



EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES

11TH SESSION – 9 to 13 July 2013

STATEMENT BY THE FOUNDATION FOR ABORIGINAL AND ISLANDER
RESEARCH ACTION (FAIRA)

Item 7 – United Nations Declaration on the Rights of Indigenous Peoples: good
practice and lessons learned

- The Government of Australia asserts that its laws, policies and programmes are consistent with and, give effect to, the aims of the Declaration in its policies and practices.
- Yet, the Special Rapporteur on the Rights of Indigenous Peoples, in her report following her visit to Australia last year, concluded that, “... policies do not duly respect the rights to self-determination and to full and effective participation.”
- Australia committed, along with other states at the World Conference on Indigenous Peoples (WCIP) in 2014 to “taking, in consultation and cooperation with Indigenous peoples, appropriate measures at the national level, including legislative, policy and administrative measures to achieve the ends of Declaration”.
- But it has not acted to give legislative effect to the rights elaborated in the Declaration.
- The Special Rapporteur on the Rights of Indigenous Peoples recommended that Australia include the Declaration in the definition of human rights in the *Human Rights (Parliamentary Scrutiny) Act 2011*.
- Australia has publicly committed to the Declaration, and, in doing so, accepts the right of the Aboriginal and Torres Strait Islander peoples to self-determination as Peoples.
- It should therefore be prepared to support legislation in the Parliament that accords with its publicly stated position.

Restoring the Human Rights and Dignity of the Indigenous Peoples of Australia in the 21st Century

- The Special Rapporteur on the Rights of Indigenous peoples was also critical of Australia's failure to develop a national strategy to implement the Declaration.
- But Australia has still not agreed, in cooperation with indigenous peoples, to develop and implement a national plan or strategy to achieve the ends of the Declaration.
- Australia must commit to developing a national strategy in partnership with the representatives of Indigenous peoples.
- States at WCIP committed to promote awareness of the Declaration among all sectors of society, including members of legislatures, the judiciary and the civil sector.
- Much more needs to be done to raise awareness of the Declaration in Australia.
- Since 2013, Australia has refused to adequately resource the only existing national representative body for Aboriginal and Torres Strait Islander peoples – the National Congress of Australia's First Peoples.
- This makes a mockery of Australia's commitment to "consult and cooperate" with Indigenous peoples.
- FAIRA supports the Special Rapporteur's recommendation that the government reinstate funding to the National Congress.
- The Special Rapporteur on the Rights of Indigenous Peoples noted in her report that the Indigenous Advancement Strategy (IAS), implemented by the Australian Government in 2014, has undermined the sustainability of many Indigenous organisations and communities. Implementation of many of the programmes was transferred to non-Indigenous organisations.
- She further noted that, "the strategy has had a devastating impact on Indigenous organisations" (noting that) "it has run contrary to the publicly expressed commitments of the Government to doing things with rather than to Aboriginal and Torres Strait Islander people.
- FAIRA supports the Special Rapporteur's recommendation that the IAS be revised in consultation with the Aboriginal and Torres Strait Islander Social Justice Commissioner, National Congress, the Indigenous Advisory Council and relevant peak Indigenous organisations.
- FAIRA thanks the Special Rapporteur on the Rights of Indigenous Peoples for her visit to Australia in 2017, congratulates her on her incisive observations and conclusions, and commends her report to the Australian Government and all other levels of government in Australia.