



United Nations Permanent Forum on Indigenous Peoples

New York, 20 April 2021

Item 3: Discussion of Special Theme: Peace, justice and strong institutions: the role of Indigenous peoples in implementing Sustainable Development Goal 16

INTERVENTION by the New South Wales Aboriginal Land Council, delivered by the Chief Executive Officer of the NSW Aboriginal Land Council, James Christian. Member of the Wiradjuri 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 from. We also acknowledge all Indigenous peoples and their lands across the globe.

With regards to **Sustainable Development Goal 16** – *Promote just, peaceful and inclusive societies* – we refer to **Target 16.7** – *Ensure responsive, inclusive, participatory and representative decision-making at all levels*.

Drawing from **Articles 4**¹ of the Declaration, the New South Wales Aboriginal Land Council makes the following recommendations to the Permanent Forum encouraging States to:

- Support the rights of Indigenous Peoples to determine our own political status by supporting initiatives for self-government in matters relating to our own internal and local affairs, including providing secure financing for autonomous functions.
- Establish and strengthen shared decision-making arrangements between State and Indigenous Nations on matters of the State having a significant impact on the lives of Indigenous Peoples.

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

Aboriginal and Torres Strait Islander peoples continue to be legally excluded in the Australian Constitution—the nation’s founding legal document that came into effect in 1901— where our prior existence and survival on the lands for tens of thousands of years is not acknowledged.

¹ Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Australia is an incomplete Nation without Constitutional recognition of its First Peoples and a Constitutionally protected structure that enables shared decision making between our own Nations and the government of Australia.

Madam Chair, Aboriginal and Torres Strait Islander peoples continue to experience far worse life outcomes than other Australians. Our life outcomes will not change until we have control over our own destinies.

In late 2019, a group of Aboriginal and Torres Strait Islander community-controlled organisations – organisations that serve our communities in areas important to us, led by us and accountable to our communities – came together to propose a formal partnership between our elected representatives and all Australian governments to address the disparity in life outcomes between our Peoples and other Australians.

The partnership was agreed and for the first time we have a formal shared decision-making arrangement between our representatives and governments on policies that have a significant impact on First Australians.

The New South Wales Aboriginal Land Council was instrumental in establishing the partnership and we continue to play a leadership role.

But we are still at a disadvantage and our status as First Peoples not fully recognised.

There continues to be a significant imbalance of power between our First Nations Peoples and the State. The State continues to maintain full decision making over resources and the formal partnership is not protected by legislation or in our Constitution and can be easily abandoned.

In 2017, our Nations from across the country came together to make the “Uluru Statement from the Heart”. The Uluru Statement was a call for our empowerment, recognition and self-determination through a Constitutionally enshrined First Nations Voice to the Commonwealth Parliament.

This call, from our hearts, has not been recognised.

Instead, the State is seeking to set up its own structures for our Peoples to engage with government, that would be accountable to the government, not to our own Nations and communities.

The structures from the State could undermine our self-determined governance arrangements and organisations.

We seek Constitutional reforms to enshrine our Voice and empower our Peoples and take a rightful place in our own country. The Voice, *our* Voice, needs to be based on our own self determined structures.