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Urban Indigenous Peoples and Migration

JOINT STATEMENT DELIVERED BY DINA SAULO ON BEHALF OF:
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Foundation for Aboriginal and Islander Research Action (FAIRA)
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National Native Title Council (NNTC)
New South Wales Aboriginal Land Council (NSWALC)
World Council of Churches (Australia)

Madam Chairperson, this is a joint statement on behalf of the Indigenous Peoples Organisations from Australia represented at this session of the Forum.

About 70% of Indigenous peoples in Australia already live in regional and urban centres. We have gradually been urbanised as a result of past colonisation and assimilation policies, including the forcible removal of Indigenous children from their families.

In the Australian context it is important to bear in mind that almost 70% of all Indigenous Australians are under the age of 25, and of them, a further 50% are under the age of 18. Young people like myself are attracted to the bright lights and opportunities of the cities – but the implications of this young demographic on future health, housing, education and employment services are not adequately being taken into account by governments. This creates significant challenges for young Indigenous Australians in terms of maintaining and strengthening our cultural identity.

We are now seeing a new wave of urbanisation being foisted on Indigenous communities across Australia as a result of the Australian Government's new arrangements in the administration of Indigenous affairs. At the heart of these new arrangements is a commitment to quote '*harness the mainstream.*' This mainstreaming agenda purports to make non-Indigenous services such as health, housing, education and employment - more accessible to Indigenous peoples in urban areas.

Madam Chairperson, there is no question that Indigenous peoples in urban and remote areas across Australia need better access to these essential services to overcome our disadvantage. However, the Australian Government's mainstreaming agenda comes at the cost of Indigenous specific programs – programs that have been designed to deliver services in a culturally appropriate and relevant manner – programs that have been tailored to respect and accommodate our distinct identity as First Nation Peoples.

For example, on 1st July 2007, the largest Indigenous specific program at the national level, known as the Community Development Employment Project (CDEP), which employs some 35,000 Indigenous Australians, is being abolished in urban and regional centres across Australia. Over night some 7,000 Indigenous peoples will be re-directed into non-Indigenous employment programs. In the process, many Indigenous community services that rely on CDEP workers to operate, will be forced to close down.

We believe that the Government has seriously under-estimated the social and economic consequences of this policy decision – for both Indigenous job seekers, and their families. It has failed to adequately consult with Indigenous peoples. It has not sought to gain our free, prior and informed consent to this significant change. And it continues to ignore the reality that the social and economic disadvantage that Indigenous Australians have experienced over generations puts us at a distinct disadvantage in the mainstream employment market.

Madam Chairperson, Indigenous peoples' organisations in Australia are also concerned about the threat of urbanisation that is facing 30% of our communities who continue to live in remote parts of the country. As a result of their remoteness and the small size of their communities, remote Indigenous peoples have poor access to essential services including adequate housing, employment opportunities, secondary schools and basic healthcare services.

The Australian Government is very aware of the acute need in remote Indigenous communities, and has developed a series of targeted policies that are designed to quote: "normalise" these Indigenous peoples.

Madam Chairperson, normalisation is just another name for assimilation.

The Government's normalisation process is to be achieved by de-funding services and infrastructure in remote communities, and redirecting this money to larger neighbouring communities. The Government is upfront about the intended effect of these policies – it is to bring about a relocation of communities to larger centres where it is cheaper for government to deliver services and infrastructure – like healthcare, housing and schools. The rationale of the Government is: move people into larger economic centres and they will gain greater economic independence and be less of a drain on government expenditure.

In a perfectly functioning market economy this may make good economic sense. But Indigenous peoples are not living in a perfect world. We are disadvantaged on every economic and social indicator. Our lives are affected by intergenerational trauma and unresolved grief. And we are subject to direct and indirect forms of discrimination everyday.

There is emerging empirical evidence to show that allowing Indigenous peoples to live on our traditional country and to engage in traditional practices like hunting bush tucker and living off the land, has a positive impact on our overall health and wellbeing.

For us, the freedom to choose where we live is a cultural right just as much as it is an act of self-determination.

Indigenous Australians have not been asked if we want to become urbanised. Nor have we consented to urban migration.

But we will either be forced to move for the sake of our children or our health – or face a whole new dimension of poverty if we remain on our traditional lands and territories. Not only that – if we relocate – we also run the very real risk of not being able to establish an ongoing connection to our traditional country – which is the basic test in proving the survival of our native title.

Madam Chairperson, there are unique challenges for the 70% of Indigenous Australians who already live in urban settings. For example the ability of govt to engage with us, our ability to maintain our cultural connection to our traditional lands, and the difficulty of getting courts to recognise the continued survival of our native title. The Government's mainstreaming agenda tends to mask the reality for Indigenous peoples in urban circumstances who are not able to access essential services to the same level as all other Australians.

Madam Chairperson, we believe that Article 10 of the Declaration on the rights of Indigenous Peoples provides clear guidance for governments when it comes to the issue of urbanisation and Indigenous peoples. This Article states that we cannot be forcibly removed from our lands or territories. If any relocation is to occur, our *free, prior and informed consent must first be sought and granted*, or just compensation provided.

Further, Article 8 of the Declaration provides that Indigenous peoples have the right *not to be subject to forced assimilation or destruction of our cultures*.

Madam Chairperson, the Australian Government's policy of "normalising" Indigenous Australians in remote parts of Australia is *inconsistent* with the letter and the spirit of Articles 8 and 10 of the Declaration.

We would like to express our support for the conclusions and recommendations of the report of the Expert Group meeting on Indigenous Peoples and Migration held in Santiago Chile in March 2007.

In particular, we support the recommendation in *paragraph 29* regarding the need for governments to ensure indigenous peoples are included as equal partners in all decision-making processes that affect our lands, and to ensure we have the resources and the capacity to effectively participate.

We also support the recommendation in *paragraph 46* regarding the need for governments and others to collect detailed and accurate disaggregated data on the living experience and conditions of indigenous peoples in urban areas. This is critical to enable

indigenous peoples and governments to evaluate the effectiveness of their policies. Without such data there is little scope for government accountability or a needs based approach to policy implementation.

Madam Chairperson, drawing on the report of this Expert Group meeting, **we make the following recommendations:**

- 1. That the Permanent Forum request that the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people undertake a study on the rights of urban indigenous peoples and migration, paying particular attention to their ability to exercise and enjoy their economic and social rights, and that this study be considered at the 7th Session of the PFII. Amongst the themes that could be considered by the study are cultural identity, equitable access to essential services, and the challenges facing indigenous youth.**
- 2. That the Permanent Forum strongly encourage the UN General Assembly to adopt without amendment and without delay, the Declaration on the Rights of Indigenous Peoples, rejecting the inappropriate alternative text proposed by the African Group.**