

**United Nations Permanent Forum on Indigenous Issues  
Tenth Session - New York  
16-27 May 2011**

**Agenda Item 4(a): Implementation of the Declaration on the Rights of Indigenous peoples**

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**JOINT INTERVENTION DELIVERED BY MS. TAMMY SOLONEC ON BEHALF OF:**

Aboriginal and Torres Strait Islander Women's Legal Service (ATSIWLS)  
Aboriginal Legal Rights Movement of South Australia (ALRM)  
Aboriginal Legal Service Western Australia (ALSWA)  
Aboriginal Medical Service of Western Sydney (AMSWS)  
Aboriginal Medical Services Association of the Northern Territory (AMSANT)  
Amnesty International Australia  
Australian Nuclear Free Alliance (ANFA)  
Foundation for Aboriginal and Islander Research and Action (FAIRA)  
Gugu Badhum Ltd.  
Indigenous Community Volunteers (ICV)  
Intervention Rollback Action Group (IRAG)  
National Aboriginal Community Controlled Health Organisation (NACCHO)  
National Indigenous Higher Education Network (NIHEN)  
National Native Title Council (NNTC)  
Office of the Aboriginal and Torres Strait Islander Social Justice Commissioner  
Urapuntja Aboriginal Corporation (Utopia Community)  
Victorian Aboriginal Legal Service (VALS)

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Thank you Madam Chairperson,

The Indigenous Peoples Organisations (IPO) Network of Australia is pleased to address this intervention on the implementation of the Declaration on the Rights of Indigenous peoples (the Declaration) in Australia.

Australia indicated its support for the Declaration in April 2009. The IPO is disappointed that in the two years since announcing support for the Declaration, there has been no engagement with Indigenous peoples of Australia or any strategic commitment by the Government to develop a national framework for the implementation of the Declaration. In fact, the Government has advised the IPO that there is currently **no** national implementation strategy in place or in development for the Declaration within Australia.

This concern was shared by other States in Australia's recent Universal Periodic Review where Bolivia, Ghana, Hungary, Denmark and Guatemala all specifically recommended the Government develop a framework for the implementation of the Declaration. The Government took these recommendations on notice and indicated they would respond in June this year.

In the absence of a national implementation framework we note a number of initiatives which begin to encourage an environment where the rights of Indigenous peoples outlined in the Declaration can be realised.

For example, we support the development of an Indigenous representative body (the National Congress of Australia's First Peoples) and hope it will provide a positive interface between Aboriginal and Torres Strait Islander peoples and the Government.

We also support the Government's commitment to a process of recognising Indigenous peoples in the Constitution. However, the process to achieve this is complicated due to the need to go to a national referendum. Therefore, there is no guarantee that it will result in any real benefits for Aboriginal and Torres Strait Islander peoples.

The Government has also established a National Human Rights Framework, which has been developed as an alternative to a Human Rights Act. Although the Framework is a step in the right direction, it fails to specifically address the rights of Aboriginal and Torres Strait Islander peoples and makes no reference to implementing the Declaration.

A suite of community educational materials on the Declaration has been developed by the Australian Human Rights Commission. However, we note that this initiative was predominately funded by NGOs, with only limited Government support.

Besides these few initiatives, Government actions demonstrating a commitment to implementing the Declaration since April 2009 have been scarce.

Despite the inaction of the Australian Government to implement the Declaration, civil society and in particular Aboriginal and Torres Strait Islander organisations continue to push for the implementation of the Declaration and are eager to commence a process with Government to achieve this.

**We recommend that the Permanent Forum urge all States to:**

- 1. develop a framework which includes monitoring and evaluation, for the implementation of the Declaration and report annually as to the progress of such implementation, in consultation and partnership with Indigenous organisations, communities, individuals and the Special Rapporteur on the rights of Indigenous peoples;**
- 2. incorporate the Declaration into National Human Rights Action Plans;**
- 3. implement the Declaration through national legislation;**
- 4. adopt a whole of Government approach to implementing the Declaration which includes assessing the application of articles individually to underpin relevant policies, guidelines and legislation; and**
- 5. fund and resource Indigenous organisations, businesses and communities to develop and deliver education and empowerment on the Declaration as a whole and its specific articles.**