

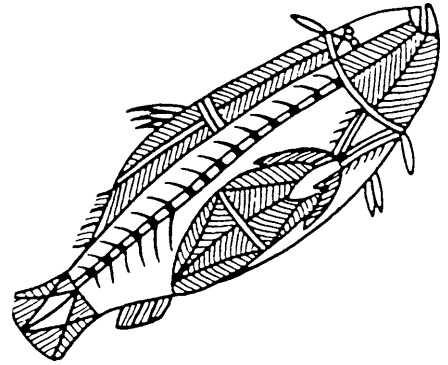
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ABORIGINAL LAW NOTES

86\3

MAY, 1986

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The inaugural meeting of the Advisory Committee to the Aboriginal Law Centre will be held at the University of New South Wales on 3 July 1986. A report on the activities of the Unit/Centre for 1985-86 will be presented, and copies will be distributed with the next ALN. There will also be discussion on the Centre's future activities.

The composition of the Advisory Committee is set out overleaf. Its establishment is not intended to detract from the role of the "network" of organizations and individuals on the ALN mailing list as an Advisory Council to the Centre.

G.N.

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THE ABORIGINAL LAW CENTRE

Faculty of Law. University of New South Wales, P.O. Box 1, Kensington, N.S.W., Australia, 2033. Telephone: 697-2256 or 697-2252.

Chair and Acting Director:	Garth Nettheim
Associate Director & Consulting Editor:	Tony Simpson
Editor:	Alastair Walton
Typing:	Bernadette Dattatreyan

Aboriginal Law Notes are distributed to members of the Centre's Network. Subscriptions \$5.00 per annum.

The Centre also publishes the Aboriginal Law Bulletin.

Registered by Australia Post - Publication No. NBP 5530

ABORIGINAL LAW BULLETIN

There will be a June issue coming out late in that month.

The August issue has an article, announcement or information deadline - 4th August.

ABORIGINAL LEGAL DIRECTORY

The Directory is being processed. However there are ALSs that have not returned their questionnaires. It is imperative that they do so now. If there are queries or requests for questionnaires, please contact Alastair Walton on (02) 697-2256 or 697-2252.

ABORIGINAL LAW CENTRE ADVISORY COMMITTEE

The following membership has been established:

Chairman (to be nominated by the Vice-Chancellor)  
Director

Dean of the Faculty of Law, or  
the Dean's nominee

Mr. Richard Chisholm

Mr. Neil Rees

Dr. John von Sturmer

Professor James Crawford, Sydney University Law School

Chairman of the Aboriginal Legal Service (NSW) Ltd.  
or the Chairman's nominee

Chairman of the NSW Aboriginal Land Council or the  
Chairman's nominee.

FILM

The film "Uluru. An Anunga Story" was launched in Sydney on 13 May 1986. It was produced by Film Australia and the Mutitjulu community.

CORRESPONDENCE ETC.

- with Brad Morse, Ottawa, information exchanges
- with Stewart Harris, Judith Wright and Dr. H.C. Coombs about "forum" project
- with ALS Redfern about proposed litigation
- with DAA about ALB funding
- with Andrew Fisher, Australian Business and Industry Guide about article

with a number of Foundations in Australia and abroad seeking "core funding" for the Aboriginal Law Centre to employ full-time staff.

from Centre of Human Rights, UN, Geneva, with material from the fourth session of the Working Group on Indigenous Populations.

PUBLICATIONS ETC. RECEIVED

The Antislavery Society, Anti-Slavery Newsletter, No. 5, 2/1985

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Survival International "Philippines: Atta still under attack; Cordillera Peoples Ally against invasions", Double Update, Urgent Action Bulletin.

Garth Nettheim, "Indigenous Rights, Human Rights with reference to Australia", paper for seminar on "The Rights of Indigenous People: Law and Practice", Australian National Commission for UNESCO.

John Leshy, "Indigenous Peoples, Land Claims and Control of Mineral Development: Australian and US Legal Systems compared (1985) 8 UNSWLJ 271.

News Release "Cabinet Considers Land Rights", Dept. of Aboriginal Affairs, 3 March 1986.

Press Statement, "Implications for Mining of Aboriginal Land Rights Decisions", Minister for Resources and Energy, 4 March 1986

Statement to the House of Representatives on "Aboriginal Land Rights" by the Minister for Aboriginal Affairs, 18 March 1986.

"Government Decision on Land Rights" questions and answers, Minister for Aboriginal Affairs, 3 April 1986.

Aboriginal Development Commission, ADC News, Vol. 2, No. 3 Autumn 1986

Tim Rowse, "Land Rights, Mining and Settler Democracy", Meanjin 1/1986, 58

Australian Institute of Aboriginal Studies

Annual Bibliography 1984-85

Australian Aboriginal Studies, 1986, No. 1

Institute News, No. 5, April, 1986

Canada

Living Treaties: Lasting Agreements, Report of the Task  
Force to review comprehensive Claims Policy, December  
1985

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## AUSTRALIAN ABORIGINES IN THE NEWS

This microfiche series, containing facsimile reproductions of news and feature articles published in the Australian daily, weekly and monthly press, provides ready access to a wide range of reporting on all issues involving Aboriginal people. By indexing press reports it supplements the AIAS Annual Bibliography.

Publication is in two half yearly issues with a cumulative index at the end of the year, commencing in 1981.

*Annual subscription is \$A34, plus postage for delivery outside Australia.  
Subscriptions should be addressed to:*

**THE FINANCE OFFICER**

Australian Institute of Aboriginal Studies,  
PO Box 553, Canberra City ACT 2601

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ALC BRIEFING PAPER

TOWARDS A DRAFT DECLARATION ON INDIGENOUS RIGHTS

Working Group on Indigenous Populations

The UN Secretariat has invited "comments and suggestions" on the Working Group's report of its Fourth Session (August 1985) and its annexes, especially Annexes I and II. Such comments and suggestions are invited from Governments, specialized agencies, organizations of indigenous peoples and other non-governmental organizations.

Such information should be forwarded to the Centre for Human Rights, United Nations Office at Geneva, CH-1211 Genève 10, SWITZERLAND, "if possible by 15 June 1986" in order that it can be submitted in time to the Working Group at its Fifth Session scheduled for August 1986.

Annex I and II are set out below.

ANNEX I

PLAN OF ACTION FROM 1986 ONWARDS

1. (a) This plan of action for the Working Group is indicative only and the sequence of priorities may be changed at later sessions;  
(b) the issue of treaties and agreements concluded between States and indigenous populations will be discussed, whenever pertinent, in connection with any theme. Under the item of the agenda concerning the review of developments, any issue falling under the mandate of the Working Group may be brought up. It is expected that protection of the right to life, to physical integrity and security of indigenous populations will be discussed each year. It is also expected that information will be received and discussions will be held on the evolution of policies regarding indigenous populations. Under the agenda item relating to standard-setting activities, issues discussed at the third and fourth sessions of the Working Group may be further considered by the Group at its fifth and future sessions. Each year, under the item "Other matters" of the agenda, themes not listed below may be taken up.
2. As repeatedly stated at the fourth session of the Working Group, emphasis will be placed, at the fifth and future sessions of the Group, on the part of its mandate relating to standard-setting activities.
3. 1986: Fifth session
  - (a) Consideration of the right to autonomy, self-government and self-determination, including political representation and institutions;
  - (b) Consideration of the right and responsibility of indigenous populations, as of all others, to respect universally recognized human rights and fundamental freedoms;
  - (c) Consideration of the right to health, medical care, other social services and adequate housing.
4. List of preliminary priorities for the subsequent sessions of the Working Group
  - (a) Consideration of principles of equality and non-discrimination;
  - (b) Consideration of the right to legal assistance and protection in administrative and judicial affairs;

(c) Consideration of the right to traditional productive activities, work, free choice of employment, just and favourable conditions of work, and protection against unemployment, as well as the right to form and join trade unions for the protection of their interests;

(d) Consideration of the right to freedom of peaceful assembly and association;

(e) Consideration of the right to social security;

(f) Consideration of the right to trade and to maintain economic, technological, cultural and social relations.

#### ANNEX II

After considering the comments and information submitted by Governments and indigenous organizations since its establishment, the Working Group discussed, in the course of several private meetings held during the present session, how to continue its immediate future work on standard-setting in accordance with its mandate as laid down in resolution 1982/34 of the Economic and Social Council, and on the basis of operative paragraph 8 of Sub-Commission resolution 1984/35 E. It was agreed to proceed as follows. 1/

The Working Group should aim at producing, in due course, and as a first formal step, a draft declaration on indigenous rights, which may be proclaimed by the General Assembly.

As a point of departure in that process, the Working Group should take due account of the international instruments already existing on this subject within the United Nations system, particularly those which make up the International Bill of Human Rights, and proceed on the basis of opinions advanced by both Governments and indigenous organizations.

Governments and indigenous organizations should be encouraged to submit comments and suggestions on the drafts prepared by the Working Group. Their special attention should be drawn, in anticipation of the Working Group's fifth session in 1986, to the following rights already proposed and discussed, in a preliminary manner, at the Working Group's previous sessions:

#### Draft Principles

(preliminary wording)

1. The right to the full and effective enjoyment of the fundamental rights and freedoms universally recognized in existing international instruments, particularly in the Charter of the United Nations and the International Bill of Human Rights.
2. The right to be free and equal to all other human beings in dignity and rights, and to be free from discrimination of any kind.
3. The collective right to exist and to be protected against genocide, as well as the individual right to life, physical integrity, liberty, and security of person.
4. The right to manifest, teach, practice and observe their own religious traditions and ceremonies, and to maintain, protect, and have access to sites for these purposes.
5. The right to all forms of education, including the right to have access to education in their own languages, and to establish their own educational institutions.
6. The right to preserve their cultural identity and traditions, and to pursue their own cultural development.
7. The right to promote intercultural information and education,