**Item 8: Panel discussion on the rights of Indigenous Peoples in post-conflict situations and peace negotiations, agreements, and accords**

INTERVENTION by the New South Wales Aboriginal Land Council, delivered by Councillor Peter Smith, member of the Dungutti Peoples

Thank you Mister/Madam Chairperson,

We pay our respects to the Elders and Ancestors, past and present, and extend our appreciation to Indigenous experts and participants at this session.

Australia has been founded on a racist history. Under the claim of *terra nullius*, Aboriginal peoples in Australia have faced ongoing systemic subjugation and oppression in the form of child removals, massacres, and dispossession from their homes and Countries. This history is not something that government or the general Australian public are comfortable admitting.

**The NSW Aboriginal Land Council makes the following recommendations to the Expert Mechanism, including that all States:**

* Work to enact treaties and agreement-making with Aboriginal peoples.
* Work with Aboriginal peoples to build broad-based support and understanding of what treaty-making is, and what it can achieve in Australia.
* Form Treaty processes as a genuine partnership between Parliament and Aboriginal peoples, and be led by Aboriginal people and representative Aboriginal community controlled structures
* Fully implement a Truth-telling process, led by Aboriginal communities.
* Acknowledge the interconnected nature of land, cultural heritage, language and identity. First Nations peoples must have access to these rights in order to fully realise our social, economic and cultural development.

There is currently no formal way for Aboriginal peoples to speak to the Parliament about laws that will have a significant impact on our peoples, nor is there adequate recognition of First Nations peoples in the Constitution in colonial Australia.

The failed 2023 referendum for an Indigenous Voice to Parliament was a missed opportunity to implement the principles of self-determination identified by the UN Declaration on the Rights of Indigenous Peoples directly into the Australian constitution. Following the failed referendum vote, governments have stepped back their commitments and used the vote to deny the urgent need to address inequalities experienced by Aboriginal peoples in Australia.

Essential to being able to progress as a nation, Australia must acknowledge this historic conflict and its ongoing impacts on Aboriginal communities today.

It is essential that government work to build public support for treaties with Aboriginal peoples. Treaty making is an opportunity to address the long standing and systemic disadvantages experienced by Aboriginal peoples in Australia. It is a practical way to deepen Aboriginal participation in the economy and broader community.

Indigenous people have better life outcomes when self-determination is exercised, and connection to culture is key. Treaty can ensure that the voices of Aboriginal people are heard loud and clear.

NSWALC calls on the Expert Mechanism to support Indigenous peoples internationally in establishing their rights to agreement making with governments.

NSWALC believes that treaty making for Aboriginal peoples represents an opportunity: for truth-telling, to work towards healing the past, and to build on constructive relationships between government and Aboriginal peoples and communities more broadly.

**ALWAYS WAS. ALWAYS WILL BE. ABORIGINAL LAND.**