

ADDRESS TO THE WORKING GROUP ON INDIGENOUS POPULATIONS

GENEVA, AUGUST 1987

1987 REPRESENTS A SIGNIFICANT MILESTONE FOR INDIGENOUS PEOPLES WITHIN AUSTRALIA. FOR IN THIS YEAR, WE CELEBRATE THE 20TH ANNIVERSARY OF CONSTITUTIONAL REFORM WHICH GAVE THE AUSTRALIAN FEDERAL GOVERNMENT, FOR THE FIRST TIME, LEGAL POWERS IN RESPECT OF ABORIGINAL AND TORRES STRAIT ISLANDERS.

THIS YEAR WILL ALSO BE REMEMBERED IN AUSTRALIA AS THE YEAR THAT THE FEDERAL GOVERNMENT ANNOUNCED SIGNIFICANT PLANS FOR THE RESTRUCTURING OF ARRANGEMENTS FOR THE DELIVERY OF SPECIAL PROGRAMS FOR INDIGENOUS PEOPLES. THE FEDERAL GOVERNMENT EXPENDITURE ALLOCATED FOR THE ADVANCEMENT OF AUSTRALIA'S 250,000 ABORIGINALS FOR 1986/87 IS IN THE ORDER OF \$500 MILLION.

ON 14 JULY OF THIS YEAR THE PRIME MINISTER OF AUSTRALIA ANNOUNCED EXCITING NEW PLANS TO ESTABLISH A NATIONAL COMMISSION WHICH WILL PROVIDE, FOR THE FIRST TIME, A CO-ORDINATED FOCAL POINT FOR ABORIGINAL AND ISLANDER ADVANCEMENT PROGRAMS. THIS COMMISSION WILL BRING TOGETHER, UNDER THE ONE AUTHORITY, THE FUNCTIONS AND RESPONSIBILITIES OF THE VARIOUS FEDERAL BODIES DEDICATED TO ABORIGINAL PROGRAMS.

IT IS NOW 20 YEARS SINCE THE PEOPLE OF AUSTRALIA PASSED, BY AN OVERWHELMING MAJORITY VOTE, AN AMENDMENT TO THE CONSTITUTION THAT ALLOWED THE FEDERAL GOVERNMENT, FOR THE FIRST TIME, TO MAKE SPECIAL LAWS FOR ITS INDIGENOUS PEOPLES, THE ABORIGINALS AND TORRES STRAIT ISLANDERS.

WE IN AUSTRALIA HAVE THEREFORE BEEN TAKING THE OPPORTUNITY TO REASSESS WHAT HAS BEEN ACHIEVED IN THE AREA OF INDIGENOUS AFFAIRS OVER THE LAST 20 YEARS, AND TO IDENTIFY WHAT REMAINS TO BE DONE.

THIS ACTIVITY IS TIMELY BECAUSE NEXT YEAR, 1988, WILL BE THE 200TH YEAR OF EUROPEAN SETTLEMENT IN AUSTRALIA. FOR AUSTRALIA'S ABORIGINALS, IT IS A MATTER OF CONSIDERABLE CONTENTION AND DEBATE AS TO WHETHER THEY SHOULD PARTICIPATE IN NEXT YEAR'S CELEBRATIONS.

IT IS NOT MY INTENT, HOWEVER, TO CANVASS SUCH ISSUES TODAY. RATHER I WOULD LIKE TO REVIEW FOR YOU SOME OF THE DEVELOPMENTS OF THE LAST 20 YEARS - THAT IS, THE YEARS OF FEDERAL GOVERNMENT INVOLVEMENT - AND TO CONSIDER WHAT STILL NEEDS TO BE DONE.

IT IS OUR HOPE THAT OUTLINING THE AUSTRALIAN EXPERIENCE WILL HELP THE WORKING GROUP IN ITS DELIBERATIONS.

ABORIGINAL PEOPLE HAVE MADE A LOT OF PROGRESS IN THE LAST TWO DECADES. WITHOUT DOUBT, THERE IS STILL A LONG, HARD ROAD AHEAD BEFORE ALL ABORIGINALS CAN TRULY SEE THEMSELVES AS ENJOYING CONDITIONS EQUAL TO THOSE ENJOYED BY THE MAJORITY OF AUSTRALIAN SOCIETY. BUT ABORIGINAL ACHIEVEMENT OVER THE PAST 20 YEARS HAS BEEN ENORMOUS BY ANY MEASUREMENT AND FROM ALMOST ANY VIEWPOINT.

WE HAVE CERTAINLY PROGRESSED FAR BEYOND THE DAYS OF PATERNALISM, WHEN SOMEONE ELSE DICTATED THE DIRECTIONS WE SHOULD TAKE. AS A RESULT, ABORIGINAL PEOPLE THEMSELVES ARE NOW BETTER ABLE TO MAKE THEIR OWN DECISIONS ON HOW THEY ARE TO LIVE AND DETERMINE THEIR FUTURES. SELF-MANAGEMENT AND SELF-SUFFICIENCY ARE THE BASIC CONCEPTS OF MODERN AUSTRALIAN POLICY APPROACHES FOR ITS INDIGENOUS PEOPLE.

OF COURSE THERE IS SOME DISAPPOINTMENT AT THE PACE OF CHANGE, THE OBVIOUS NEED FOR MORE ACTION AND THE FACT THAT SOME CASES OF RACISM AGAINST ABORIGINALS STILL EXIST. BUT THE IMPORTANT THING IS THAT THERE HAS BEEN AND THERE WILL CONTINUE TO BE, CHANGE FOR THE BETTER.

THERE ARE NO SIMPLE SOLUTIONS IN MEETING THE CHALLENGES OF

A RACE OF PEOPLE WHO ARE IN DEEP TRANSITION, WHOSE TRADITIONAL LIFE STYLES HAVE BEEN SO SEVERELY DISRUPTED, AND WHO MUST IN A SHORT SPACE OF TIME - SHORT COMPARED WITH THE 40,000 YEARS THEY HAVE OCCUPIED OUR COUNTRY - MAKE PROFOUND ADJUSTMENTS IN THEIR LIVING SITUATION.

AUSTRALIA STILL HAS TO COME TO TERMS WITH ITS ATTITUDES TOWARDS ABORIGINALS. AUSTRALIANS GENERALLY CANNOT COMPREHEND THE ENORMOUS FACTORS THAT CONFRONT THE ABORIGINAL PEOPLE IN THEIR PAST AND PRESENT SITUATION. IT SEEMS THE GUILT FACTOR PREDOMINATES AND CLOUDS THEIR VISION.

ONE WAY OF ACHIEVING RECONCILIATION BETWEEN BLACK AND WHITE IN AUSTRALIA WOULD BE THROUGH A TREATY BETWEEN THE AUSTRALIAN GOVERNMENT AND THE ABORIGINAL PEOPLE. NO SUCH TREATY WAS NEGOTIATED WHEN AUSTRALIA WAS COLONISED 200 YEARS AGO. IN RECENT YEARS, A NUMBER OF REPORTS HAVE BEEN PRODUCED SUPPORTING THE CONCEPT OF A TREATY. THE MOST RECENT OF THESE WAS ISSUED ON 20 JULY BY AN ADVISING COMMITTEE TO THE CONSTITUTIONAL COMMISSION.

THAT REPORT STATES THAT IT WAS TIME FOR SPECIFIC RECOGNITION TO BE GIVEN TO ABORIGINAL AND TORRES STRAIT ISLANDERS AND RECOMMENDED THAT THE FEDERAL GOVERNMENT BE GIVEN THE POWER TO MAKE "COMPACTS" WITH ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE. THIS RECOGNISES THEIR UNIQUE STATUS AS THE ORIGINAL INHABITANTS OF THE CONTINENT OF AUSTRALIA.

THE REPORT PROPOSES THAT THE AUSTRALIAN CONSTITUTION BE AMENDED TO PROVIDE A BASE FOR SUCH "COMPACTS". THIS WOULD OF COURSE REQUIRE A FURTHER NATIONAL REFERENDUM.

A COMPACT OR TREATY COULD ENCOMPASS SUCH MATTERS AS

- THE RECOGNITION OF PRIOR ABORIGINAL OWNERSHIP
- QUESTIONS RELATING TO COMPENSATION FOR DISPOSSESSION;

- RECOGNITION OF ABORIGINAL CUSTOMARY LAW WITHIN AUSTRALIAN LAW; AND
- ACCEPTANCE AND USE OF ABORIGINAL LANGUAGE AND CULTURE AS AN INTEGRAL PART OF THE AUSTRALIAN LIFESTYLE.

ABORIGINAL AUSTRALIANS HAVE THE SAME LEGAL RIGHTS AS ALL OTHER AUSTRALIANS, INCLUDING UNIVERSAL ADULT SUFFRAGE, RIGHTS OF ACCESS TO HEALTH, EDUCATIONAL AND OTHER SERVICES, ENTITLEMENT TO SOCIAL SECURITY BENEFITS, THE SAME EMPLOYMENT CONDITIONS AND INDUSTRIAL PROTECTION, THE RIGHT TO PURCHASE AND OWN LAND AND TO LIVE WHERE THEY WISH.

VARIOUS GROUPS OF PEOPLE, INCLUDING MANY ABORIGINALS, HAVE ARGUED THAT THE FEDERAL GOVERNMENT SHOULD ASSUME SOLE AND TOTAL RESPONSIBILITY FOR ALL MATTERS RELATING TO ABORIGINAL AUSTRALIANS. SINCE THE 1967 REFERENDUM THERE HAS, AT TIMES, BEEN MUCH CRITICISM OF THE FEDERAL GOVERNMENT FOR NOT EXERCISING WHAT SOME SEE AS ITS 'CONSTITUTIONAL RESPONSIBILITY'. THE FACT IS, HOWEVER, THAT RESPONSIBILITY CONTINUES - AND OUGHT TO CONTINUE - TO BE SHARED BETWEEN THE FEDERAL AND STATE GOVERNMENTS. IN PROVIDING SERVICES TO ALL THEIR CITIZENS, THE STATE GOVERNMENTS HAVE AN OBLIGATION TO PROVIDE FOR ABORIGINAL AUSTRALIANS JUST AS THEY HAVE AN OBLIGATION TO ALL OTHERS.

SO, IN ADDITION TO MAKING FUNDS AVAILABLE TO ABORIGINAL ORGANISATIONS FOR SPECIAL AND DEDICATED SERVICES, THE FEDERAL GOVERNMENT - AS A FUNDAMENTAL OBJECTIVE - INSISTS THAT SERVICES PROVIDED BY STATE GOVERNMENTS SHOULD BE AVAILABLE EQUALLY TO ABORIGINALS AS TO OTHER CITIZENS.

SUCCESSIVE FEDERAL GOVERNMENTS HAVE, FOR THEIR PART, ACCEPTED AND ACTED UPON THE RESPONSIBILITY OF TAKING SPECIAL MEASURES TO ACCELERATE ABORIGINAL ACCESS TO SERVICES AND TO PROVIDE A BASE FOR FURTHER ECONOMIC, SOCIAL AND LEGAL ADVANCEMENT. TWENTY YEARS AGO, THERE WERE NO SPECIAL COMMONWEALTH PROGRAMS FOR ABORIGINALS. NOW THERE ARE A WHOLE RANGE OF THEM,

ADDRESSING ON THE BROAD FRONT THE NEED TO OVERCOME ABORIGINAL DISADVANTAGE.

MANY OF THESE PROGRAMS ARE AIMED AT PROVIDING ESSENTIAL BASIC SERVICES WHERE NONE EXISTED BEFORE AND WHICH OTHER MEMBERS OF THE COMMUNITY HAVE BEEN ABLE TO TAKE FOR GRANTED. THROUGH THESE PROGRAMS MAJOR ADVANCES HAVE BEEN ACHIEVED IN HOUSING, EDUCATION, TRAINING, BUSINESS ENTERPRISES, BROADCASTING, HEALTH AND LEGAL SERVICES AND COMMUNITY DEVELOPMENT. WE ARE PLEASED TO NOTE THESE ADVANCES HAVE BEEN RECOGNISED AND COMMENTED UPON IN THE REPORT PRESENTED TO THE WORKING GROUP YESTERDAY BY MR JUSTICE LACH ON BEHALF OF THE INDEPENDENT COMMISSION ON INTERNATIONAL AND HUMANITARIAN ISSUES.

LET ME, THEREFORE, LOOK AT WHAT I SEE AS THE QUITE DRAMATIC RESULTS WHICH HAVE BEEN ACHIEVED, WITH PARTICULAR EMPHASIS ON DEVELOPMENT OVER THE LAST FEW YEARS. INHERENT IN THESE RESULTS IS THE BUILDING OF A MORE SECURE FUTURE FOR ABORIGINAL PEOPLE, PROVIDING THEM WITH A SOLID FOUNDATION FOR FUTURE ACHIEVEMENT AND A CHOICE OF OPTIONS NOT PREVIOUSLY AVAILABLE:

- THERE ARE NOW 19 ABORIGINAL CONTROLLED AND RUN LEGAL SERVICES OPERATING 66 OFFICES THROUGHOUT ALL THE STATES OF AUSTRALIA. THESE SERVICES HAVE HAD A SIGNIFICANT IMPACT ON ENSURING PROPER TREATMENT OF ABORIGINALS BEFORE THE LAW COURTS;
- THERE ARE NOW 54 ABORIGINAL CONTROLLED HEALTH SERVICES OPERATING AROUND AUSTRALIA - 8 OF THESE WERE ESTABLISHED IN 1985-86;
- UNDER THE ABORIGINAL COMMUNITY DEVELOPMENT EMPLOYMENT PROGRAM, ABOUT 10,000 ABORIGINAL PEOPLE ARE NOW EMPLOYED IN REMOTE COMMUNITIES, DEMONSTRATING A STRONG PREFERENCE FOR PRODUCTIVE ENDEAVOUR RATHER THAN JUST TO RECEIVE UNEMPLOYMENT BENEFIT MONEY WITHOUT ANY INCENTIVE TO CONTRIBUTE TO COMMUNITY LIFE.

- THERE HAS BEEN A 140 PER CENT INCREASE OVER THE PAST 4 YEARS IN EXPENDITURE ON LONG TERM EMPLOYMENT PROGRAMS;
- SPECIAL FUNDING FOR RENTAL HOUSING IS \$58 MILLION THIS YEAR;
- SINCE 1983 ALONE, THE ABORIGINAL DEVELOPMENT COMMISSION, A COMMISSION ESTABLISHED BY AN ACT OF PARLIAMENT AND HEADED BY ABORIGINAL COMMISSIONERS, HAS MADE MORE THAN 1,500 CONCESSIONAL HOUSING LOANS WORTH \$70 MILLION;
- IN ADDITION, THE COMMISSION HAS PROVIDED GRANTS TOTALLING \$130 MILLION TO COMPLETE ANOTHER 2,000 HOUSES;
- SINCE 1967 MORE THAN 23,000 ABORIGINAL FAMILIES HAVE BEEN DIRECTLY HOUSED WITH THIS PARTICULAR SERIES OF HOUSING PROGRAMS;
- THERE ARE NOW 23,000 ABORIGINAL STUDENTS AT THE SECONDARY LEVEL RECEIVING GOVERNMENT ASSISTANCE. IN 1967 THERE WAS NO SUCH PROGRAM. MORE STUDENTS ARE STAYING ON AT HIGH SCHOOL THROUGH THE HELP PROVIDED BY THESE PORGRAMS.
- FOR THE FIRST TIME, ABORIGINAL CULTURAL HERITAGE HAS BEEN PROTECTED BY COMMONWEALTH LEGISLATION - THE ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION ACT PASSED IN 1984, AND THE MOVABLE CULTURAL HERITAGE ACT PASSED IN 1986;
- ABORIGINALS NOW HAVE SECURE TITLE IN ONE FORM OR ANOTHER TO 12 PER CENT OF THE AUSTRALIAN LAND MASS.
- MAJOR MINING DEVELOPMENTS HAVE BEEN NEGOTIATED BETWEEN MINING COMPANIES AND THE PEOPLE AFFECTED ON ABORIGINAL LAND THUS ENSURING SIGNIFICANT INCOME TO THE ABORIGINAL PEOPLE AFFECTED BY THOSE PROJECTS;
- ABORIGINAL PEOPLE NOW OWN 2 OF AUSTRALIA'S MOST FAMOUS

- NATIONAL PARKS. THEY HAVE HAD ULURU (AYERS ROCK) RETURNED TO THEM, AND THEY IN TURN HAVE LEASED IT BACK TO THE AUSTRALIAN NATION TO ALLOW ACCESS TO EVERYONE ON TERMS THAT PROVIDE FOR THE PARTICIPATION OF ABORIGINALS IN THE MANAGEMENT OF THE PARK. SIMILARLY A MAJOR PORTION OF THE KAKADU NATIONAL PARK IS ABORIGINAL LAND LEASED TO THE DIRECTOR OF NATIONAL PARKS AND WILDLIFE;
- TO THE NORTHERN TERRITORY LAND RIGHTS ACT HAS BEEN ADDED OTHER LAND RIGHTS LEGISLATION. THE COMMONWEALTH GOVERNMENT ITSELF HAS TAKEN ACTION TO SECURE TITLE TO LAND FOR ABORIGINALS IN VICTORIA AND THE AUSTRALIAN CAPITAL TERRITORY. IT HAS ENTERED A JOINT PROGRAM WITH THE WESTERN AUSTRALIAN GOVERNMENT IN WHICH LONG TERM LEASES TO LAND WILL BE GRANTED TO ABORIGINALS - BOTH GOVERNMENTS HAVE ENTERED INTO AN AGREEMENT TO PROVIDE \$100M OVER THE NEXT 5 YEARS TO ACCELERATE THE PROVISION OF SERVICES ON THIS LAND;
  - THE STATES OF SOUTH AUSTRALIA AND NEW SOUTH WALES HAVE THEIR OWN LAND RIGHTS LEGISLATION. THE QUEENSLAND GOVERNMENT HAS PUT IN PLACE A SYSTEM OF DEEDS OF GRANT IN TRUST AND COMMUNITY SELF-MANAGEMENT;
  - A PROGRAM OF EXCISIONS FROM PASTORAL LEASES IS GIVING ABORIGINAL PEOPLE IN THE NORTHERN TERRITORY SECURE LIVING AREAS AND THEREFORE SOME NEW HOPE FOR FUTURE SECURITY. A SIMILAR PROGRAM IS BEING FINALISED FOR THE PEOPLE WHO NEED SECURITY ON THE VAST PASTORAL AREAS OF WESTERN AUSTRALIA;
  - THE EXPANSION OF ABORIGINAL RADIO AND TELEVISION BROADCASTING UNDER THE STIMULUS OF GOVERNMENT ASSISTANCE HAS HAD A SIGNIFICANT IMPACT IN MAINTAINING ABORIGINAL CULTURAL IDENTITY AND GIVING ABORIGINALS A VOICE IN AUSTRALIAN SOCIETY;
  - IN CENTRAL AUSTRALIA, ABORIGINAL PEOPLE HAVE THEIR OWN

RADIO STATION, OPERATED BY THE CENTRAL AUSTRALIAN ABORIGINAL MEDIA ASSOCIATION. AN ABORIGINAL COMPANY SPONSORED BY THIS ASSOCIATION IS NOW ESTABLISHING A COMMERCIAL TELEVISION SERVICE IN THE NORTHERN TERRITORY, HAVING WON IT IN OPEN COMPETITION FROM OTHER NON-ABORIGINAL APPLICANTS.

- THE ABORIGINAL DEVELOPMENT COMMISSION HAS MADE GRANTS TOTALLING \$30 MILLION TO SUPPORT 440 ABORIGINAL ENTERPRISES AND HOLDS TITLE IN TRUST FOR ABORIGINAL PEOPLE TO MORE THAN 100 PASTORAL AND OTHER PROPERTIES. MANY TITLES HAVE BEEN AND WILL CONTINUE TO BE TRANSFERRED TO ABORIGINAL OWNERSHIP.

IN OUTLINING THESE ACHIEVEMENTS, THERE IS A RECOGNITION THAT THE WORK IS FAR FROM OVER. ABORIGINAL PEOPLE IN MANY PARTS OF AUSTRALIA ARE STILL LIVING UNDER CONDITIONS WHICH MUST BE REMEDIED. THE GOVERNMENT IS AWARE OF THIS AND WILL CONTINUE IN ITS EFFORTS.

IN RECENT TIMES THERE HAS BEEN MUCH COMMENT AND SPECULATION ON CAUSES FOR THE SUDDEN INCREASE IN THE NUMBER OF DEATHS OF ABORIGINALS IN CUSTODY. THIS DEVELOPMENT HAS BEEN ALARMING, AND CLEARLY REQUIRES PROPER AND DETAILED INVESTIGATION. BOTH FEDERAL AND STATE GOVERNMENTS HAVE MADE AN INITIAL RESPONSE, ALTHOUGH THEY HAVE NOT BEEN HELPED BY SPECULATIVE COMMENT MADE BY A VARIETY OF PEOPLE IN RECENT TIMES.

STATE GOVERNMENTS HAVE INSTIGATED THEIR OWN INQUIRIES WHILE THE AUSTRALIAN HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION HAS BEEN REQUESTED BY THE AUSTRALIAN GOVERNMENT TO INQUIRE INTO AND INVESTIGATE POLICE/ABORIGINAL RELATIONS AND THE CIRCUMSTANCES SURROUNDING ABORIGINAL DEATHS IN CUSTODY. THAT INQUIRY WILL BE HEADED BY THREE SUPERIOR COURT JUDGES.

IT IS IMPORTANT THAT THE WILLPOWER TO KEEP THE IMPETUS OF ACHIEVEMENT BE SHOWN AT ALL LEVELS: GOVERNMENT (BOTH FEDERAL AND STATES); THE AUSTRALIAN PUBLIC; AND, NOT LEAST, ABORIGINAL



PEOPLE THEMSELVES. TO DATE, SUCCESSIVE FEDERAL GOVERNMENTS HAVE DEMONSTRATED THEIR WILLINGNESS TO ACCEPT THIS RESPONSIBILITY, AND STATE GOVERNMENTS, TO VARIOUS DEGREES, ARE DOING THEIR BIT. I BELIEVE THE GENERAL PUBLIC IN AUSTRALIA IS STILL PREPARED TO SUPPORT PROGRAMS TO OVERCOME DISADVANTAGE, THOUGH IT HAS TO BE SAID THAT SUPPORT FOR CONCEPTS SUCH AS LAND RIGHTS, APPEARS TO HAVE DIMINISHED OVER RECENT YEARS.

ABORIGINALS ARE MORE AND MORE IN POSITIONS TO INFLUENCE THEIR OWN DESTINY. IT IS VITAL THAT THEY ACCEPT THIS RESPONSIBILITY ON BEHALF OF FELLOW ABORIGINALS. IT IS EASY - ALL TOO EASY - TO COMPLAIN AND CRITICISE THAT GOVERNMENTS DO NOT DO ENOUGH. IT IS HARD WORK, ON THE OTHER HAND, TO GET OUT THERE AND WORK CONSTRUCTIVELY FOR CHANGE: HARD, TESTING, FREQUENTLY DISAPPOINTING, BUT ULTIMATELY REWARDING.

THE RECENT ANNOUNCEMENT BY THE PRIME MINISTER TO DRAW TOGETHER THOSE AGENCIES RESPONSIBLE FOR ABORIGINAL AFFAIRS UNDER THE ONE NEW COMMISSION WITH ITS OWN MINISTER, IS AN IMPORTANT STEP FORWARD TO FURTHER IMPROVE AND ENHANCE ABORIGINAL ASSISTANCE PROGRAMS. IT IS IMPORTANT THAT WE BUILD ON THIS OPPORTUNITY FOR FURTHER ABORIGINAL PARTICIPATION IN THE DECISION MAKING AND POLICY SETTING PROCESSES OF GOVERNMENT.

WE NOW HAVE THE FOUNDATIONS FOR FURTHER PROGRESS. I THINK WE HAVE ALREADY COME A LONG WAY, BUT THERE IS STILL A GREAT DEAL TO BE DONE, AND IT IS GOING TO TAKE A LOT OF HARD, CONSTANT EFFORT BEFORE AUSTRALIA'S INDIGENOUS PEOPLES, THE ABORIGINALS AND TORRES STRAIT ISLANDERS, CAN TAKE THEIR RIGHTFUL PLACE IN THEIR OWN COUNTRY.

UNITED NATIONS WORKING GROUP  
ON INDIGENOUS POPULATIONS :  
FIFTH SESSION

AUSTRALIAN GOVERNMENT'S COMMENTS ON THE DRAFT  
PRINCIPLES IDENTIFIED AT THE 1986 NGO WORKSHOP  
(DOC. E/CN/4/SUB.2/AC4/1987/WP4/ADD1) AND ISSUES  
IDENTIFIED FOR CONSIDERATION AT THE FIFTH SESSION  
(DOC. E/CN/4/SUB.2/1985/22)

GENEVA

6 AUGUST 1987

THE AUSTRALIAN GOVERNMENT HAS CONSISTENTLY SUPPORTED THE MANDATE OF THE WORKING GROUP TO DEVELOP A SET OF STANDARDS ON INDIGENOUS RIGHTS. SPECIFIC COMMENTS ON THE SEVEN DRAFT PRINCIPLES DEVELOPED AT THE FOURTH SESSION OF THE WORKING GROUP HAVE BEEN SUBMITTED (E/CN.4/SUB 2/AC 4/1987/WPI/ADD4).

AUSTRALIA PROVIDES THE FOLLOWING SPECIFIC COMMENTS ON THE THREE DRAFT PRINCIPLES AGREED UPON AT THE NGO SEMINAR IN SEPTEMBER 1986 AND FORMALLY SUBMITTED BY THE CHAIRPERSON OF THE WORKING GROUP AT THIS SESSION (E/CN4/SUB 2/AC4/1987/WP4/ADD1) AS WELL AS ON THE THREE ISSUES IDENTIFIED FOR THE CONSIDERATION OF THE WORKING GROUP'S FIFTH SESSION IN THE PLAN OF ACTION (E/CN4/SUB 2/1985/22).

IN SO DOING, THE AUSTRALIAN GOVERNMENT WISHES TO REITERATE ITS CONCERN FOR THE NEED FOR CONSISTENCY IN INTERPRETATION AND SUGGESTS THAT THE DRAFT PRINCIPLES SHOULD BE WORDED AS CLOSELY AS POSSIBLE TO THE PROVISION OF THE INTERNATIONAL INSTRUMENTS ON WHICH THEY MAY BE MODELLED. IN THIS REGARD, AUSTRALIA SUPPORTS THE CHAIRPERSON'S REFERENCE IN HER OPENING STATEMENT TO THE FIFTH SESSION OF THE WORKING GROUP TO THE RELEVANCE TO ITS STANDARD SETTING MANDATE OF UNGA RESOLUTION 42/120 ON THE SETTING OF INTERNATIONAL STANDARDS IN THE FIELD OF HUMAN RIGHTS.

1. DRAFT PRINCIPLES IDENTIFIED IN DOCUMENT E/CN4/SUB 2/AC4/1987/WP4/ADD1

PRINCIPLE 8: THE RIGHT TO DETERMINE, PLAN AND IMPLEMENT ALL HEALTH, HOUSING AND OTHER SOCIAL AND ECONOMIC PROGRAMS EFFECTING THEM.

AUSTRALIA WOULD BE SYMPATHETIC TO THE OBJECTIVES OF THIS PRINCIPLE AS ITS OWN POLICIES ENCOURAGE THE DIRECT PARTICIPATION OF AND CONSULTATION WITH ABORIGINAL GROUPS IN THE PLANNING AND IMPLEMENTATION OF HEALTH, HOUSING AND

SPECIAL SERVICES DESIGNED TO MEET THE SPECIAL NEEDS OF ABORIGINAL PEOPLE.

WE SUGGEST HOWEVER, THAT THE PRESENT WORDING GIVES RISE TO SOME AMBIGUITY. FOR EXAMPLE, GIVEN ITS WIDEST INTERPRETATION, IT MAY IMPLY THAT ANY SERVICE, ALBEIT ONE PROVIDED TO ALL CITIZENS BY A GOVERNMENT, BUT WHICH MAY AFFECT AN INDIGENOUS GROUP, SHOULD BE DETERMINED, PLANNED AND IMPLEMENTED BY INDIGENOUS ORGANISATIONS.

IN ADDITION THE WORD "DETERMINE" WILL NEED SOME CLARIFICATION GIVEN THE REALITY THAT GOVERNMENTS WILL INEVITABLY RESERVE THEIR RIGHT TO MAKE ULTIMATE DECISIONS IN RELATION TO PUBLIC EXPENDITURE.

PRINCIPLE 9: THE RIGHT TO SPECIAL STATE MEASURES FOR THE IMMEDIATE, EFFECTIVE AND CONTINUING IMPROVEMENT OF THEIR SOCIAL AND ECONOMIC CONDITIONS, WITH THEIR CONSENT, THAT REFLECT THEIR OWN PRIORITIES.

AUSTRALIA HAS NO COMMENT ON THIS DRAFT PRINCIPLE OTHER THAN TO NOTE THAT ITS LANGUAGE FULLY REFLECTS THE POLICY AND PRACTICE OF THE AUSTRALIAN GOVERNMENT IN THE PROVISION OF SPECIAL SERVICES TO ABORIGINAL AUSTRALIANS.

PRINCIPLE 10: THE RIGHT TO BE SECURE IN THE ENJOYMENT OF THEIR OWN TRADITIONAL MEANS OF SUBSISTANCE, AND TO ENGAGE FREELY IN THEIR TRADITIONAL AND OTHER ECONOMIC ACTIVITIES WITHOUT ADVERSE DISCRIMINATION.

WHILE THE PRINCIPLE APPEARS TO COVER BASIC PROVISIONS, THE PHRASE "AND OTHER ECONOMIC ACTIVITIES" ADDS AN UNKNOWN AND EXTRA DIMENSION TO THE OBJECTIVE OF THIS PRINCIPLE. UNLESS THIS AMBIGUITY IS REMOVED WE WOULD HAVE DIFFICULTY IN ENDORSING THE PRINCIPLE AS CURRENTLY WORDED.

WE NOTE THAT THE PRINCIPLE WOULD APPEAR TO BE DESIGNED TO SECURE THE RIGHT TO ENJOY AND CONTINUE TRADITIONAL

ACTIVITIES AND SUGGEST THAT THE PHRASE "AND OTHER" IS INCONSISTENT WITH THIS OBJECTIVE.

2. ISSUES IDENTIFIED FOR CONSIDERATION AT THE FIFTH SESSION (DOCUMENT E/CN4/SUB 2/1985/22)

A) CONSIDERATION OF THE RIGHT TO AUTONOMY SELF GOVERNMENT AND SELF DETERMINATION INCLUDING POLITICAL REPRESENTATION AND INSTITUTIONS.

AUSTRALIA PRIDES ITSELF ON RECOGNISING THE RIGHTS OF THE INDIVIDUAL WHICH ARE ENSHRINED IN LEGISLATION AT BOTH THE STATE AND FEDERAL LEVEL AND IN POLITICAL PRACTICES AND PROCESSES. ON THE BROAD FRONT EVERY AUSTRALIAN, INCLUDING INDIGENOUS AUSTRALIANS, HAVE THE FUNDAMENTAL RIGHT TO PARTICIPATE IN ELECTIONS AT BOTH THE STATE AND FEDERAL LEVEL. THE FACT THAT ABORIGINALS COMPRISE ONLY ABOUT 1% OF THE OVERALL AUSTRALIAN POPULATION TENDS TO UNDER-PLAY THEIR POTENTIAL INFLUENCE. FOR EXAMPLE, IN THE NORTHERN TERRITORY, 25% OF THE POPULATION IS ABORIGINAL, AND THEY ALSO CONSTITUTE A SIGNIFICANT PROPORTION OF THE ELECTORS IN A NUMBER OF OTHER KEY ELECTORATES.

ALL AUSTRALIANS HAVE THE RIGHT TO SEEK NOMINATION TO A PUBLIC OFFICE EITHER THROUGH ONE OF THE POLITICAL PARTIES OR AS AN INDEPENDENT. IN FACT, IN THE RECENT FEDERAL ELECTION IN AUSTRALIA, THERE WERE A NUMBER OF ABORIGINAL CANDIDATES FOR BOTH SENATE AND HOUSE OF REPRESENTATIVE SEATS.

MANY INDIGENOUS AUSTRALIANS PARTICIPATE AS PUBLIC OFFICERS AT LOCAL GOVERNMENT LEVEL THROUGHOUT AUSTRALIA. THIS INCLUDES HOLDING OFFICE IN LOCAL SHIRE OR TOWN COUNCILS AND EFFECTIVELY PARTICIPATING IN DECISION MAKING ON MATTERS AFFECTING ALL RESIDENTS IN THOSE AREAS.

IN RELATION TO COMMUNITIES OR GROUPS MADE UP ENTIRELY OF INDIGENOUS PEOPLE, SIGNIFICANT DECISION MAKING IS AVAILABLE AT THE LOCAL LEVEL. THIS ABILITY COMES ABOUT THROUGH THE

FORM OF LAND TENURE WHICH MAY BE HELD, THE EXISTENCE OF LOCAL COUNCILS OF ELECTED REPRESENTATIVES, AND ABORIGINAL RUN AND MANAGED SUPPORT ORGANISATIONS.

ABORIGINALS AND TORRES STRAIT ISLANDERS NOW HOLD VARIOUS FORMS OF SECURE TITLE TO OVER 12% OF THE AUSTRALIAN LAND MASS. THIS AREA IS FOUR TIMES THE SIZE OF THE UNITED KINGDOM, OR TWICE THE SIZE OF SWEDEN. ABORIGINALS AND TORRES STRAIT ISLANDERS LIVING IN THESE AREAS HAVE THE CAPACITY TO MAKE DECISIONS IN RELATION TO MATTERS AFFECTING THEIR COMMUNITY AND WHICH MIGHT AFFECT THEIR LIFESTYLES. THEIR CAPACITY AND AUTHORITY TO DO SO IS OFTEN MORE THAN THAT ENJOYED BY THEIR FELLOW AUSTRALIANS FOR EXAMPLE IN RELATION TO CONTROLS OVER MINING AND EXPLORATION, AND RIGHT OF CONTROL OVER ACCESS OF VISITORS. THIS SYSTEM ENSURES THAT INDIGENOUS PEOPLES ARE WELL PLACED TO INFLUENCE DEVELOPMENT WHICH MAY IMPACT UPON THEIR SOCIAL STRUCTURES.

MOST INDIGENOUS COMMUNITIES HAVE ESTABLISHED LOCAL COUNCILS, WITH DEMOCRATICALLY ELECTED MEMBERS, TO REPRESENT THEIR INTERESTS AND MAKE DECISIONS AT THE LOCAL LEVEL. MANY OF THESE LOCAL COUNCILS HOLD POWERS SIMILAR OR IDENTICAL TO OTHER NON-ABORIGINAL TOWN COUNCILS, THUS ENSURING PROPER REPRESENTATION OF THEIR VIEWS WHEN CONSIDERING MATTERS SUCH AS THE DAY-TO-DAY DELIVERY OF SERVICES, OR PROPOSALS WHICH MAY IMPACT UPON THEIR SOCIO-ECONOMIC DEVELOPMENT.

INDIGENOUS AUSTRALIANS HAVE ACCESS TO THE SAME SERVICES PROVIDED TO ALL AUSTRALIAN BY LOCAL, STATE AND FEDERAL GOVERNMENTS. IN ADDITION TO THESE SERVICES, AND IN RECOGNITION OF THE SPECIAL DIFFICULTIES FACED BY THE ABORIGINAL PEOPLE, THE FEDERAL GOVERNMENT ALSO PROVIDES FUNDS FOR EXTRA AND DEDICATED SERVICES BEYOND THOSE ALREADY AVAILABLE.

THE FEDERAL GOVERNMENT NOW FUNDS SOME 1,200 ABORIGINAL MANAGED AND RUN ORGANISATIONS WHICH ARE DIRECTLY ACCOUNTABLE TO THEIR OWN PEOPLE. THIS MEANS THAT IN ADDITION TO HAVING AUTOMATIC ACCESS TO ALL PUBLIC SERVICES, INDIGENOUS

AUSTRALIANS ARE ABLE TO ESTABLISH AND MANAGE THEIR OWN SERVICES MEETING THEIR OWN SPECIAL NEEDS.

AS AN EXAMPLE, WE NOW HAVE IN AUSTRALIA

- 19 ABORIGINAL CONTROLLED AND RUN LEGAL SERVICES OPERATING 66 OFFICERS THROUGHOUT AUSTRALIA;
- 54 ABORIGINAL CONTROLLED HEALTH SERVICES;
- APPROXIMATELY 300 DEDICATED ABORIGINAL HOUSING ORGANISATIONS;
- 65 ORGANISATIONS BEING FUNDED FOR THE PRESERVATION AND PROMOTION OF ABORIGINAL ART AND CULTURE;
- IN THE ORDER OF 70 ORGANISATIONS RECEIVING FUNDS FOR ABORIGINAL TRAINING PROGRAMS;
- ALMOST 100 ORGANISATIONS BEING FUNDED TO PROMOTE SPECIFIC ABORIGINAL EMPLOYMENT AND
- AGAIN, NEARLY 100 ORGANISATIONS ARE BEING FUNDED TO PROMOTE AND PROVIDE EDUCATIONAL SERVICES FOR ABORIGINALS.

AT THE NATIONAL LEVEL, IT SHOULD BE NOTED THAT ABORIGINALS NOW HEAD EVERY FEDERAL ORGANISATION DEALING SPECIFICALLY WITH ABORIGINAL POLICIES AND PROGRAMS. THE RECENT ANNOUNCEMENT BY THE AUSTRALIAN PRIME MINISTER TO BRING TOGETHER UNDER A NEW FEDERAL COMMISSION ALL FEDERAL ORGANISATIONS DEALING WITH ABORIGINAL PROGRAMS WILL FURTHER ENHANCE ABORIGINAL INVOLVEMENT. ONE COMMISSION, HEADED AND MANAGED BY ABORIGINAL PEOPLE, WILL BE ABLE TO DEVELOP AND CO-ORDINATE POLICIES, PROGRAMS AND PRIORITIES FOR FEDERAL GOVERNMENT EXPENDITURE FOR ABORIGINAL ADVANCEMENT.

B) CONSIDERATION OF THE RIGHT AND RESPONSIBILITY OF INDIGENOUS POPULATIONS, AS OF OTHERS, TO RESPECT UNIVERSALLY RECOGNISED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS.

WHILE THIS WOULD APPEAR TO BE A BASIC PROVISION, SUCH A PRINCIPLE WOULD REQUIRE SOME CLARIFICATION.

THERE IS, FOR EXAMPLE, THE QUESTION AS TO WHETHER SUCH A RESPONSIBILITY CAN ATTACH TO AN INDIGENOUS POPULATION AS A COLLECTIVE UNIT. IF LEGAL RESPONSIBILITY IS BEING REFERRED TO IN THIS CONTEXT, THIS WOULD USUALLY BE A RESPONSIBILITY WHICH ATTACHED TO STATES AND, IN SOME CIRCUMSTANCES, INDIVIDUALS.

SUCH A PROVISION MAY ALSO NEED TO BE RECONCILED WITH THE RIGHT OF INDIGENOUS POPULATIONS TO MAINTAIN TRADITIONAL PRACTICES, NOT ALL OF WHICH MAY BE FULLY CONSISTENT WITH "UNIVERSALLY" ACCEPTED HUMAN RIGHTS STANDARDS, IE. THOSE SET FORTH IN THE HUMAN RIGHTS COVENANTS.

C) CONSIDERATION OF THE RIGHT TO HEALTH, MEDICAL CARE, OTHER SOCIAL SERVICES AND ADEQUATE HOUSING.

THE BROAD APPROACH ADOPTED BY THE AUSTRALIAN GOVERNMENT HAS BEEN TO ENSURE THAT ABORIGINALS HAVE ACCESS TO GOVERNMENT SERVICES EQUAL TO THOSE ACCORDED TO OTHER AUSTRALIAN CITIZENS. ABORIGINALS ARE, OF COURSE, ENTITLED TO RECEIVE SOCIAL SECURITY BENEFITS ON EXACTLY THE SAME BASIS AND AT THE SAME LEVELS AS OTHER AUSTRALIANS.

OVER AND ABOVE THE GENERAL SERVICES TO THE COMMUNITY, A RANGE OF SPECIAL SERVICES ARE PROVIDED TO ABORIGINALS WHICH REFLECT THEIR SPECIAL NEEDS. GRANTS ARE MADE DIRECTLY BY THE FEDERAL GOVERNMENT TO PROPERLY CONSTITUTED ABORIGINAL GROUPS AND ORGANISATIONS WITH THE OBJECTIVE OF IMPROVING ABORIGINAL PARTICIPATION IN THE DELIVERY OF SERVICES, AND ENSURING THAT THESE SERVICES ARE TAILORED TO LEGITIMATE



GRANTS ARE MADE FOR HOUSING, FOR COMMUNITY, HEALTH AND MEDICAL SERVICES, LEGAL AID SERVICES, COMMUNITY INFRASTRUCTURE AND ECONOMIC ENTERPRISES. SOME 1,200 COMMUNITY BASED ORGANISATIONS ARE SUPPORTED IN THIS WAY.

### HOUSING

SPECIAL GOVERNMENT PROGRAMS FOR THE PROVISION OF RENTAL HOUSING AND OTHER HOUSING ASSISTANCE TO ABORIGINALS INCLUDE:

- . GRANTS TO ABORIGINAL HOUSING ORGANISATIONS;
- . ABORIGINAL RENTAL HOUSING PROGRAM;
- . HOUSING LOAN SCHEME;
- . HOSTEL ACCOMMODATION;
- . SHELTER ASSISTANCE PROGRAM FOR TOWN CAMPS.

SINCE 1983, THE ABORIGINAL DEVELOPMENT COMMISSION, A COMMISSION ESTABLISHED BY AN ACT OF THE FEDERAL PARLIAMENT AND HEADED BY ABORIGINAL COMMISSIONERS, HAS MADE MORE THAN 1,500 INDIVIDUAL HOUSING LOANS WORTH SOME \$70M. IN ADDITION, THE COMMISSION HAS PROVIDED GRANTS TOTALLING \$130M TO COMPLETE ANOTHER 2,000 HOUSES. MORE THAN 23,000 ABORIGINAL FAMILIES HAVE BEEN HOUSED SINCE 1967 UNDER THESE PROGRAMS.

THE TOTAL ALLOCATION OF FUNDS FOR HOUSING AND ACCOMMODATION OF ABORIGINAL PEOPLE DURING THE 1986-87 FINANCIAL YEAR, INCLUDING FUNDING FOR RENTAL HOUSING UNDER A SEPARATE STATE HOUSING AGREEMENT ADMINISTERED BY ANOTHER DEPARTMENT, WAS APPROXIMATELY \$137M.

HEALTH

THE GOVERNMENT'S AIM IS TO ENSURE ABORIGINAL HEALTH PROGRAMS ARE AT THE LEVEL ENJOYED BY OTHER AUSTRALIANS. STRATEGIES DIRECTED AT IMPROVING INDIVIDUAL ABORIGINAL HEALTH LEVELS EMPHASISE IMPROVEMENT OF ENVIRONMENTAL CONDITIONS AND PROMOTION OF ABORIGINAL PARTICIPATION AND DECISION-MAKING IN HEALTH CARE PROGRAMS.

THE DEPARTMENT OF ABORIGINAL AFFAIRS NOW FUNDS 54 COMMUNITY-CONTROLLED ABORIGINAL HEALTH SERVICES AND THERE ARE FEW SIZEABLE ABORIGINAL COMMUNITIES WHICH DO NOT HAVE AT LEAST SOME ACCESS TO A COMMUNITY-CONTROLLED HEALTH SERVICE. ABORIGINALS, OF COURSE, HAVE THE RIGHT OF NORMAL ACCESS TO HEALTH SERVICES PROVIDED TO THE REST OF THE COMMUNITY.

IN THE 1986/87 FINANCIAL YEAR, THE DEPARTMENT OF ABORIGINAL AFFAIRS PROVIDED A TOTAL OF \$38M SPECIFICALLY TO IMPROVE ABORIGINAL PHYSICAL WELLBEING.

UNITED NATIONS WORKING GROUP  
ON INDIGENOUS POPULATIONS :  
FIFTH SESSION

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.