



Expert Mechanism on the Rights of Indigenous Peoples

9th Session Palais des Nations, Geneva 11-15th July, 2016

Agenda item 6: Discussion on the Human Rights of Indigenous Peoples in Relation to Business Enterprises

INTERVENTION by the New South Wales Aboriginal Land Council, delivered by Councillor for the Northern Region, and member of the Gomeroi Peoples, Councillor Charles Lynch

Thank you Mister / Madam Chairperson,

As a peak Aboriginal representative body, the New South Wales Aboriginal Land Council is committed to ensuring a better future for all Aboriginal peoples by working for the return of culturally significant and economically viable land and pursuing cultural, social and economic independence for Aboriginal peoples in New South Wales.

Indigenous peoples have the right to pursue avenues that provide for better opportunities to derive economic revenue from their lands and resources and to enjoy their fair share of the prosperity and equity of the Australian nation. Yet, there remains significant barriers imposed by all levels of government in Australia that limit Indigenous peoples from utilising and developing their lands, and the capacity to pursue our own economic, social and cultural development is still very much challenged.

As one of the largest private land holders in Australia, the Aboriginal Land Rights Network has the potential to create an economic base to enable Aboriginal people to drive long term sustainable wealth creation and wellbeing in our communities. But we are often hindered by Government laws, policies and practices which provide limited opportunities for Aboriginal people to genuinely engage in the development of processes, protocols and mechanisms to strengthen economic self-determination of Aboriginal communities. Government laws and policies fail to recognise the unique circumstances of Aboriginal land owners and adversely effect the economic development opportunities that can be derived from Aboriginal lands.

The New South Wales Aboriginal Land Council notes that business enterprises can act as agents of change in economic development; in creating prosperity for Indigenous communities, in addressing the power imbalances between Indigenous and non-Indigenous peoples, and remedying the systematic violations of our rights as Indigenous peoples. However significant investment is needed to build the capacity of Aboriginal communities to enable them to engage in and develop sustainable business enterprises.

The New South Wales Aboriginal Land Council plays a key role in facilitating and supporting economic opportunities for Aboriginal peoples in New South Wales and is the most significant non-government investor in programs to strengthen governance and economic outcomes at a local community level. In 2014 the New South Wales Aboriginal Land Council committed \$16 million over five years to drive economic business enterprise in communities towards wealth creation and wellbeing for Aboriginal people.

The New South Wales Aboriginal Land Council is a strong advocate for practical measures to deliver sustainable socio-economic improvements to the circumstances of Indigenous peoples. These measures must be based on the fundamental rights of Indigenous peoples as espoused in all 46 Articles of the UN Declaration on the Rights of Indigenous Peoples; most notably Article 3, 23, 26 and 28. The New South Wales Aboriginal Land Council reiterates the Outcomes Document from the World Conference on Indigenous Peoples that was prepared by and supported by Indigenous peoples globally in 2014, particularly those matters relating to economic development of Indigenous peoples.

While the New South Wales Aboriginal Land Council welcomes the Government's commitment to undertake a consultation on the implementation of the UN Guiding Principles on Business and Human Rights it is not credible that as one of the wealthiest nations, economic prosperity is not reaching Indigenous populations. The New South Wales Aboriginal Land Council submits that the role of government must shift from delivering systems predicated on disadvantage, to supporting the aspirations, priorities and self-determination of Indigenous peoples, and recognising Indigenous peoples as equal partners through meaningful engagement and consultation, and participation in decision making processes.

RECOMMENDATIONS:

The New South Wales Aboriginal Land Council respectfully makes the following recommendations to the Expert Mechanism on the Rights of Indigenous Peoples:

- The New South Wales Aboriginal Land Council urges the Expert Mechanism to encourage all states to assist Indigenous peoples to utilize their land assets in the most practical way by **reducing unduly burdensome government regulation and policies** that prevent Indigenous peoples from advancing economic development outcomes and business opportunities.
- The New South Wales Aboriginal Land Council urges the Expert Mechanism to encourage all states to work with Indigenous peoples, and **develop strategies that assist Indigenous business opportunities**, including allocating public funding to assist Indigenous business ventures.
- The New South Wales Aboriginal Land Council urges the Expert Mechanism to encourage all states to **undertake and promote education and mentoring programs** to help excel the business expertise of Indigenous people, so they can see the full potential of their land and business assets.