LANGUAGE RIGHTS AND INDIGENOUS HUMAN RIGHTS IN CENTRAL AUSTRALIA

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Professor Tony Dreise
Director, CAEPR
Research School of Social Sciences
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Australian National University, June 2021

Artist's statement

The Southern Cross is known by some First Nations people as Mirrabooka, Ginan or Birubi – a body of stars that encompasses celestial stories deriving from creation-forming ancient knowledges that transcend time and space. These aided our Ancestors with navigation and as seasonal indicators, and symbolise an important relationship between people, land, sea and sky. A symbol that is as vitally significant today, that we still uniquely and collectively identify with in memory, story, art and song. This artwork is the embodiment of my style and my connection to manay (stars), interpreting the night sky using cool and dark tones. The inner space between the stars is to draw the viewer in and symbolise the powerful force within and between these bodies of stars. Our old people not only gazed upon the stars, but most importantly they looked at what lies within and surrounding those dark places in the above.

Krystal Hurst, Worimi Nation, Creative Director, Gillawarra Arts.

Front cover image: Krystal Hurst, *Reclaiming the Southern Cross*, 2019. Acrylic on paper.
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Language rights and Indigenous human rights in central Australia

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Abstract

In this Policy Insights paper we use the successful COVID-19 health messaging in an Indigenous language as a lever to explore the ways in which communication rights for Aṉangu are coupled with their collective rights as Indigenous Australians, as a particular strand of human rights. There is a fundamental relationship between the recognition of language rights and Aṉangu being able to more readily realise other human rights. This extends beyond issues of comprehension and enabling freedom of opinion and expression in language. As we discuss in this paper, it also ultimately extends to being enabled to access the core principles of universal human rights in the local vernacular in order to render them locally meaningful. The human rights activist and philosopher Boaventura de Sousa Santos has long argued for a human rights discourse that can embrace different cultures and religions, which he articulates as a multicultural human rights. In this paper we begin to articulate what this might look like for Aṉangu, taking communication rights as a foundational platform.

Keywords: Indigenous language rights, Pintupi-Luritja, communication rights, collective rights, multicultural human rights.

Acknowledgments

Acronyms

ABC	Australian Broadcasting Commission
ABS	Australian Bureau of Statistics
AIS	Aboriginal Interpreter Service
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
AMSANT	Aboriginal Medical Services Northern Territory
ANU	Australian National University
APY	Aṉangu Pitjantjatjara Yankunytjatjara
ARC	Australian Research Council
ATSIC	Aboriginal and Torres Strait Islander Commission
CAEPR	Centre for Aboriginal Economic Policy Research
CEO	Chief Executive Officer
CLC	Central Land Council
CSRM	Centre for Social Responsibility in Mining
DFAT	Department of Foreign Affairs and Trade
EMRIP	Expert Mechanism on the Rights of Indigenous Peoples
EU	European Union
FPIC	free, prior and informed consent
IAD	Institute of Aboriginal Development

IYIL2019	International Year of Indigenous Languages (United Nations)
MLA	Member of the Legislative Assembly
MP	Member of Parliament
NACCHO	National Aboriginal Community Controlled Health Organisation
NT	Northern Territory
NTER	Northern Territory Emergency Response
SA	South Australia
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNDP	United Nations Development Program
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UDHR	Universal Declaration of Human Rights

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Introduction

In the lives of individuals and societies, language is a factor of greater importance than anything else (de Saussure 1959, p. 7).

Stay on Country. This is the safest place to be at the moment[1]
Pintupi-Luritja translation: Ngurrangka Palya nyinantjaku.

Between March 26 and June 5, 2020, a Federal Biosecurity Determination was announced for designated areas across remote Australia, including 76 remote communities in the Northern Territory (NT).[2] This Act gave the police powers to enforce movement restrictions to and from remote and discrete Aboriginal and Torres Strait Islander communities. In the media and broader conversation, these communities were referred to as being in 'lock-down'.

There is no doubt that this 'lock-down' was essential and, to date, has been extraordinarily successful as one of the measures in preventing the coronavirus pandemic from reaching remote communities. The decision to lock-down such communities was also supported by the National Aboriginal Community Controlled Health Organisation (NACCHO).[3] Prior to the preventative measures implemented under the *Biosecurity Act 2015,* however, some communities and their representative organisations, including the Central Land Council (CLC), acted early to restrict movement in their region by cancelling all non-essential travel to remote communities and all mineral exploration permits.[4]

We argue that the brief window of time that the Biosecurity Act was enforced – a little over two months – offers a unique opportunity to reflect on the role that the communication of critical health messaging in Indigenous languages played in the success of the outcome. Of significance was that the particular needs of these remote communities, their collective identities and their vulnerabilities, were recognised by various levels of government. As a result, it seemed to be understood that they and their representative bodies were in the best position to manage the crisis. This decentralisation of control and devolution of decision-making was highly successful.

This paper will focus, in particular, on what we understand as a key element to this success. That is, the approach taken in developing an extensive range of informative resources that were translated into many of the

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[1] http://www.amsant.org.au/covid-19/ – Alison Anderson.
[2] See the Australian Government https://www.legislation.gov.au/Details/F2020L00324.
[3] See Fredericks et al., 2020. https://theconversation.com/reconciliation-week-a-time-to-reflect-on-strong-indigenous-leadership-and-resilience-in-the-face-of-a-pandemic-139311
[4] Maclean, H. and Brennan, M. (2020). Parliament of Australia. COVID-19 Legislative response – Human Biosecurity Emergency Declaration – Remote Communities, https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/FlagPost/2020/April/remote_communities.

widely spoken languages of the NT.[5] Nampitjinpa Anderson, one of the authors of this paper, was closely engaged with this program of translation for several central Australian languages via the Aboriginal Medical Services Northern Territory (AMSANT) website. This translation of the health messages into local languages actively recognised the essential need for a dialogue with communities in their mother tongues.[6] This vernacularisation of important health advice illustrates that taking account of language diversity is both possible and beneficial, and it underscores the question of why it has failed to happen in other Indigenous public policy contexts.

We argue that there is a fundamental relationship between the recognition of language rights and Aṉangu being able to more readily realise other human rights.[7] This extends beyond issues of comprehension and enabling freedom of opinion and expression in language. As we discuss later in this paper, it also ultimately extends to being enabled to access the core principles of universal human rights in the local vernacular in order to render them locally meaningful.

The successful COVID-19 health messaging in local first languages offers a lever to explore the ways in which communication rights for Aṉangu are coupled with their collective rights as Indigenous Australians, as a particular strand of human rights. The human rights activist and philosopher Boaventura de Sousa Santos has long argued for a human rights discourse that can embrace different cultures and religions, which he articulates as a multicultural human rights (1996, 2007). In this brief paper we begin to articulate what this might look like for Aṉangu, taking communication rights as a foundational platform.

As McLeod discusses, the concept of communication rights is not new; they are included in almost every United Nations (UN) convention, declaration and covenant with few exceptions. Likewise, communication rights are also included in the United Nations Educational, Scientific and Cultural Organization (UNESCO) conventions and declarations (McLeod 2018, p. 4). Our focus on communication rights relates specifically to language rights and the insight this provides into Indigenous collective rights and the limitations of current human rights norms to adequately recognise and safeguard these Indigenous rights.[8] One of the contexts we focus on is the challenges that Indigenous parliamentarians have faced, and continue to face, in expressing themselves in their own language during parliamentary business. The issue of engaging in one's first language is keenly felt in the NT, where there are significant numbers of Indigenous Members of Parliament (MPs).[9] Both of these contexts – health, and civil rights and democratic process – are illustrative of the essential import of communicative rights and the role of language in rights comprehension and agency.

At the time of colonisation, there were an estimated 700–800 language varieties and 250–300 distinct Australian languages (Simpson & Wigglesworth 2019, p. 68). The most recent data indicates that there are only 120

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[5] http://www.highwaylearning.com/translation/Luritja/Messages/COVID19.mp4 Lance Macdonald.
[6] See http://www.amsant.org.au/covid-19/.
[7] Aṉangu means 'person' in some varieties of the Western Desert Language, including Pitjantjatjara, Yanykunytjatjara and Pintupi-Luritja. It is now widely used by Aboriginal people speaking Western Desert Language varieties as the term for Aboriginal person or people.
[8] Note that communication rights can be understood from four perspectives. According to McLeod they include: the communication rights of all people; the communication rights of people with communication disabilities; the communication rights of children; and communication rights relating to language rights (2018, p. 5).
[9] There are currently three Indigenous MPs in the NT parliament. However, there have been as many six – after the 2012 election.

Indigenous languages still spoken, while of these fewer than 15 are still being passed onto children as their mother tongue (Battin et al., 2020). More than half of these routinely transmitted languages are in the NT and, with the Indigenous population of the NT being proportionally the largest in Australia, at just over 30% of the total NT population, one might assume that there was some recognition of such predominant multilingualism. Yet, until very recently, the NT was the only Australian jurisdiction where parliament had formally enacted standing orders limiting the use of non-English languages and interpreters (Grimes, 2018; Murphy, 2020b).

This paper will begin to drill down into the role of language in the enjoyment of civil and political rights; that is, both the right to communicate in language and the role that comprehension actually plays in enfranchising and enabling agentic citizens. We realise that this is a knotty task, as Simpson (2020, p. 295) recently articulated:

> *As language is both an individual and a social phenomenon, language rights are complex, bringing in both the rights of individuals and the rights of groups. Language is used to both communicate ideas (communicative rights) and to express associations (identity rights).*

The interrelationship between the associative aspects of language, including identity rights, and language as a fundamental form of communication, is such as to be co-constitutive. One of the more complex elements of Indigenous Australian languages as part of their 'language ecology', to borrow a linguistic term, is that many languages (including Pintupi-Luritja) require their speakers 'to pay close attention to kinship relationships, which are sometimes encoded in the syntax and morphology of the languages themselves' (Simpson & Wigglesworth 2019, p. 69). Likewise, the ways in which *context* plays a significant role in effective communication is also central, including the performative element of meaning-making. The implications of these language attributes became clear during the experience of translating the Universal Declaration of Human Rights (UDHR) into Pintupi-Luritja (see Holcombe, 2018).[10] There were many words, such as 'freedom', 'equality' and the concept of 'rights' itself, that did not have ready translations and, to make them meaningful, they had to be enlivened for the local context. Yet, these are powerful English words often used in intercultural contexts, though interestingly, not often in policy contexts. Nonetheless, this translation process clearly exposed the tendency to mistake 'Anglo English' as the human norm (per Wierzbicka, 1997; Pennycook, 1998) and also the ways in which translation and interpretation can be an empowering process.

This interpretive and dialogical project of translating the UDHR was also deeply revealing of the limitations of this rights discourse and the need for a human rights framework that can cater for cultural plurality. Such an inclusive human rights framework would encompass the collective rights of language speakers and the relational identity that brings with it a particular form of human dignity. Collective or group rights, while at times in tension with individual rights, are much more in harmony with the existing patterns of social life in the bush, where family groups are extended and connected. Such a multicultural human rights framework necessitates a

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[10] See Chapter 1 in particular, and Macdonald et al., 2015 for the translation.
https://www.ohchr.org/EN/UDHR/Pages/Language.aspx?LangID=piu

multilingual human rights framework and while we assert the fundamental interrelationship with collective rights, our focus in this paper is on language rights.

In some ways, we take for granted language as identity, and the subsequent interrelationship between language and land that is a distinguishing feature of Aboriginal religion and customary land tenure (Rumsey, 1993; see also Keen, 2004).[11] These more classic anthropological practices and attachments are not our focus in this paper.[12] However, we do engage with the abiding cognitive injustice that has resulted from this lack of recognition of Indigenous languages. As theories of knowledge are embedded in language, so too the colonial project has resulted in a form of 'epistemicide', to borrow from Santos (2014). By this, we mean that Indigenous epistemologies have also necessarily been marginalised, as in many contexts including missions and schools, the languages for knowledge transmission and cultural reproduction were either actively prohibited or discouraged from being spoken (Trigger, 1992), or not recognised or respected (Australian Human Rights Commission, 2009).

The marginalisation of Indigenous languages, both in the NT and throughout Australia, as an intrinsic element in the logic of colonisation was thus also a linguistic colonisation through the deeply monolingual bias of the vast majority of frontier interactions.[13] Standard Australian English, as the de facto official language of the state, has cast a long shadow.[14] The monolingual bias of government and state service delivery is not unique to Australia, however. Indigenous peoples in other settler states (with the possible exception of New Zealand) also face comparable issues, where linguistic diversity has been regarded as an obstacle to good government. In the Australian example, the centralising tendencies of government seem antithetical to the pluralistic polities that are, and notably were historically, represented by multiple Indigenous linguistic communities. However, of note, the European Union (EU) is also a centralised system that works with multiple linguistic communities and where 24 languages are officially recognised (European Parliament News). Centralised government and linguistic diversity are not necessarily antithetical.

The region of our focus is the Haasts Bluff Land Trust and the four communities of Papunya, Haasts Bluff, Mount Liebig and Kintore. Nampitjinpa Anderson's home community is Papunya. Interestingly, the 2016 Australian Bureau of Statistics (ABS) recorded that approximately 50% of Papunya residents speak an Aboriginal language, yet they also state that only 11.5% spoke English as their only language at home.[15] Given that the Papunya population is almost 80% Indigenous this seems surprising and contrasts with the previous ABS (2011) data which indicated that more than 85% of the population of Papunya speak an Aboriginal language (as their first language). Many speak more than one Aboriginal language. Nampitjinpa Anderson, for instance, is fluent in several desert languages, including Pintupi-Luritja, Arrernte, Anmatyerr, Warlpiri and

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[11] Though we are not asserting bounded groups (see Keen 2004, p. 134) and recognise that there are multiple forms of attachment to place.
[12] For this Pintupi-Luritja region see Holcombe, 2004.
[13] An early significant exception to this was the work of Lieutenant William Dawes who attempted to record the Gadigal language of Sydney Harbour (see Gibson, 2015).
[14] Thanks to Jane Simpson for the observation that English as an 'official' language is not enshrined in the Australian Constitution.
[15] Jane Simpson (*pers. comm.*) noted in relation to this apparent inconsistency the ABS Quickstats (from which this data derives) treats 'no answer' and answers they find hard to interpret or categorise as the same.

Pitjantjatjara. This is the case for many older Pintupi-Luritja speakers, as Papunya is at the geographic cross-roads between these language communities.
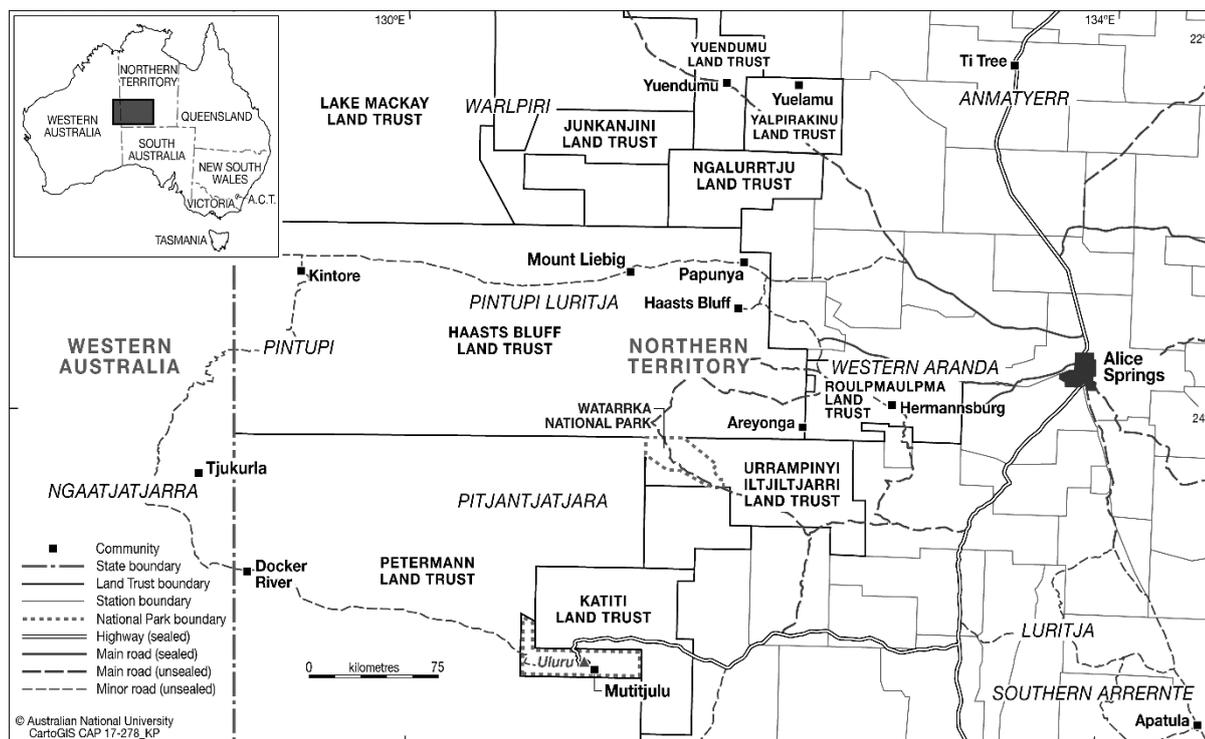
Figure 1   Central Australia map

Source: ANU College of Asia and the Pacific.

A multicultural human rights

Our use of the concept of a 'multicultural[16] human rights' is inspired by Santos, with the aim of encouraging a more porous and mestiza version of human rights (Santos, 1996, 2007). Santos' key concern has been to reclaim human rights from the regulatory and domesticating state-sponsored discourses (which have tended to focus on individual responsibilities and the duties of citizenship), to one that is emancipatory and progressive. He argues that this capacity for emancipation is conditional on human rights being re-imagined, through an intercultural dialogue between the hegemonic western liberal-democratic rights discourse and non-western conceptions of rights. Such an approach sits comfortably with anthropological practice, which has, over the last

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[16] Our use of the concept is distinct to the Australian public policy of multiculturalism, which we recognise can be understood as submerging the unique First Nations claims within the broader migrant population that characterises Australia today. And likewise, conceptually, although there has been a range of critiques about the ways in which the concept of 'culture' has been essentialised within the liberal democratic discourse of multiculturalism (see especially Turner, 1993 and Benhabib, 2002), the polemic title of Phillip's book *Multiculturalism without Culture* draws attention to the irony of pluralist constraint the discourse harbors (Phillips, 2007; author's emphasis). The concept of multiculturalism is both guided and constrained by a foundational commitment to principles of individual freedom and equality. There are a range of cultural practices that are not tolerated by the mainstream liberal discourse, which include violence as a form of social regulation – that is, except when undertaken and sanctioned by the state.

two decades, begun to embrace ethnographies of local cultures of human rights. However, this was not always the case.

From the earliest consideration of universal human rights, social anthropologists were ambivalent about or actively opposed to the notion of a 'universal human', and so they were dismissive of this global project (see Goodale 2009, Chapter 2). The assumptions embedded within the human rights language and discourse about universal forms of personhood rankled the cultural relativism upon which the discipline rested. Though these arguments have not necessarily lessened, in fact if anything they have probably intensified, what has shifted is the readiness to work with the social justice and emancipatory potential that core aspects of human rights offers. The growing field of critical human rights anthropology has also begun to utilise the discourse as a lens to examine questions of normativity and agency to explore the often strained and contested emergence of local cultures of human rights in diverse contexts (see in particular Goodale & Merry, 2007; Hodgson, 2011).

However, much earlier than this in the Australian context, social anthropologist A. P. Elkin was at the forefront, in his critical engagement with the concept of human rights in the context of Aboriginal social worlds. As we have learnt from the recent *Curated History of the UNESCO Human Rights Survey: Letters to the Contrary* by Mark Goodale (2018), Elkins' submission was one of 59 critical responses to the global project of human rights when it was first evolving in the mid-1940s.[17] Though nearly 45% of all the replies came from the United States and the United Kingdom (so, far from a global sample), even within this limited range many of the critical responses have salience today. These include the significant thematic cluster that was critical of the liberal and individualistic form of human rights declarations, as these have been central to capitalism, as the mode of production which has been the primary cause of global inequality and conflict (Goodale, 2018, p. 37). As Goodale forensically revisits these 59 responses, which were lost for decades (being out of publication), we find anything but a consensus on universal philosophical principles.

One of only two social anthropologists who prepared submissions to the UNESCO human rights survey, Elkin was Professor of Anthropology at Sydney University from 1933 until 1956, and a dominant figure in Australian anthropology.[18] Indeed, though Elkin wrote his submission 71 years ago, his intercultural analysis remains strikingly relevant today. As he stated in relation to 'non-self-governing peoples in Australia'[19].

The question of human rights is one of the relationship of the individual to his fellows within a community, and of community to community. Fundamentally the individual is a social personality, and his rights are an integral part of his place and his role in society and in its external relationships. Apart from society he

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[17] What is so insightful about returning to these survey responses, which though at the time were lauded by UNESCO as a 'triumph of global scope' and 'as the first empirical study to comprehensively measure global diversity of opinion on the principles of human rights' (Goodale, 2018, p. 21), is both the very diversity of opinion and how non-representative they actually were. Another 40% of all responses came from several countries in western Europe, South Africa (2), Australia (2) and Canada, for instance. The remaining 15% of the responses were from several Soviet Bloc countries (5), India (3), all of Latin America (2) and China (1). Only 1 response was from a woman (Goodale, 2018, p. 21).

[18] The other anthropologist was Melville Herskovits, from the United States and a leading figure in the American Anthropological Association at that time. Goodale has also traced this early history of anthropological circumspection toward the human rights project (2009).

[19] Elkin also referred to the peoples of adjacent islands of the South-West and South Pacific.

would have no rights…human rights therefore, have no content unless they are related intimately and causally to the actual community situation (quoted in Goodale, 2018, p. 234).

Though this realist view, that Aboriginal rights are cultural products, was written before the canonisation of the UDHR in 1948 and the subsequent International Bill of Human Rights (which was still evolving in the mid-2000s[20]), the reality that 'human rights have no content unless they are related intimately and causally to the actual community situation' has not altered. It is this reality that compels our research interest in a multicultural human rights that specifically engages with Aṉangu collective and individual rights. Not only is Elkin usefully reminding us that multiplicity existed, but of course it continues to and, rather than a deviance from the norm, it is far more productive to recognise the incompleteness of universal human rights norms. As he also stated, 'human rights have to be reviewed from time to time both as to form and content, lest they become so abstract and generalised as to be meaningless in actual human relations' (in Goodale, 2018, p. 234).

It seems appropriate that now, just over 70 years since the canonisation of the UDHR, we revisit elements of this form and content. Of course we are aware that the UN system is not likely to alter this 'secular bible'. Our intent here is far more humble; to instead attempt to insert a more porous mestiza (to borrow Santos's term) conception of human rights that is emancipatory both within the community and in interactions beyond it, that *may* find its way into policy. This is because, to provide meaningful content to human rights, to return to Elkin's important point, they have to have local legitimacy. The only means by which this can be achieved, is through recognising the central role that language plays in people's lives, as language embodies theories of knowledge and personhood. By making the epistemologies embedded in the language of human rights explicit – so too the invisible contract of citizenship is also rendered visible.

This idea of developing a multicultural human rights in Aboriginal Australia has to begin by enabling conversations in Indigenous languages about the point of these 'universal human rights': what they mean, why they emerged and the potential value and limitations of the rights discourse. One of the key points of deliberation is likely to be the tension between collectivism and individualism; that is, between the collectivism of Aṉangu culture and the individualism of human rights culture. Is a rapprochement possible between culture and rights, when the predominant form of Indigenous collective rights recognised by the state has been collective property rights, under land rights and native title rights? The fact that this form of rights has become *the* rights discourse associated with Aboriginal interests has decoupled the broader rights agenda from Indigenous human rights issues (see Holcombe, 2019).

It is in the distinctive 'Indigenous sector' (per Rowse, 2005), comprising diverse not-for-profit Indigenous organisations including arts and media centres, land councils and community controlled health organisations, that Indigenous forms of collective rights are most prominent. However, under conservative governments and the 'mainstreaming' or 'normalisation agenda', many Indigenous sector organisations have struggled for recognition, often against the backdrop of public commentary of 'dysfunction' and social collapse in remote communities (e.g. Sutton, 2009). So while there remains an important subset of Indigenous organisations that

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[20] https://www.humanrights.gov.au/human-rights-explained-fact-sheet-5the-international-bill-rights.

engage with collective rights in their operations, many other public sector services have been outsourced or mainstreamed (see Havnen, 2012; Holcombe & Sullivan, 2013). One of the consequences of this is the loss of mutual understanding about the mechanisms of collective rights, due to the churn of policy makers and implementers. The concept of 'policy as perpetrator', borrowed from June Oscar, is particularly apt in this context.[21]

It is possibly at the interface with the legal system that the most concerted focus is directed at developing the Aṉangu individual. The collective rights of families, of language speakers, of culture bearers are downplayed (either actively or as an unintended consequence) by comparison to those of the individual, through state intervention at multiple levels in the legal context. One of the most stark set of interventions can be found in the operations of the various family and domestic violence legal regimes within the NT, notably the mandatory reporting and mandatory sentencing regimes. These legal regimes, criminalising family and domestic violence, disproportionately impact Indigenous perpetrators and victims. For instance, in 2013 the number of Aboriginal men in NT prisons rose by 12%, to 86% of the total prison population. This increase in incarceration was driven by the new mandatory sentencing regime introduced earlier that year. Though we do not dispute the urgency of the need to reduce gender and family violence in remote communities, mass incarceration is not the answer (see Coker, 2002). In these legal regimes the Aboriginal person is extracted from their family, their partner, their community and consequently, their culture. And likewise, as Coker and Macquoid argue 'framing violence against women as a criminal issue, rather than ... a civil rights, human rights or public health issue, inevitably narrows the framework for understanding the scope, causes, consequences and remedies for violence against women' (2015, p. 593). As Douzinas reminds us, 'the prime function of rights is to construct the individual person as a subject (of law)' (2007, p. 7). The criminal legal system attempts to create this legal individual.[22]

The remainder of this paper will dwell on the possibilities and limitations of human rights in this remote context – as part of imagining a multicultural human rights – as we explore the enabling possibilities of substantive rights in terms of language rights. Revisiting this issue is timely, as it provides some leverage in providing a corrective to false universalisms and thereby legitimising a focus on a multicultural form of human rights as driven by language rights. More broadly, we also seek to make visible and, in doing so, legitimise a human rights narrative at this intersection of policy and its uptake by Indigenous 'recipients'.

Enabling a multicultural human rights: Communication rights and health

This idea of enabling a multicultural human rights means for us ensuring that human rights are relevant and meaningful for Aṉangu, and can actually be used to improve their lives. This requires ensuring that human rights

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[21] This concept was read in a media release – which can no longer be located.
[22] This issue has been discussed in detail in Holcombe, 2018, Chapters 4 and 5.

move beyond formal (or technical) rights to become substantive rights. The image in Fig. 2 provides a good visual of substantive rights versus formal rights or, as the artist has articulated here, equality versus equity.
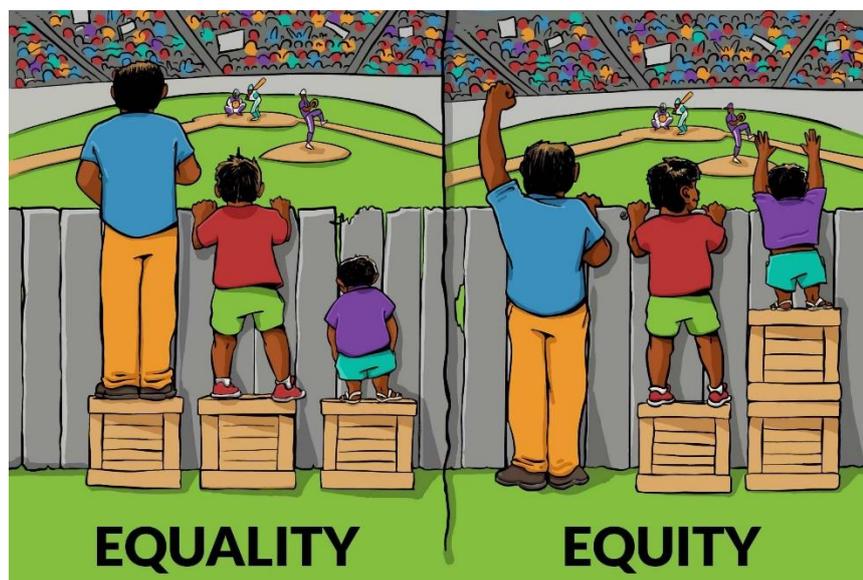
Figure 2   Equality and Equity

Artist: Angus Maguire. Source: Interaction Institute for Social Change.

In the recent example of the COVID-19 crisis what we find of note is that there was clearly an awareness that for a public health message it was regarded as essential to translate the message into the local vernacular so that Aṉangu could understand and take appropriate action. This is routinely the case more widely in health. One walks into any clinic in a remote community and there are public health messages in the local language and clinic staff are actively encouraged to learn the language words for key health terms. For instance, to assist kidney dialysis patients to understand the process of blood filtration the comparison of kidneys with petrol filters has been found to work well for many Aboriginal people in aiding their understanding of dialysis.

When Nampitjinpa Anderson made the initial COVID-19 announcements for the NACCHO, the information broadcasts were sent out all across the region, and into Western Australia and South Australia (SA), through Facebook pages maintained by her daughter and other members of her family involved in health care – and so the message was amplified. Nampitjinpa Anderson has performed this role in various scenarios – in relation to petrol sniffing, drug abuse control and, most recently, the COVID-19 threat. She also prepared messages for the Central Australian Football League recently, warning about the dangers of grog consumption and crowd violence at key fixtures.

There is no obvious alternative to the provision of clear information in a familiar language that makes use of key terms and concepts which cannot be easily translated into English or adequately conveyed by English equivalents. The attempt to stop the spread of COVID-19 into remote communities has been gratifyingly successful so far – but the practical success of these efforts is only one aspect of their importance. Having

access to information in one's own language is not just a right most people in the developed world take for granted: it also serves to announce the validity and dignity of the local language and its speakers.

Collective rights through language rights

The ways in which collective rights were highlighted during this health crisis was also significant. Such was the concern as the coronavirus pandemic was worsening in late March, for instance, that Sally Scales, deputy chairperson of the Aṉangu Pitjantjatjara Yankunytjatjara (APY) Land Council, suggested evacuating all the senior Aṉangu from the APY lands to hospitals in Adelaide as a pre-emptive measure (Boltje, 2020). Though this call was not actioned by the SA Government, the threat of the pandemic has affected Indigenous Australians in very different ways from the general population. Because the collective rights and identities of Indigenous peoples are bound to place via language and territory, there is a fear that even if you lose a small number of a community (particularly senior members) – through an event like a pandemic – you begin to lose the cultural threads that bind the group. Indigenous communities have been lost to pandemics before. This was a very significant issue at colonisation, and during frontier contact, for many diseases against which the First peoples had no defences (Reynolds, 1972).[23] However, as the colonial frontier expanded into the remote desert regions (being discussed here) over 100 years after the east coast, there have been more recent waves of disease impact.

For instance, Norman Tindale's iconic 1974 map, 'Tribal Boundaries of Australia', includes a language group in central Australia called Jumu. The country associated with this group on the map is Mount Liebig, Papunya and Haasts Bluff (today all located in the Haasts Bluff Aboriginal Land Trust, see Fig. 1). However, the map of Indigenous languages created by the Institute of Aboriginal Development (IAD) 30 years later does not include the Jumu (IAD, 2002). Rather, the language group incorporating the lands of these three communities is Pintupi-Luritja. Though language groups and their territories are dynamic, the fate of the Jumu has remained an unresolved question.

When Holcombe, undertook her PhD field research in the region in the mid-1990s, some senior community members had heard of the Jumu, but said they were *mirri tjuta* ('all dead'). Tindale recorded that several years after an anthropological expedition to the region in 1932 (led by the SA Museum and H. K. Fry), that an 'epidemic killed off many of the Jumu' (1974, p. 138). Little is known about this epidemic and Tindale does not elaborate, but Nampitjinpa Anderson recalls her mother (now deceased) saying that the disease was chicken-pox.

The ways in which Aṉangu collective or group rights are harnessed to language rights also has broader implications with the human rights focus on the individual. The unit of social organisation most highly valued in remote areas is the community of people who observe the traditional law: who take part in ritual and relate to each other as joint participants in ceremonial life. Group rights, while at times in tension with individual rights, are much more in harmony with the existing patterns of social life in the bush: family groups there are extended

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[23] See in particular Chapter 5 'Disease and Deprivation'.

and connected, important religious sites help define the relationships and obligations between them, and the wellbeing of the group as a whole cannot simply be reduced to the condition and rights of individuals.

Communicating Indigenous public policy

Effective policy outcomes require effective communication systems (Smith, 2008).

The concerted efforts made and success in translating the COVID-19 health message can be contrasted with other significant public policy contexts, where very limited, to no, attempt at translation occurs in any systematic way. This includes major reforms such as the Northern Territory Emergency Response (NTER) in mid-2007 (Altman & Hinkson, 2007). That such a major policy intervention was made without any input or consultation from the very people that are the supposed beneficiaries is, itself, a significant human rights abuse (for instance, Calma, 2007). Obtaining free, prior and informed consent (FPIC) before adopting and implementing legislative or administrative measures that may affect Indigenous peoples is a core element in self-determination (United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) 2007, see Articles 18 and 19 in particular). As our focus is on communicative rights, we can only touch on this issue here.

While there may be ad hoc attempts in some remote communities to translate elements of major new policy interventions at public meetings, anecdotally the authors understand that even this is rare. Nampitjinpa Anderson always translated new public policy while Papunya Council Chief Executive Officer (CEO), and during her time as an Aboriginal and Torres Strait Islander Commissioner (ATSIC) [24], and as a parliamentarian: it was absolutely central to her idea of what should be a part of those roles. Otherwise, successful translated presentations by government officials explaining their intentions and plans were rather uncommon. While Anderson was an MP she proposed to the Australian Broadcasting Commission (ABC) that they institute key elements of news broadcasts to remote communities in Aboriginal languages, and the policy was implemented after her ministerial term finished: it continues still to a limited extent. The Aboriginal Interpreter Service (AIS) is occasionally called on to translate in various forums, but it is certainly not routine in communities. Part of the reason for this is also due to the sessional nature of the employment of interpreters, and the growing demand for the development of skilled Aboriginal interpreters that is not being met (see CLC, 2011).

We are aware, however, that the Federal Government has a 'Protocol on Indigenous Language Interpreting' (Australian Government, 2017), as does the SA Government who have an 'Aboriginal interpreters and Translators Policy' (SA Government, 2014). Interestingly, the Federal Government Protocol was established in response to recommendations from the House of Representative Inquiry report 'Our Land Our Language' from 2012 (the 2017 protocol being the most recent revision). Yet, 'Multicultural Language Services Guidelines for Australian Government Agencies' have existed since at least 2002, refering to introduced languages.

We now briefly turn to the NTER of 2007, to highlight interpreting and translation deficiencies. The NTER, in particular, was a 'governmental intervention unmatched by any other policy declaration in Aboriginal affairs in

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[24] The Aboriginal and Torres Strait Islander Commission (ATSIC) operated from 1990 to 2005.

the last forty years' (Hinkson, 2007, p. 1). The communication gap in relaying this policy intervention was observed at the time by the Head of the Federal Government Intervention Taskforce, Major General David Chalmers. In 2008, he noted that a major and unforeseen challenge had been the difficulty of communicating with Aboriginal people (Simpson 2020, p. 306). Academic Claire Smith, who was in several of the Top End communities, quoted a community member at the time: 'They talked too fast, and used too many big words... people couldn't understand because there was no-one there to explain to the people what they were saying' (Smith, 2008).

The importance of improving communication between Aboriginal people and government has been highlighted in many government reports, including the Stronger Futures Discussion paper which was an evaluative report on the NTER five years on (Australian Government, 2011). The CLC also noted in a submission to a Federal Government *Inquiry into Language Learning in Remote Communities*:

> *In Central Australia, where many Aboriginal people do not speak Standard Australian English, and most Government workers do not speak an Aboriginal language, good communication often necessitates the use of interpreters. The importance of using interpreters, however, is not realised in industry sectors…[where] currently the private and public sectors work without the use of interpreters. This needs to change for communication to improve (CLC 2011, p. 16).*

This systemic under-recognition and under-appreciation that in remote community contexts Indigenous peoples will predominantly be thinking in and communicating in their own vernaculars also reflects a major element of structural disadvantage: the lack of power over access to information. Clearly, we are not referring here to domestic-level information disseminated through kin networks, but to information at the intersection of government, as represented by the welfare state, and daily life.

The fact is that *context* is also essential for understanding and ensuring communicative rights for Anangu, yet we know that Indigenous public policy is inevitably made elsewhere (Canberra, Darwin, Alice Springs) and 'rolled out' in communities. As an Anangu man from Walungurru (Kintore), Tommy Conway, recently stated in an interview for *The Australian* newspaper; 'we don't want people in Canberra talking for us. We need community people who know how we think' (Aikman, 2019).

It is useful here to revisit Elkin's submission to the UNESCO human rights survey of 1947, in relation to the right to political self-determination, as he states:

> *Primitive peoples have a fundamental community right to political self-determination. Where this has been taken from them, it should be returned in a form, worked out with their cooperation, to meet the present circumstances of non-contact with the civilised world (quoted in Goodale, 2018, p. 230).*

Though there is clearly now routine contact with the 'wider world' (notably through the internet and social media), Elkin's point of a fundamental community right to self-determination remains valid and, at that time,

thought-leading.[25] As development economist Amartya Sen states; 'political rights are important not only for the fulfilment of needs, they are also crucial for the formulation of needs' (quoted in Nussbaum, 2000, p. 96). Indigenous MPs are now routinely elected to the NT parliament – so political rights are apparent. However, the question of how they are enabled to formulate, and thus *articulate*, these rights and development needs in this parliamentary context is a crucial one.

We now turn to the issue of parliamentary monolingualism in the NT.

Parliamentary monolingualism: Indigenous languages 'disorderly'

On 8 May 2019 Yingiya Mark Guyula, Member for Nhulunbuy, and Yolngu Matha (Djambarrpuyngu) speaker, made history in the NT parliament by being allowed to address the parliament in his own language with the use of an interpreter (ABC News, 2019b). As the ABC news reported at the time:

> *Politicians in the Northern Territory's Parliament were being blocked from speaking any language other than English and were told it was disorderly, despite the region having more than 100 different Aboriginal languages and dialects.*

Aboriginal parliamentarians had been seeking to represent themselves and their constituents in their own language for many years. However, as then Warlpiri MP, Bess Price stated in 2016:

> *Warlpiri is one of the first languages for the first people of Australia, and Warlpiri to me is the easiest language for me to express myself in. I believe our languages should be acknowledged and we are forever and a day having to listen to English being spoken around us (ABC, 2016).*

The ABC reported at that time that the NT parliamentary Speaker indicated that there was a standing order (no. 245) that 'applies to prohibit interpreters and translators on the floor of the assembly during proceedings'. As the then Speaker (Ms Purick), informed the ABC:

> *the official language of Australia is English, and so by nature the official language of every Parliament is English. It's not about whether a Member of Parliament can speak in another language or not, it's about maintaining order (ABC, 2016).*

The NT is the most linguistically rich state or territory in Australia, with 70% of Aboriginal residents speaking an Aboriginal language.[26] Despite this, it is the only Australian jurisdiction where parliament has formally enacted standing orders limiting the use of non-English languages and interpreters (Grimes, 2018).

What made MP Yingiya Guyula's address to parliament in 2019 historic was that it was the first time that an Australian parliamentarian has ever engaged in substantive debate (as opposed to formalities) in an Indigenous

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[25] Not to mention Elkin's use of the term 'primitive' is now deeply offensive.
[26] Note, that is in terms of Indigenous languages, rather than introduced linguistic diversity – such as western Sydney may represent.

language with contemporaneous translation into English (Goodwin & Murphy, 2019). As MP Guyula stated at the time:

> translating words in Yolngu Matha from one brain into [another] in English is a job and a half…that's why I need an interpreter to give me a clear mind so we can work together and flow things through (ABC, 2019b).

As the ABC Report elaborated 'the change would help him advocate more confidently on behalf of his constituents' and to return to the earlier point, also enable MP Guyula to more effectively articulate the *needs* of his people.

Over 10 years prior to MP Guyula's address, Nampitjinpa Anderson was the first Aboriginal person to use an Australian language in the NT Legislative Assembly. In September 2008, Anderson spoke in Pintupi-Luritja in her first speech as NT Minister for Natural Resources, Environment and Heritage. According to an Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) news blog site, the speech was a moving encouragement for young people to listen to the old people (AIATSIS, 2018). Anderson had to advise the Speaker of her wish to deliver her first ministerial address to the Assembly in Pintupi-Luritja, the predominant language used in her home community of Papunya and across other communities in the western desert.

In terms of the mechanics of this Australian first, Nampitjinpa Anderson indicates that after brief discussion with the Speaker, a compromise was reached: both agreed that the speech could be given in Anderson's own language, but a complete written translation of the words into English was required in advance. It had to be distributed to all the parliamentarians, and to the Hansard stenographers recording the proceedings. This was so that the audience in the chamber would be able to follow the ideas and arguments that were put forward. It would be the first time the parliament in Darwin had heard the sounds of a tongue formed in the landscape of the bush.[27] Without provisions for simultaneous interpretation of Aboriginal languages into English, as a proficient translator and interpreter, Nampitjinpa Anderson was called on to be her own translator. As she indicates, this is something she did with great pride, aware of the symbolic importance of giving this first ministerial address, outlining her hopes for her own people, in words they could understand. The speech was widely heard and sank deep into the bush audiences who were following the online parliamentary broadcast that afternoon. Anderson recalls this as her proudest and most emotionally rewarding achievement of her life in politics.

We do recognise that this speech had a more symbolic than communicative intent, however. There are approximately 6600 Aboriginal people who speak a Western Desert language, who would have understood the speech (Australian Government, 2014, see Table 1.7, pp. 27–30). So most Aboriginal people would also have been reliant on the translation. The import of using Indigenous languages in the Assembly is first of all a symbolic declaration of their worth, while it also allows Indigenous MPs to express themselves in their first

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[27] We do note, however that non-Indigenous Labor MP Neil Bell, also representing his constituency of MacDonnell in central Australia (from 1981 to 1997), was the first MP in the NT to address Parliament in an Aboriginal language (Pitjantjatjarra).

language. For Western Desert languages (which are mostly mutually intelligible) and likewise for Yolngu Matha languages, this nevertheless equates to quite a significant number of people (in the thousands). But for many smaller languages, this is not the case. Of note, in the case of the European Union (a huge and rich constituency) there is a sophisticated apparatus for translation from all of the 24 languages into all of the other languages. This is clearly less feasible in the context of the NT.

Just under 69% of the NT Aboriginal population are enrolled to vote, and voter participation is even lower (Australian Electoral Commission, 2020).[28] The Australian Electoral Commission has said the electoral system lacks relevance for Aboriginal people (see also Hill & Alport, 2010). If Members of the Legislative Assembly (MLAs) were permitted to speak their own languages in the Legislative Assembly, this could help engage Aboriginal electorates and boost voter turn-out (see Grimes, 2018).

Two years prior to MP Guyula's address, it had been suggested that to effectively manage the issue of translation for all Aboriginal MPs in the NT parliament, that:

> *Each MLA could be given an allowance to use for interpreters in the languages and topics most relevant to their constituencies. Aboriginal-language speeches or questions in the assembly could also be sent to an interpreter service for translation into English and inclusion in the Hansard. Non-Aboriginal MLAs representing large Aboriginal electorates would also benefit from this provision in order to better connect with their constituencies (Grimes, 2018).*

Parliament's standing orders still require members wishing to speak in a language other than English to seek leave and give the Speaker 'adequate notice' (ABC, 2019b). The authors are unsure whether the system, or a variation thereof, that Grimes has suggested has been implemented.

Indigenous language rights and Australia's international face

We write this paper soon after the UN International Year of Indigenous Languages (IYIL2019). This year was designed to 'raise awareness of the critical situation of Indigenous languages and to mobilize stakeholders and resources for coordinated action around the world to preserve, revitalize and promote them' (UNESCO, 2019).

AIATSIS played a significant role in the IYIL2019 as AIATSIS CEO, Craig Ritchie, was one of six Co-Chairs of the UNESCO Steering Committee for organising the year. Ritchie indicated at the Australian launch that the IYIL2019 'is about raising awareness of the crucial role language plays in people's daily lives. It is about highlighting the damage that is done when a language is lost, and emphasising the risk of erasure that comes with every language that is endangered' (Australian Government, 2019b). A raft of activities – such as symposiums and conferences – took place in states including Paraguay, Ecuador, Canada, Ethiopia and China. Specific AIATSIS-sponsored activities to promote the year appear to have been the Welcome to Country in

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[28] This compares to the national enrolment rate of 96.6% (AEC, 2020, https://www.aec.gov.au/enrolling_to_vote/enrolment_stats/national/2020.htm)

Ngunnawal at the Canberra airport terminal, a commemorative IYIL2019 coin and an exhibition about several languages at AIATSIS (see AIATSIS, 2019).

As one international commentator observed of their understanding of the point of the IYIL2019:

> *the ability of Indigenous Peoples to use their languages and have their languages respected is essential to guaranteeing them other rights enshrined in the Universal Declaration of Human Rights and the United Nations Declaration on the Rights of Indigenous Peoples, including freedom of thought, opinion, and expression, and access to education, health, and information, among others (Freedman, 2019).*

Also in recognition of this IYIL2019, in July of 2019, Holcombe and Fabrianne Nampitjinpa Peterson (Pintupi-Luritja interpreter for the AIS) were invited by the Department of Foreign Affairs and Trade (DFAT) to participate in their speaker series at the 12th session of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) in Geneva. DFAT, through their Human Rights and Indigenous Issues branch, had heard about the translation of the UDHR into Pintupi-Luritja and wanted to celebrate the fact during the IYIL2019. The title of the panel (in the EMRIP side event), that we and others were to present in, was 'Language and freedom? The role of language in rights comprehension, agency and enjoyment for Indigenous communities- experiences from Australia'. As the invitation to the EMRIP side event elaborated:

> *At present, 96% of the world's approximately 6700 languages are spoken by only 3% of the world's population. Although Indigenous peoples make up less than 6% of the global population, they speak more than 4000 of the world's languages. Conservative estimates suggest that more than half of the world's languages will become extinct by 2100. Other calculations predict that up to 95% of the world's languages may become extinct or seriously endangered by the end of this century. The majority of the languages that are under threat are Indigenous languages.*

At the EMRIP side event Nampitjinpa Peterson shared her experiences as an interpreter in the health care system and the legal system, discussing how some words – such as 'hospital' or 'clinic' – could not be translated, and how 'numbers or time in the western culture are not used in language as it can create problems'. She spoke strongly about the interconnection between culture, land and language, stating:

> *Language is my peoples' culture. The language is part of the land and connects us all through Tjukurrpa dreaming. Our stories are better remembered than facts or figures. These stories are not just stories, they sing about the knowledge of the place. Our language speaks how it is, passing of knowledge through time (Nampitjinpa Peterson, 2019).*

This event, hosted by the Permanent Mission of Australia in Geneva, was also explicit in engaging the language of human rights, as noted by the title of the event. Holcombe's presentation focused on the translation that she and others (Lance Macdonald, Sheila-Joyce Dixon and Ken Hanson) had undertaken of the UDHR as the first, and to the best of Holcombe's knowledge, only translation in Australia of the UDHR into an Australian

language.[29] This is the case, even though according to the UN, the UDHR is the most widely translated document in the world. It has also been routinely translated into Indigenous languages in Latin America, North America, Canada and Africa, for instance. Holcombe also discussed the educative and emancipative value of translating the UDHR into other Indigenous languages, and how the opportunity for a dialogue in language about the principles and values embedded in human rights would potentially enable local cultures of human rights to evolve. The potential for human rights to be emancipatory is only possible if opportunity is provided to learn about the embodied principles of equality and non-discrimination, to unsettle the nexus of established power within and beyond the community. Challenging the monolingualism of the Declaration is a central element in developing a 'critical consciousness', to borrow Freire's concept (1970).

Unfortunately, there was little engagement with these ideas from those in the visiting Australian delegation, which included senior staff from the then Prime Minister and Cabinet Indigenous Affairs Group, and AIATSIS. As Holcombe has noted elsewhere:

> *What is particularly notable is the disconnection between the Australian government's active engagement with these international forums and their inaction domestically. Although the Australian government is supportive of the Indigenous rights agenda at these international forums…this rarely translates into domestic support. In the 1980s and 1990s, Mick Dodson admitted: 'To be fair I must say that the Australian government has been by far the most … supportive of any government … It is a pity that they don't bring that attitude back on the plane from Geneva' (2018, p. 253).*

One of the particularly pertinent 'suggested actions' of the UNESCO Strategic Outcome document of 2019 is to 'use language-sensitive policies to address existing social problems, threats and risks' (UNESCO 2019, Annex, p. 13). Another suggested action was to:

> *Support Indigenous peoples' initiatives and help to build up relevant institutional capacities, which enhance and nourish Indigenous languages, ethically and practically, in such fields as public services, education, arts, sports, culture, sciences, communication and information, employment, health care and social inclusion (UNESCO 2019, Annex, p. 15).*

According to the Australian Government, their response to the IYIL2019 was to 'continue to support' the activities already being undertaken and funded by them, such as the interpreting services, which includes the AIS in the NT (Australian Government, 2019a). It is unclear if there was any additional funding or support for new language initiatives in this 30-page plan – which focuses on promoting the year and what the government appears to already be undertaking. However, they did tantalisingly state that they would:

> *encourage interpreter and translation services to continue working in cooperation, and to work closely together with those providing essential services (such as health, legal, housing and social services), to*

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[29] This translation is available at https://www.ohchr.org/EN/UDHR/Pages/Language.aspx?LangID=piu

ensure best practice in service delivery and seek to expand interpreter networks and encourage
interpreting as a career choice (Australian Government 2019a, p. 19).

Enabling rights through a program of translation and conscientisation

Freire's now iconic approach to adult literacy and education actively countered the then standard 'banking' approach to learning as a middle-class, individualistic skill acquisition that maintained the status quo and indeed the passivity of the colonised Brazilian peasants with whom he worked.[30] Freire revealed how this form of anti-dialogical learning, where the students are passive patronised subjects, was far from neutral. Instead, his 'pedagogy of the oppressed' charges the student with a critical literacy education where the goals are democratisation and radical social change. This activist and liberatory education was to be achieved through enabling a critical consciousness or 'conscientisation'. This concept has been defined as:

the process in which [people], not as recipients, but as knowing subjects, achieve a deepening
awareness both of the socio-cultural reality which shapes their lives and of their capacity to transform that
reality (in Lloyd, 1972, p. 5).

As a type of political consciousness, this active discursive education is also an anticolonial movement in the vein of Fanon (1961/2004).[31]

If human rights education in language was ever to be sponsored in remote communities, it would have to actively engage with a liberation pedagogy in order to enable a multicultural human rights that embraces local cultural specificity. Indeed, we suggest that if the potential human rights education was the standard uni-directional information provision (i.e. 'training') it would run the risk of acting as another form of colonisation; of the secular liberal kind. (Of course a colonisation of consciousness is still possible, even in a dialogical interpretive exercise.) Nevertheless, drawing from Holcombe's experience collaborating with the A <u>n</u> angu translators – their agency in the interpretation and translation was clear. Indeed, Rafael's experience with the [Philippine] Tagalogs resonates here, as he found that:

for [them], translation was a process less of internalising colonial-Christian conventions than of evading
their totalising grip by repeatedly marking the differences between their language and interests, and those
of the Spaniards (1988, p. 213).

During the Pintupi-Luritja translation of the UDHR, the process of close engagement with the text also became a deeply considered exercise in the performance of difference; as the translators are culturally embedded so too

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[30] This 'banking' approach is the standard uni-directional form of curriculum-based education where the educator makes 'deposits' into the educate –filling the students with information (Freire 1970/1993, pp. 56–58)
[31] See Holcombe (2018, Chapter 6), for further discussion of Freire's approach, including a critique of his utopian philosophy.

were their translations. Yet, the principles of human rights still underpinned the translations as they were rendered locally meaningful.

For instance, insight into local concerns, can begin to be found in the translation of Article 3 of the UDHR: 'Everybody has the right to life, liberty and security of person'. The translation reads:

Pana winkiku ngaranyi nyinanytjaku tjukarurru. Watingku kungkangku wiya warrkira pungkunytjaku. Watingku wiya pungkunytjaku kungka, pipirri. Wiya kutjupa mirri pungkunytjaku, wiya kuyara pungkunytjaku. Yantayantara marangku purinypangkula kanyintjaku.

The back-translation:

Everybody everywhere should live correctly [implies morally]. Men and women should not swear and fight with each other. Men should not hurt women and children. One should not kill a person or sorcerise and kill them. They should care for and look after them.

And so this abstract universal right begins to be specified as locally relevant, and in doing so other commensurable concerns and issues were raised, noting that for many people sorcery is a more significant issue than, or as significant as, gender violence. As Bassnett and Trivedi (2002, p. 4) state,

Students of translation almost all start out with the assumption that something will be lost in translation, that the text will be diminished and rendered inferior. They rarely consider that there might be a process of gain.

Possible, and provocative, questions to encourage a dialogical engagement with the structural oppressions within which Aṉangu are enmeshed (within and beyond the community) might include a contrastive discussion about the strengths and limitations of Aṉangu kinship and endo-sociality. This would begin to open a dialogue with the alternate liberal social mobility of voluntary association alongside family sociability. Likewise, an opportunity to reflect on the structural inequalities bought about by colonisation, such as the apocryphal nature of the rule of law and that 'all human beings are born equal' is also an opportunity to learn that fundamental ideals of equality between all peoples exist. Such questions might include:

- What are the implications for Aṉangu of actively engaging with liberal mobilities – including geographic and marital mobilities (per Walzer, 1990), such that they move away from Country and marry those beyond their networks?

- One might consider other connotations that the social mobility concept suggests, such as economic improvement (via accumulating material possessions, rather than engaging in demand-sharing).[32]

- How does the Aṉangu family and kinship system place limits on autonomy and freedom of choice?

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[32] See Peterson 1993: demand sharing as a core element in the remote Aboriginal domestic moral economy.

- On the other hand, what are the positive values of the close-knit family and its role in a strong Aṉangu identity, sense of place, and wellbeing?

- How does the rule of law (i.e. innocent until proven guilty, equal treatment before the law, not being subjected to arbitrary arrest, etc.) apply to Aṉangu?

- How does the language of equality manifest both within the Aṉangu community (in respect to gender relations for instance) and beyond it (in engagement with the legal system, particular government policies)?

Such discussions begin to open up an emancipatory discourse on civil rights that includes discussion about local structural oppressions and local illiberal values *as well as* the larger structural inequalities that frame the Aṉangu world. As Santos suggests,

> *the true beginning of [such] a dialogue is a moment of discontent with one's own culture, a sense that it does not provide satisfactory answers to some of ones queries, perplexities or expectations (2002, pp. 44–55).*

And equally importantly, understanding this discourse of human rights also provides the language to hold the government to account. Under the UNDRIP, the state duty is one of ensuring that such rights are upheld and protected, such that self-determination also entails holding the state accountable.

For Aṉangu, balancing their collective rights with their rights as individuals is a fundamental conundrum. We are drawn to Ignatieff's suggestion that the universality of human rights can be considered 'not as a vernacular of cultural prescription but as a language of moral empowerment…to enfranchise all agents so that they can freely shape that content' (Ignatieff, 2001). The concept of 'cultural liberty' speaks to this approach. A United Nations Development Program (UNDP) report, 'Cultural Liberty in Today's Diverse World' (UNDP 2004) states:

> *Neither cultural freedom nor respect for diversity should be confused with the defence of tradition; the central issue in cultural liberty is the capability of people to live as they would choose, with adequate opportunity to consider other options (cited in Cowan 2006, p. 14; UNDP 2004, p. 4).*

Aṉangu families need to be enabled to regain control over a raft of local governance issues, including input and effective veto over policies that touch on the life basics – housing, health, education, planning, and infrastructure. Local people need to be at the forefront of deciding these things, to shape their own future.

Freely shaping the content of a future where the present is defined by structural inequality is a significant challenge. Nevertheless, as in other countries such as in Latin America and Africa, that have educational human rights programs for marginal groups, it needs to start somewhere (see Englund, 2006; Pitarch, 2008).

Conclusion

This contribution to the CAEPR Policy Insight series has traced the ways in which the socio-political fact of Indigenous multilingualism in the NT, and central Australia more specifically, has been marginalised by state and territory governments, notably in parliament and in relation to conveying fundamental information about new policies that will impact on the everyday lives of Aṉangu. Our focus on communicative rights was inspired by the

success of the health messaging in local languages, and the control that remote Aboriginal communities and their organisations, such as the NACCHO and the CLC took in relation to managing the COVID-19 pandemic.

Goodale's timely book (2018), rediscovering the UNESCO human rights survey from the 1940s, has reiterated the incompleteness of human rights. It was always going to be a precarious social project and will remain so, until minority and marginal groups have the opportunity to engage with the possibilities and limitations of this powerful discourse, and they are enabled to insert their own cultural priorities. For Anangu in central Australia, this necessarily means also engaging with the concepts and ideas in their first language. Such a project of translation and interpretation should not be a radical one, yet without a national bill or charter of human rights, the human rights narrative struggles for legitimacy in Australia.

We suggest that a conversation that moves between and reflects on local values and norms, and the norms and values that underpin human rights is a fundamental step in the enjoyment of human rights for Indigenous Australians, including Anangu. In this comparative project, such a conversation does not isolate 'culture' as something performed on special occasions, such as ceremony; rather it also includes the intersubjective practices of the everyday. Thus, such a discussion about the UDHR would facilitate an understanding about how Indigenous Australians think about the rights of individuals and the rights of the collective. It would assist in enabling their understanding of what the UDHR says and how it fits with their current unequal situation in society.

As the title of the *Land Rights News* item 'Translating Rights for all' about the Pintupi-Luritja translation project states, 'unless you know about your rights, how can you speak up for them and also think about them and what they might mean for you?' (CLC August 2015, p. 9). Thus, a core aim could be to start a conversation about human rights in languages that Aboriginal people use daily and/or languages they identify with, encouraging the uptake of human rights principles and in the process recognise the importance of Aboriginal languages. The 2015 translation of the UDHR into Pintupi-Luritja indicated that it was not only possible to translate the document, but that much of the value of such a translation was in the dialogue.

As theories of knowledge are embedded in language, so too the colonial project has resulted in a form of epistemicide. By this, we mean that Indigenous epistemologies have also necessarily been marginalised, as languages have not been accorded recognition or respect. To counter this attempted erasure, according to Santos, 'political resistance needs to be premised upon epistemological resistance' (Santos, in Barreto 2014, p. 397). And thus through a human rights lens – language equality is also the embrace of underlying epistemologies.

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