



# INDIGENOUS PEOPLES' ORGANIZATION (IPO) AUSTRALIA



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Office of the High Commissioner for Human Rights  
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**Att: Mr Ayush Bat-Erdene, Chief, Right to Development Section, United Nations Office of the High Commissioner for Human Rights**

**Re: Response to the questionnaire in relation to Human Rights Council resolution 47/24 on human rights and climate change.**

Thank you for the opportunity to forward a response to the United Nations Office of the High Commissioner for Human Rights questionnaire in relation to Human Rights Council resolution 47/24 on human rights and climate change.

The Indigenous Peoples Organisation-Australia (IPO) is a national coalition of approximately 300 Aboriginal and Torres Strait Islander peak organisations, community organisations and individual members across Australia. The IPO was established to promote the rights of Indigenous Peoples at the national, regional and international levels and to facilitate constructive and collaborative advocacy of Indigenous rights at the United Nations. The IPO is a voluntary, unfunded body and operates through the direction of a national executive with two elected Co-Chairs. The IPO is committed to the enactment of internationally recognised Indigenous rights within Australia.

For Aboriginal and Torres Strait Islander Peoples, climate change has a direct detrimental and inequitable impact on us. The climate crisis directly and disproportionately threatens the human rights of Indigenous people - including the rights to health, water, food, housing, self-determination, and to life itself.

The IPO would also like to take the opportunity to raise our concerns as Indigenous peoples of the difficulty registering to participate in future COP sessions, with the registration requiring ECOSOC status and registration for COP 27 by October 2021, prior to COP 26. These requirements act as a barrier to Indigenous participation, when Indigenous voices are recognised as requiring additional promotion in response to the history of exclusion that Indigenous peoples continue to experience.

In response to the questionnaire in relation to Human Rights Council resolution 47/24 on human rights and climate change, we note the following.

**1. Please describe the impacts of the adverse effects of climate change on the full and effective enjoyment of the human rights of people in vulnerable situations. Where possible, please share specific examples and stories.**

As referenced in the IPO Australia report [Heal Country, Heal Climate: Priorities for climate and environment](#), drafted to inform our participation at the 26th United Nations Climate Change Conference of the Parties (COP26), November 2021. This report documents the effects of climate change on the human rights of Aboriginal and Torres Strait Islander Peoples, include:

Global warming has led to an unendurable rise in temperatures in central Australia, with 55 days in the year up to June 2019 over 40°C (104°F) with Central Australian communities running out of water.<sup>1</sup> Warming has resulted in an increased frequency, intensity and duration of heat-related events, including heat waves.<sup>2</sup>

These increased heat events have contributed to desertification in Australia.<sup>3</sup> Desertification amplifies global warming through the release of CO<sub>2</sub> and the decrease in vegetation cover.<sup>4</sup> Vulnerable groups such as Aboriginal and Torres Strait Islander Peoples are most at risk.<sup>5</sup>

The Torres Strait Island communities are some of the most vulnerable to climate change due to rising sea levels. For the Torres Strait 'scientific modelling suggests the sea level could rise about 80 centimetres by the end of this century. Torres Strait Islanders are now experiencing [rising seas causing coastal erosion](#), salt contamination of crops and are threatening the homes, buildings, roads and are washing away remains from cemeteries.

Limited recognition of customary access to land and ownership has resulted in increased vulnerability to climate adaptation for Indigenous Peoples.<sup>6</sup> Indigenous Peoples rights and interests are inadequately represented in the National Water Initiative and regional water and land management strategies. The recent droughts have left Aboriginal communities without drinking water. Groundwater over extraction and the commercialisation of floodplain harvesting detrimentally impact Aboriginal communities. Serious health concerns due to substandard water quality in remote and regional Aboriginal communities is exacerbated by a lack of action on climate change.

**2. Please describe any specific policy, legislation, practice or strategy that your Government has undertaken, in compliance with applicable international human rights law, to promote an approach to climate change mitigation and adaptation, as well as loss and damage that ensures the full and effective enjoyment of the human rights of people in vulnerable situations. Please also note and identify any relevant mechanisms for ensuring accountability for these commitments including their means of implementation.**

Unfortunately, Australia has a poor record on its emissions reduction efforts, with inadequate COP commitments. The report of the United Nations General Assembly Report of the Human Rights Council Working Group on the Universal Periodic Review on Australia A/HRC/47/8, noted that Australia has failed to meet its obligations to address climate change, particularly recommendations 146.110-146.118 and adequately recognize the rights of Indigenous peoples, reflected in recommendations 146.253-146.291 on recognizing the rights of Indigenous peoples and implementing the Declaration on the Rights of Indigenous Peoples.

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<sup>1</sup> Allam and Evershed 2019

<sup>2</sup> Arneth, A. et. al., 2019, *Climate Change and Land: An Intergovernmental Panel on Climate Change Report*, Report Summary for Policymakers, p.5

<sup>3</sup> Arneth et al, 2019 p.6

<sup>4</sup> Arneth et al, 2019 p.12

<sup>5</sup> Arneth et al, 2019 p.17

<sup>6</sup> Arneth et al, 2019 p.31

In addition, to this insufficient human rights track record, there is no specific commitment to vulnerable people, within Australia's climate mitigation policy. The closest related policy, the [Low Income Energy Efficiency Program](#), closed in 2016. Therefore, the only current semi-relevant program, with no specific inclusion or commitment to First Nations or any other vulnerable Australians, is the Australian Federal Government's Communities Environment Program of grants:

- [Communities Environment Program](#)

Though current Australian Federal Government climate policy mentions vulnerable persons several times in the National Climate Resilience and Adaptation Strategy, but as with other Australian Federal Government Climate policies, it does not provide any specific, measurable, achievable, relevant, or timely policy, legislation, practice or funding commitments needed to action this strategy. Nor does the strategy contain any of the language generally used in resilience adaptation and regeneration projects.

- [National Climate Resilience and Adaptation Strategy](#)

Please also refer to the IPO Heal Country Heal Climate Report, for IPO Legislative Priorities outlined on page 3, which was developed along with our climate priorities following a period of national consultations with Aboriginal and Torres Strait Islander Communities.

- [Heal Country, Heal Climate: Priorities for climate and environment report](#)

**3. Please share a summary of any relevant data that captures how the adverse effects of climate change have affected people in vulnerable situations, taking into account multiple and intersecting forms of discrimination (i.e. discrimination based on a combination of multiple grounds, including disability, gender, race, colour, sex, language, religion, nationality and migration status).**

The IPO is not aware of any specific data related to Aboriginal and Torres Strait Islander or vulnerable communities compiled by the Australian Government. As a result, in an effort to meet this shortfall the IPO consulted with Aboriginal communities, held a national workshop and developed the attached Heal Country Heal Climate report.

**Summary of References:**

The IPO-Australia Heal Country, Heal Climate: Priorities for climate and environment report, compiled to inform Indigenous participation at the 26th United Nations Climate Change Conference of the Parties (COP26), in Glasgow, November 2021, and to support further educational and lobbying efforts of the IPO post COP 26, to encourage the development of appropriate legislative and policy approaches on climate mitigation, adaptation and land and water management approaches.

- [Heal Country, Heal Climate: Priorities for climate and environment](#)

Additionally, please find attached an article from The Guardian, outlining the detrimental impact of rising temperatures for Aboriginal communities of central Australia.

- <https://www.theguardian.com/australia-news/2019/dec/18/too-hot-for-humans-first-nations-people-fear-becoming-australias-first-climate-refugees>

Further, please find attached a news article from the Australian Broadcasting Corporation, the national public broadcaster, where two Torres Strait Islanders are suing the Australian Government, arguing the government has a legal obligation and has breached its duty of care to prevent the loss of their communities to climate change.

- <https://www.abc.net.au/news/2021-10-27/australian-government-sued-for-failing-to-take-climate-action/100569558>

In addition, the attached article, by Truthout. Org, outlines the impact of climate and land management practices on disabled Indigenous peoples globally. This article documents Australia's Ranger Uranium Mine on the Indigenous lands of the Mirarr people of the Northern Territory, in Australia. In the 41 years since its operation, it has had over 200 spills, leaks and breaches. In 2013, a Ranger tank leaked over 1 million litres of radioactive liquid. These have caused a range of health concerns related to exposure as a result of the uranium mine, including cancer.

- <https://truthout.org/articles/indigenous-people-with-disabilities-are-on-the-front-lines-of-the-climate-crisis/>

**4. Please describe any mechanisms and tools that are in place to measure and monitor the impacts of climate change on the full and effective enjoyment of the human rights of people in vulnerable situations.**

Australia is one of only 15 remaining countries without the right to a healthy environment in our constitution. We also do not have Human Rights enshrined in our constitution. Although the Australian Human Rights Commission (AHRC) is a federal body for monitoring human rights and making recommendations, there has been a large gap in the commission's work on climate change. This year, the AHRC published some climate change impacts to First Nations peoples, in the [Closing the Gap Campaign Report 2021](#), compiled by the Lowitja Institute.

As a result of lack of the federal human rights legislation, there is no effective broad scale monitoring of the environment, so the monitoring of impacts of climate change on human rights is effectively not measured. However a landmark legal win by recent bushfire survivors, means that the New South Wales state Environmental Protection Authority, are now obligated to monitor the environment to protect against climate change.

- [monitor the environment to protect against climate change](#)

Non-government advocates of human rights and the environment in Australia include environmental committees such as the [National Committee on Aboriginal Water Interests](#) and litigators such as environmental litigators such as the Environmental Defenders Office. Refer to the EDO's [article on the state of human rights and climate change in Australia](#), which includes several references to our First Nations communities.

**5. Please identify and share examples of good practices and challenges in the promotion, protection, and fulfilment of the human rights of people in vulnerable situations in the context of the adverse effects of climate change.**

Despite the Australian governments poor track record to date, several good practices we identify are:

- The Australian [community](#) and [media](#) have reflected an increased recognition of Indigenous land and fire management practices, with increased support for short term [business](#) sponsorship for risk management and drawdown practices. However, the challenge remains to secure a commitment for long-term funding and support from the Australian Federal government and consistent Fire Management policy between government agencies, which incorporate Aboriginal cultural knowledges and land management, fire and climate mitigation strategies.
- Human rights litigation have secured break throughs in Australian with [Court ordered outcomes to mitigate climate change](#), in addition to the EPA case above mentioned.
- Indigenous communities have sought to [choose representative Members of Parliament](#), though this is limited given Indigenous peoples consist of only 3% of the population, so capacity to influence democratic electoral outcomes are constrained to only a few regions where the percentage of Indigenous peoples is comparatively higher. The IPO seeks to promote that all elected representatives engage constructively on Climate Change, human rights and social justice legislation.
- The First Nations Clean energy Network is a "network of First Nations people, community organisations, land councils, unions, academics, industry groups, technical advisors, legal experts, renewables companies and others, working in partnership to ensure that First Nations communities to install solar panels to increase access to energy and reduce the costs of energy and reduce carbon emissions for remote Aboriginal communities.

[indigenous communities' harness environmental & economic benefits of solar panels](#)

However, ongoing challenges include:

- The United Nations Declaration on the Rights of Indigenous People has not been enacted in Australia, despite more than 10 years since the Australian Government endorsed the Declaration on the Rights of Indigenous Peoples, in 2009, following the United Nations General Assembly endorsement in 2007. Additionally, legislation or requirements to recognize Indigenous 'free, prior and informed consent' in relation to developments of our ancestral lands have not been recognized.
- Drought from land and water mismanagement has caused loss of food, and lack of access to drinking and hygiene water sources among Aboriginal communities. Although Australia is currently in La Niña, leading up to unprecedented bushfires in 2019-20, along with the worst drought in [800 years](#). This is substantially due to climate change, land clearing and over extraction by mining and agricultural interests. Our challenge is to have the Australian government reform water markets and roll back the current separation of land and water. Our [Heal Country, Heal Climate](#) report has in depth content about waterways and sea country challenges.
- Lack of adequate housing for extreme weather events. In addition to the Central Australian extreme temperatures, the Australian government has been [taken to court](#) regarding the sub standard conditions of Aboriginal housing, particularly in remote Nations. This issue becomes increasingly urgent as extreme temperatures increase. Please refer to the "Healing Community section of our [Heal Country, Heal Climate](#) report for further information on our Communities' challenges.

**6. Please include examples and good practices that highlight international and multilateral cooperation and approaches that are implemented through close consultation with and active involvement of people in vulnerable situations.**

The IPO-Australia draws on existing United Nations standards for human rights, including the Declaration on the Rights of Indigenous People. As yet the Australian Government and United Nations Member States have not included representation from Aboriginal and Torres Strait Islander peoples in important talks such as our knowledges and expertise on sustainable land and water management and climate change mitigation and adaptation strategies.

Close consultation with Australia's First Nations is currently a failing for the United Nations, exemplified in the recent COP26, where engagement with both our capabilities and vulnerabilities was notably absent. In view of the recent complaint made by Torres Strait Islanders to the UN, and the increased access to the UN of Australian dominant culture politicians, we believe the United Nations must engage in a more equal manner with First Nations Australians at future UN meetings.

In addition, the IPO-Australia's participation at COP 26 highlighted a lack of sufficient opportunity for Indigenous voices to be heard.

**7. Please provide any additional information you believe would be useful to support climate action that promotes the full and effective enjoyment of the human rights of people in vulnerable situations.**

The IPO proposes the United Nations mechanisms require Nation States to regularly report on their efforts to address the needs and concerns of Indigenous and vulnerable communities on climate mitigation and adaptation strategies and are incorporated in land and water management decision making and traditional knowledges.

Thank you for the opportunity to submit this response to this important questionnaire, assessing the impact of climate change and government mitigation and adaptation strategies on vulnerable Indigenous and local communities. Please email the Indigenous Peoples Organisation-Australia if you would like further information on any of the matters raised in this response.

Yours Sincerely,

*Cathryn Eatock*

Cathryn Eatock  
Co-Chair Indigenous Peoples' Organisation-Australia

