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COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Open-ended inter-sessional ad hoc working group
on a permanent forum for Indigenous Peoples
Geneva, 15 – 19 February 1999

PRESENTATION BY THE
ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION

Mr. Chairman, we believe the Permanent Forum should be placed at the level of the General Assembly or the Secretary General.

On the composition of the Permanent Forum we believe that any decisions coming from this body need not go through any further process that would allow governments alone to veto any of those Permanent Forum decisions.

We believe the involvement of Indigenous People at this level is a new dynamic, the UN process as it now stands is not able to address this new dynamic, the UN needs to develop the flexibility to be able to cope with this new dynamic. The UN cannot maintain a rigidity, which has been formulated by the member states that indicates we integrate or we stay outside the process.

The National Aboriginal and Islander Legal Services Secretariat (NAILSS) supports this position, their presentation will indicate this **“that the permanent forum should not be a replacement for the WGIP, it should be established at the highest level of the United Nations, as a subsidiary body of the Social Council or the General Assembly”**.

19.02.99 am.

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COMMISSION ON HUMAN RIGHTS
Fifty-fifth Session
Open-ended inter-sessional ad hoc working group
on a permanent forum for indigenous people
Geneva, 18 February 1999

Aboriginal and Torres Strait Islander Commission

“Half a century ago, the Universal Declaration of Human Rights was proclaimed as ‘a common standard of achievement for all peoples and all nations’. Five years ago, the World Conference in Vienna unanimously reaffirmed the commitment of the international community to universal human rights and outlined a programme for the next century based on democracy, development and human rights. The launching of 1998 as a year for human rights provides an opportunity for an honest and open debate to promote a better understanding of these rights, which are essential for stability, peace and human progress.”

Mary Robinson, United Nations High Commissioner for Human Rights

Mr. Chairman, before we near the end of this session, let us step back and remember why we are here – let us remember the reasons for the establishment of a permanent forum for indigenous peoples.

As it stands, the UN structure is unable to respond to indigenous concerns. The system is made up of nation-states. These nation-states set the UN agenda : they define what human rights are and how they will be addressed, according to their own national perspectives. They have not thought about what human rights mean to indigenous peoples. They have not addressed the violations of indigenous rights.

We are here to try and establish a new dynamic within the UN system, one which will properly address the human rights of indigenous peoples. We should not be thinking about the forum within the existing framework. We must think of this process in a revolutionary way.

The United Nations must hear from indigenous people themselves in order to understand what human rights mean to us. Let us consider two examples. In my country, pregnant women are required to give birth in hospitals. Their children are born away from their home territory and people. This dislocation means that aboriginal children are separated from their cultural heritage from day one. This is a violation of our human rights as indigenous peoples.

Aboriginal people make use of nature's resources according to the laws of nature, and not according to human ~~needs~~^{needs}. We are equal partners in the environment and have a sacred relationship to our natural surroundings. Hunting and fishing are done with respect for the natural life cycles of the animal, so that these natural life cycles will continue for generations. When the environment is exploited by the building of factories on our land or dams in our waterways, we as a people suffer. The preservation of the environment is vital to the

preservation of our culture. We need some control over policies in order to prevent the violation of our rights.

The United Nations provides a unique opportunity for the human rights of indigenous peoples to be understood and respected. But this can only happen if indigenous peoples are given a meaningful voice within the system. The new dynamic we are talking about should allow the permanent forum to be established in an advisory capacity at the highest level possible.

*Lerry O'Shane,
ATSIC Commissioner
for Social Justice*