



9 March 2010

United Nations Expert Mechanism on the Rights of Indigenous Peoples
c/o Office of the High Commissioner for Human Rights,
CH 1211 Geneva 10
Switzerland

expertmechanism@ohchr.org

To Whom It May Concern,

INDIGENOUS LAW CENTRE SUBMISSION TO EMRIP STUDY

The Indigenous Law Centre wishes to make a contribution to the study on the right to participate in decision making for your consideration.

The Indigenous Law Centre, based at the Faculty of Law, University of New South Wales was established in 1981 to develop and coordinate research, teaching and information services in the multi-disciplinary area of Indigenous peoples and the law. Our objectives are to: To conduct legal research into Indigenous peoples and the law, emphasising the core ILC areas of research and publish and disseminate ILC research throughout Australia and internationally; to participate in national and international law and policy discussion and debate about Indigenous peoples and the law and; to develop curricula and teaching materials

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on domestic and international Indigenous legal issues and encourage and foster student research in domestic and international Indigenous legal issues.

The Indigenous Law Centre also produces two legal publications, the *Indigenous Law Bulletin* and the *Australian Indigenous Law Review*. The *Indigenous Law Bulletin*, previously known as the *Aboriginal Law Bulletin*, is a leading Australian journal for accessible, accurate and timely information about Indigenous peoples and the law. Established in 1981, the *Bulletin* is a valuable resource for legal practitioners, advocates, policy-makers and community organisations working to achieve better legal, policy and program outcomes for Aboriginal and Torres Strait Islander peoples.

We have compiled a short literature review of the most significant articles published over the past 30 years. We consider these to be the relevant to the purview of your study:

1. Garth Nettheim, 'Sovereignty and Aboriginal Peoples' (1991) 2(53) *Aboriginal Law Bulletin* 4. [<http://www.austlii.edu.au/au/journals/AboriginalLB/1991/61.html>]
2. Sarah Pritchard, 'The Rights of Indigenous Peoples to Self-Determination under International Law' (1992) 2(55) *Aboriginal Law Bulletin* 4. [<http://www.austlii.edu.au/au/journals/AboriginalLB/1992/16.html>]
3. Barbara Miller, 'Green Fingers Across Black Land – The Nature Conservation Act 1992 (Qld) as it Relates to Aboriginal Land Rights and Self-Determination' (1992) 2(58) *Aboriginal Law Bulletin* 3. [<http://www.austlii.edu.au/au/journals/AboriginalLB/1992/42.html>]

4. Glenys Bimrose, 'Alternative Governing Structures: Deed of Grant in Trust Communities, Mornington Island & Aurukun (1994) 3 (68) *Aboriginal Law Bulletin* 13. [<http://www.austlii.edu.au/au/journals/AboriginalLB/1994/27.html>]
5. Johanna Sutherland and Wynne Russell, 'Reserved Seats for Indigenous Australians?' (1998) 4(8) *Indigenous Law Bulletin* 13. [<http://www.austlii.edu.au/au/journals/ILB/1998/5.html>]
6. Monica Mulrennan and Colin Scott, 'Indigenous Rights and Control of the Sea in the Torres Strait' (2001) 5(5) *Indigenous Law Bulletin* 11. [<http://www.austlii.edu.au/au/journals/ILB/2001/2.html>]
7. Tom Calma, 'Recent Developments in the Recognition of the Right to Self-Determination for Indigenous Peoples' (2004) 6(7) *Indigenous Law Bulletin* 6. [<http://www.austlii.edu.au/au/journals/ILB/2004/70.html>]
8. Shaun Berg and Kate d'Assumpcao, 'The Pitjantjatjara Land Rights (Miscellaneous) Amendment Act' (2006) 6(19) *Indigenous Law Bulletin* 8. [<http://austlii.org/au/journals/ILB/2006/30.html>]
9. Toni Bauman, 'You Mob All Agree?: The Chronic Emergency of Culturally Competent Engaged Indigenous Problem Solving' (2007) 6 (29) *Indigenous Law Bulletin* 13. [http://www.ilc.unsw.edu.au/publications/documents/ILB_v6n29_Bauman.pdf]



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- 10.** Megan Davis, 'The Challenges of Indigenous Women in Liberal Democracies' (2007) 7(1) *Indigenous Law Bulletin* 20.
[http://www.ilc.unsw.edu.au/news_&_events/documents/DavisV7I1.pdf]

The *Bulletin* authorises the reproduction, with appropriate citation, of each of these articles on the OHCHR website. We hope you find this to be a valuable and helpful contribution to the study into Indigenous peoples' right to participate in decision making.

Yours sincerely,

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