



New South Wales
Aboriginal Land Council



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

Speaker: Councillor Anne Dennis

Item 5: United Nations Declaration on the Rights of Indigenous Peoples: Interactive dialogue with UNPFII, the Special Rapporteur on the Rights of Indigenous Peoples, and the UN Voluntary Fund for Indigenous Peoples and members of the United Nations Treaty Bodies (public)

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.

I speak on behalf of NSWALC and NSWALC welcomes this important discussion.

We therefore encourage the Expert Mechanism:

1. to continue strengthening its work on implementation and accountability in relation to the United Nations Declaration on the Rights of Indigenous Peoples;
2. to consider how the United Nations system can better support Indigenous Peoples where States endorse international standards but fail to implement them domestically;
3. to continue supporting the meaningful participation of Indigenous representative institutions within international human rights mechanisms; and

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4. to encourage States to incorporate the standards contained in the Declaration into domestic law, policy and decision-making frameworks.

Madam Chair,

As we approach the twentieth anniversary of the Declaration, we are reminded that the central challenge before us is no longer one of recognition. It is one 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.

The implementation gap between international commitments and domestic realities remains significant.

Australia's fourth Universal Periodic Review provides a clear example of this implementation gap. 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.

This demonstrates that international endorsement of Indigenous rights does not necessarily translate into domestic implementation.

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

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peoples, reinforcing concerns that Australia's domestic laws and policies continue to fall short of international standards.

The New South Wales Aboriginal Land Council has 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. This experience demonstrates that participation cannot simply be procedural and that implementation of Indigenous rights requires political will, accountability and respect for Indigenous representative institutions.

At the same time, the Government of New South Wales is pursuing the Crown Lands Management Amendment Bill 2026. The Bill would materially weaken the only statutory land restitution framework available to Aboriginal peoples in New South Wales. It would retrospectively validate Crown land dealings and create further barriers to otherwise valid Aboriginal land claims, including by expanding the circumstances in which Crown land is deemed to be lawfully used and therefore unavailable for claim.

These reforms have been advanced without the free, prior and informed consent of the Aboriginal Land Rights Network and appear inconsistent with the principles contained in the Declaration, including rights relating to lands, territories and resources, participation in decision-making, and redress and restitution. They also raise serious questions regarding Australia's commitments under the National Agreement on Closing the Gap, including efforts to increase the amount of land and waters under Aboriginal and Torres Strait Islander peoples' legal rights and interests.

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We therefore welcome the upcoming country visit to Australia by the Special Rapporteur on the Rights of Indigenous Peoples in November 2026 and view this as an important opportunity to examine Australia's implementation of the Declaration and other international human rights standards.

At a time when we are witnessing increasing pressure on Indigenous rights globally, the rise of right-wing and populist movements and growing challenges to human rights institutions and multilateralism, the role of the United Nations mechanisms is more important than ever.

Twenty years after the adoption of the Declaration, Indigenous Peoples should not still be advocating for the implementation of standards that have already been agreed.

The next twenty years must be defined by implementation, accountability and action.

Thank you.

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