

Third Session
Working Group on Indigenous Populations.

SUMMARY OF NATIONAL ABORIGINAL AND ISLANDER LEGAL SERVICES
INTERVENTION ON THE EVOLUTION OF STANDARDS.

- 1) Indigenous peoples' right to land exists independently of legislative recognition by governments.
- 2) Consequently, the denial of indigenous peoples' legitimate rights continues notwithstanding Land Rights legislation.
- 3) The use of armed force to dispossess Aboriginal people of land has been cynically shielded from domestic judicial review by the doctrine of Act of State.
- 4) Principles of justice should be applied equally to all peoples. It is hypocritical to have trials such as at Nuremburg if the glaring injustices that face indigenous peoples are not redressed.

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SUMMARY OF NATIONAL ABORIGINAL AND ISLANDER LEGAL SERVICES RESPONSE
TO MR. CLYDE HOLDING'S ADDRESS.

- 1) The Aboriginal people of Australia possessed sovereign rights to their territory. These rights have not been relinquished or extinguished.
- 2) The percentage of land presently recognised in one form or another by the Australian system compared to the percentage of Aboriginal people is totally misleading, particularly in the light of:
 - a) Lack of real control by Aboriginal people over the land.
 - b) The bulk of the land is in remote areas.
- 3) Britain was primarily responsible for the atomic tests at Maralinga but Aboriginal people have no effective remedy against that Government, thus highlighting the need for all indigenous peoples to have direct access to the International Court of Justice.
- 4) We recognise and welcome the positive attempts being made by the Australian Government to attack neo-fascist movements against Land Rights, but question whether the Government is creating its own opposition which would eventually justify inadequate Land Rights legislation.