

**Australian government announcement on the UN Declaration on the Rights of
Indigenous Peoples**

Mural Hall – Parliament House – Canberra

Friday, 3 April 2009.

In the presence of:

The Hon. Jenny Macklin MP – Minister for Indigenous Affairs

The Hon. Robert McClelland MP – Attorney General

The Hon. Duncan Kerr MP – Parliamentary Secretary to the Minister for Foreign
Affairs

MC: Ms. Linda Burney MLA – Minister for Community Services (NSW)

Statement by Michael Dodson – United Nations Permanent Forum on Indigenous
Issues – Pacific community nominated member & Forum rapporteur

- CHECK AGAINST DELIVERY -

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Good morning.

Thank you Linda;

Matilda, my warm greetings to you and your people the traditional owners of this place - the Ngambri peoples. Another great and special thing has happened this morning on your ancestral lands.

Ministers, members of parliament, distinguished members of the diplomatic corps, Mr. Richard Towel (UNHCR), distinguished elders, ladies & gentlemen.

Today I am here on behalf of the United Nations Permanent Forum on Indigenous Issues. I am the community nominated representative for the Pacific and the Forum's rapporteur. I make this statement on behalf of the Chair & members of the Forum.

The Forum would like to thank the Australian government for inviting me to speak here today and extends its warm thanks and congratulations to Australia for today's announcement.

We wish to remember and thank all those Aboriginal & Torres Strait Islander peoples who joined over almost 25 years' hard work by Indigenous peoples worldwide in the United Nations system to see the United Nations General Assembly overwhelmingly vote to adopt a resolution endorsing the Declaration on the Rights of Indigenous Peoples. There were dozens of them far too numerous to name here today. Thanks are also due to many governments who had faith in the integrity of the Declaration and supported it through to the United Nations General Assembly. We must also not forget the encouragement and support of the many academics, individuals, corporations and NGOs who lent their support and encouragement throughout the process.

The minister in delivering the government statement mentioned deservedly a number of people who have made contributions to this process including me. I thank her for that. But there are other heroes who go unsung on occasions like this and some of those are not Indigenous people. Two Australians I particularly wish to mention are Dr. Sarah Pritchard & Dr. Patrick Sullivan who made quite and unheralded contributions with the Aboriginal & Torres Strait Islander delegations to Geneva in this process over many years.

I also want to mention the Aboriginal & Torres Strait Islander Commission. (ATSIC) ATSIC was in existence during the majority of the time it took to move this instrument through the United Nations system. Its existence made it possible in a very fair and even way for many Aboriginal & Torres Strait Islanders to be involved in the elaboration of this Declaration. We now have a substantial pool of our people experienced, skilled and with solid international networks thanks to these efforts.

THE DECLARATION

Ministers, at the time of the vote in the General Assembly the President of the Assembly Sheikha Haya Rashed Al Khalifa in a statement delivered by Assembly Vice-President, Aminu Bashir Wali of Nigeria, said:

“The importance of this document for indigenous peoples and, more broadly, for the human rights agenda, cannot be underestimated,” “I am acutely aware that the Declaration is the product of over two decades of negotiations,” she said, and stressed that, by adopting the Declaration, the Assembly was also taking another major step forward towards the promotion and protection of human rights and fundamental freedoms for all. It was also actively demonstrating the General Assembly’s important role in setting international standards.

In an informal meeting following adoption of the text, Victoria Tauli-Corpuz, the Chair of the United Nations Permanent Forum on Indigenous Issues, said: “This day will forever be etched in our memories as a significant gain in our peoples’ long struggle for our rights as distinct peoples and cultures.” She said “For us, the correct way to interpret the Declaration is to read it in its entirety or in a holistic manner and to relate it with existing international law.”

At the time of the General Assembly vote, Mr. Les Malezer, Chairperson of the Global Indigenous Caucus, (and the current Australian Human Rights Medallist) said that, with the adoption of the Declaration, the United Nations and Indigenous people had found common ground.

By its conciliatory statement today Australia becomes part of that common ground.

Ministers I wish to advise that this morning I received a message from Representatives of the three UN bodies devoted to indigenous peoples’ issues welcomed the fact that Australia today joined the ranks of the States supporting the UN Declaration on the Rights of Indigenous Peoples.

The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Professor S. James Anaya, Mr John Henrikson, the Chair of

the Expert Mechanism on the Rights of Indigenous Peoples and Ms Vicky Tauli-Corpuz, Chair of the Permanent Forum on Indigenous Issues have said:

“The Declaration on the Rights of Indigenous Peoples is the most comprehensive international tool to advance the rights of indigenous peoples. An overwhelming majority of the States voted for the Declaration in the General Assembly in 2007, and we are pleased to see that this support is today expanding further with Australia endorsing the Declaration”.

“While States’ endorsement of the Declaration is crucial, the main challenge is to ensure its implementation, with indigenous peoples, through effective legislation, policies and programmes at the domestic, regional and local level. We all stand ready to contribute to this process within our respective mandates”, the experts stressed.

Ladies & Gentlemen;

It is relatively easy to take particular articles of the declaration out of context and even easier to raise anxieties about the declaration by doing so. All of its parts make this document one. It has to be approached in this way. No state need be concerned of its content but should embrace it as a framework for public policy, law and practice in partnerships of good faith with Indigenous peoples within their territories.

Some may question the practicality of the decision by the Australian government today in supporting the Declaration. The fact of the existence of human rights standards is not the source of Indigenous disadvantage. Human rights do not dispossess Indigenous peoples, they do not marginalise them, they do not cause their poverty, and they do not cause the gaps in life expectancy and life outcomes. It is the denial of rights that is a large contributor to these things. The value of human rights is not in their existence; it is in their implementation. That is the challenge for the world with this Declaration. The standards are set. It is up to us to meet them.

Minister Macklin, our Chair Ms. Victoria Tauli-Vorpuz wishes for me to pass on the following message to you:

“Please congratulate and thank the Australian Government on behalf of the Forum and also on my behalf as the Chair. I warmly welcome Australia’s support for the declaration and would like to extend an invitation to Ms. Jenny Macklin the minister for Indigenous affairs to join us at United Nations Head Quarters in New York City during our Annual session of the Forum in May this year.”

Finally, this announcement today from the government of Australia represents another piece in the jigsaw puzzle that began with the apology to the stolen generations last year. This is another piece to build the full puzzle. To close the gaps. To continue the healing.

Thank you

Ends....