



AUSTRALIA

**UNITED NATIONS WORKING GROUP ON
INDIGENOUS POPULATIONS
13TH SESSION
24-28 JULY 1995**

**STATEMENT BY MR COLIN WILLIS
ON BEHALF OF THE AUSTRALIAN DELEGATION**

ITEM 4: STANDARD-SETTING ACTIVITIES

GENEVA

25 JULY 1995

CHECK AGAINST DELIVERY

MADAME CHAIRMAN

AT THE HEART OF THE CONCERNS OF INDIGENOUS PEOPLES IS THE RECOGNITION BY GOVERNMENTS OF THEIR UNIQUE STATUS AS INDIGENOUS PEOPLES, THEIR RIGHT TO SELF-DETERMINATION AND THE PROTECTION OF THEIR HUMAN RIGHTS. THE WORKING GROUP ON INDIGENOUS POPULATIONS HAS PLAYED AN ESSENTIAL ROLE IN ADDRESSING THESE ONGOING CONCERNS, PRIMARILY THROUGH THE DEVELOPMENT OF THE DRAFT DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES.

ALTHOUGH WORK ON THE DRAFT DECLARATION HAS NOW MOVED ON TO THE COMMISSION ON HUMAN RIGHTS, THE WGIP WILL CONTINUE TO HAVE AN IMPORTANT ROLE TO PLAY IN FOLLOWING THE FURTHER DEVELOPMENT OF THE DRAFT DECLARATION AND ITS ADOPTION BY THE UNITED NATIONS GENERAL ASSEMBLY.

IF THE DRAFT DECLARATION IS TO MAKE A MEANINGFUL CONTRIBUTION TO IMPROVING THE LIVES OF INDIGENOUS PEOPLES, IT MUST BE A STRONG, POSITIVE AND FORWARD-LOOKING DOCUMENT ACCEPTABLE TO INDIGENOUS PEOPLES. TO ACHIEVE THIS IT IS IMPERATIVE THAT INDIGENOUS PEOPLES HAVE FULL AND OPEN ACCESS TO THE DRAFTING PROCESS AND TO THE RELEVANT UN BODIES. THE AUSTRALIAN DELEGATION IS PLEASED, THEREFORE, THAT THE WORKING GROUP OF THE COMMISSION ON HUMAN

RIGHTS PROVIDES FOR PARTICIPATION BY INDIGENOUS ORGANISATIONS WITHOUT ECOSOC CONSULTATIVE STATUS. PARTICIPATION MUST BE AS OPEN AS POSSIBLE, TO ENSURE THAT THE RIGHTS AND ASPIRATIONS OF INDIGENOUS PEOPLES ARE PROPERLY REFLECTED IN THE DRAFT DECLARATION. IT IS ALSO IMPORTANT THAT THOSE PARTICIPATING IN THIS PROCESS ARE ACCEPTED AS INDIGENOUS PEOPLES BY THEIR PEERS.

AUSTRALIA SEES THE WORKING GROUP ON INDIGENOUS POPULATIONS AS HAVING A CONTINUING ROLE IN STANDARD-SETTING WHICH GOES BEYOND THE DRAFT DECLARATION. I SHOULD STRESS THAT THE AUSTRALIAN GOVERNMENT WOULD NOT WISH TO BE UNDULY PRESCRIPTIVE IN SUGGESTING WHAT THE ROLE OF THE WORKING GROUP SHOULD BE IN THIS AREA, AS IN OTHERS, WE WILL BE LISTENING VERY CLOSELY TO THE VOICES OF INDIGENOUS PEOPLES.

SOME OF THE WAYS IN WHICH THE WORKING GROUP COULD GIVE EFFECT TO THE FULL POTENTIAL OF ITS EXISTING MANDATE INCLUDE:

- PROVIDING INPUT INTO THE CONSIDERATION OF A COMPREHENSIVE FRAMEWORK FOR THE PROTECTION AND PROMOTION OF THE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF INDIGENOUS PEOPLES;**

- **PROVIDING INPUT TO CONSIDERATION BY OTHER UN BODIES OF THE DRAFT DECLARATION THROUGH THE PROVISION OF ANALYTICAL COMMENTARIES AND SUGGESTIONS;**
- **REVIEWING INTERNATIONAL STANDARD-SETTING ACTIVITIES IN OTHER UN FORUMS AND AT THE REGIONAL AND NATIONAL LEVEL. THIS PARTICULAR ROLE COULD BE OF INCREASING IMPORTANCE IF, FOR EXAMPLE, THE DEVELOPMENT OF REGIONAL STANDARDS WITHIN THE CONTEXT OF THE INTERNATIONAL DECADE ON THE WORLD'S INDIGENOUS PEOPLES BECOMES A REALITY. IT WILL BE IMPERATIVE THAT ANY SUCH STANDARDS MAINTAIN THE INTEGRITY OF THE EXISTING INTERNATIONAL INSTRUMENTS AND DO NOT WEAKEN INTERNATIONAL PRACTICE OR JURISPRUDENCE;**
- **DEVELOPING SPECIFIC INTERNATIONAL INSTRUMENTS TO PROVIDE FOR THE PROTECTION OF INDIGENOUS PEOPLES' INTELLECTUAL AND CULTURAL PROPERTY, A MATTER OF GREAT CONCERN TO INDIGENOUS PEOPLES EVERYWHERE;**

THE AUSTRALIAN GOVERNMENT ALSO SUPPORTS THE SUGGESTION MADE BY INDIGENOUS ORGANISATIONS, INCLUDING THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION, THAT THE WORKING GROUP DEVELOP AN INTERNATIONAL CONVENTION ON INDIGENOUS RIGHTS BASED ON THE DRAFT DECLARATION.

MADAME CHAIRMAN

STANDARD-SETTING ACTIVITIES IN THEMSELVES WILL NOT SATISFY THE LEGITIMATE ASPIRATIONS OF INDIGENOUS PEOPLES. IN THE END, IT IS UP TO GOVERNMENTS TO ACCEPT AND DISCHARGE FULLY THE OBLIGATIONS CODIFIED IN THOSE STANDARDS. HOWEVER, THE PROCESS OF DEVELOPING AND IMPLEMENTING A COMPREHENSIVE AND MEANINGFUL SET OF INTERNATIONAL STANDARDS CAN BE ONE IMPORTANT WAY IN MOVING FORWARD THE DEBATE ON CENTRAL CONCEPTS SUCH AS SELF-DETERMINATION. THE CONSTRUCTIVE AND ENERGETIC PARTICIPATION OF GOVERNMENTS IN THIS PROCESS CAN ALSO HELP BUILD THE TRUST NECESSARY FOR AN EFFECTIVE PARTNERSHIP WITH INDIGENOUS PEOPLES.

THANK YOU, MADAME CHAIRMAN.