

**United Nations Permanent Forum on Indigenous Issues  
Sixteenth Session – New York - 24 April – 05 May 2017**

***Agenda Item 4: Implementation of the six mandated areas of the UNNPFII with reference to the UN Declaration on the Rights of Indigenous Peoples: measures taken to implement the Declaration”.***

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Intervention by Mr Anthony Watson Chairman of the Kimberley Land Council, Australia.

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Congratulations to you Madam Chairperson and I thank you.

I pay my respects to our Indigenous brothers and sister here today and their ancestors.

I acknowledge the support of the UN Secretariat's Voluntary Fund in assisting us to come to New York to present at the Permanent Forum and thank the Chairperson and Board for their consideration.

Madam Chair we have a number of recommendations to read out first before we talk about the details:

**Recommendation:**

We call on the UN Permanent Forum to urge all States:

- to acknowledge that effective implementation of the *Declaration* will only be achieved through Indigenous participation in decision-making and control over decisions affecting their land and communities; and

- States commit to establishment of benchmarked strategic achievement goals on implementation of the UNDRIP through the development of national policy outcome focused assessment frameworks.
- In relation to recognition of rights to land, that the Australian government review and overhaul the Australian native title legislation and prioritise the resolution of native title land claims in Australia.
- In order to overcome the significant social, cultural and economic barriers facing Indigenous people, native title rights must be given its due recognition as proprietary or property rights.

(End recommendations)

Despite the endorsement of UNDRIP by the government of Australia in 2009, many of the articles are not adhered to. A better form of measure to assess implementation is required. We call for reporting on practical evaluation through development of structured domestic policy frameworks, adequate system mechanisms, and action plans for achievement that go beyond political endorsement.

Australian government reports for Indigenous Australians tend to focus on achievement of activity and output or effort, as opposed to outcome. National statistics such as the Prime Minister's 2017 closing the gap report, national bureau of statistics, Office of national Audit on the Indigenous Advancement Strategy, and many other evidenced based reports on Indigenous social or socio-economic circumstances, do not reflect a high score card on outcomes.

## **Erosion of land rights and discriminatory land tenure administration**

Article 32 of UNDRIP: A major obstacle facing Indigenous people in this endeavour is the ongoing erosion of our native title (land) rights, and the discriminatory administration of land tenure and land management by State Governments.

In Western Australia, for example, all manner of conservation, planning and land administration legislation is founded on a binary land classification that recognises only 'freehold' (private) and Crown land. As a result, Indigenous lands, which by default falls within the 'Crown land' category, are systematically viewed as being controlled and managed by the State Government. Thus, native title rights must be given its due recognition as proprietary or property rights.

## **Social, Cultural and Economic Inequality**

In Australia today, Indigenous people are dying 10-17 years younger than non-Indigenous Australians. Our children are being detained at 25 times the rate of non-Indigenous Australians.

Our children are still being removed from their parents at alarming rates. Youth are being locked in detention for non-violent crimes. Young people are taking their lives in desperation and many of our old people are not surviving to become senior elders.

Articles 7, 21 and 24 of the *Declaration on the Rights of Indigenous People* confirm our rights to improvement of economic and social conditions and the highest standard of physical and mental health.



Rights which are reiterated in the *Universal Declaration of Human Rights* and *International Covenant on Economic, Social and Cultural Rights*.

The *Declaration on the Rights of Indigenous People* further confirms our rights to self-determination (Article 3), self-governance (Article 4), and our own representative bodies (Article 5).

I thank you Madam Chair.

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