



# DIPLOMACY TRAINING PROGRAM

AFFILIATED WITH THE FACULTY OF LAW AT THE UNIVERSITY OF NEW SOUTH WALES  
A training program for peoples of the Asia-Pacific region

## **Building Capacity for Indigenous Peoples Rights Advocacy - Strategy Roundtable**

9 FEBRUARY 2023, UNSW Sydney

### **DRAFT BACKGROUND AND CONTEXT FOR ROUNDTABLE<sup>1</sup>**

#### **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**

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

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 Australia<sup>2</sup>.

## **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.

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<sup>2</sup> 2023 will also see the 75<sup>th</sup> 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.

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.

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.

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## Appendix 1: SOME USEFUL BACKGROUND LINKS/READING FOR ROUNDTABLE<sup>3</sup>

### 1. UN Standards and Reports

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

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

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