

NEW SOUTH WALES ABORIGINAL LAND COUNCIL
103 Moore St.
Liverpool, N.S.W. 2170
Australia

20 July 1992

Intervention to the
UNITED NATIONS WORKING GROUP
ON INDIGENOUS PEOPLES

92 WGIP/OC.AUS/18

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INTRODUCTION

Madam Chairperson, members of the Working Group. I am Neville Kim. On behalf of the New South Wales Aboriginal Land Council in Australia, I bring greetings to the Working Group on Indigenous Peoples.

In my first intervention, I wish to address myself in support of the spirit of draft operative paragraph 20, Part IV, as regards to an indigenous people's continuing right to obtain sustenance, which for the sake of brevity, I will not recite.

["The right to maintain and develop within their areas of lands and other territories their traditional economic structures, institutions and ways of life, to be secure in the traditional economic structures and ways of life, to be secure in the enjoyment of their own traditional means of subsistence, and to engage freely in their traditional and other economic activities including hunting, fresh- and salt-water fishing, herding, gathering, lumbering and cultivation, without adverse discrimination. In no case may an indigenous people be deprived of its means of subsistence. The right to just and fair compensation if they have been so deprived.]

For purposes of illustrating the basis of our council's support for this paragraph, I wish to share the experience of our people in New South Wales.

The New South Wales Aboriginal Land Rights Act 1983 was applauded as a significant and major step within New South Wales toward returning land rights to the Aboriginal people in New South Wales. The preamble to the Bill on Aboriginal Land Rights admits that Aboriginal people were the prior occupiers of the land and were dispersed by colonial European settlement, indicating that mass population transfer had taken place causing total disruption to the Aboriginal lifestyle. Our people were forcibly gathered up, removed from our homeland, and placed on reserves - deprived of all basic human rights. It is under these historical conditions from which we must address the right of a people to maintain a traditional economic structure, institutions and ways of life.

The reality faced by our people in New South Wales is that we have been prevented from access to traditional sustenance, from traditional rights such as fishing, hunting, food and medicine gathering.

The National Parks and Wildlife Reserves and other government designated and privately owned lands have closed off large tracts of traditional territories which were used by our people for daily sustenance. Heavy penalties are imposed on Aboriginal people. Our food gathering implements are most often

confiscated. Step by step, our people are being cut off from our traditional food source and patterns of society.

Our people number approximately 1% of the total population of this area, yet our people number about 80% of the penalties imposed by the government for violating these hunting and gathering restrictions.

The result of all this is a process of ethnocide against our people merely by preventing us from our traditional economies, having a direct impact upon our ability to maintain our social institutions and way life.