Thank you Mister Chairperson

Yo manymak, markupmi Mala Duwal nuda lukama numangu.

Australia’s commitment to the UN Declaration on the Rights of Indigenous Peoples has been made clear since 2010, and further affirmed through its acceptance of a number of recommendations through Australia’s second Universal Periodic Review in 2015 and support for the Outcome Document of the World Conference on Indigenous Peoples.

It is crucial to ensure that this translates into meaningful and effective action, and to monitor how it is achieving improved outcomes for Indigenous peoples. Furthermore, it is crucial that implementation is carried out by states in consultation and cooperation with Indigenous peoples.

In 2010 the Australian Government committed to hold a referendum on Indigenous constitutional recognition in the Australian Constitution. As it stands today, the Australian constitution ignores the existence of Aboriginal people and was drafted to deny Aboriginal people their rights and their voice.
It also recognises that people can be denied the vote on account of their race, and that laws can be passed that discriminate against people for the same reason.

While constitutional recognition is welcome by some Indigenous Australians, others are concerned that the focus on constitutional recognition is a distraction from the long overdue commitment toward a treaty for Indigenous Australians.

Article 37 of the Declaration states that Indigenous people have the right to recognition, observance and enforcement of treaties, agreements and other constructive arrangements. Australia remains the only Commonwealth to not have entered into a treaty with Indigenous Peoples.

If Australia is serious about its human rights obligations and closing the gap on disadvantage between Indigenous and non-Indigenous Australians, it must start the discussion with Indigenous Australians and commit to a process to negotiate a treaty based on mutual respect that recognises the sovereignty of Aboriginal people.

On behalf of the people in my region, we don't want to be recognised in the Preamble of the Australian Constitution; which is what the Australian Government has suggested.

On behalf of my people, in the words of the late, great educator and musician from the famous band group Yothu Yindi, Dr M Yunupingu; we want a Treaty and we want it now.

I respectfully make the following recommendation to the Expert Mechanism on the Rights of Indigenous Peoples:

- I urge the Expert Mechanism to encourage all states to engage in meaningful consultation and negotiation with Indigenous peoples and Indigenous bodies including the Land Councils to implement article 37 of the Declaration into meaningful and effective action, based on free, prior and informed consent of Indigenous peoples.
• I urge the Expert Mechanism to encourage the Australian Government to enter into a Treaty with the First Australians, and for the Expert Mechanism to encourage the Australian Government to have clear and transparent process and reasonable timeframes for consultation that is driven by our Indigenous entities and provide deliverable outcomes on a Treaty with our people. This is what we want.

Thank you