Permanent Forum on Indigenous Issues
First Session
New York
13-24 May 2002

Agenda Item 7
Future Work of the Permanent Forum on Indigenous Issues

JOINT STATEMENT PRESENTED BY

LES MALEZER
FOUNDATION FOR ABORIGINAL AND ISLANDER RESEARCH ACTION (FAIRA)

AUSTRALIA

On behalf of

ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION (ATSIC)
FOUNDATION FOR ABORIGINAL AND ISLANDER RESEARCH ACTION (FAIRA)
NATIONAL ABORIGINAL AND ISLANDER LEGAL SERVICES SECRETARIAT (NAILSS)
NATIONAL SECRETARIAT OF TORRES STRAIT ISLANDER ORGANISATIONS
TORRES STRAIT REGIONAL AUTHORITY (TSRA)
Thank you, Mr Chairman

This intervention is endorsed by the ATSIC, FAIRA, NSTSIO, NAILSS and TSRA.

Mr Chairman, we have heard many valuable ideas and contributions towards the work of the Permanent Forum, and there is support for coordination of United Nations programs to Indigenous Peoples.

However, under Agenda Item 6, as we explored each of the themes, the opportunity to directly address Indigenous self-determination and sovereignty has been limited.

The TSRA, for example, seeks to inform and advise the Permanent Forum of its progress in gaining autonomy for the Torres Strait region and Torres Strait Islanders.

The TSRA considers that, given the geographical, social and economic features of their region, their pursuit of autonomy can serve as a case study in self-determination.

The TSRA sees the Permanent Forum as the opportunity to address State’s concerns and to challenge State’s statements such as:

- ‘You do not know what you want, or cannot clearly articulate it’;
- ‘It is un-Australian’;
- ‘It creates another layer of government, with high costs of administration’.

This is ridiculous. Without State acceptance of our right to self-determination, the details and future arrangements with the colonising state might not be able to be formulated by the people.

Important issues for Torres Strait Islanders, such as ‘sea rights’, resource control and sustainable development, continue to be exploited or are left unresolved while the government refuses to acknowledge their right to self-determination.

The Torres Strait Islanders’ capacity to control the fisheries in the region is withheld—not because the Torres Strait Islanders do not have every right and justification, but because the economic interests of non-Indigenous corporations are more-highly regarded.

Mr Chairman, the Declaration on the Rights of Indigenous Peoples is yet to be adopted as a human rights standard.

However the Permanent Forum can, as an expert advisory body to the Economic and Social Council, promote the recognition of Indigenous self-determination in accordance with Article 1 of the United Nations Charter.
By way of example, I refer to the Committee on the Elimination of Racial Discrimination (CERD) and its General Recommendation XXI (on the Right to Self Determination), and CERD General Recommendation XXIII (relating to Indigenous Peoples).

Further, Mr Chairman, the Permanent Forum can scrutinise and comment on the reports of the Working Group on Indigenous Peoples (WGIP) and the Working Group on the Declaration on the Rights of Indigenous Peoples each year and recommend ECOSOC resolutions.

We recommend that these two reports, along with related reports of Special Rapporteurs appointed by the Commission on Human Rights or Sub Commission on the Protection and Promotion of Human Rights, be considered under their own two Agenda Items in future sessions.

In conclusion, Mr Chairman, we recommend the WGIP continue to operate as the open forum for Indigenous Peoples:

- to formulate and present issues,
- to commence processes for resolution of human rights abuses,
- to orientate Indigenous representatives into the United Nations system, and
- to develop Indigenous expertise and youth participation

The Permanent Forum on Indigenous Issues must develop as the expert body with a capacity to coordinate Indigenous issues within the UN structure and to undertake technical work.