

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: Human Rights

JOINT STATEMENT PRESENTED BY

LES MALEZER

FOUNDATION FOR ABORIGINAL AND ISLANDER RESEARCH ACTION (FAIRA)

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)

Thank you Mr Chairman. This intervention is endorsed by the ATSIC, FAIRA, NAILSS, NSTSIO and TSRA.

Mr Chairman, we would like to raise an unusual aspect of human rights of the Indigenous Peoples of the World – that is, political opposition to the recognition of and the application of the universal human rights standards for Indigenous Peoples.

In addressing this topic it is appropriate that we first thank and praise UN charter-based bodies, such as the Commission on Human Rights and the Sub Commission on Protection and Preservation of Human Rights, and the human rights treaty bodies, for the fine work that they have done so far to bring attention to our rights of self-determination.

Also we should never forget that certain individual experts in the United Nations structures and governments have been to the forefront of promoting Indigenous rights. We look forward to the continued support and efforts of these individuals and organizations.

Mr Chairman, we believe the Permanent Forum on Indigenous Peoples should not duplicate the work of these agencies.

The Permanent Forum has the role to advise the Economic and Social Council on Indigenous Rights and our interests, but we consider that, tied in with that role, there is a responsibility to note the work of the United Nations as it relates to Indigenous Peoples and to comment on that work in the most positive and useful way.

We ask that the Permanent Forum, amongst its many tasks, inform itself of the business of the General Assembly as it relates to Indigenous Peoples, and assess the work of the Third Committee, on Human Rights, to the General Assembly.

Our request is made on the basis that more can be done to advance our rights through awareness and consideration of Indigenous Peoples issues in the General Assembly or Third Committee meetings.

In defence of our view, we argue that the General Assembly has, in general, concerned itself of recent years with update reports on the declaration on the rights of Indigenous Peoples and progress on the International Decade on Indigenous Peoples.

We hope more can be done in the General Assembly each year to discuss and debate important Indigenous issues, to create greater awareness and understanding within their ranks, and to resolve infringements of Indigenous rights.

For this to be achieved the Economic and Social Council would need to be alerted of plausible opportunities to present Indigenous Issues under the available agenda items of the General Assembly and the Third Committee.

Mr Chairman, we believe that there are reasons why the issues affecting Indigenous Peoples are widely discussed in human rights, environment and development forums, but not at the level of the General Assembly. Nation states choose to protect their interests against the rightful entitlements of the Indigenous Peoples.

Mr Chairman, we cite the case of the Australian Government and the Aboriginal Peoples and Torres Strait Islander Peoples of Australia. The Australian Government has announced, in Year 2002, its policies of integration and assimilation of our peoples.

The Prime Minister has claimed that Indigenous Peoples have been, or are being, successfully integrated into Australian society, except for our people living in remote areas.

The Minister for Aboriginal Affairs, in announcing the government's 'five-point plan' has said that government expenditure should now be directed to Aboriginal and Torres Strait Islander peoples in remote locations and away from the peoples in populated regions.

The Australian government, since being officially found in 1999 to be in breach (by way of Australian legislation passed in 1998) of the Convention on the Elimination of All Forms of Racial Discrimination, failed to provide its due periodic report in October 2000 and verbally assaulted the members of the treaty body, the 'experts', because of their national origin.

When the Special Rapporteur on Racism presented, to the Commission on Human Rights this year, his report on his visit to Australia, the government again attacked the rapporteur for his coverage of racial discrimination against the Indigenous Peoples.

In Australia, the government has publicly announced that it wants to review the treaty bodies because these bodies should not make findings against countries like Australia for human rights breaches against the Indigenous Peoples.

The government has publicly said in Australia that it will pursue that agenda on Commission for Human Rights now that it has been elected to sit on the Commission from next year.

Mr Chairman, the Australian government is a high-profile, active participant in the forums on the rights of Indigenous Peoples – it seeks to lobby and influence other governments, and it proposes and advances certain agendas on Indigenous Peoples issues.

Although it officially promotes in Australia integration and assimilation policies, it participates year by year in the debate on 'self-determination' as though it can reach a compromise with Indigenous Peoples on 'self-determination' - It cannot.

The government attends, in numbers, all the forums on Indigenous Peoples – from the Working Group on Indigenous Peoples, to the Working Group on the Declaration on the Rights of Indigenous Peoples, to the Permanent Forum on Indigenous Issues.

Yet the government refuses, or does not commit itself, to contribute to the Voluntary Fund for Indigenous Peoples, to the International World Decade on Indigenous Peoples and the Permanent Forum.

In short, it attends these meetings, participates in all discussions, but does not support self-determination or resourcing Indigenous participation.

Our conclusion, Mr Chairman, is that the recognition of our right to self-determination is not necessarily a human rights issue but a political issue. The vested interests of nation states can be protected at the General Assembly, while our human rights interests are 'locked down', in the sympathetic deliberations by human rights experts and expert bodies.

Even where breaches of our human rights are identified, according to the standards, structures and procedures of the United Nations, the nation states will not be held accountable to the treatment of Indigenous Peoples.

We strongly emphasise that this intervention should not be used as an argument for any other purpose than the need for the Permanent Forum on Indigenous Issues to 'manage upwards', to ensure that our issues are fairly considered at all levels of the United Nations in accordance with the available mechanisms.

Thank you, Mr Chairman.