



United Nations Permanent Forum on Indigenous Issues

16th Session, New York 24 April – 5 May 2017

Agenda Item 4: Implementation of the six mandated areas of the Permanent Forum with reference to the United Nations Declaration on the Rights of Indigenous Peoples.

INTERVENTION by the New South Wales Aboriginal Land Council, delivered by Councillor for the Far West Region, Councillor Anne Dennis

Thank you Madam Chairperson.

The New South Wales Aboriginal Land Council is pleased to contribute to the 16th session of the United Nations Permanent Forum on Indigenous Issues, we pay our respect to the Elders and Ancestors of these lands and of the world's Indigenous Peoples.

We are supported by our Pacific Brothers and Sisters, and show our collective support in solidarity with the statements made from our region.

The New South Wales Aboriginal Land Council respectfully makes the following recommendations to the Permanent Forum on Indigenous Issues:

- That the Permanent Forum urges all states, to unreservedly ratify and **comprehensively implement all human rights obligations under the human rights treaties** to which they are a party and to bring key national legislation in line with international standards; including Labour Organisation Convention 1969 and the Indigenous and Tribal Populations Convention, 1989.
- That the Permanent Forum urges all states to **ensure legislative systems are established to redress systemic Indigenous disadvantage through effective Indigenous control mechanisms** for the delivery of social justice to Indigenous peoples in accordance with Australia's obligations under the Declaration and other international human rights instruments.

- That the Permanent Forum urges all states to assist Indigenous peoples to utilise their land assets in the most practical way by **adequately resourcing and reducing unduly burdensome government regulation and policies** that prevent Indigenous peoples from advancing economic development outcomes and business opportunities.

As the peak Aboriginal representative body in NSW, the New South Wales Aboriginal Land Council is committed to ensuring a better future for all Aboriginal peoples by working for the return of culturally significant and economically viable land and pursuing cultural, social and economic independence for Aboriginal peoples in New South Wales. The governance structures within the Aboriginal land rights system in NSW are designed to achieve the highest degree of representation and participation for Aboriginal people.

In relation to the implementation of the six mandated areas of the Permanent Forum with reference to the Declaration, the New South Wales Aboriginal Land Council, strongly advocates for practical measures to deliver sustainable socio-economic improvements to the circumstances of Indigenous peoples. These measures must be based on the fundamental rights of Indigenous peoples as espoused in all 46 Articles of the Declaration on the Rights of Indigenous Peoples; most notably Article 3, 23, 26 and 28.

The NSW Aboriginal Land Council is the most significant non-government investor in programs to strengthen governance and economic outcomes at a local community level and has legislated objects and mechanisms to continue to create intergenerational wealth, develop sustainable benefits which contribute to the financial, social, and cultural needs and aspirations of Aboriginal people in the state of NSW. As one of the largest private land holders in Australia, the Aboriginal Land Rights Network has the potential to create an economic base to enable Aboriginal people to drive long term sustainable wealth creation and wellbeing in our communities. Yet, we are often **hindered** by Government laws, policies and practices which provide limited opportunities for Aboriginal people to genuinely engage in the development of processes, protocols and mechanisms to strengthen economic self-determination of Aboriginal communities. Government laws and policies fail to recognise the unique circumstances of Aboriginal land owners and adversely affect the economic development opportunities that can be derived from Aboriginal lands.

Although it has been acknowledged in the Australian Government's most recent *Closing the Gap Report*, that land is a significant asset base for Australia's Indigenous peoples¹, barriers continue to impede economic development as determined by local Aboriginal communities. The land claim

¹ Department of Prime Minister and Cabinet, Closing the Gap Report 2017 pg 71:

<http://closingthegap.pmc.gov.au/sites/default/files/ctg-report-2017.pdf>

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process in New South Wales is the cornerstone for Aboriginal peoples' realising the land justice and economic outcomes envisaged by the Aboriginal Land Rights Act.

We acknowledge that business enterprises can act as agents of change in economic development; in creating prosperity for Indigenous communities, in addressing the power imbalances between Indigenous and non-Indigenous peoples, and remedying the systematic violations of our rights, as Indigenous peoples. However, significant resource investment is needed to build the capacity of Indigenous communities to enable us to engage in, and develop our own economic systems.

Whilst we acknowledge that the Australian Government has undertaken some initial steps to develop solutions, it is not credible that as one of the wealthiest nations, economic prosperity is not reaching Indigenous populations. Acknowledging the ten years since the implementation of the Declaration, it is **crucial** to ensure that this now translates into meaningful and effective action, and to monitor how states are achieving improved outcomes for Indigenous peoples in realising the ends of the Declaration.