

United Nations  
General Assembly  
Human Rights Council  
Expert Mechanism on the Rights of Indigenous Peoples  
Third Session, 12 – 16 July 2010  
**Item 5: UN Declaration on the Rights of Indigenous Peoples**

**Intervention by Foundation for Aboriginal and Islander Research Action (FAIRA)  
Speaker: Les Malezer**

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FAIRA considers EMRIP's major obligation remains to assist the Human Rights Council to implement the Declaration on the Rights of Indigenous Peoples..

To paraphrase article 42 of the Declaration, the Human Rights Council shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

The Human Rights Council should first be expected to commit resources to the promotion of the Declaration, beyond the work of this body.

As the next step the Council should urge States, and continue to urge them, to work in conjunction with Indigenous Peoples delegations, to implement the provisions of the Declaration.

FAIRA reminds this session of EMRIP that the Second Decade of the World's Indigenous Peoples is still in operation until Year 2015.

The General Assembly, two years ago, called for a review of the progress of this Decade Programme of Action but FAIRA is unaware of any report produced as a result of this review.

We raise this matter because we believe the objectives and POA of the Decade should be revised to incorporate the implementation of the provisions of the Declaration on the Rights of Indigenous Peoples.

In specific terms we suggest that these following seven actions be endorsed:

1. Tripartite committees should be established at the country level composed of governments, indigenous peoples and United Nations country offices to promote implementation of the objectives
2. States be invited to adopt measures to create broad awareness and recruitment of support for the Declaration.
3. States should adopt plans of concrete activities with specific benchmarks for achievement in relation to the Declaration
4. States should establish national focal points intensify coordination and communication at the national level among relevant ministries, agencies and local authorities
5. States should collect relevant information and submit annual reports to the Human Rights Council and the General Assembly on progress made in implementation of the Declaration provisions.

6. Indigenous organizations should establish committees at the national and local level to monitor the implementation of the Declaration.
7. Indigenous organizations should establish a council of indigenous peoples in each region at the international level with a mandate of evaluating on an ongoing basis the degree to which the rights of Indigenous Peoples are being realized.

FAIRA points out that each of these are already components in the POA for the 2<sup>nd</sup> Decade of the World's Indigenous Peoples, simply adapted to acknowledge the existence of the Declaration.

These components can be readily found under the chapter on Promotion and Monitoring of the Program of Action and are within the mandate and scope of the POA as established by the General Assembly.

FAIRA would like to give its support to Australia's recent commitment to establish a national framework for human rights, incorporating a number of provisions to create wide community awareness of Australia's international human rights obligations, ensure legislative compliance with the major human rights treaties, and to establish an important grants program for human rights projects. We urge that these initiatives give due attention to the rights of the Indigenous Peoples and ensure past histories of injustices are overcome through this framework.

FAIRA also welcomes New Zealand's commitment to the Declaration on the Rights of Indigenous Peoples and looks forward to strong support by New Zealand in the international community for advancement of the rights of Indigenous Peoples.

In conclusion, we welcome announcements by Canada and the USA to review their positions on the Declaration. We are hopeful that the USA's process to undertake consultations and reviews will lead to unqualified and strong commitments to the provisions of the Declaration. Canada should also confirm its position to support the Declaration.

However, given Canada's role in 2006 and 2007 to frustrate the progress of the Declaration, to betray the trust of Indigenous Peoples' delegations and to act in bad faith in describing the Declaration to other governments as an instrument for secession and frustration of democracy, we expect that Canada will also give a statement of reconciliation to the Indigenous Peoples in this or another appropriate UN forum.

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