



UN Permanent Forum on the Rights of Indigenous Peoples

12th Session New York, 20 – 31st May, 2013.

Item 6: Discussion on the World Conference on Indigenous Peoples

INTERVENTION by the New South Wales Aboriginal Land Council, delivered by Councillor for the North-West Region, and member of the Gamilaraay Peoples, Councillor Anne Dennis.

Thank you Mister Chairperson,

Hello Friends my name is Anne Dennis. I am a Gamilaraay woman. I am from Australia. I am acknowledging you, I am acknowledging the land and I am acknowledging the elders both past and present.

The New South Wales Aboriginal Land Council respectfully makes the following recommendations to the Permanent Forum to encourage States to provide for the full enjoyment of rights and participation of Indigenous Peoples in the World Conference on Indigenous Peoples.

That the Permanent Forum encourages all States:

- To provide appropriate financial assistance to assist Indigenous peoples participating in the World Conference on Indigenous Peoples, in line with Article 39 of the UN Declaration on the Rights of Indigenous Peoples.
- Encourage States to include Indigenous Peoples in all processes leading into the World Conference on Indigenous Peoples including the drafting of the action orientated Outcomes document.

I would like to congratulate the Government of Mexico for sponsoring the original resolution of the World Conference on Indigenous Peoples and I would also like to thank the work of Mr John Henriksen, Ambassador De Alba and the Global Coordinating Group in progressing Indigenous Peoples participation in the process to date.

It is important for all participants in the process towards the World Conference recognise the urgent need for the establishment of effective international measures to guarantee and monitor the implementation of indigenous peoples' rights. It should also be noted that there has been a lack of financial support from States in assisting Indigenous Peoples participation in the regional preparatory processes leading into the World Conference on Indigenous Peoples.

With the passing of the fifth anniversary of the Declaration and the end of the Second International Decade of the World's Indigenous peoples, the New South Wales Aboriginal Land Council welcomes the decision of the United Nations General Assembly to organise a high-level plenary meeting in 2014 namely the World Conference on Indigenous Peoples, in order to share perspectives and best practices in marking two decades of promoting the fundamental rights and aspirations of Indigenous Peoples around the globe.

The New South Wales Aboriginal Land Council supports constructive ways that will ensure Indigenous peoples substantive participation in the World Conference process, with the aim of achieving the full and effective implementation of the rights of Indigenous Peoples. All States are encouraged to ensure support for Indigenous peoples to actively engage in, and advocate for action-oriented outcomes of the World Conference with significant focus on adopting appropriate mechanisms to ensure the implementation of the rights outlined in the Declaration.

While it is accepted that many rights cannot be achieved instantly, States in consultation with Indigenous Peoples must continue to plan for their achievement, including reaffirming Indigenous Peoples equality in exercising their fundamental rights without discrimination, as recognised in the Declaration.

The adoption of the Declaration in 2007 manifests one of the most significant gains to date, however it also reflects the substantial gap between the policy and the actual implementation, of many of the specific goals of the Second International Decade. Globally, Indigenous Peoples continue to experience rapid culture change and marginalisation, with little regard for their autonomy and cultural and linguistic differences.

The Declaration is an instrument for justice and reconciliation and must be used as the normative framework for the World Conference on Indigenous Peoples, bringing Indigenous Peoples concerns together, with the support and leverage of the three specific mandates concerning Indigenous Peoples.¹ The Declaration constitutes 'the minimum standards for the survival, dignity and well-being' of Indigenous peoples (Article 43) and its provisions are to be interpreted in accordance with the principles of justice, democracy, non-discrimination, good governance and good faith (Article 46).

On the international stage, Australia has made a strong bipartisan contribution to the development of human rights laws and institutions however the recognition and status of Indigenous Peoples remains limited by policies that remain exclusionary and discriminatory. It is essential that all States that are committed to the principles and rights outlined in the Declaration, move from the rhetoric of positive support for the Declaration to a reality of positive implementation. It is essential that governments develop effective mechanisms for appropriate engagement with Indigenous Peoples to make positive contributions to a broad range of policy agendas and initiatives.

The Permanent Forum as an institution provides a setting for Indigenous peoples and States to engage in a shared political space and consider important dialogue to recognise Indigenous Peoples'

¹The United Nations Permanent Forum on Indigenous Peoples; The Expert Mechanism on the Rights of Indigenous Peoples; and the United Nations Special Rapporteur on the Fundamental Freedoms and Rights of Indigenous Peoples.

civil and political experiences, and for States to take concrete measures to recognise and implement the rights enshrined in the Declaration. Leadership and equal partnership is essential with Indigenous People, as substantive decision makers in the development, design, implementation, monitoring and evaluation of all policies and laws that impact on Indigenous communities and in order to meet targets of the Second International Decade of the World's Indigenous People.

The New South Wales Aboriginal Land Council encourages all States participating in the process towards the World Conference to recognise the urgent need to ensure concrete measures are taken, including legislative measures to ensure full and effective participation of Indigenous Peoples with particular focus on the right to self-determination.

The New South Wales Aboriginal Land Council reminds States of their commitment to fulfil their obligations to promote universal respect for, and protection of the fundamental freedoms of Indigenous peoples in accordance with the United Nations Declaration on the Rights of Indigenous Peoples and the Universal Declaration of Human Rights, including through the allocation of appropriate financial resources, determined through the engagement with Indigenous Peoples.

Thank you Mister Chair.