

Submission to the Inquiry into the Application of the United Nations Declaration on the Rights of Indigenous Peoples in Australia

This is an important Inquiry into the experience of Indigenous rights in Australia. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was created in 2007. It was concerning to see Australia as one of only four nations to vote against the resolution in the United Nations General Assembly (UNGA) passing UNDRIP, only later accepting the document. There are many issues that continue to affect the wellbeing and rights of Indigenous people in Australia, which could be better addressed by following the provisions of UNDRIP.

There are big issues with the rights of Indigenous people in Australia. There are deep economic and social disadvantages for Indigenous people, which affects their wellbeing and ability to reach their potential in society. This disadvantage and intergenerational trauma is based on a couple of hundred years of violence and exclusionary government policies during European colonisation. This includes policies of land dispossession, forcing them into missions, suppressing their culture and language, policing and militia violence and more tragic events. There is a concerning disregard for Indigenous cultural heritage, with the lamentable destruction of the Juukan Gorge Caves in 2020.

However, there are clear signs that Australians broadly support reconciliation and upholding the rights and heritage of Indigenous Australians. There was widespread shock and criticism of the destruction of the Juukan Gorge Caves, for example, with the interim Parliamentary report on the issue titled “Never Again.”

There needs to be sustained and hard work on these issues. The Government has a big role and responsibility to bring up these issues on the political agenda, engage with Indigenous Australians and groups, and support the reforms that are needed (and supported by Indigenous Australians themselves). Positively, the incoming Labor government has highlighted Indigenous policies such as holding a referendum on a Voice to Parliament.

There are many issues that face Indigenous people, seen with the Closing the Gap targets. However, it is important to recognise the capability of Indigenous peoples. Government policy has often infantilised Indigenous people, viewing them as inferior or in need of protection. Rather, they deserve to have their rights respected and not be disadvantaged by government policies or structural issues, but empowered to work for their own wellbeing.

Indigenous people have great skills and knowledge of the land. There have been some fascinating passages that I have read recently. In a recent edition of the *Griffith Review*, one essay covered how Indigenous people were excluded from the Gold Rush:

- “Dispossession ... was not due to the unwillingness or inability of Indigenous people to engage in strategies for economic development, but to a failure of government policy to safeguard their connection with land.” In Arnhem Land further, “Yolngu had experience centuries of adaptation to new material culture and notions of labour and trade for goods and services. In other words, they understood and engaged in economic and political relationships, both inter-tribally and internationally” (Wright 2021, p.28-30).

The book *Sunburnt Country* further describes how Indigenous people have:

- "managed the land in complex ways, living by the seasonal cues written into the landscape, plants and animals that characterised their country for at least 40000 years” (Gergis 2018, p.174).

Indigenous disadvantage is not inevitable. Rather, by respecting the rights of Indigenous people, and working with Indigenous Australians and Indigenous organisations, we can have a better Australia where all people are respected and can reach their potential. This approach would not only benefit Indigenous Australians, but broader society and the world, embracing their culture, history and knowledge of Australia. Indigenous environmental and fire management, for example, is a crucial area to use for better and more sustainable environmental and natural disaster management. As the UNDRIP Annex states: “Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment.” There can be a better way of doing things.

Thank you for considering my submission.

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References

Wright, Clare. 2021. “Masters of the future or heirs of the past? Mining history and the right to know.” In Hay, Ashley (ed). *Griffith Review 71: Remaking the Balance*.

Gergis, Joelle. 2018. *Sunburnt Country: The History and Future of Climate Change in Australia*. Melbourne University Press: Melbourne.