



National Council of  
**Churches in Australia**  
NATSIEC

## The UN Declaration on the Rights of Indigenous Peoples

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A couple of weeks ago I attended the Attorney General's Non-Government Organisation Forum on Domestic Human Rights where we were briefed on the Government's position on the Declaration. We were told that supporting the Declaration was seen as "an important step in resetting the relationship between Indigenous and non-Indigenous Australians", and yet...

Given this statement, I expected some focus on the positives, the implications for the rights of Indigenous Peoples and Government's responsibilities. However, the focus was in fact the following:

"the Declaration sets important international principles to which nations can aspire. The Australian Government will be interpreting it in accordance with Article 46 which clarifies that the Declaration cannot be used to impair territorial integrity or political unity, and that it is subject to the 'limitations as are determined by law'"

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Roman Catholic Church

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I don't see that as a statement of aspiration. An aspirational statement would have focused on how Australia can ensure that principles of the Declaration become enshrined in our law, policies and practices. It is not aspirational to focus on the limits of Government's interpretation of the Declaration. This attitude makes me question whether they are in fact trying to 'reset' the relationship with us, or whether it's "business as usual".

My concerns are further deepened when I consider the current position of the Federal Government on a whole raft of decisions relating to Indigenous peoples; the Intervention; the rhetoric around reinstating the RDA and most recently the statement, this week, from Minister Macklin about an "enhanced information campaign" to provide further information about the Government's compulsory acquisition of the town camps in Alice Springs. I am not sure that all those living on "outdoor mattresses" will benefit from receiving those leaflets. And I am certainly not sure about why the Minister has to take such an antagonistic approach to the issue of housing in town camps. It's particularly concerning when you look at the SIHIP<sup>1</sup> debacle. On one hand the Government is saying to Aboriginal people that houses will only get built if they take over these camps and yet elsewhere where there are seemingly no "impediments" they have failed to deliver one house.

When I consider these actions, I also worry about the emotive language the Government is now using. I keep hearing about how such and such a minister has visited such and such a community and was so touched by the plight of the children. I don't for one minute want to suggest we

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<sup>1</sup> Strategic Indigenous Housing and Infrastructure Program

don't have a lot to do for the children; but let's be clear it's not just the children. What about our youth, what are we doing for them? What about our men? What about our Elders? What about our women? And further, as much as it is important for people who are making policy and funding decisions to go and see what's going on; to go and talk to people. It's not about them, or how sad they feel when they go to a remote community and see the children. It's not about how non-Indigenous people feel when they observe our living conditions.

No, it is all about Aboriginal people. The people who live this life every day. Aboriginal people don't have the luxury of flying in, having an emotional moment and then leaving. Aboriginal people live with the realities of having been pushed to the margins of our society for so long - every single day. So while Minister Macklin is fighting court cases against compulsory acquisition or Minister McClelland is looking at ways to ensure the Declaration does not impinge on our domestic law; Aboriginal people are finding ways to deal with the many injustices that have been imposed on them since that British flag was first planted on our Land. Aboriginal people are desperately trying to heal the hurts in our communities that have come about because of what has been done to us for the past two hundred years.

I am concerned when I hear Ministers talk about wanting to implement policy against opposition and against the RDA, or human rights instruments so that "women and children [can] have a safe and healthy life". This is the same language they used when they took our children away. This is the same language that led to families being ripped apart, that caused so much pain and dislocation, the effects of which are still

being felt today. This is paternalistic talk – “we know what’s best for you”, “we are doing it for your own good”.

Meanwhile they are stripping back our rights, they are trampling on our rights, they have yet to reinstate the Racial Discrimination Act and now they seem to be taking the narrowest interpretation of the Declaration by stating that the Declaration will be limited by law and will not impair territorial integrity or political unity. In other words they want to reset the relationship by keeping the status quo?

I think the Declaration offers us a very real opportunity to engage with Aboriginal and Torres Strait Islander people in a very different way. As the Human Rights Commission says “The Declaration explicitly encourages harmonious and cooperative relations between States and indigenous peoples.” The Declaration is a standard that sets out what a good relationship would look like. It asserts that we have the right to enjoy our human rights and fundamental freedoms. It asserts that we are to be free from discrimination; that we have a right to self-determination; that we have a right to maintain our distinct political, legal, economic, social and cultural institutions. We have a right to live in freedom, peace and security as distinct peoples.

The Declaration also says to States that they have the responsibility to ensure that mechanisms are in place to prevent loss of identity and culture. To prevent dispossession of lands, or forced population transfers, or any form of assimilation or integration.

I ask you to think about some of the current policies and whether they adhere to the Declaration that the Government has said it supports. Do forced acquisitions of town camps adhere to the Declaration? Is compulsory income management ensuring Aboriginal people are free from discrimination? Does ceasing teaching of Indigenous languages in schools contribute to our right to maintain our cultures? I could go on!

I think we are at a critical place with this ‘new’ government at the moment. I have no doubt that they had, and still have, every good intention to turn around the situation for Aboriginal and Torres Strait Islander Peoples. But what I am concerned about is that they have failed to address the most fundamental issue of all. How to engage with Indigenous peoples. They continue to “consult” with people on policies that have already been decided. They continue to think they, and their non-Indigenous consultants and bureaucracies know what is best for us. They continue to patronise and exclude us.

In June, NATSIEC hosted a forum of Aboriginal Church leaders to devise a common plan of action on the NT Intervention. Aboriginal people from around Australia met to discuss this one issue. What came out of the discussion was that people are fed up with being “consulted” about things that they essentially have no control over. They want Governments to acknowledge that Aboriginal people have a right to negotiate; that they have a right to be involved in working on solutions from the very beginning; that they have a right to negotiate outcomes with Government, and that they also have a right to be held accountable for those negotiated outcomes.

What Aboriginal and Torres Strait Islander Peoples want is to be treated with respect and dignity and as people who are fully able and competent to be making decisions about their lives and the lives of their children. If the current Government are really serious about “resetting” the relationship with us, then stop patronising us; stop treating us like a problem to be fixed. Start entering into proper negotiations that see us as equals. It may take longer, it may be difficult, but I can guarantee the end result will be far better than what we are seeing today.

I think the Declaration is a constructive framework to guide us in this process of re-negotiating our relationships. If we ask ourselves how does this policy, or funding decision conform to the Declaration and where does it not, and how can we fix that. Then we might be on the right path to “resetting” our relationships.

Thank you.