

Indigenous Peoples Organisation Network Australia (IPO Network)

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**United Nations Permanent Forum on Indigenous Issues (UNPFII)**

**Eleventh Session – New York**

**7-18 May 2012**

**15 May 2012**

**Government must implement Indigenous  
Declaration for a 'Stronger Future'**

*"The deceitfully titled 'Stronger Futures' Legislation currently before the Australian Senate, is a package of legislative bills proposed to repeal the Northern Territory Emergency Response Act (the Intervention), these bills retain significant elements of the NTER and continue to breach the Declaration in a number of respects." - Shane Duffy, IPO Network.*

Indigenous organisations from across Australia are collectively voicing their concerns and delivering informed advice on the world stage as part of the 11<sup>th</sup> session of the United Nations Permanent Forum on Indigenous Issues (UNPFII) in New York City, USA (7-18 May 2012).

This year's special theme focuses on the *"Doctrine of Discovery: its enduring impact on Indigenous Peoples and the right to redress for past conquests* but also includes agenda items relating to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration), food and food sovereignty, as well as combatting violence against women and children.

**Indigenous Peoples Organisation Network (IPO)**

Aboriginal Legal Service of Western Australia (ALSWA) - Aboriginal Medical Service Western Sydney (AMWS) - Aboriginal Rights Coalition, Sydney (ARC) - Anti-Discrimination commission QLD (ADCQ) - Foundation for Aboriginal and Islander Research Action (FAIRA) - Foundation for Indigenous Recovery & Development Action (FIRDA) – Gamarada - Gugu Badhun Ltd -- Marninwarntikura Women's Resource Centre - National Aboriginal Community Controlled Health Organisation (NACCHO) - National Aboriginal and Islander Legal Services (NATSILS) - National Congress of Australia's First People (Congress) - National Indigenous Higher Education Network (NIHEN) - National Native Title Council (NNTC) - New South Wales Aboriginal Lands Council (NSWALC) - NT Anti-Discrimination Commission - Oxfam International Youth Delegation - QLD Cultural Heritage & Native Title Management Services Pty Ltd - Secretariat of National Aboriginal and Islander Child Care (SNAICC) - The Wollotuka Institute, University of Newcastle - Victorian Aboriginal Legal Service (VALS)

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Shane Duffy, Chief Executive Officer of the National Aboriginal and Torres Strait Islander Legal Services (NATSILS) and spokesperson on implementation of the Declaration for the Indigenous Peoples Organisation (IPO) Network of Australia has recommended that Australian government to adhere to it's commitment to the Declaration.

"Australia is in breach of its international Human Rights obligations, formally agreed commitments and public claims so while we commend the Australian government's support for the Declaration, we are disappointed they have not established mechanisms to ensure its implementation, evaluation and reporting through a national framework," said Mr Duffy.

The IPO Network says the deceitfully titled 'Stronger Futures' Legislation currently before the Australian Senate, is a package of legislative bills proposed to repeal *the Northern Territory Emergency Response Act* (the Intervention) but these bills retain significant elements of the NTER and continue to breach the Declaration in a number of respects.

The legislation, that includes a few cosmetic changes to mask the Special Rapporteur's criticisms, is still strongly opposed by Aboriginal leaders, Aboriginal organisations and mainstream non-Government agencies, with most of the 452 submissions tabled before the Senate Inquiry critical of the proposed Bills.

Further, a list of 28 prominent Australians, including the former Prime Minister, the Hon Malcolm Fraser AC CH CO PC and the former Chief Justice of the Family Court of Australia, the Hon Alastair Nicholson PO RFD QC, have publicly released a statement to the Prime Minister, the Hon Julia Gillard PM, condemning the proposed legislation. The letter called on the Australian Government to abandon the legislation noting the policy approach breached Australia's international obligations; it disagreed that the Bills qualified as 'Special Measures', and it criticised the coercive, demeaning and iniquitous nature of the Stronger Futures bills.

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A Senate Committee report found that the Stronger Futures legislation instigated a *‘top down policy approach that was punitive in nature and considered those policies, claimed to support Aboriginal communities, as fundamentally undermining and disempowering Aboriginal people and communities’*.

This report noted, the NTER actively eroded local governance and disempowered communities while international research on Indigenous development shows successful strategies, such as the Harvard Project on Indian Economic Development, are the antithesis of this approach which demand community driven measures.

In addition, the extraordinarily high cost of implementing the income management measures alone, at \$461 million from July 2007-December 2010, could have had significant benefit for Aboriginal people if allocated to communities desperately short of infrastructure and basic services.

The Governments own Senate Committee report acknowledged many people felt income management measures were ‘discriminatory and de-humanising. Mr John Paterson of the Aboriginal Medical Alliance of the Northern Territory gave evidence on the correlation between a sense of control, culture and social exclusion directly impacting on the health of community members.

“Why the Government and the Minister is so determined to turn a deaf ear to all the evidence, remains a complete mystery to us but we will continue to try to talk to them,” Mr Duffy said.

Beyond this immediate issue, what is needed is that a body of independent Indigenous experts be formed to advise the Government on how to implement the Declaration, whether through legislative or other measures to enact the various Articles of the Declaration, in conjunction with Indigenous people, as

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equal partners, that incorporates independent reporting and monitoring and establishes clear time frames to enact these strategies.

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