

United Nations

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## Economic and Social Council

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### Permanent Forum on Indigenous Issues

Fifth Session

New York, 15-26 May 2006

Item 5 of the Agenda

Future Work of the Permanent Forum

#### JOINT STATEMENT ON BEHALF OF:

Aboriginal Legal Rights Movement (ALRM)

Foundation for Aboriginal and Islander Research Action (FAIRA)

Human Rights and Equal Opportunity Commission (HREOC)

Menzies School of Health Research

National Aboriginal Community Controlled Health Organisations (NACCHO)

National Network of Indigenous Women's Legal Services (NNIWLS)

New South Wales Aboriginal Land Council (NSWALC)

World Council of Churches (WCC)

### Future Work of the Permanent Forum

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#### FUTURE WORK OF THE FORUM

Madam Chairperson

We congratulate the members of the Permanent Forum on its achievements since 2002 and the success of this session. There have been significant changes in the structure of the United Nations since the last session of the Permanent Forum, as well as major developments concerning Indigenous Peoples.

We remain concerned that little progress is made for many people at the community level, but it seems that the situation might soon change as these changes and developments take effect. Most importantly, of course, is the growth in acceptance that States and Indigenous Peoples should look to work in partnership in a new framework for development. This is not talk of succession that some parties herald, but a message of justice, equality and freedom in an environment of security and development.

For us, as Indigenous Peoples, an effective Permanent Forum on Indigenous Issues is the guarantee of such an outcome.

Madam Chairperson, the establishment of a new Human Rights Council brings new hope in many different aspects. There is hope that human rights will be a cornerstone of security and of development. In that context we believe the Permanent Forum, in reporting to ECOSOC as the structure for development, must also be in a position to contribute to the work of the Human Rights Council, to see that human rights coexists with development. This is most important.

Also the Permanent Forum should have a relationship with the Security Council to ensure that peace initiatives are cognizant of the interests of Indigenous Peoples and our territories. We have heard at this forum a number of situations where Indigenous Peoples and our lands and territories are under threat from military operations, where military is being used to police Indigenous communities and where former UN peacekeepers have raped and killed our populations.

We propose therefore that the Secretary General should prepare a report for the General Assembly which discusses the relationship between the Permanent Forum on Indigenous issues and the three 'pillars' of the United Nations.

Madam Chairperson, we now draw attention to the area of human rights, one of the six mandated areas of the Permanent Forum. The Human Rights Council will progressively revise all mechanisms as part of the new arrangements for human rights. Some of the issues in which we, as Indigenous Peoples, must take interest are:

**The arrangements for expert advice** to the Human Rights Council, as previously provided by the Sub-Commission on the Promotion and Protection of Human Rights. In any new arrangements we want Indigenous experts to be appointed. If a number of expert bodies are to be established then an Indigenous Peoples expert body, including experts who are Indigenous persons, should be included.

**Accreditation of Indigenous organisations** to the United Nations will probably be affected. The ECOSOC accreditations should be renewed for both the Human Rights Council and ECOSOC.

**Capacity building for greater Indigenous Peoples international presence** should become an international concern. In Geneva we have been trying for a number of years to establish an office for Indigenous NGOs. The new Human Rights Council is based in Geneva and can meet at any time throughout the year, with at least three formal sessions to be held per year. How will our interests, as Indigenous Peoples, be advocated at the Human Rights Council without resources? Major NGOs have international offices based in Geneva. We also need that resource.

The most important issue is the **remedy for human rights abuses against Indigenous Peoples**. The new Human Rights Council is predicated upon the belief that abuses of human rights were not being addressed by the United Nations, as a whole. As Indigenous Peoples, we could not agree more with this view. In the brief time allocated to human rights in this forum we have again heard numerous complaints of human rights abuses, from killings, rapes and forced migrations, to militarisation of lands, to environmental degradation, to ethnocide and so on. The UN now promises follow-up procedures and compiled country reports. We continue to see the excellent work of the Special Rapporteur on the Situation of Fundamental Human Rights and Freedoms of Indigenous Peoples. The Special Rapporteur seems only to be limited by his resources, and limited cooperation by States, in investigating the situations raised by Indigenous Peoples. We understand the resources of the Office of the High Commissioner on Human Rights have doubled. With these additional resources the work of the Special Rapporteurs and of the human rights treaty bodies can be enhanced, coordinated and followed up. How can the Permanent Forum on Indigenous Issues, with its human rights mandate, partake in the renewed efforts to end human rights abuses? Can OHCHR place staff in the secretariat of the Permanent Forum? Can the Permanent Forum interact with the Human Rights Council on Human Rights of Indigenous Peoples?

Madam Chairperson, we conclude by providing some recommendations, but we do not profess to know the answers to all the questions? We hope that the members of the Permanent Forum are able to address some of these issues and that there is opportunity for us, as representatives of communities, to participate in constructive discussions.

## **RECOMMENDATIONS**

### **The Permanent Forum on Indigenous Issues:**

1. **Recommends that ECOSOC recommend to the General Assembly that the Secretary General prepare a report on the relationship between the Permanent Forum on Indigenous issues and the three Councils of the United Nations, addressing inter alia:**
  - a) **The capacity of the Permanent Forum to maintain communications with each of these three Councils, and whether additional support is needed;**
  - b) **The means available to the Permanent Forum to effectively participate in and contribute to the work of each of the three Councils.**
2. **Requests the High Commissioner on Human Rights to provide ethical support and assistance to ensure the effective participation of Indigenous Peoples in all relevant Human Rights Council dialogues.**
3. **Acknowledges the importance of Indigenous Peoples' participation in the proceedings of the Human Rights Council and therefore supports the provision of a permanent office for Indigenous Peoples in Geneva. Such an office should provide a secretariat to assist Indigenous Peoples' representations to the Human Rights Council and subsidiaries, the special mechanisms of the Council, the Office of the High Commissioner on Human Rights, the human rights treaty bodies, UN international agencies, country missions to the United Nations and international non-governmental organisations accredited to the UN.**