

7th Session of the United Nations Permanent Forum on Indigenous Issues

**Agenda Item 5 on HUMAN RIGHTS and IMPLEMENTING the DECLARATION:
dialogue with the Special Rapporteur
on the situation of human rights and fundamental freedoms
of Indigenous Peoples and other special rapporteurs**

Intervention of Friends of the Earth International

William Neville

by Mooka and Kalara United Families within the Wiradjuri Nation,

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New South Wales Aboriginal Land Council

Agenda Item 5 – Human Rights

I acknowledge the Traditional owners, whose land we are on.

Brothers and Sisters ... One of the greatest human rights abuses in Australia is the denial of our spirituality, the denial of our religious freedom. Ours are the oldest living cultures in the world based on the Law of the Dreaming with song-lines, dreaming tracks, interweaving across the entire continent. Our culture is maintained by synergy - the co-operation of the spirit world with humanity in the process of regeneration. It is our fundamental freedom and responsibility to maintain our connection to Country.

Our spirituality is bonded ^{with} our lands and waters and denial of access severely harms our spiritual, mental, social and physical well-being to the degree that our Peoples have some of the worst social indicators in the world. Oppression is a health hazard. Racism is a health hazard. Criminalising our difference is a health hazard. Access to culturally appropriate health services, education and housing are all important, but will not address the core issues, unless our Peoples have the right to self-determination and the right to spiritual and religious freedom. It is our sacred duty to defend and protect our sacred lands and waters.

Many sacred sites connect with the energy flows of the metals and minerals in our Earth. The so-called 'mineral wealth' is, in reality, part of our Mother, the Earth, who is enduring a desecrating and ongoing rape. As Aboriginal People we have absolutely no power within the colonial legal system to protect her. We have no right of veto. There is no recognition of Aboriginal sovereignty over natural resources. Under the Native Title Act, Traditional Owners can only agree to benefit from the desecration and destruction of our Mother. This is an abuse of our human rights and many of the rights in the Declaration.

We are trying to protect our sacred lake, Lake Cowal, within the Wiradjuri nation, from Barrick Gold, the Canadian gold mining company, which is desecrating the sacredness, poisoning our waters and also bringing in 6000 tonnes of cyanide a year into the floodplain. But the National Native Title Tribunal advised us that if we claim the minerals in the earth as part of our inheritance, our native title claim will not pass the Registration Test, will not even

get through the first gate. But, in the Federal Court, we are continuing to assert that Wiradjuri sovereignty has never been ceded and our case continues.

At Lake Cowal, Barrick Gold only had to '*consult*' with Aboriginal representatives, not even Traditional Owners. There is no need for '*free, prior and informed consent*' for a CONSENT TO DESTROY sites.

Brothers and Sisters -Australia has not endorsed the Declaration on the Rights of Indigenous Peoples. We are asking: Why the delay? When will Australia sign on to the Declaration?

We recommend that this 7th Permanent Forum requests the High Commissioner for Human Rights to investigate the Australian Government's relationship with Indigenous Peoples and:

- **Examine and report where the Australian Government is operating in breach of its ratification of the UN Convention on the Elimination of all forms of Racial Discrimination;**
- **Evaluate Aboriginal claims that 'sovereignty has never been ceded';**
- **Evaluate the assertion by Indigenous Peoples that their fundamental freedom of spiritual and religious freedom is denied in most areas;**
- **Evaluate the importing of the UN Genocide Convention into domestic law and report on the restriction that only the Attorney-General can take a genocide case and if she refuses there is no right of appeal and no obligation to give a reason for refusing;**
- **Evaluate the denial of fundamental freedoms by the administration of the Native Title Act 1993, which primarily extinguishes rights to lands and waters, and does not recognize proper land rights;**
- **Evaluate the processes needed for the Australian Government to implement the Declaration on the Rights of Indigenous Peoples;**
- **Advise of the processes necessary for full and fair reparation for the gross violations of human rights perpetrated against Indigenous Peoples;**
- **Evaluate the discriminatory nature of the Australian Constitution, which permits laws to be made for the detriment of Indigenous Peoples;**
- **Evaluate the need for the Australian Government to enter into a sovereign treaty or treaties with Indigenous Peoples for future peaceful co-existence.**

Thank you

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