



Friday, 21 July 2023  
United Nations at Geneva, Switzerland

**Statements permitted to be received by the Human Rights Council's panel on the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP).**

**Statement of Jayne Christian**

Warami Mittigar Gurrumburruk,

My name is Jayne Christian. I'm a Baramadagal woman of the Dharug Nation through the Reid / Goldspink bloodline.

I'm a member of the Baramadagal Darug Tribal Governing Council, an advisor to the Treaty Council and the Registrar General of the Allodial Land Use Registry.

We acknowledge and pay respect to the Deskaheh, the Traditional Owners of these lands, and pay respect to all First Nations folks here today.

The key points I raise are:

1. The ongoing genocide and assimilationist attempts on Aboriginal and Torres Strait Islander peoples; and
2. The failure of Australian State and Federal governments to develop action plans for the United Nations Declaration on the Rights of Indigenous People ("UNDRIP").

We say the Australian Government is in breach of numerous Articles of UNDRIP specifically Articles 3, 7, 8, 19 and 20 (set out in full below).

While time prevents what might be said, significant markers of modern-day genocide, and 21st Century assimilation tactics in an unsettled war on Blackfullas include:

- Australia's failure to fully implement recommendations from the royal commission into Aboriginal deaths in custody;

- The rate at which Aboriginal and Torres Strait Islander children continue to be removed from families;
- Inaction regarding Murdered and Missing Indigenous Women and Children; and
- The continued destruction of culturally significant sites.

There are no Regional or National Action Plans for implementing or embedding UNDRIP into Australian law, which would allow for economic development opportunities for First Nations peoples.

We are culturally and politically organised tribal groups, with governing councils, grounded in allodial sovereignty, attempting to liaise with a government which refuses to see our legal sovereignty, or consider its own. Implementing UNDRIP in full and in enforceable legal mechanisms would remedy this issue.

We ask that the Australian Government be investigated:

- As to why UNDRIP has been regarded as merely aspirational over the last 14 years.
- Into its ability for the State to treaty with Sovereign Nations and work with them, and the private sector, for First Nations peoples to execute our rights to develop.

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### **Statement of Alex Wymarra**

I speak on behalf of Alex Wymarra who is here with me, a Gudang/ Yadhaykenu man of the Wymarra clan and bloodline, and Chairman of the Treaty Council Worldwide.

We reaffirm and rely on the facts and requests set out in the Statement of Jayne Christian.

It is an honour to speak here and we extend our Congratulations to Ms Lightfoot on becoming the Chair of EMRIP and Mr Muhammad for your recent Government appointment in this forum.

There are three other Aboriginal and Torres Strait Islander People here who've spoken this week about real issues affecting us on the lands now known as Australia.

We reaffirm their statements and note the lack of First Nations representation in this place. The UN has a fund to bring First Nations people here and there are at least 300 surviving Aboriginal and Torres Strait Islander First Nations. Yet we note the few of us here today are representing institutions, or are here of our own accord.

In relation to The Australian Government's "Yes Campaign" for a constitutionally enshrined Voice to Parliament, we note the Government has invested \$27 million into a "yes campaign" preceding an upcoming referendum.

There is a vast number of Aboriginal and Torres Strait Islander people who are opposed to the voice as the premise of this proposal refuses to acknowledge the legal Sovereignty of First Nations peoples, making this act of 'recognition' a tokenistic one.

The Government failed to obtain free prior and informed consent from each of the First Nations, who will inevitably be impacted by the creation of a voice to parliament.

The yes campaign is not only an example of propaganda, it is simply bad media to generate debate on whether First Nations are deserving of 'a voice'.

We ask that the Australian Government be investigated:

- As to why not all First Nations groups were engaged in dialogues relating to the voice; and
- How the voice will impact the rights of First Nations peoples to develop our own Nations.

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Alex Wymarra  
  
Treaty Council - Chairman

## **United Nations Declaration on the Rights of Indigenous People (UNDRIP)**

### Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

### Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

### Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
  - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
  - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
  - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
  - (d) Any form of forced assimilation or integration;
  - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

### Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

### Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.