

HRC approves new body to replace WGIP, Les Malezer, FAIRA, Australia

I am pleased to announce that on Friday, 14 December 2007, the UN Human Rights Council adopted the resolution to establish an 'Expert Mechanism' on the rights of Indigenous Peoples.

The resolution did not establish a formal name for this group, so it might be popularly known either as:

- Working Group on the Rights of Indigenous Peoples
- Expert Body on the Rights of Indigenous Peoples, or
- Expert Mechanism on the Rights of Indigenous Peoples.

I anticipate that the common name will be the 'Expert Body on the Rights of Indigenous Peoples' (EBRIP?). This new mechanism supersedes the Working Group on Indigenous Populations (WGIP) which was established by the former UN Commission on Human Rights in 1982.

The establishment of this new body carries some significance; eg

- (1) There was no prior guarantee that a body on Indigenous issues would be established;
- (2) Other Working Groups under the Commission on Human Rights were either diminished or abolished;
- (3) This Expert Mechanism has in some ways more autonomy than the Expert Advisory Body that replaced the Sub-Commission;
- (4) The Expert Mechanism received support from the EU and WEOG¹, countries which opposed continuation of WGIP after the PFII was created;
- (5) The Expert Mechanism will likely have Indigenous experts appointed, perhaps to the majority and even unanimously;
- (6) The Expert Mechanism has 'Indigenous Peoples' in its mandate, the first time this has happened in the UN, and is linked to the Declaration on the Rights of Indigenous Peoples;

¹ Western European and Others Group (such as USA, Canada, Australia and New-Zealand).

(7) Links to the Special Rapporteur and the Permanent Forum on Indigenous Issues are established.

The new body consists of 5 experts and will meet for 5 working days each year. This is consistent with the previous Working Group. However in the first year, presumably the year ending July 2008, the Working Group will meet for 3 days.

The Human Rights Council now has formal procedures to nominate, shortlist and appoint experts to any of its mechanisms so it is very, very important that Indigenous Peoples' delegations nominate persons through the formal process. I will be sending further emails on this procedure.

I set out below the HRC resolution, as adopted, on the new Expert Body on The Rights of Indigenous Peoples.