

UNITED NATIONS WORKING GROUP
ON INDIGENOUS POPULATIONS :
FIFTH SESSION

WGIP 87 GOV/OCE.Aus/3

STATEMENT BY THE OBSERVER DELEGATION
OF AUSTRALIA UNDER ITEM 5
ON
STANDARD SETTING ACTIVITIES

GENEVA

AUGUST 6 1987

MADAM CHAIR

THE OBSERVER DELEGATION OF AUSTRALIA THANKS THE DISTINGUISHED MEMBERS OF THE WORKING GROUP FOR THE OPPORTUNITY TO MAKE COMMENT ON MATTERS ARISING UNDER AGENDA ITEM 5, NAMELY THE STANDARD SETTING ACTIVITIES.

THE AUSTRALIAN GOVERNMENT HAS BEEN AN ENTHUSIASTIC SUPPORTER OF THE IMPORTANT WORK BEING UNDERTAKEN BY THE WORKING GROUP AND MORE PARTICULARLY, OF THAT PART OF YOUR MANDATE WHICH REQUIRES THE WORKING GROUP TO GIVE SPECIAL ATTENTION TO THE EVOLUTION OF STANDARDS CONCERNING THE RIGHTS OF INDIGENOUS POPULATIONS.

IN THE DEVELOPMENT AND DRAFTING OF THOSE STANDARDS, WE CONSIDER THAT IT IS INCUMBENT UPON ALL OF US TO REMEMBER THAT IT IS UNREALISTIC TO EXPECT THAT ALL OF OUR INDIVIDUAL AND SPECIAL INTERESTS WILL BE FULLY PROVIDED FOR IN AN INTERNATIONAL INSTRUMENT OF THE KIND BEING DEVELOPED HERE.

CLEARLY SUCH AN EXERCISE MUST RELY UPON THE VARIOUS PARTIES BEING PREPARED TO ACCEPT SOME COMPROMISE, SOME MODIFICATION OF THEIR PREFERRED POSITIONS, BECAUSE WITHOUT THIS UNDERSTANDING, THERE CAN BE NO AGREEMENT.

MADAM CHAIR, WE WOULD WISH TO ENDORSE YOUR OPENING REMARKS OF LAST MONDAY WHEN YOU EMPHASISED THE RELEVANCE TO THE WGIP STANDARD SETTING MANDATE OF UNGA RESOLUTION 41/120 ON THE SETTING OF INTERNATIONAL STANDARDS IN THE FIELD OF HUMAN RIGHTS.

WE WOULD ALSO LIKE TO SUGGEST THAT THE WORKING GROUP CONSIDER PREPARING, FOR CONSIDERATION AT THE 6TH SESSION, A DOCUMENT CONTAINING ALL THE RELEVANT DRAFT PRINCIPLES WHICH COULD THEN FORM THE BASIS OF FUTURE EXAMINATION.

IN MAKING THIS SUGGESTION, WE RECOGNISE THE IMPORTANCE OF PROCEEDING WITH CARE AND UNDERSTANDING, GIVEN

THE COMPLEXITIES AND SENSITIVITIES OF THE ISSUES BEING PLACED BEFORE YOU AND GIVEN THE NEED TO ATTRACT AND MAINTAIN MAXIMUM INTERNATIONAL SUPPORT.

AUSTRALIA'S COMMENTS ON THE SEVEN DRAFT PRINCIPLES ADOPTED BY THE WORKING GROUP AT ITS FOURTH SESSION, WERE SUBMITTED TO THE U.N. SECRETARIAT FOR CIRCULATION AND ARE CONTAINED IN PAPER (No.E/CN4/SUB.2/AC4/1987/WPI/ADD.4)

IN THAT PAPER WE INDICATE A GENERAL ENDORSEMENT OF THE PRINCIPLES PROPOSED BY THE WORKING GROUP BUT POINT TO SOME DIFFICULTIES AND AMBIGUITY WHICH WE SUGGEST THE WORKING GROUP MIGHT WISH TO ADDRESS.

WE HAVE ALSO PREPARED A PAPER WHICH WE WILL SUBMIT TO THE WORKING GROUP IN WHICH WE PROVIDE OUR COMMENTS ON THE 3 DRAFT PRINCIPLES ADOPTED AT THE 1986 NGO WORKSHOP IN GENEVA. IN THAT SAME PAPER WE ALSO PROVIDE COMMENT ON THOSE ISSUES IDENTIFIED BY THE WGIP FOR CONSIDERATION AT ITS FIFTH SESSION AS SET OUT IN THE DOCUMENT ENTITLED "PLAN OF ACTION FROM 1986 ONWARDS".

IN RECOGNITION OF THE TIME CONSTRAINTS UNDER WHICH WE ARE ALL WORKING, I DO NOT PROPOSE TO CANVASS THOSE COMMENTS IN ANY DETAIL. SUFFICE TO SAY, THAT IN RELATION TO PRINCIPLE 8 WE POINT TO THE NEED TO CLARIFY SOME ASPECTS OF THE INTENTION OF THAT PRINCIPLE AND THE NEED FOR MORE PRECISE DEFINITION. ON PRINCIPLE 10 WE AGAIN POINT TO THE NEED TO REMOVE SOME EXISTING AMBIGUITY AS TO THE SCOPE OF THE RIGHTS TO BE ENJOYED BY THE INDIGENOUS PEOPLES UNDER THAT PROPOSAL.

WITH REGARD TO THOSE ISSUES REFERRED TO AT ITEM 3 OF THE DOCUMENT ENTITLED "PLAN OF ACTION FROM 1986 ONWARDS" WE WOULD MERELY SAY AT THIS POINT THAT THE WORDS SELF DETERMINATION, SELF GOVERNMENT AND AUTONOMY ARE USED TO DESCRIBE A VARIETY OF ACTIVITIES AND INSTITUTIONS WHICH VARY ENORMOUSLY DEPENDING ON THE PARTICULAR DOMESTIC SITUATION IN WHICH THEY APPLY. AT AN INTERNATIONAL LEVEL SUCH CONCEPTS

ARE GIVEN A MORE PARTICULAR MEANING. TO THE EXTENT THAT SUCH WORDS ARE TO BE INCORPORATED INTO ANY STANDARD OR PRINCIPLE, THERE WILL, OF NECESSITY, BE A REQUIREMENT FOR DEFINITION AND CLEAR MEANING BEFORE WE CAN EXPECT GOVERNMENTS TO BIND THEMSELVES TO SUCH STANDARDS. OUR DOCUMENT IDENTIFIES THOSE ACTIVITIES AND INSTITUTIONS WHICH HAVE BEEN ESTABLISHED IN AUSTRALIA TO SERVE THE INDIGENOUS PEOPLE AND WHICH HAVE BEEN DEVELOPED IN THE NAME OF SELF DETERMINATION, AUTONOMY AND SELF GOVERNMENT. WE WOULD HOPE THAT OUR EXPERIENCE IN THIS REGARD WILL PROVE CONSTRUCTIVE AND ASSIST THE MEMBERS OF THE WORKING GROUP IN THEIR DELIBERATIONS.

FINALLY MADAM CHAIR WE WOULD SEEK LEAVE TO MAKE ONE OR TWO OBSERVATIONS CONCERNING THE REVIEW OF ILO CONVENTION No. 107.

IN THIS REGARD WE NOTE THE RESOLUTION PLACED BEFORE THE WORKING GROUP BY THE NGO'S WHO ATTENDED THE PREPARATORY MEETING LAST WEEK.

AUSTRALIA HAS FOR MANY YEARS, ALONG WITH OTHER NATIONS, URGED THE ILO TO REVIEW CONVENTION 107. WE DID SO IN THE KNOWLEDGE THAT, AS IT STOOD, THE CONVENTION WAS UNACCEPTABLE NOT ONLY TO GOVERNMENTS BUT ALSO TO INDIGENOUS PEOPLES.

LAST YEAR AUSTRALIA WAS INVITED BY THE ILO TO NOMINATE TWO EXPERTS TO ATTEND THE MEETING OF EXPERTS HELD IN GENEVA IN SEPTEMBER 1986. AS YOU WOULD BE WELL AWARE MANY OF THE PEOPLE IN THIS ROOM TODAY ALSO ATTENDED THAT MEETING AND MANY PARTICIPATED IN THE DEBATES THAT TOOK PLACE.

AUSTRALIA WAS PARTICULARLY PLEASED WITH THE PROGRESS MADE AT THAT TIME AND SUPPORTED THE PROPOSAL THAT THE REVIEW OF CONVENTION 107 BE PLACED ON THE 1988 AGENDA OF THE INTERNATIONAL LABOR CONFERENCE.

A MOMENTUM HAS NOW BEEN GENERATED AS A CONSEQUENCE

OF THOSE ACTIVITIES, AND WE WOULD URGE THE WORKING GROUP NOT TO TAKE ANY ACTION THAT WOULD REDUCE THAT MOMENTUM OR IMPEDE THE PROGRESS THAT HAS MOST CERTAINLY BEEN MADE.

MR SWEPTSON HAS POINTED OUT THAT MECHANISMS AND OPPORTUNITIES EXIST WHEREBY THE VOICE OF THE INDIGENOUS PEOPLE CAN BE HEARD IN THE REVIEW OF CONVENTION 107. SOME HAVE ALREADY AVAILED THEMSELVES OF THOSE OPPORTUNITIES AND MADE EFFECTIVE CONTRIBUTIONS TO THE REVIEW PROCESS. WE SUPPORT SUCH PARTICIPATION.

WE WOULD ALSO WANT TO STRESS OUR VIEW THAT WHILE WE SEE THE WORK OF THE WGIP AND THE REVIEW OF THE ILO CONVENTION 107 AS COMPLEMENTARY, THEY ARE NEVERTHELESS SEPARATE. WE DON'T THINK THEREFORE THAT THE WORKING GROUP SHOULD UNDERTAKE A DETAILED EXAMINATION OF THE PROCEDURES FOR REVIEW OF ILO CONVENTION 107 AS HAS BEEN SUGGESTED.

FINALLY MADAM CHAIR, WE WOULD WISH TO MAKE IT KNOWN THAT THE AUSTRALIAN GOVERNMENT WILL CONTINUE ITS SUPPORT OF THE WORK BEING UNDERTAKEN BY THE WORKING GROUP. THERE IS MUCH EVIDENCE TO INDICATE THAT THE SETTING OF STANDARDS IS A MOST URGENT TASK GIVEN THE EXTREME DISADVANTAGE BEING SUFFERED BY INDIGENOUS PEOPLES THROUGHOUT THE WORLD. WE URGE YOU TO PRESS ON IN YOUR ENDEAVOURS TO DRAFT PRINCIPLES WHICH NOT ONLY REFLECT THE HEARTFELT CONCERNS OF THE INDIGENOUS PEOPLES OF THE WORLD BUT WHICH WILL ALSO ENCOURAGE GOVERNMENTS TO VOLUNTARILY BIND THEMSELVES TO THOSE STANDARDS SO THAT THE CONDITIONS OF THE INDIGENOUS PEOPLES WILL BE RAPIDLY IMPROVED.

WE THANK YOU FOR YOUR INDULGENCE.