

10th Session of the Expert Mechanism on the Rights of Indigenous Peoples

Ten years of the implementation of the United Nations Declaration on the Rights of Indigenous Peoples: good practices and lessons learned

By Mark Munnich¹

Thank you Mr Chair,

My name is Mark Munnich and I am a descendant of the Yawuru and Gunggandji peoples from Australia.

Ten years ago marked two momentous gestures for Indigenous peoples both: across the world and in the Northern Territory. On the 13th of September 2007, saw the General Assembly adopt the United Nations Declaration on the Rights of Indigenous Peoples (hereafter **UNDRIP**); and on the same year, the Australian Government announced the *Northern Territory Emergency Response* known as the Northern Territory Intervention (***The Response***).

BACKGROUND

Mr Chair, by way of background, over the past 10 years, the legacy of *The Response*, through its legislation and policies, continues to have a negative impact on the rights of Indigenous peoples in the Northern Territory. In 2010, the former UN Special Rapporteur on the Rights of Indigenous Peoples, James Anaya observed that ***'Provisions of The Response were incompatible with Australia's human rights obligations'*** and were racially discriminative towards Indigenous peoples and further, in 2015, the former President of the Australian Human Rights Commission, described *The Emergency Response* as ***a sad chapter in Australia's history***.

Mr Chair, nevertheless, a positive and commendable step for our country was on the 3rd of April 2009, when Australia endorsed **UNDRIP**, after being one of the four states who initially voted against it. However, the requirements of **UNDRIP** are two-fold. Endorsement is one step and the other, which is paramount, is its implementation.

¹ Delivered by Mark Munnich, 2017 Indigenous Fellow at the 10th Session of the Expert Mechanism for the Rights of Indigenous Peoples

It has been 8 years since Australia has endorsed **UNDRIP** and given its purpose, I put the following questions of concern to my Government:

- 1) Firstly, why Indigenous peoples in some parts of our country still living in poverty and have insufficient access to basic healthcare although we are recognised as a first world country;
- 2) Secondly, why are Indigenous peoples still overly represented within our justice system and Governments continue to enact laws, that covertly discriminate against Indigenous peoples;
- 3) Thirdly, how can Indigenous peoples work with and support our governments to implement **UNDRIP**?

RECOMMENDATIONS

Mr Chairperson, moving forward in 2 years' time, will commemorate 10 years since Australia has endorsed **UNDRIP**. This is an opportunity in building momentum and creating a positive chapter in our history through the lessons learnt and by demonstrating good practices for Indigenous peoples. However best practice would be to empower indigenous peoples by working effectively with and ensuring they are at forefront of the implementation of **UNDRIP**.

With the above said I therefore put the following recommendations:

- 1) I urge our Government to do their utmost to implement all of/or most of the articles within **UNDRIP** by their 10th anniversary in 2019;
- 2) I recommend that our Government, ensure Indigenous peoples are at the forefront of the implementation of **UNDRIP**.

Before I conclude I want to thank the 2017 Indigenous Fellowship for allowing me to speak here today. Thank you.