



## Kimberley Land Council

**MEDIA RELEASE**

**April 22, 2015**

### **KLC condemns community closures at United Nations**

The Kimberley Land Council has received widespread international support at the United Nations for condemning Aboriginal community closures in Western Australia.

Global human rights organisations, Indigenous organisations and NGOs from Australia, India, New Zealand and the United States pledged support to the KLC as it highlighted the discriminatory and race-based erosion of Indigenous rights currently occurring in Australia.

KLC Chairman Anthony Watson and CEO Nolan Hunter addressed the United Nations Permanent Forum on Indigenous Issues in New York today and met with key influencers including Victoria Tauli Corpuz, the Special Rapporteur on the Rights of Indigenous Peoples and Australia's Professor Megan Davis who was elected to chair the forum.

Mr Watson said it was great to be able to raise international awareness about the forced closure of Indigenous communities and legislative changes to the WA Aboriginal Heritage Act, on such a high-profile, global platform like the United Nations.

"Indigenous people in Australia are witnessing a discriminatory and race-based erosion of their rights while the attempted assimilation of Indigenous people into white Australia is presenting a significant risk to our economic, social and cultural wellbeing," he said.

"This is occurring through the forced closure of Indigenous communities, attempting once again to separate people from their land and culture.

"This is occurring through laws that erode avenues for Indigenous people to protect their cultural heritage and discriminatory land tenure administration, including the systematic interference with attempts by Indigenous people to pursue culturally appropriate and sustainable economic development opportunities.

"The Australian Government has taken no steps to protect Indigenous people in response to these measures."

Mr Watson said the Australian Government was in breach of its obligations under the United Nations Declaration on the Rights of Indigenous Peoples. He said this particularly related to Article 8 which states that Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

"Community closures and changes to the WA Aboriginal Heritage Act strip Indigenous people of our rights to protect culture and dispossess us from our lands. These are human rights issues," he said.

“Our calls in Australia for engagement, discussion and empowerment have fallen on deaf ears. We are being ignored by all levels of government. The United Nations provides an international platform for us to raise awareness about these racist and discriminatory actions.”

Mr Watson said Aboriginal people want to be able to make the decisions that affect their futures, be involved in the implementation of solutions and take responsibility for their actions.

“Our message is clear: Aboriginal people want to be involved in all levels of decision-making and in the implementation of those decisions. We understand our issues better than anyone else and we know the best way to address those issues. We want to be accountable; we want to be in charge of our own futures. We ask that governments stop dictating to us and start engaging with us.”

The KLC will be attending United Nations Permanent Forum on Indigenous Issues until April 26.

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**KLC submission extracts**  
**United Nations Permanent Forum on Indigenous Issues**  
**Fourteenth Session – New York**  
**20 April – 01 May 2015**

***Agenda Item 7: Human Rights: Implementation of the United Nations Declaration on the Rights of Indigenous Peoples (with specific focus on economic, social and cultural rights)***

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Intervention by the Kimberley Land Council, delivered by Chief Executive Officer of the Kimberley Land Council, Mr Nolan Hunter.

In Australia, effective implementation of the Declaration on the Rights of Indigenous People by Government has proven to be a significant impediment to the pursuit of self-determination and strengthening of the economic, social and cultural rights of Indigenous people.

Australia is a federated nation with responsibility for implementation of the Declaration resting both with the National Government and in part with states within the federation. At present, Indigenous people in the state of Western Australia are witnessing a discriminatory and race-based erosion of their rights and the attempted assimilation of Indigenous people into white Australia, presenting a significant risk to our economic, social and cultural wellbeing through:

- the forced closure of Indigenous communities, attempting once again to separate people from their land and culture;
- laws that erode avenues for Indigenous people to protect their cultural heritage; and

- discriminatory land tenure administration, including the systematic interference with attempts by Indigenous people to pursue culturally appropriate and sustainable economic development opportunities.

The Australian Government has taken no steps to protect Indigenous people in response to these measures.

#### **Forced closure of Indigenous communities**

In November 2014, the Premier of the State of Western Australia declared an intention to close up to 150 of the 274 remote Indigenous communities in the state. This announcement was made without consultation with Indigenous people. It was made without regard to our wishes or our wellbeing.

Not more than 100 years ago, our people were being forced off our land and put in missions and reserves. Not less than 40 years ago our children were being forcibly removed from their families and forced into institutional care. Less than 20 years ago the Australian Government enacted laws dealing with our native title rights which were, and still are today, racially discriminatory and a breach Australia's international human rights obligations. As recently as 2007, the Australian government again suspended the Racial Discrimination Act in order to implement the Northern Territory Emergency Response.

History shows us that these policies have resulted in the gradual disintegration of cultural standards and governance; it has resulted in fringe communities in urban areas, in alcoholism and youth suicides, and in disempowerment. And now the Australian Government is allowing it to happen again.

This program of forced closure and removal from country will be done by the removal by Government of essential services and is being applied:

- with complete discrimination – the Government is only proposing to remove services to Indigenous communities, without regard to remote non-Indigenous communities;
- without a long-term vision or alternative - no one has discussed what options or opportunities may be available to improve the economic sustainability of these communities; and
- with complete disregard to the economic, social and cultural wellbeing of the Indigenous people residing within them.

The protests of the Indigenous community against this situation have been met by the Australian Government with a dismissal that our living in these communities is a lifestyle choice.

We would hope that no State, that purports to endorse the Declaration, can maintain that the rights embodied within that Declaration are a lifestyle choice.

#### **Erosion of legal mechanisms to protect cultural heritage**

The Aboriginal Heritage Act of Western Australia establishes legal and administrative mechanisms to control Indigenous cultural heritage in the interests of the community at large, but not in the interests of Indigenous

people. And is primarily directed at processes to allow lawful damage to or destruction of our heritage places and objects.

This law is in the process of being amended to further narrow opportunities for Indigenous people to participate in the management, control or protection of their cultural heritage, and to provide even greater legal control over our heritage to government.

The Aboriginal Heritage Act, in both its current state and proposed amended form, is contrary to international human rights norms and is an example of systemic racism legitimated and institutionalised by legislative means.

These laws entrench principles of colonial superiority and provide legal protection for systemic racism.

These laws therefore amount to a forced taking of our heritage so that it can be destroyed, damaged or compromised by the state in accordance with its own laws for the benefit of mining companies and other developers.

### **Discriminatory land tenure administration**

Indigenous people are committed and active in looking for every opportunity to improve the wellbeing of our people.

The forced closure of Indigenous communities and the laws relating to Aboriginal heritage are but two pieces of a broader approach by the West Australian Government to interfere in Indigenous self-determination in the state. A third measure being applied is the discriminatory administration of land tenure and land management by the State Government to undermine actions taken by Indigenous people to improve their wellbeing and become economically self-sufficient.

All Member States have an obligation to facilitate the economic, social and cultural wellbeing of Indigenous people. And this obligation extends to all levels of Government.

The Kimberley Land Council looks to the Permanent Forum, to fellow delegates and observers to support us in our call for Australia to comply with its obligations under the Declaration, and support the economic, social and cultural wellbeing of Australian Indigenous people.