



**United Nations Permanent Forum on Indigenous Issues**

**Tenth Session**

**New York, 16- 27 May 2011.**

---

### **Agenda Item 3(a): Economic and Social Development**

INTERVENTION by the New South Wales Aboriginal Land Council, delivered by Councillor for the Sydney-Newcastle Region, and member of the Wiradjuri Peoples, Cr Roy Ah-See.

---

Thank you Mister / Madam Chairperson

The barriers to equitable economic and social development for our peoples continue to be complex, multifaceted and unfortunately still beyond the efforts of most Governments.

In Australia the more recent government rhetoric of the 'closing the gap strategy' and more specifically the '*Indigenous Economic Development Strategy*' has shown some promise in recognising the complexity of the issues involved. However, while we support, with some notable reservations, the sentiments expressed in these documents, the funding, actions and outcomes of Government initiatives still appear to be lagging behind their rhetoric.

Concerns are held that what is presented by Government as a new approach to dealing with economic and social development issues for our peoples, is merely a rebranding or repackaging of existing and already failing strategies. What is needed is recognition of what is working at the local level and a genuine commitment of new funding for initiatives that are based on that local knowledge; local knowledge and the commitment of real funds are key.

As Australia experiences an economic boom on the back of the extractive resource industry, the Australian Government is rethinking the compact between the largely corporatised minerals industry and the Australian people. At this juncture with a 'resource rents tax' being negotiated, it would seem timely to remind the Australian Government and other Governments in similar circumstances, that the land on which we stand, and the minerals underfoot do not belong to foreign sovereigns, they belong to the land's first peoples. We are against the despoiling of our lands. However, while our lands are being exploited to generate the wealth of nations and multinationals, we are here to say that we must also have an opportunity to participate in the generation of wealth to improve the circumstances of our communities.

The *United Nations Declaration on the Rights of Indigenous Peoples* recognises that we as Indigenous peoples have a right to the lands, territories and resources which we have traditionally owned, occupied

or otherwise used; and where these lands territories or resources have been taken from us without free, prior and informed consent we have a right to restitution or just and fair compensation.

With the landmark Mabo decision in 1992, in which native title rights were recognized, Australia awoke to the reality that the land on which the nation stands was not devoid of people when Europeans arrived. Native Title rights have since been recognised and brought benefit to some of our peoples across the nation of Australia. However, our peoples traditionally owned and occupied *all* the lands, territories and resources that go to comprise the Australian nation and the limited nature of the native title rights recognised in law do not adequately reflect this fact.

We recognise the Government's efforts outside of the legal confines of native title, such as through the establishment and funding of initiatives such as the Indigenous Land Corporation. However, these measures and the funding they provide do not go far enough. Our dispossession without our free, prior and informed consent, which is the very reason so many of our peoples find it so difficult to gain even the limited rights protected under native title, should not be used to deny us the *just and fair* compensation we are rightfully owed for what we have lost.

In Australia, moves are afoot to increase the Government's oversight of how Indigenous peoples manage the relatively little compensation that has been paid-out under native title laws. The Australian Government's recent discussion paper on 'maximising outcomes from native title benefits' suggests that the Government is considering imposing governance measures upon those who are in receipt of financial benefits from the recognition of their native title rights.

We are all for good governance practices. However, we as Indigenous peoples have the right to self-determination, and in exercising that right we have a right to autonomy in our internal and local affairs, as well as the right to maintain and strengthen our distinct political, legal, economic, social and cultural institutions. These are all rights recognised in the *Declaration on the Rights of Indigenous Peoples*, and are all rights that carry with them genuine practical benefits of the kind the Australian Government is seeking, in putting out their recent discussion paper. Only those structures or approaches to governance that are legitimately owned by our peoples by virtue of our traditions or our development of those structures or approaches, will provide the good governance that is sought by all.

It is crucial for Australia and other nation states to realise that the Indigenous peoples of the world are capable of mastering our own destinies. We not only have a right to freely determine and pursue our social, economic and political futures, as the *Declaration* recognises, we alone are the holders of the knowledge required to make the right decisions for our peoples' futures not only in the area of our governance. Governments must not revert back to the paternalism of the all too recent past.

We have a right to participate in decision making that affects us through representative institutions chosen by us; that is institutions that are established, elected and endorsed by our peoples. We also have a right to determine and develop priorities and strategies for economic and social programmes that affect us, and a right to administer such programmes through our own institutions. However in Australia, government policy continues to be developed and implemented with only the barest of consultation, and the appointed bodies said by Government to represent our communities continue to be favoured ahead of our truly representative institutions when it comes to consultation and participation in Government.

To make headway on the economic and social issues facing our peoples we must forge ahead together in genuine partnership, with Governments committing real funding for locally determined initiatives, and to meaningfully engaging with Indigenous peoples through our own institutions.

**We recommend that the Permanent Forum urges all states to:**

- **Ensure that Indigenous peoples are paid there rightfully due compensation for lands, territories and resources that have been taken from them without their free, prior and informed consent. This specifically includes, though is not limited to, those land, territories and resources being consumed by extractive industries; and**
- **Meaningfully engage with Indigenous peoples through Indigenous representative institutions that are established, elected and endorsed by Indigenous peoples, for the development and effective delivery of strategies for economic and social development.**

Thank you Chairperson and members.