

7th United Nations Permanent Forum on Indigenous Issues, United Nations, NY

Agenda Item 4.2: Pacific/Sustainable Development

Joint submission by Friends of the Earth International

on behalf of

Mooka and Kalara United Families within the Wiradjuri Nation,

Murray Darling Basin, Central New South Wales, Australia

in a joint intervention with

New South Wales Aboriginal Land Council

Akali Tange Association Inc. Pogerenga Province, Papua New Guinea

Agence Kanak de Developpement

Western Shoshone Defence Project, Nevada, USA

Laura Calm Wind, Kitchenuhmay Koosib Inninuwug, Canada

Comision Juridica para el Autodesarrollo de los Pueblos Originarios Andinos (CAPAJ), Andes

Indigenous Peoples Links

Centre for Organization Research and Education (CORE)

First Indigenous Nations Civic Association of South Africa (FINCASA)

Indigenous Environment Network (IEN)

Brothers and Sisters, I am Neville Chappy Williams, a Custodian and Traditional Owner of Lake Cowal within the Wiradjuri Nation in the centre of the Murray Darling Basin, Australia.

Aboriginal and Indigenous Peoples hold many of the solutions to heal our Mother, the Earth, from her rape by colonialism, which is now causing climate change. But many rogue mining companies and other extractive industries operate with impunity and impact our Nations and Peoples at the very core of our cultural being, at the very essence of our existence, through the desecration of our sacred sites and sacred waters.

Our people become weakened through the assault on our spirituality, leading to depression, division, oppression and even death. Yet at this time of climate change Indigenous Peoples need to be strong and influential in caring for our Earth and each other. Our Peoples have already lived through global warming and global cooling, which caused the Ice Ages. Our collective traditional knowledge and wisdoms hold the keys to survival and, right now, it is our Mother, the Earth, who is crying out for a rest from mining, other extractive industries and unsustainable practices.

Brothers and sisters, in 2002 at the UN World Summit on Sustainable Development the mining and extractive industries' PR machinery managed to include in the final conference text the idea that mining is sustainable. But from our perspective as custodians, this is a crazy claim. To us sustainable development is taking from the Earth only what we need for our spiritual wellbeing and our health. Mining is fuelled by greed for profit, resulting in bogus people being put up to sign deals, desecrated sacred sites, degraded lands, polluted waters, divided communities and a legacy of mining waste, contaminated soil and poisoned drinking water and polluted fishing grounds. How can this be called 'sustainable'?

In the Northern Territory, the Angela and Pamela uranium mine near Titchikala, 25 kilometres south of Alice Springs, is in the middle of the artesian basin, which is the main water supply of Alice Springs and surrounding communities.

In Western Australia, the Burrup Peninsula holds some of the oldest artwork in the world – rock carvings and paintings. It is a World Heritage site, but the interests of the Woodside Petroleum gas industry overrode the sacredness of this site. Now the carved rocks, which carry the story of our humanity, are stockpiled behind a locked fence.

In our case, Lake Cowal in the middle of the Murray Darling Basin, Australia, we are opposed to the gold mine, but we have no right of veto, and have been trying for years to stop the Canadian company, Barrick Gold, from desecrating our ancient sacred lake and destroying our marked trees and cultural objects. One gram of cyanide can kill a human and we fear their practice of bringing in 6000 tonnes of cyanide a year into the floodplain of the lake and the Kalara (Lachlan) river, which forms an inland sea during a major flood. But, when we try to access the area, we are told we are trespassing and security call the armed police.

We took Barrick Gold to court many times. We formed alliances with environmental groups

around the world, but now Barrick Gold has gone ahead and are digging a large mine pit into the lakebed itself and have built vast tailings dams, where once thousands of our people have camped, back from the sacredness. When I flew over Lake Cowal in March this year in a small plane, I saw that the wall in the mine pit had collapsed after heavy rains, at the end of a long drought. Barrick Gold had not told the public, even though the mining was on public land. But when we asked questions in parliament, the NSW Minister for Mineral resources admitted the landslide has buried blast holes full of explosives. What is sustainable about this?

We are well aware that the four countries that opposed the Declaration of the Rights of Indigenous Peoples in the General Assembly - Canada, Australia, New Zealand and the US - are the source of many of these rogue transnational companies.

We have five Recommendations for this 7th Permanent Forum. Although the World Bank has stated in this forum that their policies are consistent with the Declaration on the Rights of Indigenous Peoples, there is a big difference between the World Bank's "free, prior and informed consultation" and the "free prior and informed *consent*" in the Declaration. Nevertheless, **we recommend that the Permanent Forum:**

1. Calls for activation of the 2005 *Extractive Industries Review* and for activation of the previous interventions to address the impact and legacy of extractive industries on Indigenous Lands, territories and natural resources;

2. Urgently calls for funding through ECOSOC for a World Summit to seek solutions for Indigenous Nations and Peoples affected by extractive industries in order to complete Recommendations by 2009 for the 2010 Commission on Sustainable Development;

3. Calls on the Human Rights Council to request the new UN Expert Mechanism on the Rights of Indigenous Peoples to investigate how to set up an Indigenous arbitration system, a regulatory regime, to control the practices of the trans-national mining companies, other extractive industries, forestry and fisheries;

4. Calls on ECOSOC to request a Joint Report, before the 8th Permanent Forum, from the Special Representative of the UN Secretary-General on business and human rights and the Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous Peoples, identifying transnationals and their types of behaviour, which breach the inherent rights detailed the Declaration on the Rights of Indigenous Peoples. The report is to include:

- **Requests to UN agencies to build on the research done by NGOs to document the whole impact of mining on Indigenous communities, including environmental justice, the legacy of mining waste, desecrated sacred sites, degraded lands and poisoned waters; and make the findings available to concerned communities;**
- **An evaluation of the amount Indigenous communities involuntarily subsidise the mining industry and other extractive industries through their natural resources, which are seized with minimal compensation, if any, by forms of colonialism perpetrated by trans-national companies;**
- **All expert investigations into mining impacts on Indigenous Nations and Peoples, such as the CERD's observations that both Canada and the US must regulate their transnational corporations impacting Indigenous communities outside their borders;**

5. Create an Indigenous Network on Mining Activities (INMA). We call on everyone at this forum to begin this network.

Thank you. Neville Williams, savelakecowal@yahoo.com

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