

Agenda Item 4 (c) - Conflict Resolution

Mr Chairman

I present this statement on behalf of the Pacific Caucus of Indigenous Peoples.

The Report from the twenty-third session of the Working Group, presented to the Sub-Commission last year referred, in Para 33, to the repeated recommendation by indigenous organizations for the creation of an international mechanism with the mandate to act impartially to achieve peaceful resolutions in conflicts between States and Indigenous Peoples.

We are heartened by the view strongly expressed by States that the United Nations must do more to resolve abuses of human rights. This is clearly elaborated in General Assembly resolution A/Res/60/251 where the General Assembly recognizes the importance of ensuring universality, objectivity, and non-selectivity and the need to eliminate double standards and politicization.

The General Assembly also acknowledged that non-government organisations - and we can take that to include Indigenous Peoples Organisations - play an important role in the promotion and protection of human rights at the national, regional and international levels.

The new Human Rights Council, as part of a strengthened commitment by the UN to resolve abuses of human rights, presents us with an opportunity to establish those mechanisms, procedures and priorities to end the manifest abuse of the human rights of Indigenous Peoples by States.

We will look forward in the later agenda item to discussing how improved arrangements can be achieved.

It cannot be avoided that resolution of conflict between Indigenous Peoples and States exist as part of past colonisation and decades or even centuries of oppression based upon racial discrimination and exploitation of lands, territories and wealth.

The Special Rapporteur on the situation of the human rights and fundamental freedoms has identified, in his latest report, the continued abuse of human rights, measured against the existing standards, by States around the world. These abuses are not resolved year by year.

The Special Rapporteur also provides excellent documentation in his report on the 'implementation gap' - that wide, continuing gap between the rhetoric, the programs, the legislation offered by States, and the actual achievements at the community level.

Clearly, resolution of these human rights abuses will require third parties - parties aware of human rights standards including the rights of people and of peoples. to dignity and freedom - to be available at national, regional and international levels.

In discussing the creation of such mechanisms with other Indigenous organisations we can see the difficulty in achieving an Indigenous Commission on Human Rights, particularly in achieving the

financial resources needed to investigate, and resolve continuing conflicts between States and Indigenous Peoples.

However it must be a matter considered by the United Nations, particularly the Human Rights Council. We consider the HRC should be challenged to acknowledge, authorise and finance those structures necessary to mediate conflicts between States and Indigenous Peoples.

The structures go beyond the human rights treaty bodies, the special rapporteurs and the working Groups. They are structures enabling the Indigenous Peoples, at the global level, to participate in the processes which guarantee universality, objectivity, and non-selectivity and the need to eliminate double standards or politicization.

We ask the Working Group and all participants at this session to take advantage of this revision period to identify new arrangements, as identified in the previous report of the Working Group, which are designed to resolve conflicts, which are capable of bringing objectivity based upon human rights, and which are founded in Indigenous commissions or mediation structures.

Thank you,