

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



Agenda Item 6
Review of the activities of the United Nations system
Theme: Economic and Social Development

JOINT STATEMENT PRESENTED BY

COMMISSIONER BRIAN BUTLER

ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION (ATSIC)

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)

Mr Chairperson

Our situation with ongoing colonial regimes in Australia is hardly different from our brothers and sisters in similar situation around the globe and our land is at the centre of our many struggles with improving our people's life chances.

As already been expressed, it is clear to that the economic and social well-being issues are of crucial importance to us all as Indigenous Peoples.

This is evident also from the different UN reports submitted to this meeting.

Whilst we are grateful for the attempts made by all to date it is abundantly clear from the various reports that a more clearly identified Indigenous agenda is required.

It is not enough to 'tag' as an 'add-on' Indigenous Peoples and Issues at the end of a string of so-called 'minority' category priority.

We are a group of Peoples with very specific issues, and indeed so specific that it has constituted the very basis for the establishment of the permanent forum on Indigenous issues

A clearly defined position on Indigenous Peoples and the Issues is crucial if economic and social priorities in the UN system are to be deployed in consistent ways to benefit Indigenous Peoples, and it is important that the Permanent Forum provides the leadership with this.

It is of practical importance in the first instance for the Forum members to set the founding principles on Indigenous Peoples and the Issues, as they can serve to inform future intervention programs and initiatives by the UN system to work in a more coherent manner.

Let me give you an example of how it can be skewered onto an agenda that is not principally based on a clearly identified Indigenous position.

Here I take the example from the UN-HABITAT report, not to single them out but to demonstrate how things can get tangled up when Indigenous Peoples are tagged at the end of a 'minority' category.

I refer particularly to stated commitments of the Global Campaign for Secure Tenure (GCST) on page 5.

- "(b) Providing legal security of tenure and equal access to land to all people..."
- "(d) Ensuring transparent, comprehensive and accessible systems in transferring land rights and legal security of tenure"
- "(j) Eradicating and ensuring legal protection from discrimination in access to shelter and basic services..."
- "(l) Promoting shelter and supporting basic services and facilities for education and health for the homeless..."
- "(m) Protecting within the national context, the legal traditional rights of indigenous [sic] people to land and other resources..."

From an Indigenous perspective and from centuries of experience with colonial practices, we see the first cited commitment, "legal security of tenure and equal access to land to **all** people" as also legitimating rights and legal tenure of Indigenous lands by non-Indigenous folks. Is it really intended that non-Indigenous people have a right to Indigenous land?

If so then it is most problematic for us as Indigenous Peoples because it keeps the door open for continued exploitation of Indigenous lands across the globe.

In the next stated commitment, "Ensuring transparent, comprehensive and accessible systems in transferring land rights and legal security of tenure". What does 'transferring land rights' mean here?

The next two stated commitments, "access to shelter and basic services" and "supporting basic services and facilities for education and health" look to us then as priorities for 'managing the fallout'.

And when traditional rights are limited within State rights in the last statement of commitment, "Protecting within the national context, the legal traditional rights of indigenous [sic] people to land and other resources", it becomes very clear to us that the founding principles are not based on an Indigenous position.

Mr Chairperson, there needs to be acknowledgement by the Permanent Forum members from the outset that the Indigenous Issues need to be untangled from current agendas in the UN system before any reform of them can proceed with any certainty.

But to do this,

It is crucial that the Permanent Forum makes as its first priority, the establishment of a set of foundational statements on Indigenous Peoples that has at its core Indigenous principles.

Mr Chairperson, priorities on the economic and social issues relating to Indigenous Peoples across the globe requires no less than good leadership from the Forum members. This applies to the entire UN system and their many programmes and that this leadership needs to be founded on a core set of Indigenous principles.

This must surely be our path to the future.