

(pm) May 23rd 2006, Item 4, #203

United Nations

Economic and Social Council

WILLIAM JOHNSTON

Permanent Forum on Indigenous Issues

Fifth Session

New York, 15-26 May 2006

Item 4(e) of the Agenda:

Free, prior and informed consent

JOINT STATEMENT ON BEHALF OF:

Aboriginal Legal Rights Movement (ALRM)

Australian Indigenous Doctor's Association (AIDA)

Foundation for Aboriginal and Islander Research Action (FAIRA)

Human Rights and Equal Opportunity Commission (HREOC)

Menzies School of Health Research (MSHR)

National Aboriginal Community Controlled Health Organisations (NACCHO)


National Network of Indigenous Women's Legal Services (NNIWLS)

New South Wales Aboriginal Land Council (NSWALC)

World Council of Churches (Australia) (WCC)

Free, prior and informed consent

Madam Chairperson

 This statement is made on behalf of the Aboriginal and Torres Strait Islander Social Justice Commissioner of Australia, Mr Tom Calma, who returned to Australia over the weekend. It is supported by the Indigenous Peoples' Organizations from Australia represented at this session of the Forum.

We wish to bring to the attention of all attendees at this session of the Forum the report of a UN sponsored workshop held in Brisbane, Australia on 15 August 2005, and titled '*Engaging the Marginalised: Partnerships between Indigenous Peoples, governments and civil society*'. 160 delegates from the International Engaging Communities conference participated in the workshop.

As members of the Permanent Forum will be aware, this workshop was organized by the Secretariat of the United Nations Permanent Forum on Indigenous Issues in partnership with the Human Rights and Equal Opportunity Commission of Australia or HREOC. HREOC is Australia's national human rights institution. Professor Mick Dodson, the Rapporteur of the Permanent Forum, was Chairman of the workshop.

The workshop aimed to build on the human rights based approach to development and to identify opportunities as well as challenges for engaging Indigenous communities in governance processes. The workshop acknowledged that the UN system has never been better placed to receive Indigenous views into their frameworks and processes.

The workshop identified the need to significantly increase efforts to build *effective partnerships* between governments, the private sector, civil society and indigenous peoples. This requires respect for the rights of indigenous peoples.

The workshop noted the key elements of a human rights based approach to engaging with indigenous people and communities. This approach is informed by international law, the normative framework of the international human rights system, the interdependence and inter-relatedness of all human rights, and the policies and practices of the United Nations. It includes the Common Understanding of the Human Rights Based Approach to Development and the principle of free, prior and informed consent.

The workshop centred on the challenges and opportunities of recognizing cultural diversity; developing policies and programs that are non-discriminatory, inclusive, targeted and effective; providing an enabling environment for participation and the empowerment of Indigenous peoples at all levels; and adopting approaches that are (indigenous) people centred.

To promote understanding and improved practices in engaging with indigenous communities, the report of the workshop includes guidelines for engaging with indigenous communities. These guidelines are of particular relevance to the discussion of the Millennium Development Goals in this session. The guidelines state, among other things, that:

- Indigenous peoples have the right to full and effective participation in decisions which directly or indirectly affect their lives;
- That such participation shall be based on the principle of free, prior and informed consent;
- Frameworks for engagement should allow for the full and effective participation of indigenous peoples in the design, negotiation, implementation, monitoring, evaluation and assessment of outcomes;
- Indigenous peoples and communities should be invited to participate in identifying and prioritizing objectives, as well as in establishing targets and benchmarks (in the short and long term); and that
- In engaging with indigenous communities, governments and private sector should adopt a long term approach to planning and funding that focuses on achieving sustainable outcomes and which is responsive to the human rights and changing needs and aspirations of indigenous communities.

The workshop report has been circulated to Permanent Forum members at this session as well as at some of its recent workshops, and is available in the room. It is also contained on the Permanent Forum's website, alongside other workshops convened by the Permanent Forum.¹

The workshop report recommends that the principles contained in the report should be progressed through the United Nations commitment to the Millennium Declaration, including the Millennium Development Goals process, as well as the Program of Action of the Second International Decade of the World's Indigenous People.

This workshop report was endorsed at a recent meeting of the Indigenous Peoples' Organisations of Australia Network. Accordingly, we commend the report of the workshop *'Engaging the Marginalised: Partnerships between Indigenous Peoples, governments and civil society'* to the Permanent Forum.

We recommend that the Permanent Forum endorse the workshop report, and in particular the guidelines for engaging with indigenous communities, and that it encourage all UN agencies, States and NGOs to adopt a human rights based approach to development.

¹ *UN Workshop on Engaging the Marginalised: Partnerships between Indigenous Peoples, governments and civil society*, 2005 International Conference on Engaging Communities, Brisbane, Australia, 15 August 2005. Workshop report available online at: www.humanrights.gov.au/social_justice/conference/engaging_communities/index.html and www.un.org/esa/socdev/unpfii/documents/engagement_en.pdf.