

# National Aboriginal & Islander Legal Services Secretariat

Tel. (02) 699 9277 Cnr. Abercrombie & Cleveland Sts Chippendale 2008 P.O. Box 143, Chippendale



**NAILSS**

- SUMMARY ONLY -

WGIP 87/OCE.AUS/2

PRESENTATION (CRAI) TO WORKING GROUP ON INDIGENOUS POPULATIONS

BY PAUL COE, CHAIRMAN, NAILSS 7th August 1987

## STANDARD SETTING

### 1. SELF DETERMINATION - DECOLONISATION

- ANY NEGOTIATIONS NEED TO BE ON THE SAME BASIS AS OTHER DECOLONISED DECISIONS, THERE SHOULD BE NO DISTINCTION BETWEEN MINORITY AND MAJORITY POPULATIONS AND THE SAME PRINCIPLES SHOULD APPLY TO EACH POPULATION
- THERE IS A NEED FOR A SPECIFIC ACT OF DECOLONISATION
- SELF-DETERMINATION FOR INDIGENOUS PEOPLE CAN ONLY BE EFFECTIVE WHEN COMBINED WITH LAND RIGHTS AND CONTROL OF LAND RESOURCES
- ANY FUTURE BASIS OF ASSOCIATION WITH THE SETTLER STATE MUST BE ON THE BASIS OF THE FULL AND FREE INFORMED CONSENT OF INDIGENOUS PEOPLE RATHER THAN BY DIRECTIONS IMPOSED BY SETTLER STATES.

WITHOUT THE ABOVE THERE CAN BE NO SELF DETERMINATION

### 2. NEED FOR ACCESS TO THE INTERNATIONAL COURT

- IT IS UNREALISTIC FOR THIS WORKING GROUP TO EXPECT INDIGENOUS PEOPLE TO OBTAIN JUSTICE FROM THE CONQUERERS' DOMESTIC COURTS OR TRIBUNALS.
- THERE IS A NEED FOR INDIGENOUS PEOPLE TO HAVE ACCESS TO THE INTERNATIONAL TRIBUNALS ON THE SAME BASIS AS MEMBER STATES OF THE UNITED NATIONS.

### 3. GOVERNMENT USE OF WORKING GROUP

- RHETORIC HAS BEEN USED BY SOME GOVERNMENTS TO PROMOTE THEIR IMAGE INTERNATIONALLY AS A GOVERNMENT COMMITTED TO HUMAN RIGHTS I ADDRESS YOUR ATTENTION TO PROMISES MADE, FOR EXAMPLE, BY THE AUSTRALIAN GOVERNMENT TO THE WORKING GROUP IN 1954 ON COMMITMENT TO UNIFORM LAND RIGHTS LEGISLATION AT A NATIONAL LEVEL.
- I FURTHER ADDRESS YOUR ATTENTION TO ANOTHER PROMISE MADE TO THIS WORKING GROUP (1957) OF A COMPACT OR TREATY BETWEEN INDIGENOUS PEOPLE AND THE SETTLER STATE IN AUSTRALIA. I EXPECT THIS TO BE ANOTHER EMPTY PROMISE.