



Australian Greens First Nations Network



**SENATE INQUIRY:** Application of the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) in Australia

**SUBMISSION:** the Australian Greens First Nations Network (AGFNN) A Member Body of the Australian Greens Federation in Australia.

**DATE:** 2 June 2022

### Background

The Australian Greens First Nations Network is the official voice of First Nations members of the Australian Greens. We are a Member Body of the Federation and as such we have delegates on every Committee and Governing Body of the Australian Greens. We are the advisors to the Australian Greens on First Nations Policy and most importantly we are a united group of individual sovereign Traditional Custodians of our own nations and groups on the lands of Ngungynateea – the land now commonly called Australia.

In making this submission we assert our Sovereignty to take care of our Country and lands within as traditional custodians for the future generations of our peoples. We make this submission on this basis and as members of the Australian Greens with that policy perspective, and based on our political, social, cultural values for the good of all Australians.

The Australian Greens major policy for First Nations peoples has as its foundation the UN DRIP. We focused on the human rights in international principles, values, and Law to base our call for a Truth and Justice Commission to be enacted and implemented nationally, a Treaty to be struck with First Nations in Australia and for a Voice to Parliament to be enacted as per the self-determined wishes of First Nations people. We believe that enacting the DRIP into domestic legislation will protect the human, civil and social, political, and economic, cultural rights of First Nations peoples in Australia and is urgently needed given the oppressive policies of generations of governments since 1788 which has not recognised our sovereign rights, nor treated us equally under Australian Law since then. The Australian Greens First Nations policy can be found here. <https://greens.org.au/policies/first-nations-peoples> and specifically policies relating to urgent First Nations needs here: <https://greens.org.au/platform/first-nations>

We believe that the UNDRIP has an enormous potential to create change, equality of rights, justice, and outcomes if it is enacted into Australian legislation for the political, cultural, social, human, and economic rights of First Nations peoples in Australia. Such legislation could potentially positively impact every field of Australia's First Nations policy. The Articles of the DRIP establish specifically what can be done in many areas to support the aspirations of our First Nations peoples who have suffered traumatically generationally from war on their lands and continuing colonisation of areas which have only recently been impacted by the dominant culture in terms of policy, oppression of their human social, cultural and civil rights.

Many of us believe that we are still living under occupation as our sovereignty has never been recognised and we are subject to specific laws still that discriminate against us. For example, free prior and informed consent has never been recognised in Australia and the recent destruction of 40,000-year-old sacred sites at Jungan Gorge by one of Australia's largest mining corporations show our lack of power against the wealth and influence of people with so much more power and influence. Our right to self-government and be properly represented at all levels of government, could be enacted through a voice to parliament as suggested in the Uluru Statement of the Heart.

- The survival of our languages, our cultural and spiritual identities must be protected for our children and future generations, and this will also improve Australia's education and empathy for the history and needs of First Nations people.
- We want the right to protect our Country and not have it entirely in the hands of scientists, governments, or vested interests.
- To find our place in Australia's economy we need to be able to participate, develop our people, our organisations, and our businesses to raise our economic and social rights.
- We want to be entrepreneurs, politicians, CEOs, and to engage in all areas of business, employment, endeavour, and development without discrimination.
- We want to be able to survive our culture and our heritage as the world's oldest living culture.
- We must be able to take care of our women, men and children and ensure their lives are free from violence and the negative influence of destructive things that have come to our country since and during colonisation through being self-determined about our recovery programs and policy.
- To be able to recover and live good, happy, and healthy lives we need to free ourselves from the negative influences of white culture and white privilege and decolonise ourselves and our country so that we enjoy the same rights as every other Australian.
- Currently we are subjected to covert and overt racism and discrimination and there is no equality for us in Australia.

We must utilise the UNDRIP to level a playing field stacked against us. This is a chance to do so.

In enacting the DRIP into Australian domestic legislation, we see that these challenges can be transformed, and further benefits come to us as sovereign peoples, so that we are recognised as equal sovereigns with governance rights in our own country, free from the destructive racism that has wounded our lands and our people for too long.

## Issues

As we know it took 25+ for Australia and the international group of nations in the UN to develop, write and agree on the articles of the DRIP and those specific to sovereignty and self-determination were sticking points for many years with our own country, along with Canada and the US refusing to budge on many of these points. Finally, agreement was reached. Since then, we have not seen much movement in Australia on enacting domestic legislation to enforce the DRIP in Australia and Australian governments need to be activated to act. It has not even been considered as important since it was agreed to at the UN due to the conservative nature of the Australian governments to date. We have been subject to oppressive legislation like the NT Intervention and other oppressive welfare and social policy developed without our consent and forced upon us through domestic legislation over the past 15 years. We still have no full Land rights in Australia, the Racial Discrimination Act is often repealed for the Federal government to enact legislation which specifically targets us in a racist manner. The Australian Constitution needs to have sections removed from it so that the Federal government cannot longer enact these oppressive policies in legislation at a national level. We have so much to do in terms of deaths in custody, violence in the criminal justice system towards our women, children, and men, stopping juvenile detention of our children which only leads to criminal adults and giving all our children a chance for good and healthy lives. We must stop the family violence and addictions which ravage our communities and enables us to provide self-determined programs for healing and recovery for health and wellbeing national wide. Legislation must state our wish for self-determination and force the public sector and governments to ensure it is written into and acted within program and policy development across governments. First Nations knowledge holders and Elders must be recognised as holders of Law, values and principles that can support Australia to be a better country through the recognition and use of their wisdom and knowledge in all levels of government decision making. Particularly at a Federal and Parliamentary level as a Council that supports our self-determined sovereignty that recognises our right to govern Australia with those elected to do so, and to hold those elected officials accountable to the values of integrity and respect and trust that all Australians wish to see enacted in their actions and decisions for our country.

We must have a strong domestic legislative law in Australia to enact the DRIP and make sure all our governments behave appropriately and according to international laws and principles which recognise the rights of sovereign First Nations peoples worldwide and in our own country. We want to leave our country to our children not leave them with another generational fight to secure basic human rights.

## Conclusion

The only way that First Nations people can be equitably served in Australia is for

- 1) Recognition of our self-determined prior right to be an equal part of governing our country through the enactment of a Treaty
- 2) Engaging a Truth and Reconciliation Commission to heal the past and move together into the future
- 3) Support self-determination, free prior and informed consent to be enacted in domestic legislation via a domestic DRIP law. This Law should:
  - a. Enact all articles of the DRIP
  - b. Allow us to care for Country as we have for thousands of generations and give us free prior and informed rights of consent to what happens on country
  - c. enactment of such legislation must be audited and reported to parliament regularly

First Nations people in Australia should no longer suffer the indignity of having less rights in our own Country than the rest of Australia. We should not suffer the indignity of being subject to oppressive laws because the Constitution allows it, and we should have equal rights under all Australian legislation. We should not have to go to international law and the UN to get our rights respected any longer. The UNDRIP must be enacted into Australia's domestic legislation so that we can utilise it to recognise and ensure that all Australian Governments treat us equally and equitably as citizens in our own country from that time forward. The legislation must have strongly worded and written sections so that that we can utilise it to ensure we can enforce domestic rights in all areas of our lives. We must be able to use it and have a deep expectation that all governments will honour it and behave appropriately without discrimination towards us as sovereign peoples.

Thank you for allowing us to present our submission to this Inquiry.

Dr Tjanara Goreng Goreng PhD

National Secretary Australian Greens First Nations Network

On Behalf of our membership.

