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## United Nations Declaration on the Rights of Indigenous Peoples

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### 1. What is the [United Nations Declaration on the Rights of Indigenous Peoples](#)?

The Declaration, a product of more than 20 years of research and discussion at the United Nations, is a non-binding document that sets out how existing human rights standards apply to the recognition and protection of Indigenous peoples' rights internationally. It provides a framework for countries with different histories and circumstances to help reduce levels of disadvantage and discrimination experienced by many of the world's 370 million Indigenous people.

When the United Nations General Assembly voted to adopt the Declaration in 2007, 144 countries voted in favour and 4 against adoption of the Declaration. Another 11 nations were either absent or abstained from the vote.

The four countries that voted against adopting the Declaration were Australia, New Zealand, the United States and Canada.

### 2. What is Australia's current status in regard to the Declaration?

In September 2007, Australia was one of four countries to vote against the United Nations' adoption of the Declaration on the Rights of Indigenous People. Following a change of government in November 2007, however, the Australian Government officially endorsed the Declaration on 3 April 2009.

Although the Declaration is non-binding, in issuing its statement in support of the Declaration, Australia accepted the document as a framework for recognising and protecting the rights of Indigenous Australians.

### **3. Does this mean Indigenous Australians will get special rights that other Australians don't have?**

Most of the rights outlined in the Declaration are already recognised and protected in Australia through our own domestic laws or our support for other international conventions and treaties. In fact, the Declaration does not suggest any 'new' or 'special' rights for Indigenous people. It simply draws together existing rights from other international laws and conventions such as the [Universal Declaration of Human Rights](#) and explains how they apply to Indigenous peoples.

By doing this, the Declaration asks nations to pay attention to treating Indigenous peoples' rights as seriously as the rights of all other citizens.

### **4. Could the Declaration encourage division in Australia or threaten national unity?**

Article 46 of the Declaration clearly states: "Nothing in this Declaration may be interpreted as...authorising or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States." This means that the rights in the Declaration cannot be interpreted in any way that threatens national unity, encourages Indigenous separatism or create laws that conflict with Australian law.

### **5. How can Australia use the Declaration in a practical way?**

One of the rights stated in the Declaration is, "Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves." Following its endorsement of the Declaration in 2009, the Australian Government committed to support the creation by Aboriginal and Torres Strait Islander peoples, of a national Indigenous representative body. The National Congress of Australia's First People's was established in 2010 to give Aboriginal and Torres Strait Islander people a voice in national affairs and policy development.

The Declaration also affirms the right to free, prior or informed consent. In practice, this means that when making policies, laws or undertaking activities that affect indigenous peoples, governments and other parties such as corporations should negotiate with, to obtain the consent of, Indigenous people. Working this way allows governments, corporations and Aboriginal and Torres Strait islander people to work together on a more equal basis to arrive at solutions and agreements that all parties can accept.

There are many other guiding principles in the Declaration that can help Indigenous and other Australians work together more respectfully and effectively, and with greater understanding.

## **6. Isn't this talk about 'rights' steering us away from the real issue of addressing Indigenous disadvantage?**

The rights set out in the Declaration have direct and meaningful application in addressing Indigenous disadvantage. A major effect of the Declaration is to clarify that human rights apply to all people, including Indigenous people whose rights have so often been ignored or denied through the processes of colonisation. For example, the Declaration re-asserts Indigenous peoples' rights to participate in decisions that affect their lives, to cultural respect, and to protect and conserve their lands. All of these rights are directly associated with getting improved outcomes for Aboriginal and Torres Strait Islander people in health, education, employment and every other area of disadvantage.

The Declaration also specifically affirms the rights of Indigenous women and children to protection against violence and discrimination.

## **7. How will supporting the Declaration help Australia close the 17 year life expectancy gap?**

Closing the gap requires a wide range of measures, including building greater trust and respect between Indigenous and other Australians. By supporting the Declaration, the Australian Government is expressing its wish to recognise and respect the rights of Indigenous people in this country as a foundation for getting better outcomes which benefit all Australians.

The Declaration is an instrument that can help guide policy makers, Indigenous Australians and everyone engaged in closing the gap. Based on evidence of what works around the world, the document prioritises the dignity and aspirations of Indigenous people, and gives them a leading role in working together with others to close the gaps.

## **8. What do opponents of the Declaration have against it?**

Some people have generated unfounded fear about the Declaration by suggesting that it will encourage Aboriginal separatism, and special or separate laws for Indigenous citizens. They do this by singling out particular sections of the Declaration from the context of the complete document which makes it clear that nothing in the preamble or the articles of the Declaration can be used to compromise existing laws or the rights of citizens overall. Nor can they interfere in any way with a country's democratic processes.