

**Tom Calma**  
**Aboriginal and Torres Strait Islander**  
**Social Justice Commissioner**  
**Human Rights and Equal Opportunity Commission**

**Speech at the**  
**Indigenous Climate Change and Land Use Management Conference**

**Garma Festival of Traditional Culture**

**7 & 8 August 2008**

- [Download PowerPoint presentation](#) [1.65MB]
  - From: <http://www.humanrights.gov.au/news/speeches/garma-festival-traditional-culture>
- 

**Slide 1**

***Garma Festival***  
***of***  
***Traditional Culture***

---

***Indigenous Climate Change and Land Use Management Conference***

**7 – 8 August 2008**

**Tom Calma Aboriginal and Torres Strait Islander Social Justice Commissioner**

Good afternoon ladies and gentlemen

I would like to acknowledge the **Gumatj people** on whose land we are today. I would also like to acknowledge other Yolngu people and balanda here today and thank the Yothu Yindi Foundation for inviting me to speak at this years Garma Festival where we celebrate the Yolngu culture and world view.

This recognition and contribution of Indigenous culture and world view is particularly important and relevant to the issue we are here to discuss today, climate change and its impacts on us as Indigenous people.

## Slide 2

### *Impacts of Climate Change*



Saibai Island -  
Torres Strait Islands - King  
Tides



Murray-Darling River Basin

As we have already heard by the speakers before me including Dr Donna Green, climate change will be an enormous challenge globally. And, it will bring distinct problems for Indigenous peoples, our cultures, our lands and territories, and our resources, not only for you here in the top end, but for many other Indigenous peoples around Australia and across the world.

In light of the far reaching impacts of climate change, I am going to talk today about how climate change will affect the way we, Indigenous people, exercise and enjoy our human rights in a climate where the human rights of all people is being threatened.

Climate change will have dire effects on our existence as a people if we continue to disregard the changes we are experiencing. For those of us that live on island communities and along the coastline of Australia, rising water levels are causing people to move to higher ground. For those of us who live inland and rely on our river systems to sustain our well-being, our wetlands are seriously stressed and severely degraded.

The effects of climate change are already being experienced by Indigenous peoples across Australia, particularly in island communities such as Boigu and Saibai, Poruma, Masig, and Warraber Islands, in the Torres Strait, and those groups whose lives and maintenance of culture, depends on the Murray-Darling River Basin. Professor Ross Garnaut has predicted in his report about climate change, that if significant strategies are not put in place, areas of national importance such as rural Australia including the Murray-Darling Basin, the Great Barrier Reef, and Kakadu could be lost.

### Slide 3

## Climate Change, Human Rights and Indigenous People

---

- Australia is now a signatory to the Kyoto protocol and has targets to meet by 2050
- UNPFII - April 2008 – Indigenous nations from around the world predict the impacts of climate change on their well-being. They also expect to be required to contribute to mitigation strategies ‘in the national interest’
- impacts are already being experienced in Australia by island and coastal communities and Indigenous groups living in the Murray Darlin Basin
- impacts for Indigenous people include: environmental refugees, and dispossession from their lands, leading to environmental, cultural and spiritual impacts.

With the ratification of the Kyoto Protocol, Australia now has international obligations to reduce the nation’s emissions of greenhouse gases. The government has committed to a reduction target of 60 per cent on 2000 levels by 2050. To date, the government has focused primarily on strategies that reduce the impact of climate change but also maintain economic growth. What is needed in addition to this, however, is more focus on maintenance of the social and cultural dimensions of climate change. I see these issues as inter-connected – it’s not about economic growth or protection of culture. It is about both - they are mutually reinforcing.

Indigenous peoples have been managing our lands and our environment for thousands of years. We have a significantly lower carbon footprint than most other people. But our efforts have also faced stress imposed by the ever increasing industrialisation of the world.

I am on record as stating that the contribution of Indigenous people in tackling climate change has not been recognised sufficiently by governments. Nor have governments effectively engaged with our peoples in developing climate change policies across the full spectrum of issues to be faced. This means not just in exploiting economic opportunities on Indigenous land for mitigation strategies, but also in terms of understanding the custodial role of Indigenous peoples over our traditional lands, flow on impacts for environmental protection and caring for country, right through to developing strategies for mitigation and adaptation.

This engagement needs to occur. We can anticipate, for example, that Indigenous peoples will be required to contribute our cultural and intellectual knowledge in the fight to preserve Australia's valuable biodiversity and to develop mitigation strategies 'in the national interest'.

We, Indigenous peoples must also recognise that one size will not fit all when it comes to climate change. As I have already stated we will face distinct challenges and where you live in Australia will determine what those challenges will look like. So we are not all going to agree on certain strategies but we do need to support each other in our attempts to deal with climate change. Indigenous people need to decide together what approach nationally, regionally, and locally we need to pursue to address the impacts we will face from climate change.

#### **Slide 4**

### ***Climate Change Policy – International Framework for Engagement***

- United Nations Permanent Forum 2008 in New York - Indigenous peoples from around the world voiced their concerns predicting that we will bear the brunt of climate change impacts.
- The Declaration on the Rights of Indigenous Peoples provides for the protection of our lands, territories, waters and natural resources (Articles 25 -32) and our cultural, spiritual, and linguistic identities (Articles 11-13)
- The Permanent Forum concluded that:

*As stewards of the world's biodiversity and cultural diversity, indigenous peoples' traditional livelihoods and ecological knowledge can significantly contribute to designing and implementing appropriate and sustainable mitigation and adaptation measures....[and] assist in crafting the path towards developing a low-carbon release and sustainable communities.*

We already have an international framework that supports our engagement in the development of national policy.

The Declaration on the Rights of Indigenous Peoples recognises the distinct rights and interests that Indigenous peoples have in particular to our lands and territories, our waters, our culture, and our natural resources.

Climate change poses a significant threat to these rights. Not only in the obvious situation where our lands and territories will be uninhabitable due to the impacts of climate change. But government and industry, both from here in Australia, and those from other countries around the world will be looking at our lands and territories and our people living in Indigenous communities to help them to mitigate or lessen the impacts of climate change. But our lands will also continue to provide the wealth of the country and will continue to be exploited for resources.

Therefore, the involvement of Indigenous peoples in international negotiations for a post Kyoto climate change regime is essential. This is particularly so in relation to the development of culturally inclusive rules around national emissions trading schemes, and the potential for international investment in our traditional lands.

At the recent United Nations Permanent Forum in New York, Indigenous peoples from around the world voiced their concerns predicting that we, Indigenous peoples, will bear the brunt of climate change impacts.

Problems that we will face include the migration of our peoples from our island communities forced to relocate to mainland urban centres, resulting in dispossession, environmental degradation and negligence, cultural genocide through loss of access to lands, ancestral, spiritual and totemic impacts, and impacts to our overall health and well-being.

The Permanent Forum concluded that:

As stewards of the world's biodiversity and cultural diversity, indigenous peoples' traditional livelihoods and ecological knowledge can significantly contribute to designing and implementing appropriate and sustainable mitigation and adaptation measures...[and] assist in crafting the path towards developing a low-carbon release and sustainable communities.'

They also found that as Indigenous peoples have the smallest ecological footprints, we should not be asked to carry the 'heavier burden of adjusting to climate change.' Therefore mitigation and adaptation strategies must be 'holistic and take into account not only the ecological dimensions of climate change, but also the social impacts, human rights, equity and environmental justice.'

## **Slide 5**

### **United Nations Permanent Forum on Indigenous Issues – 7th Session**

- The Permanent Forum recommended that:

- States develop mechanisms to monitor and report on the impacts of climate change on indigenous peoples, which considers our socio-economic limitations as well as our spiritual and cultural attachment to lands and waters
- UN agencies and States support traditional practices and laws which contribute to global solutions to climate change, respects the right to self-determination of indigenous peoples to decide on mitigation and adaptation measures in the our lands and territories
- States implement the United Nations Declaration on the Rights of Indigenous Peoples and the principles of sustainability.

The members of the United Nations Permanent Forum have made a number of recommendations to the United Nations Economic and Social Council regarding the impacts of climate change on indigenous peoples, including:

- that States develop mechanisms through which they can monitor and report on the impacts of climate change on indigenous peoples, which considers our socio-economic limitations as well as our spiritual and cultural attachment to lands and waters;
- a call to all UN agencies and States to support traditional practices and laws which can contribute to global solutions to climate change, and respects the right to self-determination of indigenous peoples to decide on mitigation and adaptation measures in our lands and territories; and
- a call to States to implement the United Nations Declaration on the Rights of Indigenous Peoples and the principles of sustainability. This is particularly relevant to transnational corporations and highly industrialised States engaging in development activities.

The Permanent Forum have also appointed two of their members as special rapporteurs to prepare a report on various models and best practices of mitigation and adaptation measures undertaken by indigenous peoples from around the world. This report will also include a draft declaration of action on climate change and indigenous peoples.

So what does this all mean in the Australian context?

## **Slide 6**

### **Developing National Climate Change Policy**

- the Garnaut Review on Climate Change - Garnaut's work may contribute significantly to the design of an emissions trading scheme but does not consider the impacts on or the level of engagement required by Indigenous people

- Better interface with mechanisms that are currently in place including the Indigenous Advisory Committee on the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)
- urgent need for mechanisms that ensure Indigenous engagement and that rights are expressed, applied, and exercised equally and consistently across the country
- engagement of Indigenous people in the development of domestic and international climate change policy must be from the outset

The recently released Garnaut Review is likely to have a big impact on the design of a national emissions trading scheme set to be introduced by 2010. I am concerned that Indigenous people have not been considered as a major stakeholder in an emissions trading scheme and don't seem to be in the game.

At the national level here in Australia, under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the government has established an Indigenous Advisory Committee that provides advice to them on indigenous peoples issues about our lands and waters, and matters of national environmental significance. The *Environment Protection and Biodiversity Act* has been established to address the government's international obligations under the United Nations Convention on Biological Diversity (CBD). To date, the role of the Indigenous Advisory Committee has been limited.

While it is recognised that the ability of the Indigenous Advisory Committee to give advice in the past has been a direct result of the government of the day, we as Indigenous people need to urge the current Government to fulfil their undertaking to seriously consider the scope of this committee.

In the absence of any other mechanism, this may be one avenue that we can access now to provide relevant policy advice on climate change issues. But we must also lobby the Government to develop a mechanism that enables the effective engagement and participation of Indigenous peoples, and increases our capacity to provide advice relevant to Indigenous peoples, our lands and waters, both nationally and internationally.

## **Slide 7**

### **The Declaration on the Rights of Indigenous Peoples**

- Reinforces the existing rights of Indigenous people to give their free, prior and informed consent before certain actions affecting them can occur.

1. It explicitly recognises that Indigenous people have a right to the land we traditionally own.
2. We have a right to compensation for land if it is taken, occupied, used or damaged without our free, prior and informed consent.
3. We have a right to the conservation and environmental protection of our country. This includes a right not to have hazardous materials disposed of on our country.
4. We have a right to determine and develop priorities and strategies for the development or use of our lands and resources.

The Declaration on the Rights of Indigenous Peoples also recognises our right to give – or not to give – our free, prior and informed consent to developments on our lands. Free, prior and informed consent recognises Indigenous peoples' inherent and prior rights to our lands and resources and respects our legitimate authority to require that third parties enter into equal and respectful relationships with us, based on the principle of informed consent.

## **Slide 8**

### **A minimum standard across all jurisdictionsn**

- ensure effective participation of Indigenous peoples in the development of policies that affect our lands and waters
- consult with Indigenous peoples to get our free, prior, and informed consent for proposals on our lands and waters
- evidence based policy with built in evaluation mechanisms
- ensure that legislative developments do not remove or restrict existing rights

Legislative arrangements are required which, recognise the cultural diversity of Indigenous nations, and provide a minimum standard across all levels and jurisdictions of government to:

- Ensure the effective participation of Indigenous peoples in the development of policies which directly affect our lands and waters;
- Consult with Indigenous peoples to get our free, prior and informed consent for any proposals on our lands and waters;
- Emphasise policy approaches which are research based, supported by trial processes and ongoing evaluations that involve Indigenous peoples; and
- Ensure that legislative developments do not remove or restrict any existing rights, legislative or otherwise.



Indigenous Australians need to come together on the issue of climate change. We need to be working with Government to ensure that legislation like our cultural heritage, native title and land rights laws provide the necessary protections over the Indigenous land base in terms of future development and investment, but also allows Indigenous people to leverage economic and sustainable development opportunities arising from the growing carbon market.

For those of you who are currently engaged in negotiations for Indigenous land use agreements or comprehensive settlement agreements now is the time to start considering what outcomes of these agreements may contribute to a carbon offset or the mitigation of greenhouse gas emissions. These may be things like meeting your land management and caring for country obligations, maintaining lands with high biodiversity, and wildfire management.

Some of you here in the far north are already succeeding in this area with initiatives such as the Western Arnhem Land Fire Abatement Project.

## **Slide 9**

### Indigenous Community Mitigation Initiatives

- The Western Arnhem Fire Abatement Project (WALFA)
  - Commercial agreement - improved fire management = carbon offset
  - Aims to generate opportunities for Indigenous communities through culture based economies
  - Ability to meet cultural obligations to lands and waters and provides a service to the Australian community - quadruple bottom line: economic, cultural, social and environmental benefits
- Bushlight Project
  - renewable energy project which aims to increase access to sustainable energy services through solar energy in remote Indigenous communities across Australia
  - This project provides access to infrastructure as reduces greenhouse gas emissions through the use of diesel generators
- Cool Communities Project
  - a rubbish management system - the use of wheelie bins in communities instead of burning off rubbish which emits greenhouse gases.
  - This project was successful in raising awareness about energy, pollution and health issues as well as cutting greenhouse gas emissions

This project fosters an approach around the provision of environmental services to support livelihoods and an economic approach that works through Indigenous people living on country.

In western Arnhem Land, where savannah burning is mitigating wild fire, this has resulted in economic, cultural, social, and environmental benefits for Indigenous people and the wider Australian community.

Community initiatives such as this allow Indigenous people to meet cultural obligations to their lands and waters, and provide a very valuable service to the community.

Agreement making may also provide opportunities for Indigenous people to enter partnerships with industry and government to co-fund community development initiatives such as the Bushlight Project which you may have heard of.

Bushlight is an innovative renewable energy project that aims to increase access to sustainable energy services within remote Indigenous communities across Australia. The Centre of Appropriate Technology is working with Indigenous communities to design robust, technically advanced renewable energy systems. By July 2007 this program had installed 97 renewable energy systems in remote communities in Australia.

This is particularly important in remote communities where often the only source of power for refrigeration, heating and other basic essentials that we in the cities take for granted, is through diesel generators. Access is further limited where people are cut off by flood during the wet season, and have no access to town water, or power.

Not only does this project contribute to better access to infrastructure in the community and provide jobs for community people, but it reduces the amount of greenhouse gas that was previously being emitted by the fuel generators.

Another community initiative contributing to the mitigation of greenhouse gas emissions is the Cool Communities Project where among others, a small community, Ikuntji, west of the Macdonnell Ranges has committed to improving the environment and health of their community. This project, which has now finished, was a collaboration between government, industry and communities to improve lifestyles through providing wheelie bins as part of a new rubbish management system, instead of burning off rubbish which emits greenhouse gases. This project was successful in raising awareness about energy, pollution and health issues as well as cutting greenhouse gas emissions.

Government are slowly realising the important contribution Indigenous people can make in mitigating the impacts of climate change, and we are starting to see a change in attitude.

## **Slide 10**

*Culture is the key to caring for country*

*and*

*Caring for Country is the key to the maintenance and strengthening of our culture and well-being*

In May 2007, the previous Australian Government launched the Working on Country Program. This program established a precedent where the Australian Government now purchase environmental services from Indigenous people, resulting in real employment opportunities for people on country. This approach is moving away from the long held approach that aboriginal environmental service provision were in the public interest of the nation and therefore should be done for free.

Stewardship and market based incentives have also supported an Indigenous approach to caring for country and ranger programs.

The Indigenous Ranger Model is an excellent fit with the new globally emerging opportunities around the provision of environmental services, carbon and water trading and bio-security. The scientific and political acceptance of climate change which includes mitigation and adaptation options are opening up further opportunities for Indigenous peoples to assert their custodial obligations to care for and manage country.

However, we need to urge the Government to support policy development which firmly situates Indigenous people as the primary drivers of this new and emerging economic approach, particularly on Indigenous lands and waters. It must be fully accepted that Indigenous stakeholders are, in the words of Jenny Macklin, 'substantive players and stakeholders in the future development of the nation'.

So, to conclude, let me remind you that as the original custodians of our lands: we have a right to maintain and ensure that our lands and territories are healthy and protected; we have a right to ensure our natural resources are not squandered and used in ways that damage our environment; we have a right to maintain our cultures and world views that have ensured the health of our world for thousands of years; and we have a right to social, cultural, environmental and economic development arising from our lands.

These rights are currently under threat from climate change.

We have a window of opportunity to get engaged in the development of strategies to mitigate and adapt to the impacts of climate change. The stakes are high for us as Indigenous peoples and we should not sit back and watch this process unfold without our voices being loudly heard.

## **Slide 11**

*For further information*

- Please visit the HREOC website at: [www.humanrights.gov.au](http://www.humanrights.gov.au)
- Contact HREOC on 02 9284 9600      02 9284 9600 FREE

Thank you.

Address:

--

Australia