



United Nations 14th Session of the Expert Mechanism on
the Rights of Indigenous Peoples – Virtual Session

13 July 2021

Agenda Item 8: Draft report on achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples, with a focus on self-determination

Statement by the **New South Wales Aboriginal Land Council**, delivered by Anne Dennis, Chairperson of the New South Wales Aboriginal Land Council and Councillor for the North Western region, member of the Gamilaraay people.

The New South Wales Aboriginal Land Council of Australia pays our respects to the Ancestors, Traditional Owners and Elders of the lands from which Members are participating. We also acknowledge all Indigenous Peoples and their lands across the globe.

We use this opportunity to address the **draft report on achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples, with a focus on self-determination.**

Recognised by the United Nations Declaration on the Rights of Indigenous People and adopted by Australia in 2009, our right to self-determination is essential in our ability to flourish as Indigenous peoples. Our right to participate in decision-making in matters which have a significant impact on our lives, through representatives chosen by our own Peoples, through our own processes and institutions, is essential.

In Australia, there is no legislative framework that recognises and enables shared decision making between the State and Aboriginal Peoples on matters that have a significant impact on our lives.

In 2017 our Aboriginal and Torres Strait Islander Nations from across the country came together to make the 'Uluru Statement from the Heart' which called for a constitutionally enshrined Indigenous Voice to our Commonwealth Parliament, a Makarrata (agreement making / Treaty/ies), and Truth-telling, to acknowledge the truths of historical oppressions of Aboriginal and Torres Strait Islander Peoples. The Uluru Statement from the Heart is a pathway for Australia to deliver on Articles 3 and 32 of the Declaration of the Rights of Indigenous Peoples.

Instead, the State now seeks to set up its own structures for our Peoples to engage with the bureaucracies of government not the Parliament, that would be accountable to the government not to our own Nations and communities, and it would not be enshrined in the Constitution.

The structures from the State could undermine our self-determined governance arrangements and many organisations that have existed for decades to serve and support our Peoples.

Without self-determination and power in decision-making processes, we cannot address the myriad of ways our Peoples are disadvantaged.

In 2007 Australian governments launched the Closing the Gap strategy. This strategy did not deliver significant improvements for our Peoples.

In 2019 however, the National Coalition of Aboriginal and Torres Strait Islander Peaks, comprised of over 50 representative community-controlled organisations, came together with governments to develop and agree on a new approach to Closing the Gap.

Under this Agreement, for the first time, Aboriginal and Torres Strait Islander Peoples have leadership, and decision-making roles.

We are holding governments to account and ensuring that they meet their commitments to shared decision making, building the Aboriginal Community Controlled sector, transforming government institutions, and sharing data about us with our Peoples. This is only the first step to meaningful change in Australia.

Our communities want a decision-making role in the development of our country's laws and policies. We want laws based on self-determination, empowerment, free, prior and informed consent and transparency.

Australian laws should be consistent with the United Nations Declaration on the Rights of Indigenous Peoples. It is overdue that Australia deliver on its international commitment.