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MEDIA RELEASE

10 December 2014

Anderson responds to Malezer's condemnatory 'GLOBAL ALERT'

In a statement from Dubbo, Ghillar Michael Anderson, Convenor and Joint Spokesperson of Sovereign Union of First Nations and Peoples in Australia, said today:

“I read with interest a colourful response by Les Malezer, Co-chair of the National Congress of Australia's First Peoples, to my most recent media release dated 8 December 2014 with respect to my recent visit to Geneva. His GLOABL ALERT email is attached below.

We need to set the record straight and add some clarity to Les Malezer's perspective.

The meeting I attended in Geneva on 4th and 5th December 2014 was not a UN meeting at all. It was convened by DOCIP, the *Indigenous Peoples' Center for Documentation, Research and Information*, an NGO support body located in Geneva [www.docip.org].

DOCIP convened this preparatory meeting for a Second Symposium of the First Delegates, who attended the United Nations at the historic conferences in 1977 and 1981. The 1977 meeting was the first meeting convened by the UN for the First Nations Peoples of the Americas, and the 1981 second meeting was convened by the UN to include many of the other First Nations Peoples of the world. The 1981 event was historic because it was the first time the UN had engaged in any program on issues affecting First Nations Peoples worldwide.

Due to a unique sequence of events prompted by the Commonwealth government's attempt to avoid international scrutiny, I was the first person to present to the historic 1981 UN meeting of First Nations Peoples globally, and this is why I am now one of the authorised organisers for the Second Symposium of the First Delegates to be held in Geneva in 2015.

On 5th December last week, the second day of the Preparatory meeting for the Second Symposium of the First Delegates in Geneva, DOCIP staff circulated a document, which they had received from Les Malezer, who provided a list of names of who he claimed were the only persons to attend the 1981 UN conference. He named Cedric Jacobs and Peter O'Brien, while, for whatever reason, failing to include my name. Then he added that in 1985 the Federation of Land Councils was represented by Geoffrey Clark, Patrick Dodson, Robert (Bob) Weatherall and Peter Yu, as well as the NSW Aboriginal Land Council, which was represented by Gary Green and Delia Lowe and last, but not least, he identified that the Tasmanian Aboriginal Centre had sent Michael Mansell. But the 1985 gathering was merely a follow up and did not have the status of the historic 1981 first global conference.

The facts of the matter go like this:

After a lengthy debate about the pros and cons of going to the UN in 1981 the NAC (National Aboriginal Conference) National Executive, chaired by Pastor Bill Bird, decided that yes the NAC

would send a delegation, having just successfully hosted the 3rd General Assembly of the World's Indigenous People in Canberra from 27 April – 2 May 1981.
[<http://www.aiatsis.gov.au/collections/docs/findingaids/MS1649.PDF>]

There was a single delegate chosen, Rev. Cedric Jacobs, of Western Australia, and I was to attend as his support staff, since I had written the paper for presentation by the NAC to the UN. At that time I was the NAC Director of Research for the Treaty and research policy advisor to the NAC on policies and matters referred to it by the Commonwealth government on ways forward, in respect to Aboriginal Affairs throughout Australia.

The NAC also decided to include Peter O'Brien, a non-Aboriginal person who was the NAC's media representative, in order for him to cover and report on this historic UN gathering.

At San Francisco airport, en route to Geneva, Peter O'Brien informed me that the paper that I had written for the NAC, which was approved by the NAC National Executive, had been edited the previous evening by staff of Senator Peter Baume, Minister of Aboriginal Affairs' office, a member of the Attorney-General's office and a senior member from Prime Minister and Cabinet. This meeting took place at the home of Pastor Bill Bird in Western Sydney, where Rev. Cedric Jacobs was staying prior to his departure to the UN.

Peter O'Brien showed me the original document with various paragraphs and sentences blacked out. The deleted sentences related to Aboriginal land rights throughout Australia, where I had identified all the American and Australian military complexes, which were located adjacent to Aboriginal owned lands in South Australia, Northern Territory, northwest Western Australia and Cape York in Queensland. The warning signs that I put up at that time were about possible future actions by the government to usurp all Aboriginal lands in the vicinity of military complexes.

(The NT Intervention and the way in which former PM Howard framed the Ten Point Plan amendments to the *Native Title Act* in 1998, have in fact served to secure these lands for military purposes, without any form of compensation.)

So sensitive was this paper to the Commonwealth government that Cedric Jacobs informed me at a stopover in Ottawa, Canada that he, through the NAC in Canberra, had rearranged my travel details, so that he would go onto Geneva without me and I would stay in Canada and have high level meetings with Canada's Council of Indian Chiefs, the National Metis representatives and the Minister for Indian Affairs, where I was instructed to speak on treaties with the Minister. I was also informed by Cedric Jacobs that, instead of going to Geneva, I was to return to Australia after the Canadian meetings.

My alarm and concern obviously showed when I met with the Metis National Council, because the chairman at the time, Mr Riley, paused the meeting and asked me to disclose what was so deeply troubling. He then offered to support me, to the extent that if my own office, the NAC in Canberra, cancelled my travel arrangements to Geneva, the Metis would support me financially to ensure I got to the UN in Geneva. As a result I continued onto Geneva against, not the NAC's wishes, but instead the Commonwealth government's and the Minister's wishes. On my arrival in London Heathrow, I was met by two Scottish lawyers, who were working with the Native Canadians to ensure their treaty rights were included in the repatriation of the Canadian constitution scheduled for 1983.

When I landed at the international airport in Geneva, I was met by William Augustus Daes, who was the Secretary to the UN Human Rights Commission. He immediately placed me under UN diplomatic protection. This was because, as we walked out of the airport, he pointed out four men, who he said were Australian Federal Police waiting at the airport to arrest me and return me on the

earliest flight from Geneva to Australia.

I was taken straight to the UN headquarters in Geneva and then taken through long passages directly to where the meeting was about to commence. Mr Daes invited me to be the first speaker, so that what I had to say would be on record right at the start of the very first UN global conference, where I received a standing ovation.

Clearly, Les Malezer has his nose well out of joint and has shown his ignorance of any of the real historical factors behind the NAC's original participation in 1981. Clearly his attempt to discredit me at the international level through his 'GLOBAL ALERT' is something I would expect of the Commonwealth government and not a co-chair of a so-called Aboriginal representative body. This criticism and intervention on Malezer's part shows the political divide between the government funded body National Congress of Australia's First Peoples and the grassroots sovereignty movement.

Let me make it clear. Yes, the 4th and 5th December in Geneva last week was for the purpose of establishing a body of people to organise the Second Symposium of First Delegates in May or June 2015. The official attendees were agreed to by the participants of the First Symposium of the First Delegates in 2013 by way of electronic communications. In this case it was agreed that we would have seven people from seven regions and one youth on the organising committee. I am now one of the authorised organisers for the Second Symposium of the First Delegates to be held in Geneva in 2015. The other authorised organisers are Nilo Cayuqueo from Argentina; Carlos Mamani from Bolivia; Jose Carlos Morales from Costa Rica; Mary Simat, Maasai, from Kenya; Mike Myers, of Six Nations, North America; and the youth representative, Morgan Catlett.

Les Malezer clearly has enormous problems with any criticism of UNDRIP, the Declaration on the Rights of Indigenous Peoples. As we discussed topics for the Second Symposium of First Delegates, criticisms and condemnations arose about the matters that will need to be dealt with in 2015, including UNDRIP.

In the first instance and for everyone's information, the condemnation and the reason why we need to revisit the WCIP Outcome Document is because it emphasised the 'domestication' of Indigenous rights. We worked from the official UN stamped printed version dated 15 September 2014, whereas the internet version is significantly different.

[Outcome document of the High-level Meeting of the General Assembly: The World Conference on indigenous peoples: <http://www.un.org/en/ga/president/68/pdf/letters/9152014WCIP%20-%20CFs%20on%20Draft%20Outcome%20Document.pdf>]

The issues we wanted to focus on were paragraphs 31, 33, 39 and 40:

31. We request the Secretary General, in consultation and cooperation with Indigenous peoples, the Inter-Agency Support Group on Indigenous Peoples' issues and member states, to begin the development within existing resources, of a system wide action plan to ensure a coherent approach to achieve the ends of the Declaration and to report to the General Assembly at its 70th session, through the Economic and Social Council, on progress made. We invite the Secretary General to accord, by the end of the 70th session of the General Assembly, an existing senior United Nations system official, with access to the highest levels of decision-making within this system, responsibility for coordinating this action plan, and raising awareness of the rights of indigenous peoples at the highest possible level and increasing coherence of the activities of the system in this regard.

33. We commit ourselves to consider, at the 70th session of General Assembly, ways to enable the participation of indigenous peoples' representatives and institutions in meetings

of relevant United Nations bodies on issues affecting them, including any specific proposals made by the Secretary General in response to the request made in paragraph 40 below.

39. We request the Secretary-General to include relevant information on indigenous peoples in his final report of the millennium development goals.

40. We request the Secretary General, in consultation with the Interagency support group on Indigenous Peoples Issues and member states, taking into account the views expressed by Indigenous Peoples, to report to the General Assembly at its 70th session on the implementation of the present outcome document, and to submit at the same session through the Economic and Social Council, recommendations regarding: a) how to use, modify and improve existing United Nations mechanisms to achieve the ends of the United Nations Declaration on the Rights of Indigenous People; b) ways to enhance a coherent, system-wide approach to achieving the ends of the Declaration and specific proposals to enable the participation of indigenous peoples' representatives and institutions, building on his report on ways and means of promoting participation at the United Nations of indigenous peoples' representatives on the issues affecting them.

Regarding the agenda for 2015, these points and many others will be discussed, including the formation of an international organisation of First Nations Peoples to be responsible for engagement with the UN on First Nations Peoples' issues. It is proposed that this organisation will be much more political than the UN Permanent Forum of Indigenous Issues (UNPFII), which is severely restricted by its terms of reference. There is no intention for this new organisation to replace UNPFII, but to work along side it.

In respect to the criticism of the UNDRIP Declaration we have now made it an agenda item for May/June 2015. In fact, Mr Ken Deer, Mohawk, and also representing the Haudenosaunee, attended with Willie Littlechild, a Cree Canadian lawyer, and provided a powerpoint of a brief comparative study of existing international law, through the various conventions of the UN, and UNDRIP. In short, he agreed that we seriously need to review the Declaration because there are ratified international conventions already in place that carry legal and political guarantees under international law, which are written as 'aspirational' in the Declaration, which reads as if we can only have these rights, if we recognise and do not challenge the territorial integrity and political unity of the existing UN Member State, whose borders we live within.

In my opinion, Les Malezer seems to fail with grassroots communities at a personal level. It would be better if he spent more time talking with people at grass roots, so that he can compare what the people are saying with what Congress is putting out. This is not happening. Congress would be better served if Les focused on the real issues confronting our people, rather than attacking my participation at the international level. At least I report back publicly.

For my part we need to understand that there are two programmes of activity going on: one, a domesticated and sanitised view of our true situation in Australia, as opposed to condemnations and public airing of our political struggle, ongoing subjugation and gross violations of human rights that I and other members of the grassroots sovereignty movement are voicing for the international community to be aware of.

Contact:

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BACKGROUND:

Text of Les Malezer's email of 8 December 2014 entitled GLOBAL ALERT:

GLOBAL ALERT

I have today seen a media release by Michael Anderson from Australia who claims to have attended last week a UN meeting in Geneva where it was determined the UN Declaration on the Rights of Indigenous Peoples needs serious revision. He also claims that "very few are happy with" the WCIP Outcome document.

His statement is headed "UNDRIP needs serious revision says Anderson on return from Geneva".

Anderson says "While we may see the UNDRIP as being a progressive aspirational document, it is not the whole answer to the things we need for future generations. Having been engaged in the formation of the terms of the Declaration I think we all understand that it does have a certain degree of international influence, but very few are happy with the outcomes document of the most recent World Conference on Indigenous Peoples in New York that lasted two hours with government-chosen speakers."

Anderson has been a vocal critic of the Declaration since its adoption in 2007 and continues to undermine its status in Australia. It seems he is also out to condemn the WCIP Outcome Document.

To my knowledge no such condemnation has come from any meeting in Geneva last week. Anderson deliberately misrepresents the preparatory meeting held in Geneva last week which discussed the further commemoration of the historical delegations to the United Nations over thirty years ago. Very few persons were available in Geneva for that preparatory meeting and most participants are strong supporters of the Declaration and the Outcome Document of the WCIP. Anderson is being opportunistic for his own reasons and in the process misleading on the position of Indigenous Peoples around the world.

I call upon Michael Anderson to give clarity to his position. He should provide the names and further details of the Indigenous delegates meeting in Geneva who have supported his condemnation of the Declaration and the Outcome Document. In addition he should explain the reasons why the meeting has criticised these key documents for Indigenous Peoples.

The full statement by Anderson is provided below.

*Les Malezer
Co-Chair
National Congress of Australia's First Peoples*