



To the Commission on Human Rights
Sub-Commission on Prevention of Discrimination and Protection
of Minorities

Working Group on Indigenous Peoples
Sixth Session
1 - 5th August 1988

WGIP 88/OC/E.AUS/3

Statement made by: Peter Yu
Coalition of National Aboriginal Organization
Head Quarter: C/- Tranby

13 Mansfield St.
Glebe NSW
Australia

Thank you Madame Chair for the opportunity to address this sixth session of the Working Group.

Some of the issues I will raise in this forum, you yourself will be familiar with, having just recently been to Australia and visiting some of our communities.

It is not my intention to make counter claim to the delivery of the presentation by my countryman and head of the official Australian delegation, Mr. Charles Perkins, but rather to address broader concerns that are relevant to this forum, and to the protection and wellbeing of my fellow indigenous people in Australia.

Most people here will be aware or at least have heard that 1988 is 200 years since the arrival of the British colonizers to the shores of what is now known as Australia.

For the non-indigenous population it may be cause for celebration, but for us, the indigenous people it is a year to mourn and reflect.

However, after 200 years of oppression and the genocidal practices of the colonizers, we still maintain our optimism and constructive efforts to seek due recognition as the first peoples, the indigenous peoples. For us it has been an opportunity to celebrate our survival and the survival of our language, culture and law. At the same time the opportunity also presents itself for the Australian people and the world to focus on the activities of the Australian government in its dealings and policies that pertain to the rights of its indigenous people.

Mr. Perkins has mentioned some initiatives that the government is currently proposing to implement. Let us give credit where credit is due. We commend and congratulate the government on these important moves. For we believe at least they moves in the right direction. Given that, though, the picture is not completely rosy, and requires a balanced perspective.

Mr. Perkins informed this forum on the establishment of a new commission - the Aboriginal and Torres Strait Islander Commission (ATSIC), where it is proposed to permit aboriginal people in the communities to be involved in real decision making process, through the establishment of elected regional aboriginal councils, and by the amalgamation of the various services department, and to make those bureaucracies more accountable.

Our concern, Madame Chair, is related to the preamble of the document the "Foundations for the Future" - in which the proposal is contained. The preamble refers to the first time in any official document to the recognition of prior ownership of the continent by Aboriginal people.

Our first concern is that this only provides lipservice to the reality, and in no way is there to be legislative measures to enforce the preamble as legal reality. We should also be careful to ensure that any such preamble does not, and should not attempt to extinguish any of our unseeded and sovereign rights. Any moves by the government should be monitored.

This of course has direct relevance to my next point.

That being the proposed treaty by the Prime Minister, Bob Hawke.

Twice in the term of this current labor government the PM has announced his governments willingness to negotiate a treaty with us, the indigenous peoples of Australia.

The first being in August 1987, and the most recent in June of this year 1988. This of course, Madame Chair is encouraging, as the non-indigenous population of Australia, have to come to terms with the actions and exploits of their ancestors, not as a question of guilt, but as an acknowledgement of facts, and for them to have credibility and integrity in their dealings with us in the future. At the same time of course to come to terms with our existence today, and the disadvantage position we now occupy as a consequence.

In June this year, at a ceremony in the far north of Australia, 10,000 people came together in an expression of survival and solidarity. It was a unique experience, Madame Chair, to have so many tribal groups performing ancient ceremonies on common ground.

It was at this location - BARUNGA - that the Prime Minister, Mr. Hawke and the Minister for Aboriginal Affairs, Mr Gerry Hand, signed a document now known as the "Barunga Statement" committing the Australian government to negotiating a treaty with the aboriginal people, should that be so desired and also to facilitate by way of resources the process for negotiation.

Our main concern, Madame Chair, is that because of the political structure ie. the confederation, there is no guarantee of a bi-partisan approach by the opposition in federal parliament nor guaranteed co-operation by various states. The opposition conservative leader, Mr. Howard has already indicated he will rip-up any such agreement or treaty.

The question of indigenous rights in Australia is not given the respect and status it deserves.

Instead it becomes a political football, - to appeal to the ignorant and racist elements of Australian society.

Current debate is raging in Australia in relation to Asian immigration as a consequence of a government commissioned report - called the Fitzgerald report, which in part recommends restrictions of asian immigration in favour of encouragement for an increase of migration from predominantly white european countries. This is further example of the manifestation of the efforts of the conservative forces in their racist efforts to deny mutual co-operation between all groups.

In 1984, in the middle of the Land Rights debate, the Labor Party commissioned a confidential report in which the results indicated that 32% of white Australia opposed Landrights, and a big percentage of that vehemently opposed any landrights for aboriginal people.

However, what the report also acknowledged was that, if the government was sincere and genuine in its attempts to provide equity and justice for aboriginal peoples, then it ought to commit 10 million over the next five years (from 1984), to promote, educate and inform the vast majority of ignorant white australians, about aboriginal self-determination etc.

This has never occurred.

The point, Madame Chair, is that given all the goodwill by individuals within government, if there is no guarantees for the successful implementation of such initiatives, then it becomes rhetoric and yet another broken promise.

You will be aware Madame Chair, that currently in Australia a royal commission is being conducted, investigating aboriginal deaths in custody. Since 1980 there have been 109 black deaths in custody. The most recent having occurred only 2 weeks ago, in a town called Geraldton in Western Australia. I think, Madame Chair, on your recent visit, you would have come face to face with the realities of colonization, and the subsequent results, manifesting itself in the worst figures and statistics (compatible to the worst disadvantaged areas in the world), in

1. Health
2. Education
3. Unemployment
4. Imprisonment rate

Etc., etc.

And so the black deaths in custody of aboriginal people is yet a further example of the effects of colonization and extension of continuing oppression of aboriginal people.

All of these problems cannot be viewed in isolation.

They are symptomatic of a greater cause.

The Coalition of National Aboriginal Organization view the UN process through its various instruments as being important in its mandate in protecting the rights of indigenous peoples.

And we put this Working Group on Notice, so as to make representation on our behalf to the appropriate UN authorities, to become involved in an official capacity - to oversee and play a supervisory role in any treaty negotiation.

Should that be the direction the indigenous people of Australia decide to pursue.

Thank you, Madame Chair.

Wednesday, the 3rd of August 1988

(Oral Presentation.)

3rd Working Group

Second Statement

NATIONAL ABORIGINAL AND ISLANDER LEGAL SERVICES SECRETARIAT

Paul Coe.

ITEM NO. 4: Review of Developments

We note that the Economic and Social Council has approved a seminar on the effects of racism and racial discrimination on social and economic relations between indigenous peoples and states to be held in 1988.

We request and urge the Working Group to recommend to the Sub-Commission on Prevention of Discrimination and Protection of Minorities to take all the necessary steps to ensure that the participants of this seminar are indigenous people nominated and chosen by the indigenous people themselves.

Such steps are necessary to ensure that a diverse, accurate and informative indigenous perspective is presented at this proposed seminar. It would be pointless, if not counter-productive otherwise.

We invite friendly governments, in conjunction with indigenous peoples to assist in the organization of such a seminar.

THE HUMAN RIGHTS COMMISSION REPORT ON THE ABORIGINAL COMMUNITY AT TOCMELAH, NEW SOUTH WALES:

For many years aboriginal groups have presented the true nature of the *oppressive* nature and conditions we have had to endure - outside the political spotlight.

We present to you a report of the Australian Independent Human Rights Commission - which verifies our numerous statements to this Working Group, the Sub-Commission, and the full Commission on the conditions aboriginal peoples have had to endure.

The report highlights the complete lack of self-determination that aboriginal people at the community level have to face in the present institutional context.

We request that you seriously consider this report.

There are hundreds of Toocmelah's in Australia today.

The Working Group has heard that Australia is a Federal system of government. Sovereignty is shared between the Commonwealth and the States. Australia should not be allowed to hide behind the cloak of Federalism. We point out that the Commonwealth has used its Constitutional external affairs powers on two occasions to protect wildlife and plants in accordance with the World Heritage Listing, e.g. the Franklin River and the Daintree River. Yet Australia hides behind the excuse of Federalism not to invoke its external affairs powers to protect aboriginal people.

It defers to parochial political pressures - for example - the recently elected conservative state government of New South Wales. It has repeatedly pledged to repeal the very modest advances in the recognition of aboriginal rights in this state, such as the New South Wales Aboriginal Land Rights Act of 1983. The reason they have not acted is they have not achieved complete

control in the Upper House of the New South Wales Parliament.

This is a very racist ^{facist} ~~and~~ reactionary government of Greiner. One of its members referred publicly to the "coon problem". There has been no retraction or apology.

The government has resorted to illegal measures to achieve their ends such as attempting to pass ~~regulations~~ to seize the assets and control the land councils contrary to principles of self-determination.

We hand to you copies of the Aboriginal Law Bulletin summary decision of the Supreme Court of New South Wales which blocked the attempted illegal takeover.

Finally we are pleased to note that there were no objections to the public release of your report. Thank you Madame Chair.