

WORKING GROUP ON INDIGENOUS POPULATIONS
Eleventh Session
19 - 30 July 1993
Item 4

SELF DETERMINATION

A JOINT STATEMENT BY THE INDIGENOUS
REPRESENTATIVES OF AUSTRALIA

MADAM CHAIRMAN

WE THANK YOU FOR THE OPPORTUNITY TO INTERVENE AND EXPRESS OUR CONCERNS ABOUT THE PRESENT DEBATE ON THE RIGHT TO SELF DETERMINATION AND THE WORDING CONTAINED IN THE DRAFT TEXT.

WE NOTE AND UNDERSTAND THE CONCERNS EXPRESSED BY GOVERNMENT REPRESENTATIVES ABOUT TERRITORIAL INTEGRITY AND THE POLITICAL AND ECONOMIC IMPERATIVES AND REALITIES CONFRONTING THEM. THESE CONCERNS SHOULD NEVER PREVAIL OVER THE HUMAN RIGHTS OF PEOPLES. SUCH A RESULT WOULD SERVE TO CURTAIL AND FETTER OUR RIGHTS.

THE USE OF CLEVER WORDS IN THE AUSTRALIAN EXPERIENCE HAS UNDERWRITTEN OUR DISPOSSESSION FOR TWO CENTURIES. A REINVENTION OF THESE WORDS CANNOT BE PERMITTED TO PERPETUATE AND FURTHER EXACERBATE THAT DISPOSSESSION.

IT MUST BE RECALLED, MADAM CHAIRMAN THAT MOST STATES DERIVE THEIR POWERS THROUGH THE EXERCISE OF THE RIGHTS OF ITS PEOPLES. STATES HAVE POWER IT IS PEOPLES WHO EXERCISE RIGHTS AND ENJOY FUNDAMENTAL FREEDOMS.

THIS DECLARATION IS FOR THE RIGHTS OF INDIGENOUS PEOPLES NOT FOR THE EXERCISE OF POWERS BY STATES.

TO CONSENT TO A DECISION WHICH RESTRICTS, HINDERS, FETTERS OR DEROGATES FROM THE RIGHT TO SELF DETERMINATION IS AN ACT OF ITSELF CONSTITUTING A DENIAL OF SELF DETERMINATION. WE DO NOT HAVE THE AUTHORITY, THE POWER, OR THE CAPACITY TO CONSENT TO THE DENIAL OF THE HUMAN RIGHTS OF ANY PEOPLES LEAST OF ALL THE INDIGENOUS PEOPLES OF OUR COUNTRY.

THEREFORE IT IS OUR UNITED VIEW THE DRAFT DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES SHOULD STATE IN SIMPLE AND UNCONTESTABLE LANGUAGE THAT:

INDIGENOUS PEOPLES HAVE THE RIGHT TO SELF DETERMINATION; BY VIRTUE OF THAT RIGHT THEY FREELY PURSUE THEIR ECONOMIC, SOCIAL AND CULTURAL DEVELOPMENT.

THESE WORDS SHOULD REPLACE THE PRESENT WORDING OF ARTICLE 3.

FINALLY IN RESTATING OUR SYMPATHY FOR THE IMPERATIVES AND REALITIES THAT CONFRONT GOVERNMENTS. WE WANT TO SAY THIS; WHILST PERMITTING GOVERNMENTS TO HAVE AND EXERCISE POWERS WE SHOULD NEVER NOR CAN WE CONSENT TO THOSE POWERS OVERRIDING OR CIRCUMVENTING THE RIGHTS OF PEOPLES.

ENDS

- * 1993 World Indigenous Peoples Conference: Education
- * New South Wales Aboriginal Land Council
- * Federation of Aboriginal Education Consultative Groups
- * Central Land Council
- * National Committee to Defend Black Rights
- * Aboriginal and Torres Strait Islander Commission
- * INNA Torres Strait Islander Corporation
- * National Coalition of Aboriginal Organisations
- * Aboriginal and Torres Strait Islander Social Justice Unit
- * 2nd World Indigenous Youth Conference