

Item 3: Discussion of the special theme for the year “Indigenous Peoples: development with culture and identity: articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples”

Statement on Behalf of the Indigenous Peoples Organisations of Australia

Mr Chairperson

As this is the first intervention on behalf of the Aboriginal Peoples and Torres Strait Islander Peoples delegations from Australia we take this opportunity to pay our respects to the Indigenous Peoples in whose territories we now meet, and to bring greetings from our Peoples to the other Indigenous Peoples of the world, the UN organisations and officials and to the State members of the United Nations.

We also take the opportunity to congratulate you Mr Chairperson on your election to preside over this session and to express our gratitude to Ms Victoria Tauli-Corpuz for her many years of leadership for this important UN organisation, and especially during the critical period of the conception of the Declaration on the Rights of Indigenous Peoples.

Mr Chairperson

It is very disappointing that the 2010 UN report, ‘The State of the World’s Indigenous Peoples’, reveals not nearly enough is being done to support the development – the economic, social, cultural and political development - of Indigenous Peoples.

We are disappointed that States, in particular, are not responding adequately to Articles 38 and 39 of the Declaration, to cooperate with Indigenous Peoples taking appropriate measures, including legislative measures and by providing the financial and technical support to the Indigenous Peoples which is so necessary for the achievement of our rights under the Declaration.

Mr Chairperson

Victoria Tauli-Corpuz has presented a paper, document CRP.4, which suggests a more sustainable world can be achieved by ensuring cultural, identity and environmental sustainability is given equal attention as economic development.

“I further argue that Indigenous Peoples should be key players in bringing about a more sustainable world as they are the ones who have proven that they can live within the limits set by the earth and thus they can lead by example. Many Indigenous Peoples still continue to live by the wisdom and values passed on to them by their ancestors and it is because of this that they still live in territories where the ecosystems are not totally damaged.”

Victoria Tauli-Corpuz, The Human Development Framework and Indigenous

We are able to strongly agree with that position but we hold that economic development should, more correctly, express the economic value and significance of culture, identity or environment. However our argument is completely lost when individuals, corporations and States can only talk about “economic gain” – as such gain can only occur when such riches (culture, identity and environment) are transformed without giving value to the losses.

As has been witnessed over many centuries, Indigenous Peoples have successfully managed our territories and cultures and it is only in very recent times that the global community has come to appreciate the importance and sustainability of our civilizations, laws and practices.

Western Europe has almost lost its natural environment but continues to advance the industrial model of development, relying heavily upon the resources in other parts of the world. Elsewhere, in colonial and post-colonial countries, there is the impetus to emulate western Europe and to trade the environment, culture and identity to feed the greed for economic gain, or to emulate western Europe in an ex situ setting.

In Australia, for example, not only is the State vigorously competing to emulate western greed, it is attempting to force upon the Aboriginal Peoples and the Torres Strait Islander Peoples the creed that ‘economic gain’ is not only good and desirable, but also that it is absolutely necessary for human wellbeing.

Government is not guided by any notion of Indigenous well-being, and certainly unable to grasp the significance of land, language, social connection and cultural practices to the Aboriginal Peoples and Torres Strait Islander Peoples.

Despite the horrifying reputation of genocide, the Australian Government apparently remains oblivious to the significance, meaning and relevance of Articles 7 & 8 of the Declaration, viz.

“Indigenous Peoples have the collective right to live in freedom, peace and security as distinct Peoples and shall not be subjected to any act of genocide [and] States shall provide effective mechanisms for prevention of, and redress for ... (a)ny action which has the aim or effect of depriving them of their integrity as distinct Peoples, or of their cultural values or ethnic identities ... [or] (a)ny form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.”

Articles 7 & 8, UN Declaration on the Rights of Indigenous Peoples

Even in the situation of global crisis over climate change and global financial collapses States such as Australia simply act to remove Indigenous Peoples interests from the emergency responses and focus upon the remedies suited to the accepted wisdom of the western world.

Mr Chairperson

We were most pleased the Australian Government announced its support for the Declaration in April of last year but we are dissatisfied with the lack of engagement and progress since that time to ensure that our right to development, within the structure of self-determination, was realised.

Our delegations are deeply disappointed that the Australian Government has misused the situation since the announcement to continue and expand its officious and meddling administration of the lives of the Aboriginal and Torres Strait Islander population.

The government has given no affirmation of our identity as Peoples, choosing instead to orchestrate or otherwise fuel in mainstream media a national crisis of irresponsibility, drunkenness, violence,

depravity and neglect.

While preventing our collective interest to act as Peoples, the Government has overridden our right to development with two explicit official policy positions that have driven the Government's agenda for the current administration.

These policies are 'Closing the Gap' and 'Northern Territory Emergency Response'.

The Northern Territory Emergency Response, is a policy of intervention by government affecting the lives of Aboriginal people that is only lawful because the national law preventing racial discrimination has been suspended.

The Racial Discrimination Act 1975 was shelved four years ago, to legitimise the Australian Government plans to control the spending of individual Aboriginal families on welfare.

The policy is based purely upon race, and Aboriginal people and non-Aboriginal people who are in exactly the same financial positions are treated in completely different ways.

As part of the intervention the Government has conveniently discounted community-controlled organisations, programs and decision-making, choosing instead to substitute the existing community services with more expensive, inefficient and wasteful government agencies.

Our identity and capacity as Peoples is completely crippled by this policy of government, because the people concerned are unable to undertake decision-making as established in Articles 18 & 19 of the Declaration, are unable to act autonomously or under self-government as set out in Article 4 of the Declaration and are unable to undertake development as provided in Articles 3, 32 and also in Articles 5, 11, 12, 13, 20, 23, 25, 26, 29, and 31.

The 'Closing the Gap' policy is a targeted program to overcome disadvantage faced by the Aboriginal and Torres Strait Islander population in the areas of education, health (including life expectancy), and employment.

This policy, which dominates the government's agenda, gives no recognition to our identity as Peoples and is devoid of any assistance, as proposed in Articles 38 & 39 for technical or financial assistance to the Aboriginal Peoples and Torres Strait Islander Peoples.

The 'Closing the Gap' policy identifies 'economic development' as a policy objective of the Government but in actuality the policy is to halve the gap in unemployment rates between Indigenous and non-Indigenous people by the Year 2018, so the government does not have an economic development policy relating the Aboriginal Peoples and Torres Strait Islander Peoples.

In an official government report, called 'Options for the Future of Indigenous Australia', the Government gives an unequivocal message that development as 'Indigenous Peoples' is completely unsupported.

This report was released in 2009 after the Government issued a statement of support for the Declaration.

In response to the suggestion that the Economic Development target include a target relating to business ownership, the official response is included under a section headed 'Ideas With No Further Action At This Time'.

"Disagree. The Prime Minister will report to Parliament on the first working day of every parliamentary year on the progress in closing the gap between Indigenous and non-Indigenous Australians. Indigenous employment is the best overall measure of Indigenous economic development."

Mr Chairperson

The Aboriginal and Torres Strait Islander delegations end this intervention with the conclusion that the Government of Australia is opposed to the development of the Aboriginal Peoples and Torres Strait Islander Peoples, as shown in its official policies and actions, and does not recognise our identity as Aboriginal Peoples and Torres Strait Islander Peoples.

We call upon the Government of Australia to make it clear:

1. why it is participating in this forum with the appearance that it supports self-determination of Indigenous Peoples, and
2. what action will it take over the next 12 months to recognise our identity as Peoples with the right of self-determination, and
3. what action will it to take, in the spirit of Articles 38 & 39 in particular, to provide financial and technical support for our development with culture and identity.

Mr Chairperson

In conclusion we support the following recommendations:

1. **The Permanent Forum on Indigenous Issues recommend States consider document CRP.4 and in particular give attention to the conclusions and recommendations provided in that document.**
2. **The development of Indigenous Peoples' indicators of sustainability and wellbeing be continued towards the establishment of headline indicators to measure and examine the goals and aspirations of Indigenous Peoples and the piloting of these in several countries. (as recommended in Para 30 of E/C.19/2010/14)**
3. **The International Council on Mining and Metals be asked to provide a list of 10 projects that they recommend as good practice and to invite members of the Permanent Forum to visit project sites. (as recommended in Para 52 of E/C.19/2010/14)**
4. **If the United Nations publication 'State of the World's Indigenous Peoples' is again produced for 2011 that States be requested to provide information for a section on 'Development with Culture and Identity'.**