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A planner's response to the 'Uluru Statement from the Heart'

On 26 May 2017, delegates to the First Nations National Constitutional Convention at Uluru produced the Uluru Statement from the Heart. This statement is the most recent of many declarations that the Aboriginal and Torres Strait Islander peoples of Australia have been making about their rights and interests. By far, it is a most profound statement of the issues that the Aboriginal and Torres Strait Islander peoples of Australia want the nation to address.

The Aboriginal peoples of Australia continue to assert they never ceded their sovereignty, their land was stolen from them without their consent, extinguishment is alien to their law and custom. As such, the Settler state's assertion of ownership and sovereignty over land has no legitimacy under their law and custom. Aboriginal peoples' persistent desire is that the two systems of law and custom relating to land be accorded an equal and non-discriminatory status. This is not mere historical or symbolic posturing. They want to use their property rights to engage in the economy on their terms and at their choosing. Their position is supported by various international human rights instruments. In particular, the United Nations Declaration on the Rights of Indigenous Peoples.

In this presentation, I will outline a planner's response to the 'Uluru Statement from the Heart'. In particular, how planners can respond to the Aboriginal and Torres Strait Islander peoples' claims that their sovereignty was never ceded, how two systems of land ownership, use and tenure can coexist alongside each other based on equity and justice, and without requiring constitutional change at either the federal or state levels.