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ECONOMIC COMMISSION FOR EUROPE

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Indigenous Populations
Second session
Items 5 and 6 of the provisional agenda

REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION
AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS OF INDIGENOUS POPULATIONS

CONSIDERATION OF THE EVOLUTION OF STANDARDS CONCERNING
THE RIGHTS OF INDIGENOUS POPULATIONS

Information received from Governments

Addendum

The following information has been received from the Government of
Australia. 1/

1/ Copy of the full text are available for consultation at the Secretariat.

AUSTRALIA

[Original: English]

[22 July 1983]

The Australian Government offers the following comments in relation to the first meeting of the Working Group on Indigenous Populations held in Geneva from 9-13 August 1982.

Australia welcomes the establishment of the Working Group. As a member of the United Nations Commission on Human Rights Australia strongly supported the initiative, co-sponsoring resolution 1982/19, which authorized the establishment of the Group. Australia will give full weight to efforts to ensure that the Working Group functions effectively and positively.

Increased international attention should be given to the problems of indigenous populations, given their special vulnerability and disadvantage. One aspect of this vulnerability has been the lack of a clear and agreed conception of the rights to which indigenous populations should be entitled. The Working Group's task to draft a set of standards to protect indigenous rights is thus one of fundamental importance. The Group should firmly resist any attempts to divert it from its mandate, especially the efforts of those who may seek to use the indigenous issue to introduce extraneous political considerations into the debate, without concern for the welfare of indigenous populations.

Wide consultation, especially with indigenous populations themselves, is a prerequisite for significant progress. Governments and organizations such as the WCIP should play a role in articulating the views of indigenous populations. The Australian Government is seeking the views of aboriginal citizens, through representative bodies such as the National Aboriginal Conference (NAC), with which the Government is developing a close relationship.

While the Working Group is an important forum for the expression of the views of indigenous populations, the Group should not be seen as replacing existing effective United Nations human rights "communications" mechanisms. The Group should not concentrate excessively on individual complaints. Important as these may be, there are other means for dealing with them.

In terms of the content of "standards", several issues deserve particular attention. The standards evolved by the Group should harmonize with existing human rights enunciated in the relevant international legal instruments. As a first step, it would be useful to identify and review the effectiveness of existing protections of indigenous rights.

Although the Group's activities may lead to the drafting of a declaration or convention in due course, as a logical first step the Group should focus on the development of less formal principles or guidelines to protect and promote indigenous rights.

The right to pursue traditional life-styles, special programmes to remedy dispossession, dispersal and disadvantage, and the principle of self management are corner-stones of domestic Australian Aboriginal policies. These elements should be reflected in international standards for indigenous populations.

In identifying criteria to distinguish indigenous rights and in developing special measures to remedy the disadvantaged position of indigenous populations, the Group should avoid any suggestion that separate development or secession is at issue. Indigenous populations are an integral part of the national communities to which they belong and should enjoy the full civil and political rights of their fellow citizens, in addition to their own special rights.

Land rights are a corner-stone of indigenous aspirations and identity, and should be accorded high priority. While the issue should thus be given an early place in discussions, attention should also be given, as a matter of urgency, to the question of the survival of indigenous populations in some parts of the world. After tackling this problem, the Group could then perhaps turn to land rights, "autonomy" and other agenda items.

The Group should address at an early juncture the question of the establishment of a fund to enable indigenous representatives to attend relevant United Nations meetings, as requested by the Commission on Human Rights at its thirty-ninth session. Australia's support in principle for the establishment of the fund to broaden the scope of indigenous representation is reflected by its co-sponsorship of resolution 1983/23 of the Commission on Human Rights. With regard to criteria, the Australian Government sees a particular need for funds for representatives from developing countries, who often face special difficulties when seeking to attend United Nations meetings.

A characteristic of the first meetings of the Working Group was much open-ended and unstructured discussion which was necessary and appropriate given the preliminary nature of the deliberations. However, a more structured approach may now need to be adopted to ensure that the Group can pursue its mandate effectively. The introduction of a more formal agenda focussing on the task of developing standards and some regulation of speaking rights would be useful. The views of indigenous populations should be borne closely in mind when determining how best the Group should proceed with its activities.