

Permanent Forum on Indigenous Issues

Sixth Session

New York, 14-25 May 2007

Item 9 of the Agenda

Future Work of the Forum

JOINT STATEMENT DELIVERED BY LES MALEZER ON BEHALF OF:

Aboriginal Legal Rights Movement (ALRM)

Foundation for Aboriginal and Islander Research Action (FAIRA)

National Native Title Council

National Aboriginal Community Controlled Health Organisations (NACCHO)

New South Wales Aboriginal Land Council (NSWALC)

University of New South Wales, Indigenous Law Centre

World Council of Churches (Australia)

Thank you Madam Chairperson. This is a joint statement on behalf of the Indigenous peoples organisations from Australia. Our intervention addresses the method of work of the Permanent Forum and the effective participation of the indigenous delegations.

However first we would like to briefly express our strong objection to today's news that the Government of Australia has denied the Aboriginal people represented through Tangentyere Council \$60 million in housing services. The sole reason provided by the Government is that the Council has refused to relinquish management control of the housing stock.

The Government's policy of intimidation and denial of essential services and is a violation of human rights. It also deprives the Aboriginal people of their right of self-determination.

It is a profound example – on the fortieth anniversary of the 1967 Referendum to end denial of Aboriginal people in the Australian Constitution – of how the Australian system of government is not one that represents Aboriginal people or protects our fundamental human rights and freedoms.

This is yet another example for indigenous peoples from around the world, as to why the Declaration on the Rights of Indigenous Peoples is so necessary.

REGIONAL MEETINGS OF THE PERMANENT FORUM

The 10-day period of each Forum session is not sufficient time for indigenous delegations to present ideas, comments and recommendations, nor for States to participate in interactive discussion with the UN agencies and indigenous peoples, nor for the members of the Permanent Forum to give due attention to the six mandated areas of the Permanent Forum.

As recommended in the Programme of Action for the 2nd Decade of the World's Indigenous Peoples, we ask that the Permanent Forum convene regional meetings on indigenous issues with existing regional organizations with a view to strengthening cooperation and coordination. [see Para 69, 'Social and Economic Development', Programme of Action, 2nd Decade of the World's Indigenous Peoples]

We also support the recommendation in the Programme of Action that “indigenous organizations should establish a council of indigenous peoples in each region or subregion at the international level with a mandate to evaluate on an ongoing basis the degree to which the goal, objectives and programme of action of the Second Decade are being realized.” [Para 79, Programme of Action, 2nd Decade of the World’s Indigenous Peoples]

The Programme of Action also states “in an effort to systematize and build capacity, regional focal points on indigenous issues should be designated in all agencies, funds and programmes with regional offices that are mandated to follow up on the implementation of recommendations of the Permanent Forum and the objectives of the Second Decade. [Para 73, ‘Social and Economic Development’, Programme of Action, 2nd Decade of the World’s Indigenous Peoples]

Madam Chairperson, whilst we advocate the need for a regional approach to the Forum’s methods of work to improve efficiency, we also wish to advocate for the need for greater equity in the arrangements for speakers addressing the Forum. We appreciate that it is standard practice to allow States and UN agencies greater latitude in the time taken for their statements, and that interventions delivered by regional caucuses are to be prioritized over others. However, we suggest that under relevant agenda items some time be set aside for national collective statements and smaller group statements. This would improve the transparency of the methods of work of the Forum and provide greater equity to all who wish to participate in future sessions of the Forum.

Finally Madam Chairperson, we wish to thank the Forum and in particular the Rapporteur for the work you have initiated to enhance the recognition and protection of traditional knowledge. We welcome the recommendation in the Rapporteur’s report that a study be undertaken to explore how a sui generis legal instrument could be developed which incorporates customary law. We call on States to support this important emerging area of work by the Forum.

RECOMMENDATIONS

Madam Chairperson, we make the following recommendations:

- 1. That the Permanent Forum promote and support regional meetings of indigenous peoples, States and UN Agencies in preparation for each session of the Permanent Forum on Indigenous Issues.**
- 2. That the United Nations, especially DESA, and States contribute additional funds to the Permanent Forum so that regional meetings can be convened.**
- 3. That, in the Pacific Region, the governments including Australia, New Zealand, France and Indonesia contribute directly to Indigenous Peoples for a Pacific Regional meeting to be convened in Samoa in March 2008 [as agreed by the Pacific Indigenous Caucus].**
- 4. That the Permanent Forum develop a document for consideration at its seventh session which provides guidelines on the speaking arrangements, including timelimits, for all entities appearing before the Forum.**
- 5. That the Permanent Forum adopt the recommendation of its Rapporteur to commission a study to determine how indigenous traditional knowledge could be protected at the international level using a sui generis approach that recognises indigenous customary law.**
- 6. Further we recommend that States provide additional funding to enable research and studies by the Permanent Forum, and that the mandate of the Voluntary Fund be broadened to include payment for research projects.**