

Distinguished members of United Nations Permanent Forum on Indigenous Issues, States, United Nations Agencies and brothers and sisters

This is a joint statement signed by National Congress of Australia's First Peoples, Global Indigenous Women's Caucus and thirteen other Indigenous Organizations from around the world. We the Kimberly Land Council come from Australia, we would like to express our deep concerns for the continuous discrimination in the different areas we are experiencing in the State of Western Australia.

Forced Closure of Indigenous communities

In November 2014, the Premier of the State of Western Australia declared an intention to close 150 of the 274 remote Aboriginal Communities in our State.

This will be a violation of our basic human rights by not providing the services of water, electricity, education and medical services. This is a violation of Articles 7, 13, 17, 22 and 25 of the Universal Declaration of Human Rights. Under the United Nations Declaration on the Rights of Indigenous Peoples Articles 2, 7, 8, 10, 18, 19, 25, 26, 27 and 32 confirm the rights of Indigenous people in relation to their land.

Protection of Cultural Heritage

The Aboriginal Heritage Act of Western Australia establishes legal and administrative mechanisms to control Indigenous cultural heritage not in the interests of Aboriginal people. The Aboriginal Heritage Act currently allows for lawful damage to or destruction of our heritage places and objects. It provides no legal or other mechanisms for Aboriginal people to participate in decisions to protect their sacred areas. This is a violation of Article 11, 12, 17, 18, 19, 24, 26, 27 and 31 of the Universal Declaration on the Rights of Indigenous Peoples.

The proposed amendments to the Aboriginal Heritage Act of Western Australia ignores our spiritual and cultural relationship with all life forms existing in our traditional territories and our fundamental role and responsibility as the guardians of our territories, lands and natural resources.

Discriminatory Land Tenure

Under Article 37 of the Universal Declaration on the rights of Indigenous Peoples, we as Indigenous Peoples have a right to the recognition, observation and enforcement of treaties, agreements and other constructive arrangements concluded with States and to have those States honour those agreements.

Under Article 26 of the Universal Declaration on the rights of Indigenous Peoples, we as Indigenous Peoples also have the right to the lands, territories and resources which we have traditionally owned, occupied or otherwise used or acquired. And for the State to give legal recognition and protection to these lands, territories and resources.

We not only assert this right we demand that this is our right pursuant to the Universal Declaration on the rights of Indigenous Peoples. Australia adopted the Universal Declaration on the rights of Indigenous Peoples in April 2009 and we look to them and trust that they meant what they said. Any action against this support for the Universal Declaration on the rights of Indigenous Peoples for example removing us from our home land and diminishing our traditional lands would be inconsistent and discriminatory.

Recommendations

We acknowledge and affirm the recommendations that were made by the Indigenous Peoples Council on Biocolonism at the Sixth Session of the United Nations Permanent Forum on Indigenous Issues May 14-25, 2007 as follows:

1. Prepare a legal analysis on States, peoples and sovereignty and their relationship, scope and application, to assist the parties to the Convention on Biological Diversity In understanding sovereignty in the context of the Convention and the role of sovereignty in developing an international regime on ABS;
2. Recommend to the Convention on Biological Diversity that, consistent with international human rights law, states have an obligation to recognize and protect the rights of Indigenous peoples to control access to the genetic resources that originate in their lands and waters, and associated traditional knowledge. Such recognition must be a key element of the proposed international regime on ABS.
3. Prepare a report on the social, cultural and economic impacts of commercialization of genetic resources and indigenous knowledge on Indigenous peoples.
4. Disseminate this Declaration and the above recommended reports to all relevant UN fora.
Indigenous Peoples and Organizations Supporting the Declaration on Indigenous Peoples' Rights to Genetic Resources and Indigenous Knowledge.

We call on the United Nations Permanent Forum to recommend Member States and the Human Rights Council to consider examining the causes and consequences of the forced closures of our communities in consultation with the Special Rapporteur on the Rights of Indigenous Peoples and other special procedures mandate holders within their respected mandates Western Australia.

Thank you

Endorsed by

National Congress of Australia's First peoples

Global Indigenous Women's Caucus

Seventh Generation Fund for Indigenous Peoples

National Aboriginal Community Health Control Organization Australia

Indigenous Lawyers Association of Queensland

Indigenous Network on Economy and Trade

Tribal Link Foundation

International Indian Treaty Council

Indigenous Peoples Council on Bio Colonialism

Tonatierra

Na Koa Ikaika Kalahui Hawaii

Victorian Aboriginal Legal Services

Te Paepae Arahi Trust

Two Feathers International Consultancy Group

Aboriginal Rights Coalition-Australia