

STATEMENT OF THE INTERNATIONAL DEVELOPMENT LAW ORGANIZATION

16TH SESSION OF THE UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES
Agenda item 4: Implementation of the six mandated areas of the Permanent Forum with reference
to the United Nations Declaration on the Rights of Indigenous Peoples

April 27, 2017

New York

*Delivered by Judit Arenas, Director, External Relations and Deputy Permanent Observer to the
United Nations*

Check against delivery

Chair,

Excellences,

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.

2017 is a special year for Indigenous Peoples and for all of us: it marks the 10th anniversary of the [United Nations Declaration on the Rights of Indigenous Peoples](#) – a landmark achievement for indigenous peoples and for the advancement of human rights across the world. It is a foundational document for our work.

Despite this important milestone, indigenous peoples are among the most disadvantaged and vulnerable. Many of them are still struggling to realize their rights, including land rights and the right to manage their own natural resources. Indigenous communities continue to suffer disproportionately from extreme poverty, social marginalization and structural barriers that prevent them from accessing basic human rights. In other words, the full realization of indigenous peoples' rights is not yet a reality.

It is exactly in this context that the rule of law becomes even more indispensable. IDLO is the only intergovernmental organization with an exclusive mandate focused on furthering the rule of law. We believe that every person – and that includes [indigenous peoples](#) – should live in dignity and under the rule of law, where the principles of justice, human rights, equality, cultural integrity, social inclusion, and sustainable development, are fostered and implemented.

IDLO sees the rule of law as a key tool for enhanced inclusivity and access to justice, and as a way of ensuring the implementation of the entire set of Goals enshrined in [Agenda 2030](#). IDLO firmly believes that the new development framework can be successfully realized only if indigenous peoples' rights are respected and promoted. This is the true meaning of “leaving no one behind”.

In order to further the principle of equality, including of indigenous peoples, IDLO has worked to strengthen the accessibility of law and justice while promoting legal pluralism.

Legal pluralism, conceived as a web of different normative systems – statutory, religious, customary, common law, regional and international – that coexist within the same jurisdiction, is necessary if we are to foster an integrated approach to justice that respects different cultures and traditions, especially in the context of indigenous communities. This principle has guided IDLO's work through the years to

extend justice beyond traditional courthouses to encompass different tribal, customary and [informal justice](#) systems.

Recently, IDLO launched a policy brief entitled “[Women, Food, Land: Exploring Rule of Law Linkages](#)” that explores the relationship between gender equality, food security and the rule of law. It examines a number of the key challenges that affect women’s food security and land rights - inadequate laws and policies, implementation failures and barriers to accessing justice - and suggests ways in which rule of law programs might seek to overcome them.

The policy brief notes:

“Legal pluralism can present challenges especially in the context of land rights and women: customary land tenure systems in many regions are founded upon patrilineal patterns of transmission that exclude women from owning or accessing individual and clan lands. Even in areas that feature matrilineal inheritance customs, women may not be able to assert title to land as they are often reliant upon male relatives to represent them. Many national legal frameworks contain internal inconsistencies in their treatment of legal pluralism, in particular in their determination of whether statutory or customary laws should carry the greatest weight in legal decision making”.

IDLO looks forward to working with the Forum to explore this critical issue further.

Last November, after extensive consultations, IDLO adopted its new Strategic Plan, [Strategy 2020](#), that will guide and inspire the work of the Organization for the next four years. The Plan, deeply grounded on the values of justice, equality and inclusion, has identified key external trends that will impact IDLO’s work in the coming years. The growing inequality and exclusion, especially among vulnerable groups, and customary justice were acknowledged as areas that require the attention and action of an organization like IDLO with its mandate focused on law and development. With regards to customary justice, the reality is that people – especially the poor – often turn to informal, traditional or customary systems of justice because they are more accessible, affordable and familiar. However, such systems can be skewed against disadvantaged groups, therefore IDLO reaffirmed the need to engage with these systems and to work with communities and those affected to ensure equity and justice.

The values and guiding principles of the Plan include, in addition to the previously mentioned legal pluralism, local ownership and empowerment – principles that should be upheld in every community, including indigenous communities.

The concept of legal empowerment is central to IDLO’s work and to our new Plan that directs our efforts to empowering people and groups – especially women, poor and marginalized groups – to fight discrimination and to promote access to justice and equality.

IDLO fully supports the United Nations Declaration on the Rights of Indigenous Peoples and stands ready to support, promote, and implement indigenous peoples’ rights within the framework of the new 2030 Agenda for Sustainable Development to ensure no one is left behind.

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