

SUPPLEMENTARY STATEMENT TO THE THIRD SESSION OF THE WORKING GROUP
ON INDIGENOUS POPULATIONS BY THE NATIONAL ABORIGINAL CONFERENCE -
----- AUSTRALIA -----

WGIP 84/OCC. AUS/2

MADAM CHAIR,

The National Aboriginal Conference is anxious to see the Working group proceed with the task of the drafting of international standards concerning the rights of indigenous peoples. As we stated yesterday, we believe that the only fair and just principle to be adopted in relation to indigenous land rights is one which recognises the inherent right of indigenous peoples to what white legal systems interpret as the ownership of our lands; a right which is not dependent upon grants from colonizing governments. The system under which those lands are to be held will vary according to the traditions of the many indigenous peoples of the world, but land rights must encompass the right to own and control the natural resources of the land.

Our experience in Australia demonstrates the consequences which follow from the absence of international standards, and highlights the need for effective machinery to oversee the implementation of the standards which are to be developed.

The English legal system in Australia does not recognise any Aboriginal title to land other than title derived from the Crown. Nevertheless, even the legislative schemes now in existence and those which are proposed, are under attack from elements which regard Aboriginal rights as an electoral liability. At the national level, the leader of the Opposition Liberal Party has stated as recently as one week ago that if his party wins at the next election, it will repeal any national land rights legislation which the current Labour Government may introduce. This threat to Aboriginal interests comes from a political party which under the previous leadership of Mr Malcolm Fraser presented itself to the world as the champion of human rights in South Africa and as the supporter of liberation movements in places such as what is now Zimbabwe where other Black peoples were seeking to throw off the yoke of colonialist oppression.

Aboriginal people in Australia currently have no avenue through which to seek redress against such violations. There is no constitutional guarantee of indigenous rights in Australia. In fact, they have never been defined by Government. Nor do we have access to the International Court of Justice. The current proposal by the Labor Government for a Legislative Bill of Rights does not include provision for the protection of collective indigenous rights.

We look to this Working Group to begin the process of drafting international standards on the rights of indigenous peoples so that the international community will have a yardstick against which to measure the actions of successive Australian Governments in their relations with the Aboriginal peoples of Australia and our indigenous brothers and sisters specifically in East Timor, West Papua, and the Pacific region, and more generally throughout the world.

The National Aboriginal Conference hopes to contribute to the discussion on the evolution of standards in a more specific way later in these proceedings.

There are also some matters which are relevant to the consideration of the review of developments which I wish to report to the Working Group.

The first is to report upon the continuing and oppressive control which is maintained by the Australian Government and its agencies over Aboriginal organisations in Australia. Most Aboriginal organisations are dependent upon Government for funding ^{and it is through the manipulation of funding} arrangements that Governments attempt to direct the activities and policies of Aboriginal organisations and communities. Internal self-determination is impossible under such circumstances.

The second matter is the continuing practice of apartheid and enforced segregation in the State of Queensland. Aboriginal reserve communities have still not been issued with title to their lands but the recently enacted Community Services legislation in that State deprives reserve residents of the franchise in local government elections. This is in blatant violation of Article 25 of the International Covenant on Civil and Political Rights and Article 5 (c) of the International Convention on the Elimination of All Forms of Racial Discrimination. The Federal Government has remained silent on this matter.

In fact, the Federal Government is adding to the oppression of Queensland Aborigines through its Community Development Employment Program. Under this Program, Aborigines are denied the right to unemployment benefits which is accorded to all other Australian citizens. An amount equal to the unemployment benefit is paid to the community council for employment programs but the residents do not have the choice of participating in the program - they are forced to do so. Additionally, many Aboriginal people who are employed on Queensland reserves are not paid the award wage for their particular industry.