



United Nations
Economic and Social Council
Permanent Forum on Indigenous Issues
Third Session
10-21 May 2004

Item 4(a): Economic and Social Rights
Intervention by Les Malezer, Foundation for Aboriginal and Islander Research Action

Mr Chairman

In our intervention last year we asked the Permanent Forum to examine the rights contained in three articles of the Draft Declaration. Articles 23, 29 and 30 referred to the right of Indigenous Peoples to develop programmes and strategies in accordance with the right of development, the right to full ownership of cultural and intellectual property and the right to development of land, territories and resources.

We asked that the Permanent Forum remind States of these rights and educate them in relation to their obligations to comply with their international obligations to respect the rights and freedoms of all peoples, including Indigenous Peoples.

Australian Government not only opposes these rights but has undertaken since that time to destroy these rights for the Aboriginal Peoples and Torres Strait Islander Peoples.

At the last Working Group on the Draft Declaration on the Rights of Indigenous Peoples the Australian Government, in conjunction with Canada, proposed an outrageous and complete redraft of the major Land Rights articles.

For example, instead of the rights of ownership of land and resources, Australia considered that States should determine what rights Indigenous Peoples should have over lands and resources. Australia opposes any provision for compensation over past acquisition of land or resources, and any right to manage and protect the environment. Australia only recognises the right to free, prior and informed consent where Indigenous lands are to be used for some military purposes or the dumping of toxic waste.

Regarding the rights to development, I wish to inform the Permanent Forum that the government of Australia has decided that the Aboriginal and Torres Strait Islander Commission should be abolished,

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and thus removed any decision-making capacity for our Peoples regarding programs and infrastructure within our communities.

The Commonwealth of Nations, has described racism and racial prejudice as an EVIL, an evil to be eradicated by governments as a priority.

Mr Chairman, Australia stands in breach of the International Convention on the Elimination of All Forms of Racial Discrimination in their treatment of Indigenous Peoples. In the words of the Commonwealth governments who exercise and promote racism are EVIL. All governments who tolerate such racism and refuse to eradicate it should consider whether they also fit the definition of 'evil' as set by the Commonwealth of Nations.

We particularly ask New Zealand, which is considering the possibility of destroying the cultural rights of the Maori without their free, prior and informed consent, to re-think its intentions and to comply with its international obligations to human rights.

We ask all nations of the Pacific to make their strongest representations to New Zealand and Australia to protect the cultural rights of all Indigenous Peoples in the Pacific region.

Mr Chairman, we support and co-sponsor the resolution proposed by the Maori delegation addressing cultural rights for Indigenous Peoples. We also ask the Permanent Forum to continue its support for Madam Daes' study on Permanent Sovereignty over Natural Resources by Indigenous Peoples. Our other recommendations are attached.

Aboriginal Peoples and Torres Strait Islander Peoples are composed of up to 600 distinct language groups and are 2.5% of the total population of Australia. We are vulnerable peoples, easily decimated, as history shows, by oppressive policies of foreign government.

The elimination of ATSIC as a national voice and authority for our Peoples is a process towards the destruction of all our communities. As previous governments in Australia have learnt their can be no progress overcoming Indigenous disadvantage in Australia without a strong national voice.

Australians are amongst the most prosperous people in the world. Economic and social indicators show that Australia has the fourth highest standard of living in the world, yet the Aboriginal Peoples and Torres Strait Islander Peoples have the second-worst health of 104 nations assessed by an international agency, yet, despite this appalling and atrocious disparity in a nation of wealth, research shows the Australian Government spends less money per capita on Aboriginal health than for the non-Indigenous population.

I attach further statistical data showing similar disparity in the areas such as imprisonment, employment, economics and housing.

Last week, the government announced an election budget that distributes a national surplus of \$4 billion to wealthy Australians in tax cuts. This is evil and greed in abundance.

We call upon the Permanent Forum on Indigenous Issues, and all United Nations organisations concerned with eradicating racial discrimination and abuse of human rights, to condemn the government of Australia for its continued racism against the Aboriginal Peoples and Torres Strait Islander Peoples, and to call for the government of Australia to enter into negotiations with representatives of the Aboriginal Peoples and Torres Strait Islander Peoples for reconciliation of past injustices.

RECOMMENDATIONS

1. That the Permanent Forum on Indigenous Issues, and all United Nations organisations concerned with eradicating racial discrimination and abuse of human rights, to condemn the government of Australia for its continued racism against the Aboriginal Peoples and Torres Strait Islander Peoples, and to call for the government of Australia to enter into negotiations with representatives of the Aboriginal Peoples and Torres Strait Islander Peoples for reconciliation of past injustices.
2. That the Permanent Forum adopt the resolution cultural rights for Indigenous Peoples, as drafted by the Maori delegation.
3. That the Permanent Forum continue its support for Madam Daes' study on Permanent Sovereignty over Natural Resources by Indigenous People.
4. That the Permanent Forum express to the Working Group on the Draft Declaration on the Rights of Indigenous Peoples, its support for Articles 25-30 as currently worded in the Draft Declaration on the Rights of Indigenous Peoples.
5. That the Permanent Forum endorse the Akwe Kon Guidelines for the conduct of cultural, environmental and social impact assessments regarding developments on Indigenous territories, as approved by the Convention on Biological Diversity Conference of Parties in Year 2004 (COP 7).
6. That the Permanent Forum reiterate its concern regarding the disposal of toxic wastes on Indigenous territories.
7. That the Permanent Forum affirm the importance of free, prior and informed consent by Indigenous Peoples where the property or rights of Indigenous Peoples are at risk.

**Some Statistics
on the Social and Economic Status of
Aboriginal Peoples and Torres Strait Islander Peoples
in Australia**

The Aboriginal Peoples and Torres Strait Islander Peoples continue to be the most marginalised and disadvantaged group in Australia.

- Aboriginal life expectancy is 20 years lower than for other Australians. For Aboriginal males the life expectancy, at 56 years, is lower than for populations in Myanmar, Papua New Guinea and Cambodia. Indigenous Peoples in Australia live between 8 years and 13 years less than Indigenous Peoples in Canada, New Zealand and the USA.
- The rate of low birth-weight Aboriginal babies has increased in the late 1990s. The rate of low-birth weight is greater than in developing countries such as Ethiopia, Senegal, Tanzania, Zimbabwe, Indonesia, and Lebanon. Low birth-weight is related to life-long health disorders such as coronary heart diseases, type 2 diabetes, central obesity and hypertension.
- Infant mortality is three to four times higher for Aboriginal peoples than for the Australian population, and again is significantly higher than Indigenous populations in Canada, New Zealand and USA.
- In education, less than 17% of Aboriginal people have completed year 12 or equivalent, compared to 40% for the non-indigenous population, and non-indigenous people are four times (for graduate diploma) to seven times (for postgraduate degree) more likely to obtain tertiary qualifications.
- Aboriginal unemployment, including Aboriginal people on the 'work for the dole' scheme, is 44%, compared to approximately 7% for non-Indigenous people. For Aboriginal people aged between 15 and 24 years the unemployment rate is as high as 60%.
- The household income for Aboriginal people is 62% of the rate of income for non-Indigenous people, and the median gross weekly individual income is 60% of the income of non-indigenous people.
- Indigenous people are 5.6 times more likely to live in overcrowded homes than non-indigenous people, and 19 times more likely in the remote areas of Australia.
- Of the 213 discrete Aboriginal communities with populations of 50 or more persons, nearly half, or 46%, were not connected to town water. Half of these discrete communities did not have their water quality tested, or had failed the testing, in the previous 12 months. 48% of these communities had overflows or leakages from the sewerage system.
- Although governments of Australia have used Aboriginal drunkenness as an excuse to discriminate in law and actions against the Aboriginal Peoples, surveys show that 56% of Aboriginals do not drink alcohol compared with 38% of the Australian population and 10% consume alcohol at high-risk levels compared to 11% of non-Indigenous people.
- In the decade from 1990 to 1999, 115 indigenous people died in jail. This represents 18% of all deaths in custody. The figure has since risen to 20% of all deaths in custody, with 14 indigenous deaths in Year 2002.
- A study in Western Australia in 2001 revealed that indigenous people are seven times more likely to be a victim of assault (13 times for indigenous women), seven times more likely to be a victim of homicide and 3.2 times likely to be a victim of sexual assault.
- Indigenous people are only 2.4% of the total population in Australian, yet in 1991 Aboriginal people made up to 14% of the prison population. This rate of imprisonment has risen to 20% by 1999. Nationally the indigenous rate of imprisonment is 16 times the non-indigenous rate.
- Indigenous women are incarcerated at a rate which is 19.3 times that of non-indigenous women.
- On 30 June 2002, there were 4,494 indigenous prisoners in Australia, and 4,264 indigenous children on care and protection orders. This represents a rate of 1,806 indigenous adults and 2050 children per 100,000 population, compared with 148 adults and 350 children per 100,000 for the total population.
- Since 1997, indigenous juveniles, being 4% of the total juvenile population, have constituted 42% of all juveniles in detention. By 2002 indigenous juveniles were detained at almost 19 times the rate of non-indigenous juveniles.
- A study in Queensland in September 2002 revealed that 89% of indigenous juveniles who had been on supervised orders in 1994/95 had progressed to the adult criminal justice system and that 71% had served at least one term of imprisonment. The study concludes that over time the probability of these juveniles progressing into the adult corrections system will approach 100%.
- Indigenous children in Western Australia were eight times more likely to be the subject of a substantiation with 50% of those substantiations likely to be a substantiation of neglect.