



2 October 2015

Ms. Farida Shaheed, UN Special Rapporteur in the field of cultural rights
c/o OHCHR-UNOG, Office of the High Commissioner for Human Rights, Palais Wilson
1211 Geneva 10, Switzerland

Re: *Submission regarding Australia's failure to protect the Wangan and Jagalingou People's rights to culture from the proposed Carmichael Coal Mine*

Dear Special Rapporteur Shaheed:

We, the indigenous Wangan and Jagalingou people, write to you in urgent and worrying times as our traditional lands, connection to country and cultural identity are under imminent threat of irreversible destruction from the proposed development of the massive Carmichael Coal Mine by a private company, Adani Mining, with the support of the Australian government. Attached to this letter is a detailed submission for your reference. Although the attached submission is directed to the UN Special Rapporteur on the Rights of Indigenous Peoples, as you will see from section III of the submission it is also relevant to your mandate because of the impacts to our cultural identity from the proposed coal mine. We have also sent this submission to the UN Working Group on the issue of human rights and transnational corporations and other business enterprises because of the bad faith actions Adani Mining has taken towards our people.

The Carmichael Coal Mine would be located in our ancestral homelands in central-western Queensland, Australia. The sheer scale of the Carmichael Mine is difficult to conceive: it will be one of the largest coal mines in the world, covering a vast swathe of our land and causing extensive disturbance and devastation. It is simply not possible to build a mine consisting of six open-cut pits, five underground mines, a coal handling and processing plant, rail infrastructure, and all other necessary associated infrastructure without causing massive alteration of the environment and significant environmental harm. If the Carmichael Mine proceeds, it would tear the heart out of our country, our culture and our people. It would permanently destroy vast swathes of our traditional lands and waters, including a complex of springs that we hold sacred as the starting point of our life and through which our dreaming totem, the *Mundunjudra* (also known as the Rainbow Serpent) travelled to form the shape of the land. We exist as people of our land and waters, and all things on and in them – plants and animals – have special meaning to us and tell us who we are. Our land and waters are our culture and our identity. If they are destroyed, we will become nothing. *We have never consented to the development of the mine, and we never will.*

International law recognizes our fundamental and universal rights to continue enjoying our culture as we have done for thousands of years, and to pass it on to our future generations. The use and enjoyment of our traditional lands and all things on them – which are our cultural goods and services –

are vital to our cultural identities and survival, and must be accessible and available to us if we are to continue to realise and enjoy our right to culture. If the Carmichael Mine proceeds, the extensive land disturbance and destruction would destroy our culture and prevent us from passing it on to our children. We would be unable to maintain and strengthen our relationship with our traditional lands.

By promoting and facilitating the development of this mine, the Australian and Queensland governments are failing to protect and respect our right to maintain and strengthen our spiritual relationship with our ancestral lands, and are failing to ensure the availability of our cultural goods and services – our lands and waters.

For these reasons, which are described in more detail in the attached submission, we respectfully request that you investigate the issues set out in this letter and call on the Australian government to ensure the protection of our human rights. We believe that an expression of concern from your mandate along with the Special Rapporteur on the rights of indigenous people and the Working Group on the issue of human rights and transnational corporations and other business enterprises would help convince the Australian and Queensland governments to reassess their approvals of the mine in light of its effect on our human rights, and would also help dissuade potential investors from supporting this disastrous mine and the resulting destruction of our culture and lands.

Sincerely,

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Cc (via electronic mail):

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