

Agenda Item 2:

Statement by Les Malezer, Foundation for Aboriginal and Islander Research Action (FAIRA)

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We can support the preliminary conclusions provided in Document 6

In particular we support that the main legal traditions and civilizations be represented providing that this term includes ‘indigenous peoples’;

Regarding its future functions, we would like to recount our experiences as Indigenous Peoples:

- It has taken over twenty years, including a UN decade, to understand the human rights issues pertaining to indigenous peoples;
- The manifest abuses of the human rights of Indigenous Peoples have still not been addressed, as we struggle to establish standards and structures;
- Despite this extensive work, over an extensive period, many states:
  - Still do not know who the Indigenous Peoples are;
  - Do not know that self-determination is not a right of secession;
  - Do not know free, prior and informed consent is not a right of veto of parliaments;
  - Have constitutions, legal systems and laws which they admit do not address the equality of human rights of Indigenous Peoples;

The key points to be made are that:

- There is a strong link between an expert body and input by non-state parties;
- The UN needs to promote a democratic process involving peoples, maximising civil society representation – especially experts - as well as states;
- There is still much to be learned by states in human rights;
- There is still a need to counteract political interests retained in the Human Rights Council;
- Much of the momentum and initiatives for human rights comes from the direction of the experts and civil society;

We urge continued support for Indigenous expertise to be involved through the expert body and any relevant subsidiary bodies;

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