

**Enforcement Forum – Nation to Nation Engagement**  
Vancouver, BC, Canada  
February 17, 2021

**Remarks delivered by Mr. Belkacem Lounes.**

My name is Belkacem Lounes. I am of the Amazigh people, an Indigenous people from Northern Africa. I serve as vice president of the UN Expert Mechanism for the Rights of Indigenous Peoples (EMRIP).

I acknowledge you all and thank Mark Smith for the invitation to participate and thank Carmen for the translation assistance. I am happy to be here and share this moment with you all. Though Africa may be far geographically, we share similar goals and struggles. I am somewhat familiar with the challenges faced by Indigenous peoples in North America – I am here above all to listen and better understand these challenges to assist, in my role, in advancing the respect for the rights of Indigenous peoples as enshrined in the UN Declaration of Indigenous Peoples.

Since becoming involved with the United Nations on the topic of Indigenous peoples' over twenty years ago, I have been surprised and shocked by the fact that it has taken us twenty years to draft and adopt the UN Declaration on the Rights of Indigenous Peoples. I am concerned that in the 14 years since the adoption of the Declaration, some state representatives do not view it as binding, and others (most notably in Africa), dare to state that the concept or question of Indigenous peoples and their rights is a Western invention, destined to divide poor countries, while also forcing them to remain dependent and remain in poverty. These states have adopted an unacceptable position, simply because they wish to dominate and exert control over Indigenous peoples.

My experience has taught me that the fight for human rights, and Indigenous peoples' rights, is lengthy – extremely lengthy.

And this also shows us that the challenges are enormous...

In this respect, the Expert Mechanism and other UN bodies fight for the recognition of Indigenous peoples and their rights, peoples who are often the most vulnerable, the most marginalized, and often, the most oppressed. In early February, in conjunction with the University of Manitoba, the Expert Mechanism organized a seminar on the right to self-determination. Over the past few years, the Expert Mechanism had two studies carried out and adopted by the UN Human Rights Council: one on free, prior and informed consent and one on Indigenous peoples' decision-making in matters that concern them.

The right to self-determination, the right to free, prior and informed consent, and the right to participate in decision-making are essential and fundamental rights to Indigenous peoples. These rights provide for and support their ability to be fully sovereign within their territories, and to enact self-governance. However, as you explained in the introduction to this forum, "self-governance without the ability to enforce laws is an empty promise." You are entirely correct – what gives one the ability to govern is mainly the ability to enact laws and legal decisions, and enforce them. To achieve this, certain conditions must be met: traditional Indigenous rights and institutions must be recognized and respected, and we must ensure that Indigenous peoples are allocated legislative, regulatory, administrative, human and material resources, in order to demonstrate their full

legitimacy and have it respected by those throughout their territory. States must support Indigenous peoples by providing them with the means to realize their goals. This is included in article 4 of the Declaration, and must be applied.

Organizing meetings, conferences, seminars to iterate and reiterate the international significance of Indigenous rights is necessary, as these rights are neither well known nor accepted. To note that Indigenous rights are law is not enough. I often hear Indigenous peoples say: “if we have rights adopted by the UN that aren’t enforced or applied on the ground, they are useless – our situation remains unchanged at best, and at worst, is exacerbated.” International institutions for the protection of Indigenous rights and human rights must more seriously address the issue of the application and enforcement of international laws – the credibility of these institution depends on it.

We have yet to figure out how to concretely bring States to understand, respect and apply Indigenous peoples’ rights, as described in international law. As such, it is crucial that States consider Indigenous peoples as partners, not adversaries, and they cooperate in good faith, seeking shared interests. These shared interests are not only economic, but include core values such as peace, being good neighbours, and friendliness. In the disagreements and conflicts where Indigenous peoples and the State disagree, there is no truly durable or civilized solution, other than sincere dialogue, conducted in the spirit of friendship, mutual respect and peace.

You have likely heard of that the Expert Mechanism’s mandate includes a (“instrument”) section on “Country Engagement”, which serves to facilitate and guide dialogue between States and Indigenous peoples. It is a (“instrument”) section that can be used by Indigenous peoples in Canada if they wish. To do so, you would just need to call upon the Expert Mechanism.