



*The United Nations International Day of the World's Indigenous Peoples is celebrated every year on **9 August**. In 2014, the theme is *Bridging the gap: implementing the rights of Indigenous peoples*.*

*To commemorate the 20<sup>th</sup> anniversary of this day, we are reflecting on the unique contributions of Aboriginal and Torres Strait Islander peoples and cultures on the world stage and talking about how we can enhance the rights of Australia's First Peoples at home.*

## **Australia on the world stage**



**Globally, there are over 350 million Indigenous people, representing over 5,000 cultures and languages in more than 70 different countries.<sup>1</sup>**

*Across Australia, over half a million Aboriginal and Torres Strait Islander people practice hundreds of different cultures and speak 145 distinct languages however 110 of these languages are classed as severely and critically endangered.<sup>2</sup>*

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<sup>1</sup> UNESCO and Indigenous Peoples: Partnership for Cultural Diversity  
<http://www.unesco.org/en/cultural-diversity/action-in-favour-of-cultural-diversity/unesco-and-indigenous-peoples-partnership-for-cultural-diversity/>

<sup>2</sup> *National Indigenous Languages Survey Report 2005*, Submitted to the Department of Communications, Information Technology and the Arts by AIATSIS in association with the Federation of Aboriginal and Torres Strait Islander Languages (FATSIL)

**The UN General Assembly first proclaimed the Day of the World's Indigenous People in 1994 and adopted the UN Declaration on the Rights of Indigenous Peoples in 2007.**

*Les Malezer, a Gubbi Gubbi and Butchulla man from north Queensland, and now Co-Chair of the National Congress of Australia's First Peoples, had the honour of addressing the UN General Assembly on behalf of the Indigenous peoples of the world, to welcome the adoption of the Declaration in 2007.<sup>3</sup> However, Australia did not formally endorse the Declaration until 2009, and was one of only four countries to initially vote against it.*

**Aboriginal and Torres Strait Islander peoples are amongst the most imprisoned populations in the world.**

*The rate of imprisonment for Aboriginal and Torres Strait Islander prisoners is 15 times higher than the rate for non-Indigenous prisoners.<sup>4</sup> While only about 3% of the Australian population, Aboriginal and Torres Strait Islander prisoners represent 27% of the total prisoner population.<sup>5</sup>*

## Indigenous rights – why do they matter?

*The rights of all people are protected under international human rights law, however for many Indigenous peoples around the world these basic human rights have often been denied. As some of the most vulnerable and marginalised people in the world, the UN Declaration on the Rights of Indigenous Peoples recognises the unique collective rights of Indigenous peoples to make decisions about their lives (e.g. to be self-determining) and to protect their distinct cultures, languages, and knowledge.*



### **What is the UN Declaration on the Rights of Indigenous Peoples?**

A declaration is a statement adopted by governments from around the world. Declarations are not legally binding, but they outline goals for countries to work towards. The United Nations [Declaration on the Rights of Indigenous Peoples](#) (the Declaration) represents 20 years of negotiation between Indigenous peoples, governments and human rights experts, and argues that Indigenous peoples all around the world are entitled to all human rights, including

collective rights. The rights within the Declaration, which was formally adopted by Australia in 2009, set standards for the survival, dignity and well-being of Indigenous peoples.

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<sup>3</sup> <http://nationalcongress.com.au/wp-content/uploads/2013/08/DeclarationFullBook.pdf>

<sup>4</sup> Australian Bureau of Statistics, 4517.0 - Prisoners in Australia, 2013.  
<http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4517.0main+features322013>

<sup>5</sup> Australia Bureau of Statistics, 4517.0 - Prisoners in Australia, 2013.  
<http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4517.0main+features62013>

## Why have a Declaration for Indigenous peoples?

The Declaration is necessary to combat the policies of assimilation and integration employed by colonisers throughout the world that have uprooted, marginalised and dispossessed First Nation peoples. This common history of dispossession created many circumstances that remain unique to Indigenous cultures. These groups bear similar marks of colonisation, while continuing to practice their incredibly diverse cultures and traditions.

The rights of all people are protected through international law mechanisms. However, what these fail to provide to Indigenous peoples are the “specific protection of the distinctive cultural and group identity of indigenous peoples as well as the spatial and political dimension of that identity, their ways of life.”<sup>[1]</sup> Prior to the Declaration there was a lack of a legal guarantee of Indigenous communities to their collective rights, such as ownership of traditional lands, the return of sacred remains, artefacts and sites, and the guarantee of governments to honour treaty obligations.

## What does the Declaration mean for Australia?

The Declaration sets out rights both for individuals and collective groups. This reflects the tendency of Indigenous groups around the world, to organise societies as a group (a clan, nation, family or community). An example of these group rights is the acknowledgment that Aboriginal and Torres Strait Islander communities have the right to own country, hold cultural knowledge as a group and the right to define their groups. Some other rights secured in the document include, the right to equality, freedom from discrimination, self-determination and self-government. Many of these rights are already secured through Commonwealth and State legislation. However, the Declaration is Australia’s promise that mechanisms will be put in place to ensure that Aboriginal and Torres Strait Islander peoples will be able to benefit from these rights.

The significant disadvantages currently faced by Aboriginal and Torres Strait Islander people in Australia only serve to highlight the ongoing relevance and importance of the Declaration.

## What is self-determination and why is it important?

Self-determination is a key part of the Declaration, and is a right unique to Indigenous communities around the world. Self-determination can only be achieved through the consultation and participation of Aboriginal and Torres Strait Islander communities in the formation of all policies and legislation that impacts upon them. Self-determination is characterised by three key elements that require Aboriginal and Torres Strait Islander peoples to have:

- **Choice** to determine how their lives are governed and the paths to development
- **Participation** in decisions that affect the lives of First Nation peoples.
- **Control** over their lives and futures, including economic, social and cultural development.

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<sup>[1]</sup> Siegfried Weissner “United Nations Declaration on the Rights of Indigenous Peoples” *United Nations Audiovisual Library of International Law* 2009, available at: [http://legal.un.org/avl/pdf/ha/ga\\_61-295/ga\\_61-295\\_e.pdf](http://legal.un.org/avl/pdf/ha/ga_61-295/ga_61-295_e.pdf)

### **The Declaration talks about free, prior and informed consent. What does this mean?**

Free, prior and informed consent means that when making policies, laws or undertaking activities that affect First Nation peoples, governments and others should negotiate with the affected Aboriginal and Torres Strait Islander groups to obtain consent through participation and consultation before taking any action. In 2009, after its formal adoption of the Declaration, the Australian Government committed to support a national Aboriginal and Torres Strait Islander representative body, to be created by First Nation peoples. Established as a company in 2010, the National Congress of Australia's First Peoples was created to give Aboriginal and Torres Strait Islander people a voice in national affairs and policy development. While only funded until 2015, the Congress plays a crucial role in ensuring the free, prior and informed consent of Aboriginal and Torres Strait Islander people in Australia.

### **Why is culture so important in the Declaration?**

Maintaining a distinctive cultural identity is crucial to supporting the rights of the First Peoples in Australia. It is important for non-Indigenous Australians to recognise that cultural expression can be both traditional and modern, and that all forms are valid, such as the [Bangarra Dance Theatre](#) in Sydney that amalgamates modern and traditional dance.

The Declaration also clearly demonstrates the need for human remains and sacred objects that have been removed from Country to be returned to communities. Since 2001, over 1300 ancestral remains have been returned, along with the equivalent numbers of cultural property. It is important that pressure is maintained and governments lobbied, to quicken the repatriation of remains to Australia.

Find out more about the Declaration on the Rights on Indigenous Peoples by reading:

- [a community guide to the Declaration developed by the Australian Human Rights Commission](#)
- [a guide to the Declaration and current law in Australia](#)

### **A world of firsts...the world's oldest cultures**

*Indigenous peoples across the world hold knowledge and perspectives unique within our global heritage. As Australians we can all take pride in the unique histories and cultures of Aboriginal and Torres Strait Islander peoples that shape Australia today...*

- Australia is the home of a global heritage: Aboriginal and Torres Strait Islander cultures are the oldest



living cultures in the world.<sup>6</sup>

- Recent evidence suggests that the ancestors of Australia's Traditional Owners were the first modern humans to leave Africa, over 70,000 years ago.<sup>7</sup>
- Australia is the site of the world's oldest burial rites and cremation ceremonies at Lake Mungo in NSW. Discovered 40 years ago this year, Mungo Man is estimated to be 42,000 years old, though some say he could be as old as 60,000 years. He represents the earliest evidence of modern humans to be found outside of Africa. Mungo is also home to the largest collection of human fossil footprints anywhere in the world.<sup>8</sup> All the archaeological sites of the area, including the fossil footprints track, are the cultural property of three groups, the Barkindji, Nyiampaa and Mutthi Mutthi peoples.<sup>9</sup>
- The world's oldest oral histories reside in Australia, such as the Wadi Nyi Nyi Dreaming stories of the Pitjantjatjara people, which describe the rising seas that occurred 18,000 to 5,000 years ago.<sup>10</sup>
- The invention of the returning boomerang is thousands of years old, an achievement unique to Australia.<sup>11</sup>

## Take action...

- [Join the National Congress of Australia's First Peoples](#). Membership is open to Aboriginal and Torres Strait Islander organisations and individuals over the age of 18 years.
- [Lend your voice to the Recognise campaign](#) for the recognition of Australia's First Peoples in our Constitution.
- [Support the Indigenous Law Centre](#), so that they can continue their important work on enhancing the legal rights and freedoms of Indigenous peoples both in Australia and internationally.



<sup>6</sup> The Kimberley Foundation, (2013) , *First Footprints*, [Press Kit]:  
[http://www.kimberleyfoundation.org.au/uploads/41632/ufiles/First\\_Footprints\\_Press\\_Kit\\_-\\_S.pdf](http://www.kimberleyfoundation.org.au/uploads/41632/ufiles/First_Footprints_Press_Kit_-_S.pdf)

<sup>7</sup> The Kimberley Foundation, (2013) , *First Footprints*, [Press Kit]:  
[http://www.kimberleyfoundation.org.au/uploads/41632/ufiles/First\\_Footprints\\_Press\\_Kit\\_-\\_S.pdf](http://www.kimberleyfoundation.org.au/uploads/41632/ufiles/First_Footprints_Press_Kit_-_S.pdf)  
<sup>8</sup> [visitmungo.com.au](http://visitmungo.com.au)

<sup>9</sup> <http://www.environment.nsw.gov.au/jointmanagement/mungojointmanagment.htm>

<sup>10</sup> The Kimberley Foundation, (2013) , *First Footprints*, [Press Kit]:  
[http://www.kimberleyfoundation.org.au/uploads/41632/ufiles/First\\_Footprints\\_Press\\_Kit\\_-\\_S.pdf](http://www.kimberleyfoundation.org.au/uploads/41632/ufiles/First_Footprints_Press_Kit_-_S.pdf)

<sup>11</sup> The Kimberley Foundation, (2013) , *First Footprints*, [Press Kit]:  
[http://www.kimberleyfoundation.org.au/uploads/41632/ufiles/First\\_Footprints\\_Press\\_Kit\\_-\\_S.pdf](http://www.kimberleyfoundation.org.au/uploads/41632/ufiles/First_Footprints_Press_Kit_-_S.pdf)

- [Hear about the journey of Professor Megan Davis](#) who made history as the first Australian Aboriginal woman to be elected to a United Nations body in 2010. Her appointment to the *UN Permanent Forum on Indigenous Issues* was the first time the Australian Government nominated an Aboriginal person for a UN role. This video is an excellent tool for any lawyers interested in work with the UN.
- [Learn more about the culturally rich environment of Lake Mungo](#) - one of the world's very special places.
- **Think about** things you can do in your sphere of influence to support the United Nations [Declaration on the Rights of Indigenous Peoples](#).

Reconciliation Australia would like to thank the Indigenous Law Centre, Mungo National Park and the UN for their help in the production of this factsheet.

Photo credits:

Banner: UN Photo/John Isaac.

1. The Governor-General, Ms Quentin Bryce AC CVO, Professor Megan Davis, and His Excellency Mr Gary Quinlan, Office of the Official Secretary to the Governor-General.

2. Poster from Second International Decade of the World's Indigenous People, UN.

3. A World of Firsts, [visitmungo.com.au](http://visitmungo.com.au).