



INDIGENOUS PEOPLES' ORGANIZATION (IPO) AUSTRALIA



EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES

14TH SESSION

PACIFIC AND ASIA REGIONAL MEETING: 13 JULY 2021

Agenda Item 8: Draft report on achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples, with a focus on self-determination.

Intervention delivered by Cathryn Eatock, as Co-Chair of The Indigenous Peoples Organisation -Australia

Thank you Chair and I congratulate you on your appointment as Chair of EMRIP. I'm Cathryn Eatock, a Gayiri/Badtjula woman and Co-Chair of the Indigenous Peoples' Organisation of Australia. The IPO is a coalition of 288 Aboriginal organisations and members who advocate for the rights of Aboriginal and Torres Strait Islander peoples.

The IPO congratulates EMRIP on its recent *Draft Report on efforts to implement the Declaration on the Rights of Indigenous Peoples and the right to self-determination*.

As the report confirms, self determination is the fundamental right that underpins all other rights.

This study also confirmed Indigenous participation within UN mechanisms is a core element of Indigenous rights to self-determination.

This issue was also raised during Australia's recent appearance before the Universal Periodic Review in early 2021, where Finland recommended the Australian Government fund the IPO to enable independent Indigenous participation at relevant UN mechanisms.

Though Australia adopted the *Declaration* in 2009, it is yet to incorporate it into domestic law or establish domestic mechanisms to support its implementation.

Further, following a series of consultations on state processes to recognise Indigenous peoples, the 2017 'Uluru Statement from the Heart' asserted that our sovereignty has never been ceded or extinguished.

It called for a First Nations 'Voice' to Parliament to be enshrined in the Constitution and a 'Makarrata Commission', as a 'truth and justice commission' to oversee a process of agreement making and truth telling of our history. Makarrata is a Yolgnu term for coming together after a struggle.

The IPO notes that '*rights are not within the discretion of governments to give or withhold but are inherent...[and] the credibility and legitimacy of a State's foundations, its sovereignty, depends on its inclusivity and the way it treats Indigenous peoples*'¹.

We recommend:

That EMRIP undertake a study on the use of historic and contemporary treaties, agreements and other constructive arrangements to implement the *Declaration*, with specific reference to self-determination, the right to distinct political, legal, economic, social and cultural institutions, and lands, territories and resources, and redress, as outlined in articles 3, 4, 5, 8, 18, 19, 20, 23, 26, 37 and 38 of the Declaration. Thank you.

¹ Jonas, Dr William (2002) *Recognizing Aboriginal Sovereignty-implications for the treaty process*, Speech by the Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission, at ATSI National Treaty Conference, Tuesday 27 August 2002. <https://www.humanrights.gov.au/news/speeches/recognising-aboriginal-sovereignty-implications-treaty-process-2002>