

Building Capacity for Indigenous Peoples Rights Advocacy - Strategy Roundtable

9 FEBRUARY 2023, UNSW Sydney

FINAL REPORT ¹

Context

2023 commenced with an unprecedented focus on First Nations peoples in Australia. In the new year pronouncements of the Government and the responses from the Opposition, in all forms of media and in conversations across the country the concerns, priorities, demands and the challenges facing First Nations Australians were put under the spotlight. A spotlight with many different hues and angles.

Opportunities to amend the Australian constitution are rarely presented and even more rarely successful. The ‘for’ and ‘against’ proponents of constitutional reform know they need to commit to a significant period of intense strategical campaigning. This commenced early in the near year around the proposition to enshrine in the Constitution an Aboriginal and Torres Strait Islander Voice which would be tasked with providing advice to Parliament on matters affecting them. The frenzy of information, opinion, analysis, speculation and prediction generated has been unrelenting for First Nations communities and families and for the First Nations staff in mainstream organisations.

Amidst the daily release of new developments and commentary around the Voice, another new year story captured mainstream interest when it was reported that there had been an increase in youth violence on the streets of Alice Springs. Politicians were quick to seize the opportunity for political point scoring and the blaming around the removal of the cashless debit card, amplified by some in the Alice Springs business sector, framed the tragedy as an “alcohol-fuelled crime wave”. First Nations peoples again found their distress compounded by a narrative which ignored the marginalisation, disenfranchisement and denial of rights brought about by the colonisation history of the town and the outlying communities of the Northern Territory.

It was amidst this ‘noise’ that Oxfam Australia and the Diplomacy Training Program (DTP), two organisations which had previously collaborated to provide training for First Nations peoples, held a roundtable on building the capacity for Indigenous Peoples rights advocacy. It was an opportunity for the two organisations to listen to and learn from the experience, knowledge and insights of key First Nations people working in a range of organisations and communities.

¹ The generous support of the Swiss government and Oxfam Australia makes this possible and is gratefully acknowledged.

The Participants

The Roundtable brought key advocates from different sectors to share their experiences, challenges and insights. Representation from the Indigenous Peoples Network of Australia (IPO) provided national and international (particularly Pacific) perspective on current needs and opportunities. A number of the participants were able to bring the experience both of engaging widely with community and the responsibility of providing leadership in their [mainstream] organisations' work with Indigenous Peoples. Academics from three major Australian universities shared learnings and insights from engagement with government, students and community. Feedback from organisations primarily engaged in advocacy and training was informative particularly on the challenges facing First Nations advocates navigating the diversity of views.

All the participants brought family and community experience to the discussion.

The Diplomacy Training Program and Oxfam Australia acknowledge that the round table participants are currently working in a particularly challenging and intense environment and they express their gratitude for the generosity of time and the contributions shared.

Acknowledgement and opening.

The Roundtable commenced with the protocol of acknowledging the traditional owners. The participants introduced themselves sharing their family/community connections and the organisations and focus of their current work.

A brief overview of the history of DTP's capacity building with Australia's First Nations peoples, particularly with Oxfam Australia, was provided and the contribution of the Swiss Embassy in supporting DTP's reengagement in this area was acknowledged. The participants were thanked for their generosity in making time to contribute and provide advice and direction for DTP's future work.

Oxfam explained that they are potentially looking at what could be done with DTP to provide training to people around rights under threat and the agenda from all of the consultations leading up to *Uluru Statement from the Heart: Voice, Truth, Treaty*. Like DTP their role in the Roundtable was to listen and learn and the participants were encouraged to share thoughts and feelings.

Key Points Raised during the Roundtable.

In addition to collaboration with the Pacific Region and supporting participation in COP, the focus of the work of the Indigenous Peoples Organisation (IPO) is on implementation of the Declaration on the Rights of Indigenous Peoples (UNDRIP) and discussions on Voice and Makarrata. Interest in the on-line webinars organised by IPO had been significant, the 100+ registrations reflected the need for information. This, in addition to the positive personal experience of the benefit of the face-to-face learning and networking fostered through the

rights training that DTP provides, led to endorsement of and the offer to contribute to and promote future capacity building in rights education.

A number of the organisations represented had been engaging with communities around issues of reconciliation, Indigenous peoples rights and the proposed establishment of the Voice. A high level of confusion, and the deliberate misuse of information to build arguments that are detrimental to consideration of Indigenous peoples' rights, was noted by a number of the participants. Fears about what might be lost through constitutional recognition and different definitions of sovereignty are some of the areas of misunderstanding and confusion currently occurring. It was also noted that people are feeling overwhelmed and stressed by being forced to take a side. This can be especially difficult for Indigenous staff in organisations, putting them into conflict with family and community.

There was also a call for a broader discussion on rights and accountability. There are so many recommendations that have been made by UN bodies that have not been implemented. A safe space was called for where different opinions are accepted, but where trusted information is shared, in order to make governments accountable for their commitments and obligations. Getting more organisations involved and building the number of people who are able to do this work was seen as critical. There is a need to focus on the infrastructure and how to build this.

It was acknowledged that there are many different pathways to achieving rights and that people doing the work at all the levels need to be supported with building skills and knowledge. University students expressing their ignorance when presented with Indigenous Peoples rights information, "why don't I know this?" demonstrates the need to mobilise the rights/listening discourse at all levels, institutional and community .

The long history of First Nations people's advocacy was acknowledged but also that people don't necessarily understand the connections between the history and the current campaigns.

The importance of safe spaces where concerns can be discussed was reinforced by the experience of positive outcomes. When safe spaces were created for the discussions around violence for women and children these also became opportunities for having broader conversations for dispelling some of the misunderstandings, or information gaps, around issues such as the Voice.

The one-sided representation of what is going on in Alice Springs, the blaming First Nations people, exemplified some of the groups' concerns relating to media. The growing sophistication of fake news, the influence of the Murdoch media and the intensity of social media were all discussed.

These experiences highlighted the need to provide a place where people can go to, where they can feel safe and feel respected and where they feel they can get information that is reliable. The need for training to build a broader awareness and the skills of community advocates as well as a sharing of tools and lessons for advocates to function and be resilient working in this space were areas identified for possible DTP/OA support.

It was noted that the rights-based education coming from this group should focus on principles not the positions of any political platform. Centring rights based education on principles such as what rights and self-determination means on a practical level, collective rights, cultural heritage and practice, land rights etc. provides a platform and a language to engage with the big political questions. The community guides that were produced by Oxfam and AHRC were valuable for building information on these principles, FPIC being noted as particularly significant for progressing Indigenous peoples' rights.

Some warnings related to training were voiced. Training can lead to people feeling more overwhelmed. Disillusion, frustration and a lack of trust with governments are sometimes reinforced when people's knowledge about what they are up against is built. The framing of the conversations is important. The example of Get Up's training on voting was shared, how the conversation was made relevant to and empowering for the community - 'what does our power look like with collectivisation?' It's important to meet the community where they are and build their capacity.

There are other forums being held with a focus on Indigenous Peoples rights that will contribute to identifying future directions. The Common Threads Summit will look at the big picture of what are the key changes that could be possible in the next decade, what is needed for their success and how organisations can support this.

The strong alumni base of both DTP and Oxfam was suggested as a valuable resource to mobilise. The value of the networks established during DTP, OA and SEED programs, which provide time to connect, was acknowledged. There have been positive results from these programs, people running for parliament and strong community advocates, but the need for a longer relationship with people was identified. The question was raised about how might the alumni of DTP and Straight Talk (OA) be brought along further.

Learning from national/international examples was discussed. It was felt that international lessons help to make sense of what advocates are trying to achieve in Australia and that an overseas perspective can change the dynamic, "I can do this". In determining how to move forward there are valuable international examples/models to learn from.

The final point made was that there were few opportunities to celebrate the great things that are being done – the sense of "not being there yet" inhibits the acknowledgment of the huge achievements. There is a need to honour the work done in difficult spaces such as family violence and to make visible/hold up the work done. The sharing of learnings of success, how the wins happened in the civil rights movement, such as the 1938 work of William Cooper and the Day of Mourning protesters, is significant for the preparation of the young people coming up. To arm them with knowledge and unite them.

Conclusion

A summary of key points for the day was provided. The Roundtable had highlighted the need for:

- Rights based education;

- History lessons about the struggle of Aboriginal and Torres strait Islander peoples;
- For training to be delivered through different networks and around different topics;
- An analysis of current programs in order to identify what are the gaps?
- Leveraging the resources and the networks
- For safe spaces to share and learn

DTP reinforced the key take-aways for the organisation: the need for rights-based education and training to plug some of the gaps identified and the challenge as to how to build on the work being done. DTP committed to do some analysis around the information that had been shared and to come back to the group for guidance and input.

Points relating to possible actions going forward:
1. Capacity Building on Indigenous Peoples Rights
1.1 There is a need for capacity building on Indigenous peoples' rights – and to increase the number of individuals involved in advocacy for rights
1.2 There is a need for safe learning spaces where knowledge can be shared and built – and different opinions/positions respected
1.3 There is a need for a source of accurate information for advocates – and for advocates to disseminate
1.4 Rights based education should focus on principles – human rights and the rights of Indigenous peoples, the responsibilities of government, and their accountability.
1.5 Building knowledge and understanding of FPIC is critical for First Nations advocates/representatives – it is the most important and practical expression of the right to self-determination. Knowledge and understanding of FPIC can build more unity
1.6 The history of struggles for recognition of rights is important to integrate into capacity building programs – it can contextualise and inform advocacy on Voice, Truth, Treaty
1.7 There is a need to share/build tools/lessons/approaches that enable advocates to function, to feel safe and to be resilient working in this space.
1.8 There is a need to look at training follow-up/support to alumni of programs/sustenance of networks
1.9 Rights based training should provide a platform and a language to engage with the big political questions
1.10 There is a need for community guides (Oxfam/DTP/AHRC)
1.11 Institutions, as well as community, need to be engaged with capacity building – and with truth telling/accountability
1.12 International models/examples can provide lessons and inspiration and should be included in capacity building programs and material
1.13 Linking capacity building programs on rights explicitly to the campaign for the Voice may exclude some / make some feel unsafe
2. Capacity Building Linked to Support for Constitutional Recognition and Voice
2.1 Building knowledge of UNDRIP will support calls for the Voice as an implementation of UNDRIP domestically
2.2 Capacity Building Programs can provide a safe space to explore and build understanding of concepts and interpretations of sovereignty that are causing confusion in the context of constitutional recognition and the Voice.
2.3 When safe spaces have been created these are opportunities to discuss the Voice and the significance of it being constitutionally enshrined.
2.4 Need for information and the sequential detail around the Voice so that people can be informed advocates
2.5 DTP/Oxfam Alumni may be trusted sources of information on the Voice and Constitutional Change – there is a need to provide them with resources (information) if they want to take this on

Appendix 1: Background Paper Prepared for the Discussion:

THE AIMS

The Diplomacy Training Program (DTP) and Oxfam Australia (OA), in partnership with the Indigenous Law Centre, UNSW Sydney (ILC), Nura Gili, (UNSW Sydney) and Australian Lawyers for Human Rights (ALHR) will bring together Australian Indigenous peoples rights advocates, and representatives of other organisations involved in rights education, to develop collaboration for a new capacity building strategy on Indigenous peoples' rights in Australia.

The roundtable will identify needs and priorities for training/capacity building on UNDRIP and FPIC, discuss core content and curriculum for training for enhanced and effective rights advocacy to advance promotion and implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the right to Free, Prior and Informed Consent (FPIC) in Australia. It will identify expectations and outcomes from investing in capacity building.

Our intention is to develop a strategic, collaborative roadmap and emerge with a clear plan and next steps for DTP, Oxfam Australia, ILC, Nura Gili and others.

The Roundtable will:

1. Identify and prioritise needs and content for training / purpose of training;
2. Identify the current activities and gaps in education, training and capacity building programs on Indigenous peoples' rights;
3. Discuss and prioritise core content and curriculum for training/capacity building (based on lessons learned);
4. Approaches to using online/F2F methodologies in preparation, delivery and follow-up of activities;
5. How to develop collaboration to ensure complementarity of approaches / minimise duplication/competition
6. The role of capacity building on Indigenous peoples' rights in 2023 in the context of the Referendum on the Voice to Parliament.
7. Discuss timing/location of initial capacity building workshop, to be held in 2023

THE RATIONALE

The rights of Indigenous peoples continue to be a key human rights priority in Australia. The UN Universal Periodic Review, the UN human rights treaty bodies and UN Special Rapporteurs have identified an extensive range of concerns in relation to the denial and violations of rights of Indigenous peoples in Australia. They have made clear recommendations to Australian governments for action to address discrimination and other violations of rights. There continues to be an absence of rights-based policy and practice from Australian governments at all levels. Rights based policies emphasise participation and voice. Australia's human rights record will be reviewed again in 2023/2024 as a party to the

International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child.

The new Australian government is committed to holding a referendum to establish an Indigenous Voice to Parliament, with recognition in the Constitution, a significant historical moment. The proposed capacity building strategy will respond to the need to build the knowledge and understanding of international law and standards with Australia's First Nations community advocates and organisations, so that they can better claim their rights, especially in the context of the wider debates on the referendum on the Voice to Parliament. The right to FPIC will be a critical focus of future capacity building strategies. Capacity building programs can also contribute to building wider support for rights.

The destruction by Rio Tinto of the Juukan Gorge in 2020 and its sacred sites and objects of global cultural significance, the continuing over representation of Australian Indigenous people in school exclusions, in detention, experiencing lack of adequate housing, in out-of-home care and experiencing relatively poorer health outcomes, highlight the need for change. Rights based advocacy can hold companies and governments accountable for their actions, and guide the implementation of the UN Declaration on the Rights of Indigenous Peoples. The Referendum on an Indigenous Voice to Parliament may establish a context where rights-based capacity-building can enable the voices of First Nations advocates to be heard, and to establish a broader support for human rights and the rights of Indigenous peoples in Australia².

OUR EXPERIENCE

This project will build on previous human rights and capacity building programs DTP, OA and others have developed and delivered with Indigenous peoples organisations and advocates, including, in partnership with OA over the past three decades. Alumni of these past programs are today active across Australia, in different sectors and organisations, parliament and government, claiming and promoting rights, influencing policy and practice.

Many other organisations have been involved in leadership / governance / advocacy training programs with First Nations leaders. One issue for consideration is the potential/value of linking human rights/Indigenous peoples rights into these programs.

DTP's first Indigenous peoples' rights program with Australian Indigenous community advocates was in 1990, in Alice Springs at the request of Indigenous leaders with José Ramos-Horta and Professor Garth Nettheim. They wanted to learn about international human rights standards and how to hold Australian governments accountable.

² 2023 will also see the 75th Anniversary of the adoption of the Universal Declaration of Human Rights, on which the UN Declaration on the Rights of Indigenous Peoples is based and this may provide opportunities for building more of a rights culture in Australian society.

From 2004, DTP, reengaged more strategically in Indigenous peoples' rights advocacy capacity building in partnership with Oxfam Australia and others. There have been a range of programs:

- **Applying UNDRIP and rights-based approaches to health, housing and engaging the UN system:** With the adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), DTP was funded by Oxfam Australia, Amnesty International and Fred Hollows Foundation to develop and deliver programs in Australia with Indigenous community advocates. Programs were held in Western Australia, Victoria, NSW, Northern Territory, Queensland and Torres Strait Islands.
- **Preparing Australian IPO delegates for participation in the UN Permanent Forum on Indigenous Issues (UNPFII).**
- **A Focus on Indigenous Youth Advocates and Self-Determination.** This was a multi-module program held over 18 months
- **Indigenous peoples' rights in Asia and the Pacific.** Australian participation in DTP's regional programs, enabling experience sharing and the building of relationships and solidarity.

OUTCOMES OF PAST CAPACITY BUILDING PROGRAMS

The outcomes of these capacity building strategies are hard to measure, but the impacts are to be seen in the actions of DTP/OA alumni and through their advocacy. It is reflected in the positive feedback and the reflections of DTP/OA alumni who have shared their sense of the value in learning about their rights, and in sharing experiences, building skills and networks. The names and some profiles of DTP alumni can be found [here](#).

Oxfam conducted an independent evaluation of DTP's capacity building programs in 2011. There is a link to this evaluation [here](#). The key resource DTP / OA developed to support these programs, *Free and Equal* is available [here](#):

In the current context DTP and OA appreciate the need for input and guidance in developing a new capacity building strategy that can contribute to the promotion and realisation of Indigenous peoples' rights.

Appendix 1: SOME USEFUL BACKGROUND LINKS/READING FOR ROUNDTABLE³

1. UN Standards and Reports

[United Nations Declaration on the Rights of Indigenous Peoples](#)

³ The generous support of the Swiss government and Oxfam Australia makes this possible and is gratefully acknowledged.

Free, prior and informed consent: a human rights-based approach - [Study of the Expert Mechanism on the Rights of Indigenous Peoples - - EMRIP 2018](#)

Efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: indigenous peoples and the right to self-determination - [Report of the Expert Mechanism on the Rights of Indigenous Peoples* 2021](#)

Efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: recognition, reparation and reconciliation - [Report of the Expert Mechanism on the Rights of Indigenous Peoples](#) - 2019

2. [Australia](#)

Statement from the Heart [The Statement - A Voice to Parliament - From The Heart](#)

Victoria's Treaty Negotiation Framework [Treaty Negotiation Framework — First Peoples' Assembly of Victoria \(firstpeoplesvic.org\)](#)

Yoorrook Justice Commission [Key Documents - Yoorrook Justice Commission](#)

3. [Community Guides and Resources](#)

AHRC - [Community Guide to the UN Declaration on the Rights of Indigenous Peoples](#)

FPIC [Free, prior and informed consent | Oxfam Australia](#) - A Community Guide

Free and Equal – A guide for community advocates - <https://dtp.org.au/wp-content/uploads/2022/05/Free-and-Equal.pdf>

Assessing the Long Term Impact of DTP Training Courses – [An Independent Evaluation](#) - 2010