United Nations  
Working Group on Indigenous Populations  
21st Session, Geneva  
21-25 July 2003  

AGENDA ITEM 5:  
Standard-Setting

Regrettably, we meet, at this 21st session of the Working Group on Indigenous Populations, to report again that little progress has been made in the completion of the work of the Working Group on the Draft Declaration on the Rights of Indigenous Peoples.

Of course, we call once more for the Working Group to conclude its task, with full support for the rights of Indigenous Peoples, as embodied in the draft endorsed by the Working Group, Sub-Commission and forwarded by the Commission.

We have heard, in this session, much concern expressed about the negative impacts of globalisation on the rights of Indigenous Peoples; and this makes it even more important that our rights be articulated in the completed Declaration as soon as possible, by the end of the International Decade on the World’s Indigenous Peoples if possible.


As we did not study these papers before this meeting we will only be able to give a considered response to these papers at the next session of the Working Group.

However let us take this opportunity to express our interest in two particular areas.

The first of these is the right to development and the principle of free, prior and informed consent. It is our experience, in Australia, that the government and society is not yet able to grasp the concept that Indigenous Peoples, as a collective, have the right to exercise, that is to give or withhold, our free, prior and informed consent.

This concept is not known and is not understood, even at the highest levels of government.
The second area is the study of treaties and other arrangements undertaken by Mr Martinez.

In Australia, the Chairman of the Aboriginal and Torres Strait Islander Commission (ATSIC) has called for the Australian Government to enter into negotiations to conclude, for the first time in Australia’s colonial history, between the State and the Indigenous Peoples.

ATSIC is encouraging the Aboriginal population of Australia to consider the issue, how a satisfactory and effective agreement can be achieved, and the terms or conditions of any treaty or agreement.

Therefore we have an interest in the proposal that all existing or developing standards be examined to see how they are effectively protecting the rights of Indigenous Peoples.

In conclusion we comment on a remark in the submission by Mrs Motoc that European organizations may have shown little interest in the protection of Indigenous Peoples. (Para 22. Document E/CN.4/Sub.2/AC.4/2003/3).

This is a statement we are prepared to fully believe, even though it is a generalisation. But let us present our opinion.

Most Indigenous Peoples of the world have been disaffected by the European colonisation of the world. Many modern States of the world are now extensions of European populations. This is true in south America, USA, Canada, New Zealand and Australia. Only Asia and Africa defy this description.

The European community must claim the responsibility for contemporary status of Indigenous Peoples of the world. We cannot elaborate on this comment in the time available but we conclude by emphasising that the European community should be to the forefront of the international movement to elaborate standards for Indigenous rights.

It is disappointing to see how certain European States have taken the position of opposing or frustrating the various procedures to advance the Indigenous position.