**Item 5:  United Nations Declaration on the Rights of Indigenous Peoples: Interactive dialogue with UNPFII (United Nations Permanent Forum on Indigenous Issues), the Special Rapporteur on the Rights of Indigenous Peoples, and the UN Voluntary Fund for Indigenous Peoples and members of the United Nations Treaty Bodies (public)**

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 First Nations experts and participants at this session.

We use this opportunity to address the Special Rapporteur on the rights of Indigenous Peoples and the UN Permanent Forum on the implementation of Declaration rights in Australia. This includes the ongoing issue of Aboriginal peoples culture and heritage rights.

**The New South Wales Aboriginal Land Council makes the following recommendations, including that all States:**

* Implement the United Nations Declaration on the Rights of Indigenous Peoples within domestic legislation and policies.
* Immediately legislate to strengthen protections for Aboriginal culture and heritage. Reforms must be designed and endorsed by Aboriginal peoples in alignment with the Declaration.
* Fund, and have confidence in, Aboriginal community-controlled organisations to undertake culture and heritage programs.
* Acknowledge the interconnected nature of land and waters, cultural heritage, language and identity. Aboriginal peoples must have access to these rights to fully realise our social, economic and cultural aspirations.
* Strengthen and facilitate the participation of Aboriginal peoples at human rights forums and establish more effective accountability mechanisms to monitor the enactment of our rights.

Australian governments fail to protect Aboriginal culture and heritage, and deny the cultural rights afforded to us under the Declaration on the Rights of Indigenous Peoples.

Current Australian government legislation disregard the profound spiritual, material, and economic connections Aboriginal people have with their lands and waters by failing to meet Declaration standards. Through lacking self-determination and accountability, they enable the ongoing destruction of sacred cultural sites and environments and persecute our peoples for performing cultural practices.

States in Australia and around the world challenge our rights under the Declaration to preserve our cultural practices, and to develop economical enterprises that support our traditions and community livelihoods. Government apathy for our rights to culture and self-determination is offensive.

In Australia, Aboriginal people in New South Wales experience legal prosecution, and are repeatedly fined and incarcerated for employing traditional cultural fishing practices legally defined within state legislation.

NSW Aboriginal Land Council support the appeal made by First Nations delegates at the 2024 International Indigenous Fishing Symposium, which calls on the UN to advocate for traditional custodianship practices and contemporary enterprises as foundational elements of the cultural and economic aspirations of First Nations peoples.

NSW Aboriginal Land Council calls for ongoing collaborative review processes to amend legislation and policies that do not recognise the inherent rights of Aboriginal people to protect and practice cultural customs on our own lands. States must support Aboriginal decision-making to ensure continued cultural custodianship for future generations.

We call upon the Special Rapporteur to advocate for the ratification and implementation of the Declaration throughout new and existing policy. It is of paramount importance that the richness and diversity inherent within our cultures are acknowledged for their significance, as determined by our peoples themselves. This recognition is fundamental to our collective identity and continuity.

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