

What Price Human Rights in a Global Financial Crisis



Manila, Philippines

By: Brian Wyatt

National Native Title Council

Australia

March 2009

A Year Ago

- Australian economy is booming
- National unemployment is around 4.2%*
- Western Australian unemployment rate 3.2%*
- Indigenous unemployment highest in Australia - 13%**
- Dropped from 30% since 1994
- Main employer in WA is the mining sector
- Leading the way in Indigenous employment

* Unemployment rates correct as at 7 June 2007

** Indigenous unemployment rate obtained from "Overcoming Indigenous Disadvantage Report 2007"

Six Months Later

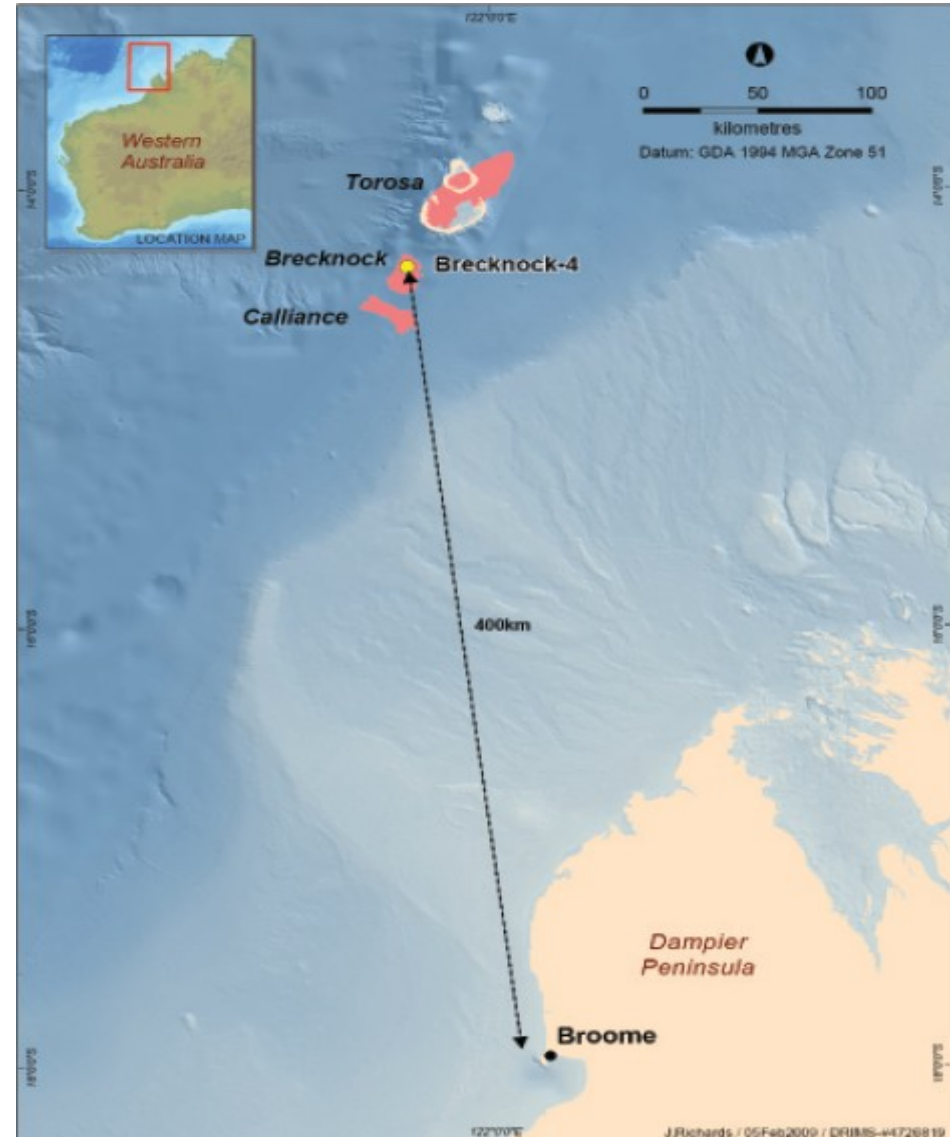
- UN Declaration signed by General Assembly
- Australian Government committed to support
- Mining companies negotiating in good faith
- Significant Economic Benefits through agreements
- Free, Prior and Informed Consent

Australia's Native Title Act

- Indigenous people have traded their rights to land
- Native Title legislation difficult to prove connection
- Negotiating agreements a preferred alternative
- Native Title traded for economic benefits
- Right to Negotiate for access to land – but no right to veto

LNG Gas Precinct

- Provide jobs
- 400km off WA coast
- 27.5 trillion cubic feet gas
- 600M barrels condensate
- 40 year life of project
- Many companies
- Agreed to single precinct



LNG Gas Precinct

- Opportunity to negotiate
- One appropriate site
- Protection of cultural lands
- Protection of environment
- Employment, training and business opportunities



James Price Point, Dampier Peninsula

LNG Gas Precinct

- Consultation
- FPIC
- Right to veto



Community Meeting - KLC

- New State Government
- Removed the right to veto
- Imposed inappropriate timeframes – March 2009

Kimberley Land Council

- Native Title Rep Body
- Most disadvantaged
- Nothing has changed in 20 years
- Natural Gas = opportunity
- Jobs, income stream and investment
- Substantial economic participation



All now under threat

Indigenous Rights

- Kimberley example could set dangerous precedent
- Indigenous Peoples rights will be subordinated
- Development at any cost for economic growth

Need to take advantage of Economic Boom
times

Future Challenges

- Participation, understanding and recognition
- Draft Declaration on Indigenous Rights
- Traditional Peoples have full recognition of cultural rights on land
- Participate fully and effectively
- Free, Prior and Informed Consent

Thank You



National
Native Title
Council