

## Statement on the United Nations Declaration on the Rights of Indigenous Peoples

3 April 2009

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Parliament House, Canberra

Today, Australia takes another important step in re-setting the relationship between Indigenous and non-Indigenous Australians and moving forward towards a new future.

Today, Australia joins the international community to affirm the aspirations of all Indigenous peoples.

We show our respect for Indigenous peoples.

We show our faith in a new era of relations between states and Indigenous peoples grounded in good faith, goodwill and mutual respect.

The work of drafting the United Nations Declaration on the Rights of Indigenous Peoples began in 1985.

The Declaration was more than twenty years in the making.

For the first time governments worked directly with Indigenous peoples to develop a significant human rights statement.

The decades of work culminated in a landmark document. A document that reflects and pays homage to the unique place of Indigenous peoples and their entitlement to all human rights as recognised in international law.

Indigenous Australians made a significant contribution to the development of the Declaration.

Today cannot pass without paying tribute to a number of Indigenous Australians whose leadership and efforts were central to the development of the Declaration.

Les Malezer, Chair of the International Indigenous Peoples' Caucus and a recipient of the Australian Human Rights Medal.

Professor Lowitja O'Donoghue, former Australian of the Year and former Chairperson of the Aboriginal and Torres Strait Islander Commission.

Professor Mick Dodson, Australian of the Year, Member of the UN Permanent Forum on Indigenous Issues.

Tom Calma, the Aboriginal and Torres Strait Islander Social Justice Commissioner, and his predecessor, Dr Bill Jonas.

Megan Davis, Former United Nations Indigenous Fellow and Director of the Indigenous Law Centre.

And the many others - too many to name.

I'd also like to recognise the efforts of Indigenous NGOs.

It is a testament to the steadfast commitment of the United Nations Working Group that they stayed the course.

Driven by a common purpose to formally articulate international respect for the world's Indigenous peoples.

On 17 September 2007, 143 nations voted in support of the Declaration. Australia was one of four countries that voted against the Declaration.

Today, Australia changes its position.

Today, Australia gives our support to the Declaration.

We do this in the spirit of re-setting the relationship between Indigenous and non-Indigenous Australians and building trust.

Last week an Aboriginal woman wrote to tell me she was moved to tears by Australia's support of the Declaration.

She said that Australia's support recognises our common humanity.

She wrote that "many of our old people, our elders and leaders, including the heads of our families and clans know that closing the gap is not just about bricks and mortar, it is about self esteem, pride, acceptance, and a recognition of the humanity of our peoples."

The universal aspirations contained in the Declaration can help build understanding and trust.

This will take time. Relationships will be tested and will evolve.

The Declaration gives us new impetus to work together in trust and good faith to advance human rights and close the gap between Indigenous and non-Indigenous Australians.

The Declaration recognises the legitimate entitlement of Indigenous people to all human rights - based on principles of equality, partnership, good faith and mutual benefit.

Article 1 of the Declaration states: "Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in international law."

Entitlement to these rights underpins the important work of the Australian Human Rights Commission.

And with solemn reflection on our history and the failed policies of the past, we acknowledge Articles 8 and 10 - I quote:

*Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.*

And I quote again:

*Indigenous peoples shall not be forcibly removed from their lands or territories.*

Today Australia takes another important step to make sure that the flawed policies of the past will never be re-visited.

The Declaration is historic and aspirational.

While it is non-binding and does not affect existing Australian law, it sets important international principles for nations to aspire to.

Australia's existing obligations under international human rights treaties are mirrored in the Declaration's fundamental principles.

The Declaration needs to be considered in its totality - each provision as part of the whole.

Through the Article on self-determination, the Declaration recognises the entitlement of Indigenous peoples to have control over their destiny and to be treated respectfully.

Article 46 makes it clear that the Declaration cannot be used to impair Australia's territorial integrity or political unity.

We want Indigenous peoples to participate fully in Australia's democracy.

Australia's Indigenous peoples must be able to realise their full potential in Australian and international affairs.

We support Indigenous peoples' aspiration to develop a level of economic independence so they can manage their own affairs and maintain their strong culture and identity.

Australia is a longstanding party to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and supports their aims and principles.

We also respect the desire, both past and present, of Indigenous peoples to maintain and strengthen their distinctive spiritual relationship with land and waters.

The Indigenous land rights movement has a proud place in Australia's history with a range of State and Territory and Federal laws recognising traditional ownership. For example, the federal Native Title Act 1993 provides statutory recognition for common law rights of native title following the historic High Court Mabo decision.

Australia's laws concerning land rights and native title are not altered by our support of the Declaration.

Indigenous peoples now own or manage nearly 20 per cent of the Australian continent - amounting to over 1.5 million square kilometres.

Around half the Northern Territory is now owned by Aboriginal people under Australian legislation and cannot be sold.

Where possible, the Australian Government encourages land use and ownership issues to be resolved through mediation and negotiation rather than litigation.

The ownership and management of land gives Indigenous Australians the capacity to forge new partnerships and pursue economic development.

And to further the social, cultural and economic aims of Indigenous peoples, the Indigenous Land Fund will continue to be used to purchase freehold land - building on a range of other government programs to work with Indigenous Australians in managing natural resources.

The Declaration recognises the basic, fundamental truth that Indigenous peoples and individuals are equal to all other peoples and individuals. They should be able to live their lives free from prejudice and harmful discrimination.

The fundamental prohibition against racial discrimination is legally and internationally enshrined in the Convention on the Elimination of Racial Discrimination.

The Government has announced that it will introduce legislation to lift the suspension of the Racial Discrimination Act in the Northern Territory.

And we are working to tackle prejudice through education and awareness.

Article 7 of the Declaration recognises that Indigenous peoples have the right to lives that are safe, secure and free from intimidation and violence.

And it is their collective right to live in freedom, peace and security.

Article 22 of the Declaration also acknowledges that particular attention is needed for vulnerable people including elders, women, youth, children and people with disability.

Inherent in the Declaration is the basic right of women and children to safe and healthy lives.

These rights are given force in the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women.

We have set ambitious targets for closing the gap and are implementing sweeping policy reforms to tackle entrenched problems.

We want Indigenous peoples to be our partners in closing the gap. Indigenous peoples must have the opportunity to develop and drive solutions if we, as a nation are to achieve real, lasting change.

The right of Indigenous peoples to improve their economic and social conditions, in the areas of education, employment, housing and health is central to achieving this.

All Australians have an equal right to the basic building blocks of economic and social prosperity - healthy living, a decent house, the skills and training to get a job.

Indigenous children must have the opportunity to have the same quality of education as other Australian children.

And we are mindful of the importance of enhancing respect for Indigenous cultures through this education.

We want all Australians to participate fully and freely in our democratic processes.

While there is continuing international debate about the meaning of 'free, prior and informed consent', we will consider any future interpretations in accordance with Article 46.

We recognise how important it is for Indigenous Australians to have a voice, and a means to express it.

As parents in their children's health and education.

As the people with the greatest stake in closing the gap; as the people essential to driving lasting change.

We need to find more ways of hearing Indigenous voices:

- Through the establishment of a national representative body to give Indigenous people a voice in national affairs - being led by the Aboriginal and Torres Strait Islander Social Justice Commissioner.
- Through public consultation on key policy decisions.
- Through our support for Indigenous leadership.
- And through our support for progress towards constitutional recognition.

We look forward to continuing our work at international levels to promote the human rights of Indigenous peoples.

And we welcome the UN Special Rapporteur for Indigenous peoples, Professor James Anaya, in his visit to Australia later this year.

Today we celebrate the great privilege all Australians have to live alongside the custodians of the oldest continuing cultures in human history.

We recognise the right of Indigenous Australians to practise, revitalise and sustain their cultural, religious and spiritual traditions and customs.

We celebrate the vital positive contribution of Indigenous culture to Australia.

And we honour Indigenous Australians who so generously share their culture, knowledge and traditions.

We pay tribute to them, to their ancestors and the generations to come.

In supporting the Declaration, Australia today takes another important step towards re-setting relations between Indigenous and non-Indigenous Australians.

Working together to close the gap.

Overcoming the legacy of the past and shaping the future together.

[http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/un\\_declaration\\_03apr09.htm](http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/un_declaration_03apr09.htm)