

Item 3: EMRIP's draft study and advice on indigenous peoples' rights in the context of borders, migration and displacement

DRAFT Australia Statement – to be checked against delivery

Speaker: _____

Thank you Chair.

Australia shares a common maritime border with our nearest neighbour, Papua New Guinea. The Torres Strait Treaty is an innovative and complex legal instrument which protects the traditional way of life for Australia's Torres Strait Islanders and the coastal people of Papua New Guinea's Western Province.

Ratified in 1985, while strict permit conditions exist, the Treaty is a unique framework which provides a pragmatic approach to allows 'free movement' to cross the border without a passport or visa (albeit with strict permit conditions) between Australian and Papua New Guinean Treaty communities for traditional activities. The Treaty actively promotes indigenous rights and participation in the management of the shared border area.

With less than four kilometres from the Papua New Guinea mainland to the nearest populated Australian island, communities within the Treaty's protected zone in the Torres Strait Protected Zone have maintained traditional connections between the peoples, land and sea. Traditional inhabitants, together with the support of government agencies, work collaboratively to improve the Treaty's implementation and effectiveness of cross-border movements.

Maintaining the integrity of the Treaty is a balance, underpinned by the principles of fairness and inclusiveness. The Treaty endures as an effective instrument so long as it upholds and protects traditional rights and privileges. In turn, this is only possible through the agency afforded to the traditional inhabitants to shape local resolutions to their concerns.

Thank you.