

•
United Nations Permanent Forum on Indigenous Issues
Tenth Session – New York
16-27 May 2011

Agenda Item 3b: Environment

Joint Intervention Delivered by Brian Wyatt on behalf of:

Indigenous Peoples Organisation of Australia

National Native Title Council

Foundation for Aboriginal and Islander Research Action

Aboriginal Legal Service Western Australia

Amnesty International Australia

National Aboriginal Community Controlled Health Organisations

National Indigenous Higher Education Network

Victorian Aboriginal Legal Service

Indigenous Youth Delegation of Australia

Gugu Badhun Ltd

Aboriginal Legal Rights Movement

Indigenous Community Volunteers

Aboriginal Medical Services Alliance of the Northern Territory

New South Wales Aboriginal Land Council

Aboriginal Medical Service Western Sydney

Aboriginal and Torres Strait Islander Women's Legal and Advocacy Service

Yarkuwa Indigenous Knowledge Centre

Thank you Madam Chairperson,

The land and waters are an important source of livelihood for Aboriginal peoples and also feature strongly in the cultural and spiritual life of Aboriginal peoples.

International law recognises the rights of Indigenous peoples to their land and territories, their resources, their cultural heritage, their rights to development and their right to participate in decision making. Despite this recognition in International law, mining and extractive industries remain a major problem. These industries often intrude onto Aboriginal land without consent and undermine Indigenous peoples' right to self-determination. Contained within this right to self determination is the right of Indigenous peoples to sovereignty over their natural resources and the ability to decide for themselves as a community what happens to their land and resources.

For Indigenous peoples in Australia there are some critical issues that need urgent attention including:

- Forests
- Climate Change
- Mining
- Transportation and storage of toxic waste including radioactive waste

Unfortunately the Government understands itself to own the natural resources on geotechnically sound Indigenous peoples lands even if the land is under Aboriginal title. The State of Australia, and similarly many other States throughout the world, needs to recognise Indigenous material rights in addition to land rights. States need to adopt a new process of consultation with Indigenous peoples, which focuses on collaboration and participation.

Recommendations

1. That the Permanent Forum urges the UN Inter-governmental Panel on Climate Change to research the full effects of climate change on Indigenous Peoples and ways to build resilience to its effects.
2. The Permanent Forum urges all States to attain the free and prior informed consent of Indigenous peoples in carbon economies
3. The Permanent Forum urges all States to ban insitu leeching as a mining practice on all lands and water tables and other environmentally harmful mining practices.
4. That the Permanent Forum urges all States to create a commissioner for social responsibility whose role is to monitor business activity similar to what has been implemented successfully in Canada.
5. That the Permanent Forum urges all States to attain the free and prior informed consent of Indigenous peoples when proposing transport and storage of toxic waste.
6. That the Permanent Forum urges all States and UN bodies to ensure they receive Indigenous peoples' consent when designing and implementing programmes.
7. That the Permanent Forum urges all states to implement policies and legislation that require education and awareness on Indigenous custodial rights to land, targeting key stakeholders engaging with Indigenous people.