



Expert Mechanism on the Rights of Indigenous Peoples

9th Session Palais des Nations, Geneva 11-15 July, 2016

Item 8: Implementation on the United Nations Declaration on the Rights of Indigenous Peoples

INTERVENTION by Moonfish Productions and East Arnhem Regional Council, delivered by Ineke Wallis, representing the Yolngu Peoples of North East Arnhem Land, Northern Territory, Australia

Thank you Mister Chairperson

Yo manymak, markupmi Mala Duwal nuda lukama numangu.

Australia's commitment to the UN Declaration on the Rights of Indigenous Peoples has been **made clear since 2010**, and **further affirmed** through its **acceptance** of a number of recommendations through Australia's second **Universal Periodic Review in 2015** and **support for the Outcome Document of the World Conference on Indigenous Peoples**.

It is **crucial** to ensure that this translates into **meaningful** and **effective** action, and to monitor how it is achieving improved **outcomes** for Indigenous peoples. Furthermore, it is crucial that **implementation** is carried out by states in **consultation and cooperation** with Indigenous peoples.

In 2010 the Australian Government committed to hold a **referendum on Indigenous constitutional recognition in the Australian Constitution**. As it stands today, the Australian constitution **ignores** the existence of Aboriginal people and was drafted to **deny** Aboriginal people their rights and their voice.

It also **recognises** that people can be denied the vote on **account of their race**, and that laws **can be passed** that **discriminate** against people for the same reason.

While constitutional recognition is welcome by some Indigenous Australians, others are **concerned** that the **focus on constitutional recognition** is a **distraction** from the long overdue commitment toward a **treaty** for Indigenous Australians.

Article 37 of the Declaration states that **Indigenous people have the right to recognition, observance and enforcement of treaties, agreements and other constructive arrangements**. Australia remains the **only** Commonwealth to **not** have entered into a treaty with Indigenous Peoples.

If Australia is **serious** about its **human rights obligations** and **closing the gap** on disadvantage between Indigenous and non-Indigenous Australians, it **must** start the discussion with Indigenous Australians and **commit** to a process to **negotiate a treaty based on mutual respect** that **recognises the sovereignty** of Aboriginal people.

On behalf of the people in **my region**, we **don't** want to be recognised in the **Preamble** of the Australian Constitution; which is what the Australian Government has suggested.

On **behalf** of **my** people, in the words of the **late, great educator** and musician from the famous band group **Yothu Yindi, Dr M Yunupingu** ; we **want a Treaty** and we want it **now**.

I respectfully make the following recommendation to the Expert Mechanism on the Rights of Indigenous Peoples:

- I urge the Expert Mechanism to encourage all states to **engage in meaningful consultation and negotiation with Indigenous peoples and Indigenous bodies including the Land Councils to implement article 37 of the Declaration into meaningful and effective action**, based on free, prior and informed consent of Indigenous peoples.

- I urge the Expert Mechanism to **encourage** the Australian Government to enter into a **Treaty** with the **First Australians**, and for the Expert Mechanism to **encourage** the Australian Government to have **clear and transparent process** and **reasonable timeframes** for consultation that is **driven** by our Indigenous entities and provide **deliverable outcomes** on a Treaty with our people. This is what we want.

Thank you