

UN Mechanism on the Rights of Indigenous Peoples
9th Session
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Geneva

Agenda Item 3: Follow-up of the World Conference on Indigenous Peoples

Statement by the Foundation for Aboriginal and Islander Research Action (FAIRA)

We thank OHCHR for the report on the Expert Workshop to review the mandate of EMRIP.

FAIRA also supports the statements made under this agenda item from Indigenous Peoples delegations such as the Saami Parliaments and the Indian Law Resource Centre.

We make the following comments in response to that report and the continuing discussions to modify and improve the Expert Mechanism so that it can more effectively promote respect for the Declaration, including by better assisting Member States to monitor, evaluate and improve the achievement of the ends of the Declaration.

We note that there seems to be some softening of the language now being used compared to the language of the outcome document. While the Outcome Document many times referred to the 'achievement of the ends of the Declaration' we now hear reference to 'closing the gap' and advancement of rights. And we do not seem to hear the word 'commitment' any more. We hope this softening of the language is not indicative of a lesser undertaking to improve the current arrangements.

With reference to the Annex 1 of the OHCHR report we make the following comments on certain bullet points in the Annex.

Our concern about the limitation of current resources, and the need for additional resources, is downplayed in the simple observation that 'the Expert Mechanism should have more funding, including for secretariat support'.

Similarly the statement 'The EM should have a mandate to assist States with the implementation of the Declaration' is not as emphatic as the Outcome Document's text which envisaged EMRIP 'better assisting Member States to monitor, evaluate and improve the achievement of the ends of the Declaration'.

FAIRA notes the current mandate calls upon EMRIP to provide advice to the HRC. We believe the Expert Mechanism be endowed with wider recognition, as an expert body, and that advice from EMRIP be able to be made available to States, either collectively or individually, and to UN bodies, agencies and other special mechanisms concerned with human rights and the situation of Indigenous Peoples.

FAIRA also recommends, in the scope of Paragraph 28 of the WCIP Outcome Document, the Human Rights Council, EMRIP and the High Commissioner for Human Rights coordinate to engage with the human rights treaty bodies, particularly the Human Rights Committee and the Economic, Social and Cultural Rights Committee, to confirm the right of self-determination for Indigenous Peoples, and to monitor the achievement of self-determination, in accordance with their respective treaties.

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