

**Aboriginal and Torres Strait Islander Commission
2004 3rd Permanent Forum on Indigenous Issues
Third Session 10-21 May 2004**

ECONOMIC AND SOCIAL DEVELOPMENT

ATSIC in recent times has been addressing the benefits and negative aspects of international trade.

This has included assisting indigenous communities in relation to the support of establishment of cattle conglomerates.

Exemptions have been proposed by the Commonwealth government in the US-AUS FTA, which we applaud. Nevertheless we are interested in how exemption clauses have operate in other jurisdictions for example the exemptions in NAFTA. How effective have these exemptions been and what effect has bilateral as opposed to multilateral trade liberalisation.

It also involved the commissioning by ATSIC of a report investigating the impact of the proposed Free Trade Agreement with the US upon indigenous Australia.

In that respect we would call upon the WTO to explain the indigenous peoples the benefits of bilateral trading agreements over multilateral agreements.

We appreciate the 1996 decision adopted the WTO General Council consistent with Article 5:2 of the Marrakesh Agreement to make appropriate arrangements for consultation and cooperation with NGOs concerned with matters related to those of the WTO applaud the establishment by the WTO of Guidelines for Arrangements on Relations with Non-Governmental Organizations (WT/L/162)

The establishment of these Guidelines were in accordance with the Director-Generals initiatives on greater transparency and enhanced dialogue with NGO's.

We call upon the WTO to provide this Forum and indigenous NGO's with more information regarding the increased transparency of the WTO and the capacity of indigenous peoples to provide the WTO with NGO working papers.

ATSIC calls upon the Permanent Forum to consider a survey of the effectiveness of indigenous specific exemptions in free trade agreements.

To this point, particularly for those indigenous peoples who do participate in international trade law, we applaud the increased transparency in opening up WTO processes to NGO's to make amicus curiae submissions.

Our key conclusions are predicated upon the belief that 'As a poorer socio-economic group, indigenous people are vulnerable to economic shifts'.⁸

ATSIC calls upon the Permanent Forum to facilitate the dissemination of information regarding the capacity of NGO's to submit working papers and amicus

⁸ Professor Larissa Behrendt and Megan Davis, 'Adverse effects of free-trade deal will hit indigenous groups hard' *Sydney Morning Herald* (March 8, 2004)

curiae submissions to WTO Dispute Settlement Understanding disputes in the interests of greater transparency.

Secondly, *ATSIC calls upon the Permanent Forum* to provide an analysis of the indigenous exemptions that are provided for in free trade agreements.