

Mr James Anaya  
Special Rapporteur on the Rights of Indigenous Peoples  
United Nations  
Palais des Nations  
CH-1211 GENEVE 10

Dear Mr Anaya,

We the undersigned submit the following limited response to your "Questionnaire on natural resource extraction and development projects on or near Indigenous territories":

#### **Major Concerns**

Primarily, consultation is the core issue in regards to use of the traditional lands of Indigenous Australians. We cannot speak on behalf of all Indigenous people in this country, rather we can provide an overview of the situations impacting on Indigenous people.

The Indigenous Nation in Australia is diverse in experience, lifestyle and cultures. A systematic, collaborative response taking in all of these aspects and their views is simply not possible in this instance.

Figuratively, mining should breathe new life into Indigenous communities, rather than take life.

A Treaty is something that should be put on the current political agenda.

#### **Possible Benefits**

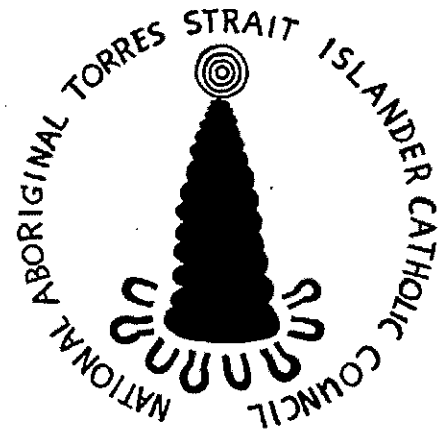
In response to your second question we have identified some of the benefits and shortcomings of extractive or natural resource development within or in close proximity to the territories of Indigenous communities.

#### **Positives**

- Employment traineeships and training for Indigenous people in mining and associated industries. Few come straight from school into well paid jobs. For those who are highly paid, the high level of wages is not accompanied by training in financial management.

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- In South Australia, for example at Prominent Hill, the Thiess Company emphasises the employment of Aboriginal women and then men. They are one of the companies who have set quite a high target for Aboriginal employment generally.
- Some mining companies support the Aboriginal community by building community facilities and services. The long term benefit is the capacity building that is taking place in that community.
- Many communities have negotiated protection of sacred sites with mining companies.

#### Negatives

- The disbursement of royalties has caused division in Aboriginal communities and created disharmony. This gives rise to litigation, much to the benefit of lawyers and other professionals. This dilutes the funds that go to the community. However one system that seems to be working quite well is one where the funds go to a community body that utilises the funds for the betterment of the community as a whole.
- A high inflow of money to individuals creates division within communities.

#### Principal Steps to Avoid Negative Impacts

We believe that many of the principles and approaches outlined in the UN Declaration on the Rights of Indigenous Peoples should form the basis of a set of guidelines in this context.

Specifically:

##### Article 1: Collective and individual human rights

We (Aboriginal Peoples and Torres Strait Islander Peoples) have the right to enjoy all human rights as individuals and as groups.

##### Article 3: Self-determination

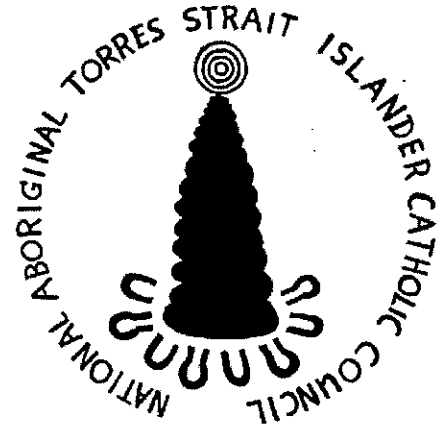
We have the rights to self-determination.

We are free to choose our political status and economic, social and cultural development.

##### Articles 10, 11, 19, 28, 29 and 32: Free, prior and informed consent

The standard of free, prior and informed consent is to be met before any of the following actions are taken:

- Projects or decisions that affect our country including mining, development and the use of sacred sites.
- Making agreements or treaties between government and our peoples.
- The creation of laws or policies that affect our peoples.



Article 18: Decision-making

We have the right to participate in decisions that affect us:

This participation can be achieved through our own institutions and organisations.

Articles 25 and 26: Rights to country

We have rights to country that we have traditionally owned, occupied or otherwise used or acquired.

This includes:

- Rights to maintain and strengthen our spiritual relationship with country.
- Rights to uphold our responsibilities to our future generations.
- Rights to control, own, develop, and use our country that we possess.

The undersigned parties are:

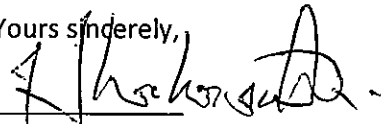
The National Aboriginal and Torres Strait Islander Catholic Council (NATSICC) promotes and celebrates the cultural identity of our peoples across the nation; by living and expressing in all its endeavours the spirituality of Aboriginal and Torres Strait Islander Catholic peoples.

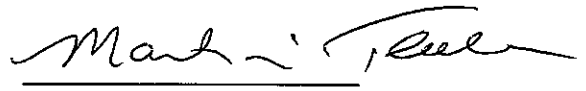
AND

Catholic Mission, the official mission aid agency of the Catholic Church, operating in 160 countries and supporting remote areas within Australia.

We are pleased to have an opportunity to submit the above brief comment, but would welcome an opportunity to consult more widely if more time was permitted.

Yours sincerely,

  
Chair  
NATSICC

  
Martin Teulan, National Director  
Catholic Mission