



New South Wales
Aboriginal Land Council



Intervention by the New South Wales Aboriginal Land Council (Consultative Status with ECOSOC)

Speaker: Councillor Anne Dennis

Item 11: Future work of the Expert Mechanism, including follow-up recommendations made in previous studies and advice.

Thank you Madam Chair.

My name is Anne Dennis, I am a Councillor for the New South Wales Aboriginal Land Council and I am a proud Gamilaraay woman.

The New South Wales Aboriginal Land Council welcomes this discussion on the future work of the Expert Mechanism, including follow-up to recommendations made in previous studies and advice.

We therefore encourage the Expert Mechanism:

1. to build upon its existing mandate by undertaking a future study examining how recommendations made by United Nations Treaty Bodies, Special Procedures and the Universal Periodic Review concerning Indigenous Peoples are implemented in domestic law, policy and practice, including identifying barriers to implementation and examples of good practice;
2. to undertake a future study on the incorporation of the United Nations Declaration on the Rights of Indigenous Peoples into domestic legal and policy frameworks, including examples of legislative, constitutional and policy reform;

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3. to consider developing practical follow-up tools or indicators that assist Indigenous Peoples, States and United Nations mechanisms to monitor implementation of recommendations concerning Indigenous Peoples arising from across the United Nations human rights system; and
4. to continue strengthening follow-up to previous studies and country engagement initiatives by identifying practical measures that support implementation, accountability and measurable outcomes.

Madam Chair,

The thematic studies and advice of the Expert Mechanism are among its most important contributions to the international Indigenous rights framework. They provide practical guidance to States and Indigenous Peoples and help translate the principles of the Declaration into concrete actions.

However, too often recommendations are made, welcomed and then not reflected in domestic law, policy or practice. The challenge facing Indigenous Peoples is not the absence of international standards. It is the absence of implementation.

In Australia, despite endorsing the Declaration in 2009, its standards have never been incorporated into domestic law and continue to be treated largely as guiding principles rather than enforceable standards. Australia's recent Universal Periodic Review provides a clear example of this implementation gap.

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Despite receiving more than 330 recommendations from Member States, Australia accepted only a minority of those recommendations, including only partial acceptance of several recommendations relating to the rights of Aboriginal and Torres Strait Islander peoples and implementation of the Declaration.

The recent review by the Committee on Economic, Social and Cultural Rights similarly highlighted continuing gaps in the realisation of economic, social and cultural rights for Aboriginal and Torres Strait Islander peoples.

The New South Wales Aboriginal Land Council has also recently paused its participation in Australia's national Close the Gap framework because commitments to partnership, shared decision-making and genuine engagement are increasingly not being matched by practice. At the same time, the Government of New South Wales is pursuing the Crown Lands Management Amendment Bill 2026, legislation that would materially weaken the only statutory land restitution framework available to Aboriginal peoples in New South Wales and has been advanced without the free, prior and informed consent of the Aboriginal Land Rights Network.

These examples demonstrate that international commitments and recommendations alone are insufficient if they are not translated into domestic implementation.

For this reason, we encourage the Expert Mechanism to consider how its future work can strengthen implementation and accountability, including through studies that examine how States respond to recommendations made throughout the United Nations human rights

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system and how those recommendations can be better translated into domestic laws, policies and practices.

The value of the Expert Mechanism's work is not measured by the number of studies it produces, but by whether its advice and recommendations lead to meaningful change in the lives of Indigenous Peoples.

The future work of the Expert Mechanism should therefore focus on practical implementation, measurable outcomes and stronger follow-up mechanisms that support both States and Indigenous Peoples in giving effect to the rights contained in the Declaration.

Thank you.

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