

The background features a stylized map of Australia in shades of green and brown, overlaid with large, flowing, wavy lines in light blue and white that suggest water or movement.

# **THE YIDINJI DECLARATION IN FAVOUR OF AN INDIGENOUS CLIMATE JUSTICE CHARTER**



## PREAMBLE

This Charter has been developed at the Climate Justice Workshop hosted by the Australian Chapter of the Eastern Regional Organisation for Planning and Human Settlements (EAROPH) held on Yidinji country (Seville Centre, Cairns, Australia) April 27–28 2023. The workshop involved First Nations representatives from North Queensland and the Pacific Region.

It is recognised that indigenous peoples worldwide have cultural sovereignty over major parts of Mother Earth, and must be empowered to sustain and regenerate the land, waterways, the sea, the air and all their biodiversity drawing on their cultural knowledge and authority. This experience is vital for our collective action for a just future.

The workshop explored how a Climate Justice Charter could support indigenous communities worldwide in protecting themselves and assisting others in addressing the adverse impacts of climate change, drawing on their cultural knowledge and experience. The Charter can be a document that is attached as an addendum to agreements involving indigenous communities and interests.

The Charter will be most effective if it is supported by a global network of communities who can together advocate for indigenous rights and appropriate action. It is proposed that the Yidinji Charter can provide a foundation for building such a global network. While there are numerous global and national commitments supporting indigenous rights, these are not yet translated to giving indigenous people a place at the decision making table. This will only change through collective advocacy.

EAROPH is committed to presenting the Charter for further development at the upcoming Pacific Urban Forum 2023 and other international gatherings, in partnership with the Climate Action Network and other agencies. EAROPH will also work with other agencies to assist indigenous communities in connecting with one another, sharing stories, documenting case studies and building a global movement for assertion of their rights.

## GLOBAL PRINCIPLES FOR INDIGENOUS PEOPLES

1. Place cultural knowledge, cultural sovereignty and the rights of Mother Earth at the centre of climate mitigation and adaptation through ensuring indigenous people are seated at the table for making and enacting decisions with authority.
2. Protect cultural knowledge systems as a vital resource for future generations in addressing climate change, also recognising the embodiment of knowledge within indigenous languages and the need to protect language as a knowledge resource.
3. Ensure that those who are most affected by climate impacts but who contribute least to causing increases in greenhouse gas emissions and pollution are supported in leading the design and implementation of appropriate local solutions, and provided with the necessary resources for effective outcomes.
4. Support indigenous people in drawing on their cultural knowledge and experience to educate the wider community, mainstream their understanding of Mother Earth, and change the focus of decision making towards healing land and sea country.
5. Empower indigenous and non-indigenous young people to respect and maintain cultural knowledge, applying this in their roles as future leaders of change.
6. All communities, educators and scientists must be made aware of how mobilising indigenous knowledge to heal land and sea country can be of direct economic benefit to the whole community.
7. Co-designed systems for managing land and sea country must be developed to prioritise regenerative social, environmental, cultural and economic benefits for the whole community over profits for sections of the community.
8. Strong indigenous-led coalitions amongst individuals and communities, including businesses, can establish personal and collective responsibility for reducing their carbon footprint and tread lightly on Mother Earth.
9. The marine territories established in relation to coastal delineations must be retained by customary/traditional owners and national governments even after coastal recession or loss of island landforms.

In applying these principles we demand the following action.

## GLOBAL ACTIONS

1. National governments must legislate to protect indigenous rights to ensure a legal basis for the protection of these rights.
2. Countries must work collectively to develop and adopt a declaration on the rights of Mother Earth to complement the declarations on human rights and indigenous rights, as a basis for subsequent adoption and legislation by individual countries.
3. The United Nations must embed protection of cultural knowledge and promotion of indigenous-led solutions within the review of the global Sustainable Development Goals, with clear performance targets to be set at the 2024 World Urban Forum.
4. All sectors must align economic development principles and practices to caring for land, waterways, sea and air as the essential life resources, and regenerating these resources as an essential way of strengthening environmental and cultural resilience.
5. Governments must shift the flow of money from fossil fuel investments into addressing climate mitigation, adaptation and compensation for Loss and Damages.
6. All entities must ensure that investment in addressing climate change does not adversely impact on but rather benefits the rights of indigenous people.
7. Indigenous people must be included in country delegations to the International Court of Justice in relation to seeking judgement on climate impact responsibilities, and be involved in seeking consequential legal action.
8. International agencies must provide funding for climate action on the basis of solving problems rather than providing a response to preconceived objectives, to enable creative proposals based on customary/traditional knowledge.
9. The scientific community must encourage research partnerships and access to research findings by indigenous communities in the context of shared knowledge based on informed prior consent, to inform effective climate action.

## AUSTRALIA PACIFIC FRAMEWORK

1. Develop a pilot programme for mobilising the resources of the Australian Government on a “no admission of guilt” basis to compensate Pacific island nations (the Blue Continent) for Loss and Damage attributable to climate change. This should include:
  - means tested compensation for permanent loss of land and possessions using benchmarks already established for each country in this region
  - an incentivised for natural assets such as blue carbon trading scheme that can upscale carbon sequestration while providing funds for strengthening local resilience (food and water security, resilient housing)
  - funding for preservation of cultural knowledge, social and emotional wellbeing as well as mental health services as an interim measure to partially compensate for intangible loss.
2. Establish short to long term community-led planning and appropriate resources for relocation of whole communities, maintaining their social and cultural integrity, in advance of their land becoming uninhabitable.
3. Assist customary/traditional land owners in maintaining their environmental and cultural resources for the good of their communities, giving well informed prior consent to requests for use of these resources for commercial purposes, and legally asserting their rights over these resources.
4. Provide a portal and accessible pathways for local indigenous communities to directly access the international Climate Finance programs that can support them in strengthening resilience to climate change.

## AUSTRALIAN FIRST NATIONS FRAMEWORK

1. Draw upon the vital knowledge that Australian First Nations people have about their adaptation to rising and falling sea levels over many thousands of years to inform national and regional adaptation strategies.
2. Torres Strait Islanders are bearing the brunt of adverse impacts of a changing climate, and are leading the way in collective community-led advocacy, so they must be supported by governments in asserting their rights to cultural and material survival.
3. Governments at all levels need to ensure genuine dialogue and collaborative partnership followed by action, providing First Nations communities with access to information and resources, rather than tokenistic consultation.
4. All decision making entities and processes addressing climate action must include First Nations voices through establishing minimum quotas, with First Nations participation in allocation and auditing of funds.
5. Governments must use the legal findings in relation to objections to the Waratah Coal Project to inform changes to the way that projects threatening to worsen climate impacts are assessed, to prevent approval of destructive development without compromise.
6. First Nations communities will work with others to hold governments to account for honouring and amplifying their commitments to limit global warming including enabling the just transition to 100% use of renewable energy.
7. Ensure First Nations knowledge is reflected in all aspects of the Australian educational curricula, to strengthen understanding about a new way of managing and regenerating land and sea country.
8. Assist First Nations communities to re-establish social networks and resource sharing between those living on the coast and those living further inland, as a basis for cooperative response to rising sea levels.
9. First Nations communities should extend their activities from healing land country to applying their cultural knowledge to healing sea country, through collaborative partnerships with governments and business.
10. Trading of carbon credits from restorative work on land and sea country must not be used to offset continued emissions of greenhouse gases, and should instead enrich the value of zero carbon activities
11. Ensure that Indigenous Land Use Agreements (ILUAs) and Traditional Use of Marine Resources Agreements (TUMRAs) involve free prior informed consent and incorporate provisions that address climate change. and production.

**WE INVITE INDIGENOUS PEOPLES FROM OTHER COUNTRIES AND REGIONS TO CONTRIBUTE THEIR OWN ACTION PLANS**

## The Charter was drafted by the following people.

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## These additional people participated in the yarning circles that provided the foundation for the Charter.

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Trevor Tim

Velvet Eldred

Will McDonald

Zylla Kamarudzaman

## The Charter has received support from the following agencies

### **Our sponsors who gave us the necessary funding:**

- Reef and Rainforest Research Centre
- Cairns Institute/James Cook University
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- ICLEI (Local Government for Sustainability)
- Cairns Regional Council
- Deakin University (Energy Hub)
- Keemin Energy Solutions
- Rainbow Bee Eater (biochar production)
- South Pole (carbon trading)
- McCullough Robertson (legal advocacy)
- ANZ Biochar Industry Group
- Choice Homes
- Murphy Tax Lawyers and Associates

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- Jenuarre for loaned artwork
- Marlene Norman for loaned artwork



EAROPH pays respects to the Traditional Owners and Custodians of the beautiful Country on which our event was hosted. We acknowledge the Djabugay Nations including Djabugay, Yirrikandji, Bulwai, Nyakali and Guluy People, and the Gimuy Wallaburra Yidinji People where the Seville Centre is located. We honour and respect the cultural knowledge systems of custodians and keepers of the Land, Sea, Air and Waterways of this Country and acknowledge that sovereignty was never ceded.



# SUMMARY

## OF YARNING CIRCLE OUTCOMES

### Explanation of terms used

1. It is a respectful convention in Australia to capital terms such as Indigenous, Native Title, First Nations, Traditional Owner and Country. While such conventions do not necessarily apply outside Australia, the capitalisation is applied consistently throughout this document to avoid confusion.
2. Please also note that Traditional Ownership is more commonly referred to as Customary Ownership in the Pacific Region.
3. The term First Nations is not generally used by Pacific Islanders, and in Australia it refers to both Aboriginal and Torres Strait Islanders.
4. Mention of COP events refers to the annual Conference of the Parties to the United Nations Framework Convention on Climate Change ('UNFCCC'), which is the peak decision-making body for the world's climate change commitments.
5. "Loss & Damages" is a particular component of climate justice that has emerged from the COP deliberations, with global commitments to set up a framework for compensating countries which are disproportionately impacted by climate change.

### SESSION 1 Topic 1: Cultural Sovereignty

**Facilitated by Henrietta Marrie, this Indigenous-led yarning discussed the need for strong dialogue with government to create dialogue with community. Government agencies on the ground need to reflect and carry out the actions that government and community are creating related to sovereignty. There needs to be realignment of policies, strategies and programs on this basis.**

The Climate Justice Charter being developed should be attached to key international agreements as an addendum so it is taken up and acted upon in these agreements.

There needs to be a holistic integrated approach between agencies to support and implement plans and programs on nature based and catchment based frameworks. A best practice template could be established to be used by different communities and places.

A holistic transitional plan is needed to provide appropriate inter-community collaborative bodies with adequate resources so direct positive action occurs on the ground, such as NRM projects and plans. Co-design processes need to include and support power sharing in the implementation of plans, projects and actions, including resources, decision making with shared responsibility and ownership of management processes and outcomes.

Greater involvement of First nations/Indigenous people is required in the managing and administration of funds including the auditing process, and resources being committed to actions for solutions. Emphasis should be placed on community led actions and projects that benefit community, and land and sea Country, with communities having access to government agency information and resources. Any cultural knowledge information gathered in these processes needs to be retained in ownership by First Nations/Indigenous people as a matter of data sovereignty.

The critical importance and value of involving youth in the approach of cultural sovereignty should be recognized: preparing and engaging them through education, and involving them in the process as stakeholders and future leaders.

There is a need for representation of Indigenous/First Nations people at all levels of decision making planning and management. This may require quotas to ensure their voices are heard as part of the process.

We need to ensure we record stories of Country, data and cultural knowledge, for future use, so that we do not lose this key information for the future.

### SESSION 1 Topic 2: Legal Advocacy overview

**Facilitated by Kirstiana Ward (Environmental Defenders Office) and Trevor Tim, the yarning led by Indigenous and Pacific island participants made the following strongly held views relating to climate risks and justice:**

- Traditional owners assert that they have an important and legitimate right to be at the table in all decision-making activities affecting 'Country'. Federal level legislation must take priority over state and local regulations for climate justice.
- Climate change increases the need to involve Traditional Owners because of the value of their historical and traditional knowledge. Scientists must understand First Nations knowledge relating to the management of land, waterway, sea and air environments and resources.
- Policy making must be multi-layered beyond 'economic benefits' to recognise global indigenous cultural values as well as broad evidence-based environmental consequences that underpin sustainable land and sea management.
- Legal assertion of the rights of Indigenous peoples in Australia and the Pacific region to free prior informed and continuing consent by traditional/customary owners is essential to the approval of resource and other projects and decisions affecting Country.

#### **Examples:**

- A recent decision in the Queensland Land Court (25 November 2022) in relation to the proposed Waratah Coal Pty Ltd.'s Galilee Coal Mine recommended refusing the environmental authority and mining lease applications for the project. This led the Department of Environment and Science refusing the environmental authority application for the open cut mine. There are no review or appeal rights under the Commonwealth Environmental Protection Act 1994 for the Department's decision.
- Proponents of a Tiwi Islands proposed coal seam gas project did not consult local Traditional Owners for cultural impacts, resulting in a requirement that they adopt cultural protocols to speak for Country.

### SESSION 1 Topic 3: Torres Strait "Our Islands Our Home" Campaign

**Facilitated by Leonora Thaacker and Talicia Bolea and Trevor Tim, the yarning led by Torres Strait Islanders described the case against the Australian Government taken by GBK (see below) on behalf of Torres Strait Traditional Owners to the United Nations Human Rights Committee for failing to protect the human rights of Torres Strait Islanders by managing climate change impacts. It took five years of hard work to get the case presented. The UNHRC finally agreed that the Australia Government had violated its Human Rights obligations. The Australian Government has to respond to the findings.**

The GBK is a sea and land council – it stands for Gur (Eastern Torres Strait Islands) Baradharan (Central Torres Strait Islands) KOD (Council). GBK is a sea and land council. It has legislative authority for land and sea management by Torres Strait and Aboriginal peoples. It has local membership and regional authority.

While most Torres Strait Islander and Aboriginal people from the Torres Strait Islands live outside the area, they maintain strong family and place connections. Eight traditional land and sea owners living in the Torres Strait islands (the Torres Strait 8) were the named claimants. However GBK had and has wide local support for its action. There was strong engagement with youth (and not just with resident youth), and awareness raising in the creative sector. A long-term inter-generational approach was adopted, including how to support locals, members and allies. The context was focusing on everyone's safety.

The Torres Strait litigants are calling on the Australia Government to meet five demands as listed below. Details can be found in the website: <https://ourislandsourhome.com.au/>.

1. Fund adaptation programs that will allow Zenadh Kes (Torres Strait Islands) communities to adapt to climate impacts
2. Commit to achieving 100% renewable energy in Australia in the next 10 years
3. Support Zenadh Kes communities to build community-owned renewable energy
4. Transition away from fossil fuels as rapidly as possible through a just transition for workers
5. Push the world to increase global ambition and keep warming to less than 1.5 degrees.

## SESSION 2 Topic 4: Preserving Cultural Knowledge Systems

Facilitated by Henrietta Marrie, this Indigenous-led yarning addressed the following issues.

- There is a need to focus on an intergenerational approach that sustains cultural practices intertwined with natural resource systems, and is not focused on profit making that damages Country, ie. any 'profits' are protecting and regenerating rather than degrading Country.
- Educational curricula at schools and other learning bodies needs to incorporate cultural knowledge and practices so that community/society understands and engages this knowledge in their careers, business practices and Country. This is really important for all youth.
- We need to change the economic system that degrades and damages Country to one that encourages and includes protection and regeneration such that economic forces, development and consumerism are aligned to this approach. This involves development decisions, project funding, the development tax system and legal requirements for business and resource use protecting and caring for Country. Cultural knowledge and nature-based actions must be a key part of this. The focus should be on regenerative planning and design of development to bring back the balance towards nature and the environment in within the framework for environmentally sustainable development.
- There must be co-operative power and co-design with Indigenous First Nations people, in policies, strategies, programs and actions involving nature-based solutions and cultural knowledge.
- How can culture/cultural knowledge be sustained into the future if it continues be damaged and fragmented? Sovereignty, involving land and resources (including sea Country) ownership rights and responsibilities, is a key necessity.
- There is a need to be able to practice and apply cultural knowledge safely, not just the collection of data and knowledge. Cultural engagement is a way to strengthen sovereignty and to involve global Indigenous and non Indigenous communities together to strengthen the preserving and use of cultural knowledge systems to address key issues such as climate change, and sustainable land/sea resource use and management.
- The use of tools such as Memoranda of Understanding, Indigenous Land Use Agreements and similar agreements with Indigenous First Nations people is important in terms of using and managing Country, being on Country, carrying out business and resource use related to Country, to ensure the preserving of cultural knowledge and implementing nature-based solutions for challenges such as climate change.

Key needs are:

- Indigenous led co-design and management
- templates of MOUs and similar agreements for different situations
- meaningful partnerships of shared power
- resources for self determination
- effective collaboration processes.

## SESSION 2 Topic 5: Building on November 2022 FNQ Climate and Economy Forum

Facilitated by Joann Schmider (Rainforest Aboriginal person) and Allan Dale (James Cook University), the yarning led by Indigenous participants developed the following conclusions relating to climate risks and justice:

- The principle of 'Country' must be at the centre of developing land and sea stewardship across the whole society of traditional Australian and Pacific Island territories for climate justice.
- The GLOBAL concept of locally led, regionally coordinated, domestically and internationally supported collaboration and partnerships for decision-making on climate change adaptation should be asserted, with federal and state facilitated implementation.
- Climate change mitigation and adaptation actions are necessary for local outcomes to respect Country and can lead to sustainable economic opportunities.
- Traditional custodians' law and customs are important to unpacking Native Title.

### SESSION 2 Topic 6: Principles for a Climate Justice Charter

**Facilitated by Sandi Taylor (Australian First Nations) and Brenda Andrias (Pacific Islander) this yarning circle looked at current international models from South Africa, Canada and Ireland that could inform the development of a Climate Justice Charter for Australia and the Pacific Region.**

The South African Charter has a focus on social justice, ensuring that those most affected by climate change have a voice and lead the process of eco-centric transformation. It highlights the need for inter-generational equity and respect for local knowledge, language and experience. Section 234 of the South African Constitution provides for charters to be adopted. This Charter has been presented to Parliament for adoption. Until then, the Charter will be used as a basis for deep just transitions to be initiated in communities and workplaces.

The City of Vancouver Climate Justice Charter was drafted by a working group of 16 community members. It is a lengthy document. The Charter focuses on the needs of communities disproportionately impacted by climate change including vulnerable and marginalised peoples. Self-determination of Indigenous peoples is seen as essential for climate justice, recognising that traditional knowledge systems and Indigenous leaders have much to contribute to guide future action. This Charter appears to have experienced some problems in reaching endorsement, with attempts to water it down.

The Irish Climate Justice Charter was prepared by the National Youth Council, and it focuses on the need for inclusion of all voices in addressing the transition to a green economy. It urges the need for intergenerational solidarity and effective partnerships, with a pooling of knowledge and resources to deliver on the Sustainable Development Goals and Climate Action Plans. Both the Irish Charter and the Vancouver Charter recognise the need for global cooperation in seeking climate justice, engaging with communities of the global south which are disproportionately affected by climate change. The Irish Charter is succinct and has been promoted in poster format.

Development of these three charters is seen as the beginning of a global movement to establish a framework for Global Climate Justice in a charter format.

### SESSION 3 Topic 7: Water and Food Security

**Facilitated by Pacific Islanders Betty Alupian and Brenda Andrias, the yarning considered the problems being experienced by low lying island and coastal communities through salt water intrusion into groundwater supplies and soils used for food production. Loss of water and food production capacity threatens the viability of many communities, and salt water contamination is already a problem causing widespread ill-health. In addition, ocean warming and acidification is harming marine food resources.**

In some circumstances there is local knowledge that can suggest solutions, including traditional methods of land and sea management. Some new technologies offer solutions for low cost desalination plants using solar power, and biochar for soil remediation. However current initiatives are often piecemeal. Local communities should be empowered to implement these solutions.

A more structured framework is considered appropriate at the national level in collaboration with grassroots communities, and with some cross-regional pooling of knowledge and experience. These frameworks need to use nature based solutions including preservation, conservation and regeneration of all forest types, including mangroves, and respect for the natural cycles of Mother Earth. Targets should be set, for example at least 50% of land areas conserved as forests, and limits of sustainability enforced for use of natural resources,

There are some statutory frameworks for managing marine resources through Economic Exclusive Zones, and these need to be maintained even when rising sea levels change the coastline. In Australia there has been introduction of Traditional Use of Marine Resources Agreements (TUMRAs).

## SESSION 3 Topic 8: Sustainable Settlements

**Facilitated by Peter Cuming (with apologies from Pacific Islander co-facilitator Stella Tengokasongo), the yarning was led by Indigenous participants. Discussion was around making coastal settlements more resilient in terms of housing and infrastructure and managing the relocation of displaced communities to cities, and resulted in the following conclusions and recommendations relating to climate risks and justice:**

- Progression of higher tides leading to retreat from foreshores is accelerating and causes mental health anxieties about the uncertain future of housing, food and fresh water security. Opportunities for nearby reconnection with settlements on higher ground in the same Country to facilitate eventual relocation would lessen such anxiety.
- Relocation to cities places more pressures on housing and infrastructure, which also leads to community fragmentation, mental health issues, and loss of traditional livelihoods and lifestyle. Existing urban cultures and environments are also adversely impacted by large scale immigration, leading to misunderstanding and conflict.
- Local governments must plan ahead for environmental changes and reinvigorate cultural practices to cope with short term contingences and long term community security e.g. maintaining interconnection and trading between families and clans; preserving cultural histories and 'DNA' of indigenous peoples.
- Flood and tidal affected vacated lands will continue to be shared by local communities and should not be economically exploited for inappropriate uses.
- Climate justice in relation to existential threats and relocation consequences is a serious legal issue that will be pursued in international forums.

## SESSION 3 Topic 9: Loss and Damages

**Facilitated by Sandi Taylor and Jane Stanley, this Indigenous led yarning noted that the Loss and Damages agenda has emerged as a priority for development from COP 27 going into COP 28, with the need for an agreed methodology for calculating and assessing claims. However a first step has been taken with a global agreement on setting up a financial facility for paying compensation for damage caused by climate change, with contributions from the countries who are most responsible for greenhouse gas emissions.**

The current working papers on this issue suggest a very complex arrangement requiring claimants to have access to data sets that appears to be unrealistic for small island nations. This is a concern that Pacific islands share with the Caribbean Small Island States (SIDS), as was discussed at the 2022 World Urban Forum. The working paper also suggests a process for developing the necessary framework that is likely to take many years to set up.

It was proposed that in the interim, the Australian Government should be requested to establish a pilot program for the Pacific Islands, using benchmarks that are already available for each nation (eg World Bank valuation of household assets that may be lost or damaged) and on a "no admission of guilt" basis. This could be presented to COP 28 as a useful basis for testing a possible future global mechanism. The three components of the program would be:

- Compensation for assets lost and relocation costs
- Compensation for damaged assets to achieve repair or remediation
- Interim measured to partially compensate for loss of intangible assets, such as keeping places for cultural knowledge, and mental health services.

The need for local communities to retain their traditional land and sea Country was also seen as essential, even if land is lost to the sea. This is important in securing ongoing access to resources as well as ensuring that essential cultural practices and territorial identity can be maintained.

### SESSION 4 Topic 10: Caring for Country

Facilitated by Jenuarrie and Tom Schroder, this Indigenous-led yarning discussed the following.

- The focus needs to be on reducing ecological footprints of lifestyle choices, work and business activities.
- Meaningful partnerships, and cooperative relationships and programs can positively influence and support appropriate and regenerative land/sea use practices such as fishing and agriculture.
- A positive option must be encouraged in relation to carbon and other ecological impact reduction programs and accreditations, in producing and promoting products and services that are carbon neutral /ecologically positive through cultural practices, rather than 'selling' carbon credits to corporations and organisations that may or may not reduce their impacts.
- There is a need to focus on where we can have the best positive outcomes and impacts in an integrated manner, so that actions can influence and/or link with other initiatives to bring positive results and changes to local and regional catchments. Key points in this approach include leveraging and incentivising collective, strengthened processes and outcomes.
- We need to ensure that actions are multi-purpose and beneficial in a range of areas such as biodiversity and ecological systems, carbon reduction, food security and reduced eutrophication of waterways, through application of nature based solutions.

### SESSION 4 Topic 11: Climate Finance

Facilitated by Sandi Taylor and Kerry McGovern, this Indigenous led yarning noted that the single biggest factor determining whether the global community met its goal of keeping temperature increase below 1.5 degree Celsius is climate finance. While the amount required runs into the trillions, industrialised countries which had, in 2009, pledged US\$100 billion to a climate fund to help developing countries de-carbonise their economies, had barely met 20% of this target in 2023.

The discussion noted the various sources of climate finance: The Green Climate Fund, Adaptation Fund, Least Developed Countries Fund and Special Climate Change Fund parked under the United Nations Framework Convention on Climate Change (UNFCCC). There were also the Global Environment Facility and Climate Investment Funds – housed within the World Bank – and the multilateral development banks such as the World Bank and Asian Development Bank. Other large sources of climate finance include the philanthropies and private sector, including the commercial banks. Available finance took the form of grants, concessional loans and loans.

The trend with climate finance was that about 90% had been allocated for mitigation with 10% for adaptation. Present wisdom called for the allocation to be balanced 50–50 given the increasing urgency to adapt to the impacts of climate change.

A challenge for recipient countries in developing and submitting proposals is that in addition to high transactional costs, it requires capacity (people and skills) for responding to complex application requirement. Further, it can take years before a proposal is accepted and money disbursed. Past records showed that injustice had happened through funded projects eg the displacement of Indigenous Peoples and Local Communities (IPLC) in the name of addressing climate change – due to carbon offsetting against forests and construction of infrastructure projects such as dams.

It isn't easy to track how much of the allocation actually reaches the communities on the ground experiencing the impacts.

As a positive development, a decision was made at COP27 of the UNFCCC in November 2022, to create a Loss & Damage Fund to compensate those suffering the consequences of climate change. The modalities of this fund will have to be worked out. Other proposal are being considered for increasing accountability and appropriate targeting of funds.

## SESSION 4 Topic 12: Innovative Construction

**Facilitated by Lionel and Sheryl Quartermaine, the yarning led by Indigenous participants on innovative construction made the following observations about Indigenous housing:**

- Land is often allocated for Indigenous housing without adequate consultation on Indigenous cultural values as well as demographic/family needs. Transfer of land under a Deed of Grant in Trust to an individual family land title by locally elected representatives is not culturally sensitive. Native Title land is not treated consistently in different parts of Australia.
- Building design governed by western standards local regulations and restrictive bank finance lending criteria leads to culturally and environmentally inappropriate housing.
- An anomaly is that housing in towns is subject to rates payments, even if off-grid.
- The multi-billion dollar 'Black Economy' is significant, and is subject to Federal and state procurement policies. It can contribute to vocational skill training and employment in the housing sector, which also builds local capacity for repairs and maintenance.
- In many areas conventional housing design needs to be adapted to the needs of large households accommodating extended families, and specifications for low maintenance building components.
- Innovative technology such as 3-D printing of buildings is a possibility could be exploited using community owned printers, subject to environmental parameters. Solar PV could be mandated for Indigenous housing to reduce energy costs.

## SESSION 5 Topic 13: Blue Economy

**Facilitated by Brian Singleton and Abbi Scott, this Indigenous-led yarning focused on four ways to remediate ocean warming and acidification while also sequestering carbon within the Blue Economy: mangrove restoration and management, seagrass meadow restoration, seaweed farming and coral rejuvenation.**

In Far North Queensland there has been some demonstrated success in coastal management around the airport, which can serve as a model for other communities. Aboriginal Land and Sea Rangers are employed to collect data, carry out propagation and coastal management, drawing on their traditional knowledge and pooling this with James Cook University's scientific knowledge systems. Satellite monitoring of mangroves is being used as a tool, together with sampling of water quality and vegetation. Knowledge is also shared with the broader community. The airport has established a Sustainability Fund that can be accessed for project work. The work being done is considered to have a financial return through tourism, but this is not the main driver.

The observation was made that this model could usefully be applied to communities in Southeast Asia, where coastal restoration should be a priority, but unfortunately natural vegetation is being removed to make way for aquaculture.

Some of the impacts of climate-induced storms are seen far distant from the storm events. For example, seagrass meadows in Cooktown were wiped out (covered by silt) as a result of cyclone impacts in the Cairns region, after a four month period. This was very damaging to turtle populations as they tend to stay in their usual territories even after the seagrass has been damaged. A turtle rehabilitation centre was set up to help rescue malnourished turtles.

Seaweed farming is practiced in parts of the Pacific, and this has an immediate economic benefit as well as contributing to ocean remediation and carbon sequestration. Like seagrass, seaweed growth can sequester 20-30 times as much carbon as land based forestry. However the potential for claiming carbon credits depends on how any harvested seaweed is used.

## **SESSION 5 Topic 14: Indigenous Land Use Agreements (ILUAs)**

**Facilitated by Dominic McCann (ILUA lawyer, McCullough Robertson) and Shilo Villaflor (Aboriginal Carbon Foundation), the yarning led by Indigenous participants on Indigenous Land Use Agreements (ILUAs) made the following observations:**

- The Native Title Act 1993 enables mining or exploration authority applicants and registered and determined Native Title parties to make Indigenous Land Use Agreements about how land and waters in the agreement area will be used and managed in the future. They are very flexible and can cover a broad range of considerations including climate change. The applicant is responsible for addressing the advertising requirements and organising negotiation meetings for an agreement process.
- In the circumstances of climate change, such considerations are expanding and could potentially be the cause of fatal flaws in project impacts.
- Essentially considerations are about impacts and opportunities related to a project to demonstrate it is technically, economically and socially feasible; and has required approvals and free prior informed consent (FPIC) by Traditional Owners made without coercion.
- Problems arise if the negotiations about First Nation boundary and cultural issues are glossed over with least amount of effort, and if the FPIC is not continuing with safeguards over the evolution of the project.
- Hence the core benefits arising from the project need a verification framework including cultural knowledge to protect the Indigenous parties. However, there can be differing expectations and competition between such parties, which causes confusion and frustration to the proponent in executing and implementing the ILUA.
- Ownership and empowerment of Native Title parties is paramount. A Prescribed Body Corporate (PBC) holds the Native Title as Trustee. A Land Council could 'wrap up the good ideas' and take over ownership, because with it comes control over funding.
- One practice of ownership has been to set up an Indigenous Trading Platform, which can control carbon and fire credits with the associated Intellectual Property rights.

*Please note that Session 5 Topic 15 on Marine Treaties as indicated on the Program was cancelled due to unavailability of the proposed facilitator, but this topic was discussed in other yarnings.*