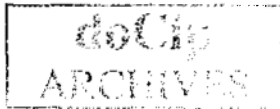


U.N. WORKING GROUP ON  
INDIGENOUS POPULATIONS  
SIXTH SESSION



WGIP 88 GOV/OCE. AUS/3

STATEMENT BY MR R WINROE ON BEHALF OF  
THE AUSTRALIAN OBSERVER DELEGATION UNDER  
ITEM 6, OUTLINE OF A STUDY ON THE SIGNIFICANCE  
OF TREATIES, AGREEMENTS AND OTHER  
CONSTRUCTIVE ARRANGEMENTS

GENEVA

5 AUGUST 1988

MADAM CHAIR - MEMBERS OF THE WORKING GROUP

In our opening Statement to the Working Group the Australian Government delegation leader referred to two most important issues being pursued in the context of recent developments regarding policy as applicable to Aboriginal people in Australia.

The first referred to the establishment in January 1987 of an All Aboriginal and Islander FEDERAL Commission~~er~~ to control Aboriginal affairs. This is a unique development. The second relates to the Government's commitment to the negotiation and resolution of a Treaty between the Australian Government and the Aboriginal and Torres Strait Islands People. This reflects the Government's acknowledgement that the early settlement of Australia was achieved without any formal transfer, by way of a treaty, of rights to land from Aboriginals to the Crown, or a proper recognition of the dignity of the indigenous people. The Government recognises through the statement of the Prime Minister the prior ownership of Australia by the Aboriginal people.

WE CONSIDER THAT OUR PERHAPS UNIQUE APPROACH MIGHT BE HELPFULL TO THE WORKING GROUP DURING ITS DELIBERATIONS ON THIS AGENDA ITEM, WE OFFER THE FOLLOWING COMMENTS.

In the past it has been the fashion in this context to view Treaties as an arrangement made between unequal parties one of whom seeks to assert its control over the other. The Australian Government in contrast to this rather paternalistic approach has set in train a process culminating in the signing of a Treaty that seeks also to achieve a genuine act of reconciliation between the Aboriginal and Non Aboriginal people of Australia. As important as are the words used in any Treaty is the process through which they are developed and agreed upon. As with the process developed by the Working Group, the Australian Government is committed to negotiating the Treaty in a fully open and representative consultative process with the Aboriginal people throughout the Nation. The Government will provide finance for such consultations.

As a prelude to this process the Prime Minister has invited the Aboriginal Community to nominate seven Aboriginal elders to consult with their people across the nation and to recommend what might be included in a Treaty with the Government.

The Federal Government will assist the elders in this process and will consider the results of the consultation before commencing the formal negotiations.

While no firm timetable has been imposed by the Prime Minister, he has expressed the hope that the negotiations could be completed during the life of the present Federal Parliament - that is by mid 1990.

We therefore as a Nation proceed in the hope and faith that consultations and final negotiations will be constructive and productive.

The Prime Minister has declared that because of the passage of 200 years of European and Aboriginal contact it is only through this process that, and I quote, "we will have an Australia within which the Aboriginal and Non Aboriginal Australia will be able to live together truly in peace and in dignity".

THANK YOU MADAM CHAIR