



# AUSTRALIA

## 12TH SESSION OF THE WORKING GROUP ON INDIGENOUS POPULATIONS

STATEMENT BY  
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### ITEM 4: STANDARD-SETTING ACTIVITIES

GENEVA  
25 JULY 1994

CHECK AGAINST DELIVERY

WGII 94 GOV/OCCE. AUG/14

MADAM CHAIRMAN, DISTINGUISHED MEMBERS OF THE WORKING GROUP, INDIGENOUS PEOPLES AND YOUR REPRESENTATIVES, LADIES AND GENTLEMEN.

ON BEHALF OF THE AUSTRALIAN GOVERNMENT, I COMMEND THE MEMBERS OF THE WORKING GROUP FOR THE COMPLETION OF THE DRAFT DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES. ALONG WITH MANY OTHER DELEGATIONS AROUND THIS ROOM, AUSTRALIA HAS FOR A NUMBER OF YEARS CONTRIBUTED TO THE DELIBERATIONS OF THE GROUP DURING THE DRAFTING PROCESS. AUSTRALIA BELIEVES THAT THE DRAFT IS A COMPREHENSIVE AND FAIR REFLECTION OF THE ASPIRATIONS OF THE WORLD'S INDIGENOUS PEOPLES AND PROVIDES AN EXCELLENT BASIS FOR FURTHER WORK.

AUSTRALIA FULLY BELIEVES THAT THE TIME IS NOW RIPE FOR THE DECLARATION TO BE CONSIDERED BY GOVERNMENTS. VALUABLE THOUGH THE CONTENTS OF THE DRAFT DECLARATION MAY BE, UNTIL IT IS ADOPTED BY THE GENERAL ASSEMBLY IT WILL HAVE LITTLE INFLUENCE ON THE POLICIES OF GOVERNMENTS. AUSTRALIA BELIEVES THAT THE ESTABLISHMENT OF INTERNATIONAL STANDARDS WILL MAKE A REAL CONTRIBUTION TO THE PROTECTION OF THE INTERESTS OF THE WORLD'S INDIGENOUS PEOPLES. WE WOULD THEREFORE URGE THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES, AT ITS UPCOMING SESSION, TO REFER THE DECLARATION TO THE COMMISSION ON HUMAN RIGHTS FOR CONSIDERATION.

AUSTRALIA IS AWARE THAT THE PROCESS OF CONSIDERATION OF THE DRAFT DECLARATION BY THE COMMISSION ON HUMAN RIGHTS MAY NOT BE AS QUICK AS SOME WOULD WISH. SUCH A DELAY IS INEVITABLE, GIVEN THE UNFAMILIARITY OF SOME GOVERNMENTS WITH MANY OF THE CONCEPTS DEALT WITH IN THE DRAFT. HOWEVER, WE DO NOT SEE THIS AS A REASON TO DELAY REMITTING THE MATTER TO THE COMMISSION. RATHER, WE SEE THE PROCESS OF CONSIDERATION AS, PARTLY, AN EXERCISE IN FAMILIARISING SUCH GOVERNMENTS WITH THOSE CONCEPTS AND IN PROMOTING WIDER AWARENESS OF THE RIGHTS OF INDIGENOUS PEOPLES.

WE DO NOT SEE THE RECENTLY COMPLETED TECHNICAL REVIEW OF THE DRAFT DECLARATION AS PROVIDING AN OBSTACLE TO ITS PROMPT TRANSMISSION TO THE COMMISSION ON HUMAN RIGHTS. RATHER, THE REVIEW WILL PROVIDE A USEFUL GUIDE TO THE DECLARATION TO GOVERNMENTS AND AID THEIR CONSIDERATION OF THE DRAFT DECLARATION.

MADAME CHAIRMAN, AUSTRALIA SHARES THE CONCERNS OF MEMBERS OF THE WORKING GROUP AND OF INDIGENOUS ORGANISATIONS THAT THE REPRESENTATIVES OF INDIGENOUS PEOPLES SHOULD CONTINUE TO BE INVOLVED IN THE DRAFTING OF THE DECLARATION ONCE IT LEAVES THIS WORKING GROUP. WE ARE CONSCIOUS THAT MANY INDIGENOUS PEOPLES' ORGANISATIONS DO NOT HAVE CONSULTATIVE STATUS WITH THE ECONOMIC AND SOCIAL COUNCIL. TO THAT END, AUSTRALIA WILL BE PROPOSING AT THE COMMISSION ON HUMAN RIGHTS THAT THE NORMAL RULES REGARDING NGO PARTICIPATION IN THE DELIBERATIONS OF WORKING GROUPS OF THE COMMISSION BE MODIFIED IN THIS INSTANCE TO ENSURE THE PARTICIPATION OF INDIGENOUS PEOPLES' ORGANISATIONS.

AUSTRALIA IS ALSO AWARE OF THE LIMITED RESOURCES POSSESSED BY MOST INDIGENOUS GROUPS. TO THAT END, WE WILL FURTHER PROPOSE AT THE COMMISSION ON HUMAN RIGHTS THAT ANY WORKING GROUP SET UP BY THE COMMISSION TO CONSIDER THE DRAFT DECLARATION SHOULD BE SCHEDULED TO MEET IMMEDIATELY BEFORE SESSIONS OF THIS WORKING GROUP. SUCH SCHEDULING WILL ENABLE INDIGENOUS ORGANISATIONS TO ATTEND BOTH MEETINGS/SESSIONS AND THEREBY INCREASE INDIGENOUS PARTICIPATION IN THE FURTHER CONSIDERATION OF THE DRAFT DECLARATION.

MADAME CHAIRMAN, THE AUSTRALIAN GOVERNMENT HAS ALSO LONG RECOGNISED THAT THE WORKING GROUP SHOULD PLAY AN ONGOING ROLE ITSELF IN RELATION TO STANDARD SETTING ACTIVITIES. I SHOULD STRESS THAT THE AUSTRALIAN GOVERNMENT WOULD NOT WISH TO WISH TO BE UNDULY PRESCRIPTIVE IN SUGGESTING WHAT THE ROLE OF THE WORKING GROUP SHOULD BE IN THIS AREA, AS WE WILL BE LISTENING VERY CLOSELY TO THE VOICES OF INDIGENOUS PEOPLES IN THIS MATTER.

AS I STATED TWO YEARS AGO AT THE 1992 MEETING OF THE WORKING GROUP, THE AUSTRALIAN GOVERNMENT PROPOSES THAT THE WORKING GROUP SHOULD GIVE EFFECT TO THE FULL POTENTIAL TO ITS EXISTING MANDATE IN A RANGE OF AREAS, INCLUDING THAT OF STANDARD-SETTING BY:

- BROADENING ITS APPROACH TO STANDARD-SETTING, SO AS TO INCLUDE ANALYTICAL COMMENTARY AND ONGOING SUGGESTIONS AS INPUT TO CONSIDERATION BY OTHER UN BODIES OF THE DRAFT DECLARATION AFTER IT HAS LEFT THIS WORKING GROUP;
- REVIEWING OTHER INTERNATIONAL STANDARD-SETTING ACTIVITY RELEVANT TO INDIGENOUS PEOPLES;
- REVIEWING STANDARD-SETTING DEVELOPMENTS AT THE NATIONAL LEVEL.

I AM PLEASED TO NOTE THAT THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION ALSO SUPPORTS A CONTINUED ROLE FOR THE WORKING GROUP IN THE ELABORATION OF OTHER INTERNATIONAL INSTRUMENTS AND STANDARDS. ATSIC HAS RAISED THE SUGGESTION THAT THE CONTINUED ROLE OF THE WORKING GROUP MAY INCLUDE:

- THE DEVELOPMENT OF AN INTERNATIONAL CONVENTION ON INDIGENOUS RIGHTS BASED ON THE DRAFT DECLARATION;
- THE ELABORATION OF OTHER SPECIFIC INSTRUMENTS, EG. RELATING TO THE CULTURAL AND INTELLECTUAL PROPERTY OF INDIGENOUS PEOPLES;
- PROVIDING COMMENT AND REVIEW ON INSTRUMENTS, GUIDELINES AND REPORTS GENERATED BY OTHER UN FORUMS TO ENSURE CONSIDERATION OF INDIGENOUS RIGHTS AND ISSUES.

THE AUSTRALIAN GOVERNMENT BELIEVES THAT THESE CONSTRUCTIVE SUGGESTIONS SHOULD BE SERIOUSLY CONSIDERED BY OTHER INDIGENOUS ORGANISATIONS AND BY GOVERNMENTS.

IN CLOSING, MADAME CHAIRMAN, I REITERATE AUSTRALIA'S STRONGLY HELD VIEW THAT THE PROTECTION AND ENHANCEMENT OF THE INTERESTS OF INDIGENOUS PEOPLES WOULD BE BEST ADVANCED THROUGH AN EARLY COMMENCEMENT TO CONSIDERATION OF THE DRAFT DECLARATION BY THE COMMISSION ON HUMAN RIGHTS.