

## **Statement by Ghazali Ohorella (Alifuru Council)**

### **Ninth session of the United Nations Expert Mechanism on the Rights of Indigenous Peoples Agenda item 8: Best practices and strategies for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples**

**July 14 2016, Geneva (Switzerland)**

Mr. Chair, Distinguished members of the Expert Mechanism, Representatives of Indigenous Peoples and Member States, Ladies and gentlemen,

The UN Declaration constitutes a legal and moral framework for the survival of Indigenous Peoples, and to uphold the full enjoyment of dignity, freedom and equality for Indigenous Peoples. The adoption in 2007 represented a major accomplishment, and epitomized the change of attitude of the international legal community *vis-à-vis* indigenous peoples from consideration to commitment, and recommitment<sup>1</sup>, as the General Assembly adopted the World Conference outcome document in 2014.

As we commend the efforts of Canada to actively achieve the ends of the Declaration, we note there continues to be a growing disconnect between the international commitments of the other member states regarding Indigenous Peoples. States undertook international commitments yet in most cases national actions are not upholding this. To take one example: That domestic laws and institutions of some States do not recognize Indigenous Peoples, as in the case of Indonesia. There's an increasing lack of political will, lack of knowledge of the Declaration, lack of adequate interpretation of indigenous peoples' rights. These are worrying trends that need to be reversed.

The international community is required to interpret the UN Declaration according to the nature of Human Rights. The rights enshrined in the Declaration all derive from existing international human rights law, they are: interrelated, interconnected, universal, indivisible and interdependent<sup>2</sup>; the UN Charter is invoked, equality of Indigenous peoples to all other peoples is referenced; non-discrimination is referenced; and the provisions in the Declaration give a sense of certainty that they are exercised by virtue of self-determination in a fashion consistent with international law, therefore the consistency overrules inconsistent legislation on the domestic level.

Self-determination<sup>3</sup>, the very heart of the UN Declaration, is an important element for Indigenous peoples to control their destinies, it is consistent with international law, and a prerequisite to the enjoyment of all the rights, including free prior and informed consent.

Some States present here - or should be here - are party to international instruments that recognizes the right of self-determination for all Peoples, yet do not acknowledge this right to Indigenous Peoples for various reasons including the fear that the integrity of their territory will come under

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<sup>1</sup> General Assembly resolution 69/2, para. 7

<sup>2</sup> <http://www.un.org/pga/70/2016/07/12/opening-of-high-level-thematic-debate-human-rights-at-the-centre-of-the-global-agenda/>

<sup>3</sup> See A/HRC/24/50, A/HRC/27/65, A/HRC/18/42 and A/HRC/21/55

threat, and therefore reaffirm the counter balanced article 46.1 of the UN Declaration.

However, as resolution 2625 of 1970 or the “Friendly Relations Declaration” elaborates on self-determination, under international law and the important requirements under which the claim to territorial integrity may be exercised, only applies to those that conduct themselves in compliance with the right to self-determination.

Mr. Chair,

To overcome aforementioned disconnect, we encourage the Expert Mechanism to participate in the PFII international expert group meeting on the theme *“Implementation of the UN Declaration: the role of the Permanent Forum on Indigenous Issues and other indigenous-specific mechanisms”*, to strategise with the other mechanisms to assist States to gravitate towards the UN Declaration in domestic law, assist in examining States’ shortcomings, ensure States’ legislation adheres to the UNDRIP, and abides by these international standards and not vice versa.

Finally,

The Alifuru Council salutes the distinguished and well respected and valued chairperson of this agenda item, International Chief Littlechild, as this is his second and final term as expert member we take the opportunity to use our speaking time as a mark of appreciation and pay tribute to the contributions made by Chief Littlechild as member to the Expert Mechanism, as well as the Permanent Forum.

When you think of hockey, when you think of Canada, you think of Wayne Gretzky. When you think of Indigenous rights, when you think of Canada, you think of Chief Littlechild. Matebulu (thank you) for your profound dedication, professionalism, courtesy and inspiration.

Thank you Mr. Chair,