations on the transformative, universal and ambitious post-2015 development agenda are taking place. However, without the full participation of indigenous peoples in the development and implementation of the post-2015 development agenda; without strong justice institutions to enforce laws to protect indigenous lands and rights, and to end inequalities and discrimination; and without adequate legal education and awareness to level the playing field, indigenous peoples will not secure the protection and status they crucially need in order to benefit from the post-2015 era. IDLO stands ready to support

the work of this forum and to support the capacity development of indigenous peoples in achieving the realization of the new agenda.

*The International Development Law Organization (IDLO) enables government and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity.*