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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities



UNITED NATIONS WORKING GROUP ON INDIGENOUS POPULATIONS

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Agenda Item 6

Permanent Forum

**Miss. Lois O'Donoghue
ATSIC Chairperson**

WGIP 96/OCE.AUS/6

Agenda item 6: The Permanent Forum

**Miss Lois O'Donoghue Chairperson
Aboriginal & Torres Strait Islander Commission
(ATSIC)**

Madam Chair,

Distinguished members of the Working Group,

Distinguished representatives of Governments,

Indigenous brothers and sisters

It gives me pleasure to speak about the establishment of a Permanent Forum for the world's indigenous peoples at the United Nations.

As we are all aware, the present indigenous peoples' forum, the WGIP, has a relatively minor status, and few effective powers within the United Nations' system.

It is, however, virtually the only voice which indigenous peoples have at the international level.

As indigenous peoples we feel entitled to more effective international representation, through a body with real powers.

It should be empowered to deal with the ever increasing number of complaints which relate to infringement of the rights of indigenous peoples throughout the world

These rights centre upon the preservation, protection and the recognition of distinct peoples and cultures.

Many of the rights claimed, as are evident in the draft Declaration, go further than the protected rights of minority groups within larger social structures.

They concern rights and aspirations which have been hitherto largely neglected, or for which existing mechanisms, treaties and conventions have been unable to provide effective safeguards.

Several options for a Permanent Forum have been proposed. The option which has indigenous support in Australia is that the Permanent Forum should be a United Nations Commission - additional to the Commission on Human Rights (CHR) and the Commission on Sustainable Development (CSD).

As such, the Permanent Forum would report directly to the Economic and Social Council (ECOSOC)

A less preferred option would be a Permanent Forum with equal status to a Sub-Commission of the Commission on Human Rights, and reporting to it directly.

The suggestion that such a forum might report both to the CHR and to the CSD needs to be carefully considered. It is essential that we provide means to sufficiently accommodate all major components of indigenous rights - such as environment, health, education, culture, land rights and claims for recognition of indigenous intellectual property rights.

A joint reporting arrangement may not provide this if it results in bureaucratic sidestepping.

Other options such as the Permanent Forum existing solely as an advisory body to the Secretary General of the UN or to the High Commissioner for Human Rights, would fall short of having the decisive role we envisage.

In summary, ATSIC believes that any option adopted should empower the Permanent Forum to do the following:

- Be capable of taking decisions and making recommendations;
- Be given high level status within the UN system;
- Have access to all levels of the UN where matters of concern to indigenous peoples may be discussed;
- Have full and equitable indigenous representation;
- Be fully resourced to carry out its functions;
- Be empowered to monitor indigenous human rights situations;
- Hear grievances; and
- Recommend action to the UN treaty bodies.

It should also be empowered to:

- Set its own agenda;
- Determine definitional issues in consultation with indigenous peoples;
- Establish working groups;
- Appoint rapporteurs;
- Hold expert meetings;
- Provide technical and expert advice;
- Develop studies; and
- Suggest actions for the High Commissioner for Human Rights or indeed lobby for a High Commissioner for Indigenous Peoples.

Thank you.