

Expert Mechanism on the Rights of Indigenous Peoples

Ninth Session - Geneva

11-15 July 2016

Agenda Item 10: Proposals to be submitted to the Human Rights Council for its consideration and approval.

INTERVENTION DELIVERED BY CATHRYN EATOCK ON BEHALF OF THE ABORIGINAL RIGHTS COALITION-AUSTRALIA:

Thank-you Mr Chair, Honourable forum members and distinguished Indigenous Brothers and Sisters.

I am Cathy Eatock, a Kairi and Butchulla woman. I am one of the Voluntary Fund recipients and I'm speaking on behalf of the Aboriginal Rights Coalition-Australia

First Our Advice

1) We urge EMRIP to undertake a study on the recognition and implementation of self-determination, as per Article 3 of the Declaration on the Rights of Indigenous Peoples, so States may draw lessons from successful approaches as to how this recognition may be strengthened; or,

2) Undertake a further study, building on the 2011 study 'Right to Participate in Decision Making', with a focus on self-determination, lessons learnt and strategies to move forward.

While we commend Australia's support for the current review of EMRIP, Indigenous advocacy at the United Nations, and their generous support of the voluntary fund, the Australian Government's failure to implement the Declaration's core principle of self-determination now requires a serious review of policy approaches.

The 2007 *Northern Territory Intervention* sent 600 soldiers into remote Aboriginal communities, removed Aboriginal community management, and removed Aboriginal access to full social security payments. Aboriginal Elder Rosalie Kunoth Monks stated the *Intervention* was 'deeply

traumatizing`, that it “was like declaring war on us”¹. The government also instigated compulsory leasing of Aboriginal lands, breaking up previous communal land title. The Yolgnu Nations Assembly, comprising eight nations, stated “the requirement for leases (is) an attack on our land rights and acts like blackmail,” with the government withdrawing housing if leases weren’t signed.² Income Management is now being indiscriminately extended as part of national welfare reforms targeting areas with high Aboriginal populations, despite clear evidence that it doesn’t work and it reduces capacity³.⁴ Aboriginal people have argued the \$1.5 billion establishing these policies, and \$147 million allocated annually, would have been better spent on Aboriginal services and programs rather than on the bureaucracy required for Income Management.⁵

Yet, Aboriginal services have been slashed. In 2014, \$534 million was cut from Aboriginal programs. In 2015 the *Indigenous Advance Strategy* effectively mainstreamed Aboriginal services, reducing previous program funding from \$2.4 billion in 2014 to \$860 million, with 55% of these grants awarded to non-Indigenous organisations.⁶ Budget cuts continued in 2016 with cuts to Aboriginal Legal Services,⁷ and just days ago \$2.3 million was cut from Aboriginal health services, while the very existence of Congress, the nationally elected Aboriginal and Torres Strait Islander representative body, is threatened by the withdrawal of government funding. The Government has also cut funding for Aboriginal Peak agencies and removed grants to attend these very UN forums, now only funding Australian Government-appointed speakers.

More recent policies, such as the ‘Empowered Communities Program’, continue to take a deficit approach, enacting punitive assimilationist measures to enforce behaviour change; where empowerment is not defined as recognising Aboriginal aspirations for increased decision-making, social and cultural development and well-being, but, rather, is limited to economic development.

The Government’s current economic priorities are also focused on developing Aboriginal lands of the north through extractive industries, but fails to recognise that many remote Indigenous communities prefer economic development options that align with cultural practices, such as art sales, eco-tourism and environmental management that enables custodial responsibilities, as care takers of country, and that allows people to gather bush foods, and fish, in waters not tainted with heavy metals from mining waste.

1 Scott, Rosie and Heiss, Anita, (2015) *The Intervention an Anthology*, p24

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3 The Conversation, (2015) *A \$147m Budget Saving Missed: Income Management Has Failed*, May 18, 2015, <https://theconversation.com/a-147m-budget-saving-missed-income-management-has-failed-41816>

4 Cox, Eva & Behrendt, Larissa, (2015) University of Technology, *Submission to the Senate Finance and Public Administration Committee Senate Select Committee into Budget Cuts*, April 2015, p2 file:///C:/Users/Cathryn/Desktop/Downloads/Sub_22.pdf

5 Ibid.

6 National Congress of Australia’s Indigenous Peoples, (2015) *Submission to Submission to the Senate Standing Committees on Finance and Public Administration Inquiry into the Commonwealth Indigenous Advancement Strategy Tendering Processes*, June 2015, p18.

7 Australian Bureau of Statistics, *Aboriginal and Torres Strait Islander Prisoner Characteristics Snapshot at 30 June 2015*. <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4517.0~2015~Main%20Features~Aboriginal%20and%20Torres%20Strait%20Islander%20prisoner%20characteristics~7>

More concerning is the Western Australia State Government's announcement in 2014 of its plan to force the closure of 150 remote Aboriginal communities by cutting access to water and electricity to communities it considers economically unviable. This threat is the result of the Federal Government transferring responsibility to the State Government, which refuses to fund these communities. This announcement has instilled a deep fear among the 12,000 people living in these remote communities.

As Auntie Rosalie states, *"We need to say enough is enough! Take away from me my language, take away from me my responsibilities for the land, take away from me my land and I am nothing."*⁸

While the Yolgnu Assembly has asserted, *"We want self-determination. We want democracy. We want the power of the people in Arnhem Land and in all Aboriginal communities to be recognised and our rights respected"*.⁹

With a new Australian government elected on 2 July, Aboriginal people now look to the government to reset relations and to reflect on the principles of self-determination and the respectful engagement of Indigenous peoples in decision making and how we may move forward collaborative partnership.

8 Scott, Rosie and Heiss, Annita, (2015) *The Intervention an Anthology*, p26

9 Yolgnuw Makarr Dhuni (2012) Media Release <https://mail.google.com/mail/u/0/?tab=wm#search/gegart21%40gmail.com/155b3871f5b9bf11?projector=1>