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Interactive Dialogue: Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous Peoples

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We once again thank the Special Rapporteur for the excellent work he has done in compiling his latest report. The work of the Special Rapporteur should leave no doubt in the minds of the members of the Human Rights Council about the need for the continuation of the mandate of the Special Rapporteur, the need for all special mechanisms to address ongoing discrimination against the rights of Indigenous Peoples, and the need to ensure that the Universal Periodic Review (UPR) achieves real outcomes in ending human rights abuses against Indigenous Peoples.

The report of the Special Rapporteur, containing five addenda, provides a wealth of information and recommendations. We would like to make the following responses to the report.

The thematic study on constitutional reforms, legislation and implementation of laws calls upon governments to establish Indigenous commissions, independent mechanisms to monitor performance and development of dialogue between political parties and Indigenous peoples. The study also recommends that the legislatures, judiciaries and public officials should have knowledge of the international commitments to Indigenous rights, and act accordingly. **We consider that UN special mechanisms should examine countries performance against this recommendation, in accordance with their respective mandates.**

Addendum 1 provides an analysis of fifteen country situations and the country responses. We consider this annual reporting to be a valuable method in ensuring States be held accountable for their treatment of Indigenous Peoples. The countries under examination are Australia, Bolivia, Botswana, Brazil, Chile, Columbia, Guatemala, Guyana, Honduras, Mexico, Myanmar, Nicaragua, Philippines, Russian Federation, Thailand. We ask all countries to cooperate with this procedure used by the Special Rapporteur. **We ask specifically that the country of Botswana respond positively to the special rapporteur's interest to examine the situation of the Bushmen and their forced relocation from the Central Kalihari.**

Addenda 2 and 3 deal with missions to South Africa and New Zealand. **In this matter we note and support the Special Rapporteur's recommendations that the Government New Zealand give constitutional recognition to the Treaty of Waitangi, and that the Waitangi Tribunal be given legally binding and enforceable powers.**

Addendum 4 addresses best practices in the implementation of his recommendations. We consider this

part of his report exists as a guideline for all governments on how to address Indigenous issues within their jurisdictions. The document addresses the impact of major development projects on the rights of indigenous peoples, access to justice and indigenous customary law including historical dispossession and exclusion and recognition of land rights, and indigenous peoples' right to education including cultural identity. **We encourage the Special Rapporteur to continue to bring attention to these best practices, and recommend these best practices as a framework for the Universal Periodic Review of those States with Indigenous peoples included within territorial borders.**

Addendum 5 provides many valuable recommendations to address the 'implementation gap' in political processes of governments to positively and adequately address the interests of Indigenous peoples. **We support the recommendation of the OHCHR-InterParliamentary Union International Experts Seminar, contained in Paras 17 and 26, that Indigenous peoples should be given the possibility of contributing themselves to the preparation of bills and draft laws.**

We again thank the Special Rapporteur for his important and beneficial reports, and call upon the Human Rights Council to continue these mechanisms which address the manifest abuses of the human rights of the Indigenous Peoples of the world.

We remind the Council that States are in so many instances the violators of the rights of the Indigenous Peoples, and that certain States are known to be in breach of their obligations under the international human rights treaties in their treatment of the Indigenous Peoples. These States are unmistakably abusing their obligations as members of the United Nations to promote and protect the rights of the Indigenous Peoples, and we have every right to expect the United Nations to do something about it.

This Council has already taken its first significant step in addressing the situation of Indigenous Peoples by adopting the Declaration on the Rights of Indigenous Peoples in a historic moment at its first session.

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E/CN.4/2006/78	Report of the Special Rapporteur
E/CN.4/2006/78/Add.1	Analysis of country situations and other activities of the SR
E/CN.4/2006/78/Add.2	Mission to South Africa
E/CN.4/2006/78/Add.3	Mission to New Zealand
E/CN.4/2006/78/Add.4	Study regarding best practices to implement recommendations
E/CN.4/2006/78/Add.5	Constitutional reforms, legislation and implementation of laws