



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

Indigenous People, Human Rights and Development

A Human Rights Training Program for Indigenous Advocates in the Asia-Pacific Region

Held in partnership with the Northern Land Council, hosted by the School of Australian Indigenous Knowledge Systems, Charles Darwin University, Darwin, Australia

July 25th - August 4th, 2004

Report on Training Program

“The simple fact is that the Diplomacy Training courses have achieved great things, for many people and often from small beginnings”

John Ah-Kit,

Summary:

The Diplomacy Training Program’s thematic capacity building program *Indigenous People, Human Rights and Development*, was held in Darwin, Australia from July 25th – August 4th, 2004. The program brought together 22 Indigenous educators, advocates and administrators from around Australia and from Indigenous Peoples in Bangladesh (Jumma – Chittagong Hill Tracts); Burma (Karen); India (Nagaland); Papua New Guinea; New Zealand and Indonesia (West Papua).

The Hon. Clare Martin, Chief Minister of the Northern Territory, officially opened the program, together with distinguished Diplomacy Training Program Alumnus and Northern Territory Community Development Minister, Jack Ah-Kit. The *Welcome to Country* and Opening Ceremony took place on land that had recently been returned to the Larrakia people, traditional owners of the Darwin area.

For ten days participants worked together, shared histories, explored challenges and developed their skills. Trainers from Sydney and the Northern Territory generously gave their time and expertise. These trainers included Dr Sarah Pritchard, Jeff McMullen, Professor Garth Nettheim, Philip Chung and Dr Sonia Smallacombe.

The training program was held in partnership with the Northern Land Council and was hosted by the School for Australian Indigenous Knowledge Systems (SAIKS) at Charles Darwin University.

It was made possible through the generosity of the *Friends of the Diplomacy Training Program* and funding provided by Oxfam - Community Aid Abroad (OCAA). Funding for the program and to support the participation of individual participants also came from *Caritas Australia, Mercy Foundation, Ministry of Foreign Affairs Finland, Northern Territory Department of Community Development, Rio-Tinto Aboriginal Foundation* and *The Bodyshop*.

The program was positively evaluated by the participants. This report draws on these evaluations.

The Participants:

The Australian participants came from Alice Springs, Broome, Broken Hill, Darwin, Melbourne and Perth. The international participants work in NGOs such as the *Karen Women's Organisation* and the *Naga Peoples Human Rights Movement*.

Together the participants created a mutually supportive and productive atmosphere in which very personal, and often painful, stories could be shared. The stories were told in memorable formal presentations and in small group discussions as participants worked through case studies and role plays.

It was deeply moving to listen to Burmese refugee Naw Ta Mla Saw's story of fleeing her village as a young girl. She told of hearing the sudden crashing of artillery shells around her village and of having to run for her life, leaving everything behind. She told of the pain she felt of still not being able to return to the land, her home, that means so much to her. As a young Karen refugee woman living in Thailand on a Burmese passport, Naw Ta Mla Saw faces constant uncertainty and insecurity, including the possibility of arrest and deportation back to the military regime she fled.

To participate in this training program Ta Mla Saw risked arrest to travel out of the refugee camps in order to get her visa in Bangkok and again for her travel to Darwin and on her return to Thailand. On each occasion she had to put her safety in the hands of the Thai police to be escorted through the various Thai military checkpoints to get out of the border areas.

Her courage was clear in telling her story and in describing the Burmese army's use of terrible violence against women. Just as clear was her determination to learn how to be a more effective advocate for her people.

Another participant went through extraordinary lengths to be able to participate in the program. Mayori Ruiva Shimray, a young Naga woman from North East India, borrowed money, pawned her jewellery and braved mud-slides, military check-points and curfews in remote North-East India, before gathering some of India's most distinguished human rights advocates to support her Australian visa application.

Mayori and Ta Mla's journeys to the training may have been extraordinary, but each participant had a story to tell of why learning more about human rights was important to them. The international participants learnt for the first time of the *Stolen Generations*, of the struggle for land rights and recognition of culture and identity and of the shameful gaps in life expectancy between Indigenous and non-Indigenous Australians. Together the stories took participants on a shared journey through some of the human rights challenges facing Indigenous Peoples in our region.

The presentations illustrated how people are responding to these challenges with creativity and commitment, hope and humour. There was a good gender balance in the program with 11 women and 11 men and an interesting mixture of educators, administrators and activists. The dynamics among the participants were excellent.

BACKGROUND – THE ISSUES:

The training program was developed to respond to some of the human rights challenges facing Indigenous Peoples across Australia and the Asia-Pacific region. While the specific challenges in each country are different, there are some common issues. The Diplomacy Training Program believes that there is tremendous value in

the sharing of experiences, and in bringing people together to learn from each other as well as from the experts who lead individual sessions.

Across the region, Indigenous Peoples are marginalised from mainstream economic development. Worse still, mainstream economic development sometimes has negative impacts on their livelihoods, education, health and wealth.

The exploitation of the natural resources on Indigenous Peoples' land often takes place against their will, or without their participation. Indigenous People bear the costs of this exploitation in damage to their environment, their livelihoods, language, culture, identity and health. Yet they rarely share in the benefits from the great riches that flow from their land and resources.

Indigenous advocates are also increasingly concerned that the exploitation of the physical resources on their land is being exacerbated by the appropriation of their traditional knowledge and of communally held intellectual property. There is particular concern about the practices of large pharmaceutical companies and the patenting of particular plants that have traditionally been used by Indigenous communities.

Holding these corporations accountable is challenging because corporate regulatory regimes in many countries are under-resourced, weak and ineffectual. Governments, particularly in developing countries, are under pressure to create the conditions for attracting inward investment. Resource extraction is also seen as one of the few options available to governments to raise the revenue to meet the demands of the central budget. For these and other reasons governments can be cautious about holding corporations accountable for fear of alienating them.

In international organisations such as the United Nations and the World Trade Organisation these issues are being vigorously debated, and new standards are being developed and adopted. There are many challenges in applying new and existing international standards in different national contexts. New standards often take a long time to develop and percolate through the system. Governments, officials and companies often remain unaware of the relevant standards.

Many community advocates are also unaware of these debates and new standards as they engage with governments and the corporate sector. Providing information to advocates about these international debates and new international standards is therefore a key part of each Diplomacy Training Program course, along with exploring some of the challenges to applying standards to the real world, where many different factors can be involved.

RECOGNITION AND RIGHTS:

In each country there are particular challenges that made this training program timely. In Australia the abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC) has removed the only existing national, representative voice of Indigenous Australians. This and the continuing crisis in Indigenous health and other issues highlight the need for more effective advocacy on the rights of Indigenous Australians.

In New Zealand, recognition of Indigenous rights is based on the Treaty of Waitangi, but these rights are currently the focus of a populist political backlash that seeks to raise fears and suspicion in the wider community.

In Burma, the Karen struggle against the military regime is linked with the wider struggle for democracy that is symbolised by Daw Aung Suu Kyi and has attracted significant international attention. The Naga peoples' struggle for recognition and self-determination is less well-known outside of India, even though it dates back to the creation of the Indian State in 1947 and has been the source of a long running conflict. There is currently a ceasefire and peace talks but the heavy Indian military presence and the operation of emergency laws lead to allegations of serious human rights violations.

Similarly in Bangladesh the Indigenous Peoples of the Chittagong Hill Tracts date their struggle for recognition and self-determination back to before the creation of Bangladesh. They endure a high level of military presence, the operation of emergency law, population pressures of people moving onto their traditional lands and resulting inter-communal conflict.

In Papua New Guinea mining and timber operations have too often had a negative effect on the environment and on the livelihoods of traditional landowners. In West Papua the negative impact of mining and timber operations occur in a context of military and political repression, and of conflict over the right to self-determination.

Schedule & Program Content:

The first full day of training began with participants introducing each other and describing briefly the issues they were concerned with and their expectations of the course.

This was followed by a presentation from Donald Christopherson on *Indigenous Peoples and Culture in the Northern Territory*, which provided an introduction to both the location of the training and to many of the issues that were to be the focus of the program. The presentation provided a brief history of the Northern Territory from an Indigenous perspective, an introduction to the complex relationships between different Indigenous Peoples in the Northern Territory and between people, land, culture and identity.

International Law, Human Rights and Indigenous Peoples

On the first afternoon Dr Sarah Pritchard provided participants with an *Introduction to international law, human rights and the UN system*. On the second morning of the training Sarah focussed on *Indigenous People in the UN System*, looking in particular at the UN Working Group on Indigenous Populations, the development of the UN Draft Declaration on the Rights of Indigenous Peoples and the newly established UN Permanent Forum on Indigenous Issues.

In the afternoon participants looked at the role of the UN in monitoring and protecting human rights and the rights of Indigenous People, with a particular focus on the UN Treaty Body System. Participants engaged in a practical exercise around the drafting of Australia's next periodic report to the UN Human Rights Committee, and the possibilities for NGO engagement in this process.

As one participant commented on these sessions:

It has provided me with an international perspective especially in respect... to channels of recourse and forums available for marginalised groups. I will be more inclined to encourage groups to develop a common strategy and make connections with other groups internationally.

Internet Training

DTP Board Member, Philip Chung spent a day on internet training with the participants, developing their internet research skills and knowledge of available search engines and on-line databases. The participants were divided into small groups for a practical project to design and construct websites which they then shared with the other participants.

The internet training was very well received and commented on positively in the final anonymous participant evaluations:

Before I just used "Google" to look for whatever I needed. Now I have learned different kinds of internet search engines...[and] to build our own web page and save it on the internet. All of us really enjoyed it and I wish we could have had more time to learn more about it.

Campaigning, Advocacy and the Challenges of Realising Rights

From learning about the law, international human rights standards and the internet, the training program moved into looking at some of the specific issues facing participants and the elements of effective advocacy.

Participants divided into small groups to develop practical advocacy strategies on some of the specific situations that affected some participants: the military use of violence against women in Burma; the withdrawal of funding from Indigenous health services in Western Australia; the operation of an Australian gold mine in Papua New Guinea; and the situation facing the Naga people in their struggle for self-determination.

A panel discussion outlined different institutional and NGO strategies to pursuing human rights issues with brief presentations on the promotion and education work of the New Zealand Human Rights Commission, the mediation approach of the Anti-Discrimination Commission in the Northern Territory and the litigation and advocacy work of the Northern Australia Aboriginal Legal Aid Service.

One of the issues explored was how to realise rights once they have been formally recognised. For example some Indigenous rights to land in the Northern Territory were recognised nearly 30 years ago in the 1976 Land Rights Act, yet community and economic development models that ensure participation of Indigenous communities are still in their early stages. Indigenous communities need to negotiate with a range of other stakeholders as part of this process.

There were presentations on negotiating new Indigenous economic initiatives in the Coburg Peninsula and the challenging transition from confrontation to community development in Kakadu.

An insider's account of the long, difficult but eventually successful campaign to prevent the development of a new uranium mine at Jabiluka provided a good case study. The proposals to develop a second mine led to huge protests locally and across Australia and extensive lobbying nationally and internationally. The story of this campaign emphasised the need to be creative and resourceful – and to be persistent. It was a technical aspect of Kakadu's listing as a World Heritage Area that provided the final key to the success of the campaign to stop the new mine.

The company has given a commitment not to proceed with plans for the new mine without the consent of the traditional owners.

After winning the often bitter and confrontational campaign to prevent the new Jabiluka Uranium mine, the local community faced the challenge of building new relationships, of working together with those who had been on the other side of the battle over the mine, to realise rights to health and to an adequate standard of living for the local community. A particular model of community development that builds from the resources and skills that exist within any community was outlined.

The Field Trip to Ranger, Kakadu and Arnhem Land

The weekend field-trip to Kakadu National Park, including a visit to the Ranger Uranium Mine and time with traditional owners, was an opportunity to see in reality many of the issues that had been discussed in the previous week.

The Ranger Uranium Mine is one of the key economic enterprises in the Northern Territory, and a source of continuing conflict with local Indigenous communities and environmental organisations. The sheer scale of the mine and its deep open pits and tailings dams impresses, but the image is of a deep wound gouged out of the land.

The mine is also a part of what is now the largest industry and employer in the area - tourism. Tourism is based not only on the natural beauty of the land and its wildlife, but for the evidence of the long connections between the people and the land. This evidence is found most spectacularly in the rock art that dates back many thousands of years.

Indigenous communities are seeking a share in the income of the tourism industry on their land through establishing local Indigenous controlled tourism enterprises. Participants saw an example of this in Gulayambi Cruises on the East Alligator River. Indigenous connection and ownership of the land is formally recognised in the national park management structures of Kakadu. Majority control belongs to the representatives of the traditional owners.

Traditional owner Natasha Nadji took participants onto her country and spent time with participants discussing the history and culture of the land, as well as some of the challenges faced today. Young people in particular face challenges, partly because of the lack of employment opportunities. Natasha's generosity in sharing her knowledge of country was a memorable part of a memorable field trip.

Lobbying and the Media

In the second week participants looked at particular international standards on women's rights and children's rights, as well as the emerging issues around Indigenous traditional knowledge systems and intellectual property regimes.

There was a role play focussing on lobbying the UN Committee on Economic, Social and Cultural Rights – the UN treaty body responsible for monitoring the performance of governments in relation to their obligations under the International Covenant on Economic, Social and Cultural Rights. Australia is currently preparing its next periodic report to the Committee and was chosen as a case study. Participants focussed in particular on the Right to Health and broke into small groups to take on the roles of the Australian government delegation presenting to the Committee, the UN Committee and Australian NGOs. The groups had to decide on their objectives, research their positions, agree on strategy and prepare and give formal presentations.

Another highlight of the second week was the sessions with one of Australia's best known journalists, Jeff McMullen. Jeff McMullen has tremendous experience in the region and around the world reporting on most of the major conflicts and world events of the past decades. From the beginning a focus of his work has been on the human rights issues concerning Indigenous communities particularly in Australia and South and North America.

Jeff's reporting has had a significant impact – for example exposing human rights violations in Latin America and generating international pressure to stop them. Jeff also acknowledged that some of his reporting had had much less impact – for example his reports over decades on the health crisis in Indigenous Australia. Media coverage should only be a part of an advocate's work, but sometimes it can make all the difference.

Jeff shared his insider's insights on the importance of understanding the role of the media and the way it works, and the constraints journalists face. He also spoke about the power and limitations that journalists and the media more generally have in promoting change.

For advocates good media work was about timing, thinking of different ways that the story could be told to reach an audience, personalising the story, about building relationships with journalists and about being persistent. It was an inspiring presentation about the possibility of each individual, working with others, to really make a difference.

This theme was echoed in the official closing graduation ceremony by one of the Diplomacy Training Program's most distinguished graduates, NT Community Development Minister, John Ah Kit. John Ah Kit gave the closing speech, before handing each of the participants their graduation certificate from the Diplomacy Training Program and UNSW Faculty of Law.

Evaluations of the Schedule and Program:

From the evaluations, the schedule and program content were well received. Most respondents said they would have liked the training program to be longer.

Having the Internet training sessions immediately after two days of international human rights law and standards seemed to work well. This allowed time for these sessions to be absorbed, before returning to some more specific human rights agreements.

Before coming, participants were each asked to prepare a ten-minute presentation outlining the issues they are working on to share with other participants. These presentations were a highlight of the program, giving insights into the range of issues participants faced, and the tremendous range of skills and experience that they had. More than expected, these presentations set the tone for the program, a commitment to working with and learning from each other. The presentations were also a part of developing participants' confidence and public presentation skills.

While participants had been asked to restrict themselves to ten minutes, much more generous than many official forums allow to NGO advocates for presentations, it was often difficult to enforce the time limit.

The program had aimed for a mix of 30 international and Australian participants. At a late stage a number of international participants were unable to attend and this affected the proportion of Australian to non-Australian participants. One result was

that the program on occasions became too focussed on the Australian situation, to the disadvantage of the international participants.

A number of the scheduled trainers also had to withdraw at short notice, and while it was possible to arrange alternatives for most sessions, it was not possible to cover the issues of corporate accountability and human rights to the extent hoped for.

Perhaps the most striking affirmation of the value of the program came in the final feedback sessions. Participants were eloquent and moving in expressing how a greater understanding of human rights standards and values would assist them in the challenges they faced in their everyday work in their organisations.

Participants Comments

What was the best thing about the training program?

“The best thing on the training program is all participants from many countries in the world can meet and can give information to one another.”

“Having theory/technical information and practical IT training with people involved in human rights struggling from both Australia and other countries.”

“In the future my approach will be completely different. The type and technique of lobbying will be more sophisticated.”

“The scope of what was really covered. It showed you what can be accomplished one way or another.”

“In this training I have got much information on strategies to overcome the issues of human rights and protection for indigenous basic rights.”

“Meeting all the participants from our Pacifica and India and Bangladesh and Burma. Sharing stories, knowledge and experiences. Reinforcement of my own beliefs! I have legitimacy! The wide range of presenters, and the participants presentations.”

“International solidarity with other Indigenous peoples.”

Will the training assist you in your work? How?

“To search, identify and use mechanisms in place locally, nationally and internationally to help my people participate in mine development on our tribal lands.”

“Yes. With this training, I am now more able to identify family problems, especially pertaining to children, to identify what it is a violation of rights. How to campaign using the internet.”

“Certainly. Especially how to bring our issues to the UN and the process of the UN and its treaty body. Strategic campaign and media cover and web site building will help me to do advocacy for our recent report.”

“Yes – making government/corporations accountable. Understanding of international context for Indigenous knowledge systems. Motivating me to continue working in this area.”

“The training will assist me in networking and will enable me to become a more effective advocate for Indigenous rights and human rights.”

Could you describe how knowledge of human rights and the UN system might change your work or your approach to the particular issues you are working on? Could you give an example?

“It has provided me with an international perspective especially in respect to channels of recourse and forums available for marginalised groups. I will be more inclined to encourage groups to develop a common strategy and make connections with other groups internationally. E.g. encourage Maori to develop relationships with Australian Aboriginal NGO’s.”

“It will extend and if possible expand and develop further issues I am working on. It has introduced me to the means of introducing standards and human rights to the local and wider community.”

“If the Northern Land Council encounters an issue that cannot be dealt with domestically through the National Government, I will be able to coordinate a response/submission through the United Nations as its conventions apply to Indigenous Peoples.”

“By giving me the knowledge to back up my ability to speak out to someone who is trying to “put one over me”. It has made me aware of the wrongs in my community and the avenues to rectify them. E.g. the pregnant teenagers being asked to leave the High Schools.”

“It has helped to reinforce the fact change can occur. One person can make a difference because there is *one* person everywhere.”

Please describe how you will share what you have learned over the period of the training with others in your community or your organisation?

“I’ll tell them firstly about the experience I had with the DTP and the story about the Aboriginal people of Australia and other parts of the world which I was not aware of...before. Second I’ll encourage them to apply for the training as it’s really helpful for people like us.”

“I will host workshops for NGO groups on advocacy and lobbying particularly around some of the key action points encountered in the development of a national plan of action on human rights.”

“I will use it in my work especially to do advocacy about our report. After I go back to my organisation I’ll brief them about this training. I will translate some of the teaching materials into my language to use for short training.”

“I have already talked, explored and explained to family, colleagues and friends. I will encourage this course to ALL.”

“I will be providing a detailed report to the management of my organisation, as well as letting my colleagues know informally about human rights. As well, work on ways to link land rights in Australia to human rights.”

“Initially a report to the hierarchy followed by speaking at meetings of women’s groups, community groups and involving these people to rectify some of the wrongs in their community.”

"I will be running training sessions at work. My materials and diary will be put in our library. My family will learn from me.

Outcomes, Recommendations and Acknowledgements:

Outcomes:

- 22 Indigenous Community Advocates completed the course and have enhanced knowledge of human rights and their capacity to advocate for their communities;
- 22 Indigenous advocates from Australia and the region shared and learnt from each other's experiences;
- Networks and links between individuals and organisations were strengthened e.g. Augustine Hala working on mining issues in Papua New Guinea established links with individuals in Northern and Central Land Councils working on these issues and received offers of further practical support.
- The Diplomacy Training Program has received input and advice to guide its future directions in capacity building

Recommendations:

- That DTP seek to hold a similar capacity building program in June/July 2005, - again in the Northern Territory.
- That DTP seek to develop more substantive partnerships for the 2005 program.
- That DTP strive for 50% Australian participants and 50% international participants in the next program
- That DTP should establish an Indigenous reference group for developing its thematic programs on Indigenous Peoples' Rights Training Programs in the years ahead
- That DTP should work to adapt and develop more specialised training resource materials focussing on Indigenous Peoples, Human Rights and Development.

Acknowledgements:

The training program could not have taken place without the work and commitment of Darryl Cronin, at the School for Australian Indigenous Knowledge Systems at Charles Darwin University and the support of Sonia Smallacombe, the Head of School. The program was partly the initiative of Diplomacy Training Program alumnus Tricia Rigby-Christopherson, at the Northern Land Council, and her support behind the scenes was greatly appreciated.

The agencies, individuals and foundations that provided funding for this program are acknowledged at the beginning of this report. The Diplomacy Training Program is very grateful for their support. The challenges facing Indigenous rights advocates in Australia and the region are pressing. The need to develop the knowledge and skills of Indigenous advocates flows from these challenges. It is hoped that it will again be possible to reach out to find support for further capacity building programs in 2005 and 2006.

Finally the Diplomacy Training Program would like to acknowledge the participants in this course for their generosity in sharing their knowledge and experience and their commitment to making the most of this learning experience.

Postscript:

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Participants subsequent feedback about the program:

"Hi all

Please find attached a paper prepared by UNESCO and ICSU (International Council of Science) regarding the above subject matter (science, traditional knowledge and sustainable development).

Although it is very high level- it provides excellent discussion and sets the scene internationally. I used it in a presentation yesterday to a bunch of scientists and at the end they acknowledged that science was not the only way to see the world and they expressed support for further work in this area (particularly the role of Traditional Knowledge in a mining context). So it is a 'small win' for us.

By the way I believe that my presentation went so well because of the networking and the confidence I gained at the DTP training. So thank you to you all. Hope you are all well.

Elaine"

An email from one participant to other participants some weeks after the training program.

"Learning and discussing about "advocacy work" and "strategic campaigning" such as using the media for advocacy work is really helpful for my organisation as now we are working to promote various issues on violence against women especially on "sexual violence against women" in Burma... I can share what I have learnt to my community through workshop and translating it into Karen to use in our training."

Extract from Naw Ta Mla Saw's report on the training.