

WORKING GROUP ON INDIGENOUS POPULATIONS
14th Session July-Aug 1996

Agenda Item 6 - Consideration of a Permanent Forum for Indigenous
People.

Statement by Francine McCarthy

CENTRAL LAND COUNCIL
and jointly on behalf of:
The Indigenous Woman Aboriginal Corporation
The Kimberley Land Council
Northern Land Council
The Foundation for Aboriginal and Islander Research Action

Australia

Madam Chairperson,

I am making a joint statement on behalf of the Central Land Council and four other Aboriginal organisations which are listed on the written version that has been submitted to the Secretariat. We have two substantive points to make under this agenda item and I will keep my contribution brief.

Firstly, any permanent forum must be capable of receiving complaints about the abuse of the human rights of indigenous people as well as reviewing developments that concern us. In our opinion this power is best conferred by giving to the permanent forum the role of overseeing the implementation of the Declaration on the Rights of Indigenous Peoples. Article 41 of the Draft Declaration calls for “the creation of a body at the highest level [of the United Nations] with special competence in this field and with the direct participation of indigenous peoples.” Our delegations are concerned, Madam Chair, that discussion of the need for a permanent forum at this Working Group may become divorced from the discussions at the UNCHR intersessional working group on the need for a body to implement the Declaration under Article 41, when clearly they are aspects of the same issue. We ask that the discussions be coordinated.

My second point, Madam Chair, is that there is already in existence a high level body with experience of implementing a Declaration of immense importance. This is commonly called the Committee of Twenty-Four which monitors implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Committee of 24 has a long-standing involvement in human rights reporting since General

Assembly Resolution 2144 of 1966 which invited it “ to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of Human Rights wherever they may occur.” The Committee reports to the General Assembly and has a well-established relationship both with ECOSOC and the Commission on Human Rights. It continues to follow closely the work of the Commission in regard to the question of the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation. As the Australian government statement to this Working Group in 1993 on the subject of self-determination pointed out, “the Committee of 24 has always contemplated more decolonisation options than sovereign independence; acts of self-determination for colonial territories have included options such as free association or integration with a colonial power”. The members of the Working Group will recall from our discussions of the concept of ‘indigenous peoples’ that an essential element of it is the colonial relationship between our peoples and the states in which they live. We submit, Madam Chair, that the expertise of this Committee is relevant to the implementation of self-determination for our peoples, although its constitution would need to be amended in line with its new responsibility. In particular, the indigenous representation provisions of Article 41 would, of course, need to be respected.

The delegations that I represent would urge the Working Group to seriously consider this suggestion and, if it has merit, to report on it in a working paper or information paper, preferably in time for consideration at the inter-sessional working group meeting on the draft of the Declaration on the Rights of Indigenous Peoples in October of this year.