**Intervention for Thursday afternoon, Item 4, Article 13, Institutional Arrangements**

**Type of Organization –** NGO

**Name of the organizations:**

**1.** Indigenous Peoples International Centre for Policy Research and Education – Tebtebba Foundation

2. International Indian Treaty Council - IITC

**Name of the speaker:** June Lorenzo

This intervention is in relation to Article 13 (1-4) on the creation of a Committee

First, we agree with the emphasis on expertise, high moral standing and competence as requirements in the qualifications of committee members in Para 1. We also support the proposal that members of the Committee shall serve in their individual capacities thereby placing a degree of independence to the Committee.

We are concerned that nomination and election of members to the Committee is limited to States in paragraph 2 of the current draft, as it could raise legitimate questions on the independence of the Committee and lack of participation of civil society and Indigenous peoples, who have been disproportionately affected by the abuses of transnational corporations around the world.

Article 18 of the UN Declaration on the Rights of Indigenous Peoples provides that “Indigenous Peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision making institutions.” Article 21 of the OAS American Declaration on the Rights of Indigenous Peoples contains similar language.

In line with these minimum standards for Indigenous peoples, we propose that Indigenous Peoples be represented in the Committee.  Indigenous peoples should be allowed to nominate representatives as well as select independent representatives through a process decided by Indigenous Peoples and their chosen representatives worldwide.

Legal precedent exists for this proposal. The UN Permanent Forum on Indigenous Issues for instance allocates several seats for members nominated by non-State actors. The Expert Mechanism of the Rights of Indigenous Peoples and the selection of special mandate holders of the United Nations is an open process of application and Indigenous peoples have the space to nominate and support candidates.