

## **Abstract**

**Title of the Paper: “A Study of Domestic Protection Mechanisms of Indigenous Peoples in Australia and Canada”**

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The aim of work is to study the impact of International Legal Instruments, Domestic Laws and other Mechanisms Protecting the Rights of Indigenous People. The thesis takes a holistic view of the historic marginalization of indigenous people by European settlers focusing on case studies of Canada and Australia using tools of legislation and treaties and other measures to deprive the indigenous communities of their right over their lands and resources and to destroy indigenous culture through assimilation process.

In doing that, the thesis looks at the laws and treaties that were in force during colonial times and the international legislative efforts that were made by the United Nations and its agencies to safeguard the interests of the indigenous communities all around the world. It takes a special look at Canada and Australia it evaluates in detail, their fierce opposition to United Nations Declaration on the Rights of Indigenous Peoples that was being formulated for the protection of the human rights of indigenous communities. And finally, the thesis evaluates the effectiveness of the United Nations Declaration on the Rights of Indigenous Peoples given the non binding nature of the same and suggests the measures to make the Declaration more effective and widely applicable.

The thesis notices that after the adoption of the United Nations Declaration on the Rights of Indigenous People, Australia and Canada did endorse the said Declaration and concludes that

there is need to have intensive study of the laws meant for the protection and promotion of the rights of indigenous people as well as of the resistance put on by countries like Canada and Australia in endorsing United Nation Declaration on the Rights of Indigenous Peoples for an effective transformation of international laws into domestic laws.

**Canada** and **Australia** expressed their intention to take steps to endorse the Declaration. The main objection of these countries was over the texts on self-determination, right to free, informed consent for the use of land and resources of indigenous peoples. The countries argued that the declaration's provisions could require recognition of indigenous rights to lands without regard to other rights existing in land of both indigenous and non-indigenous under the provisions in their domestic laws. These states also said that they had not been given an opportunity to discuss the declaration collectively.

As far back as November 12, 2010, Canada announced that it communicated the President of the United Nations General Assembly that it was endorsing the Declaration. Canada said that it planned to compare and collected different provisions regarding Indigenous Peoples in the First Nations Plan, domestic laws and United Nations standards and thereafter bring about suitable and appropriate changes. In endorsing the Declaration, Canada reaffirmed its commitment to build on a positive and productive relationship with First Nations, Inuit, Métis peoples to improve the well-being of Aboriginal Canadians, based on shared history, respect, and a desire to move forward together.

Australia also endorsed the declaration on April 3, 2009 noting it recognizes the fundamental rights enjoyed by Indigenous peoples around the world. However, with the endorsement, the states can now move forward to address the full range of issues.

Indigenous people have led the effort to create an international instrument that recognizes their rights at the United Nations. Despite centuries of struggle with states against their colonialist attitude and conduct, many indigenous peoples have not even been granted formal recognition. Many indigenous leaders came to believe it could be useful to create a tool to leverage support from the international level to help protect their collective rights as distinct people. Leaders of Indigenous peoples were involved in campaigning to put pressure on state governments to recognize the declaration, by campaigning for equality and the end of racial discrimination towards indigenous peoples. The major three opposing states finally endorsed the Declaration.