

# Australian Government submission: the Expert Mechanism on the Rights of Indigenous Peoples study on Indigenous Peoples’ rights in the context of borders, migration and displacement.

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# Introduction

Australia is working to give practical effect to the UNDRIP. As a strong advocate for the rights of indigenous peoples in Australia and around the world, we seek practical measures that States can take to provide opportunities, achieved through genuine engagement with indigenous people.

This submission will explore how the Australian Government is:

1. Supporting indigenous peoples, particularly Torres Strait Islanders and the coastal people of Papua New Guinea who live adjacent to the Torres Strait, to connect with land and sea, and with traditional partners.
2. Addressing the reasons why indigenous peoples are compelled to leave their regions or country of origin due to political, economic, social, cultural and environmental conditions by responding to conflict and fragility, humanitarian disasters and climate change adaption and mitigation in developing States.

# Part A: Australian Government support for Indigenous Australians: The Torres Strait Treaty

Through innovation and consultation, Australia develops policies and programs that drive opportunities for Aboriginal and Torres Strait Islander people to connect with land and sea, and with traditional partners. The Torres Strait Treaty is an example of how Australia gives practical effect to the UNDRIP. By listening to the needs of the Torres Strait and coastal regions of Papua New Guinea, and respecting where traditional connections remain important to culture, Australia and Papua New Guinea have been able to keep vital practices alive, and secure these for the future.

### Background

The Torres Strait Treaty is an innovative and complex legal instrument which protects the traditional way of life for Torres Strait Islanders and the coastal people of Papua New Guinea who live adjacent to the Torres Strait.

With less than four kilometres from the Papua New Guinea mainland to the nearest populated Australian island, communities in the region have traditional connections which are estimated to span more than 6,000 years. The Treaty protects these traditional connections, as well as the land and the sea within the Torres Strait Protected Zone. Uniquely, it allows for ‘free movement’ without passport or visa, (albeit with strict permit conditions) between Australian and PNG Treaty communities for traditional activities. In 2017-18, there were 26,678 recorded arrivals by eligible PNG nationals from the 13 Treaty villages across the 14 Australian Treaty communities (Attachment A shows the maritime zones and Treaty villages).

The Torres Strait Treaty (*Treaty between Australia and the Independent State of Papua New Guinea concerning Sovereignty and Maritime Boundaries in the area between the two Countries, including the area known as Torres Strait, and Related Matter*) also defines the boundaries (Seabed Jurisdiction and Fisheries Jurisdiction) between Australia and Papua New Guinea and provides a framework for the management of the common border area.

### Key provisions

Key provisions of the Treaty are summarised below:

* The establishment of the Torres Strait Protected Zone, which acknowledges and protects the traditional way of life and livelihood of traditional inhabitants including traditional fishing and free movement within the area (Art. 10)
* Intricate maritime boundaries that delineate between the territorial seas, fisheries and seabed jurisdiction of the two countries
* Continuation of free movement and performance of lawful traditional activities by traditional inhabitants (Art. 11)
* Traditional activities defined as activities performed by traditional inhabitants in accordance with local traditions and including
	+ gardening, collection of food and hunting, traditional fishing (take for own/dependents consumption);
	+ Religious and secular ceremonies/gatherings for social purposes
	+ Barter and market trade
* Protection of marine environment, fauna and flora (including a prohibition of mining and drilling of the seabed or subsoil) (Art. 13-15)
* A shared protected zone commercial fisheries that includes catch sharing provisions; shared management plans; consultative licensing arrangements and inspection and enforcement (Art. 20-28).

### Outcome

The purpose of the Treaty was not to change border arrangements but rather to maintain the status quo. The Treaty concluded on 18 December 1978, when it was signed by both parties in Sydney (it was ratified and entered into force on 15 February 1985).

After the Treaty entered into force, traditional inhabitants from Australia and Papua New Guinea, in consultation with governments, agreed a narrower definition of Papua New Guinea traditional inhabitants was required. In 2000, the governments of Australia and Papua New Guinea exchanged notes to allow the inhabitants of 13 villages from coastal areas in Papua New Guinea to benefit from the free movement provisions of the Treaty. The Governments also agreed that the identification of the villages from Papua New Guinea should not exclude the application of free movement provisions to traditional inhabitants of additional villages, if at some point in the future their inclusion were deemed appropriate by the traditional inhabitants of Australia and Papua New Guinea.

It took significant consultation with traditional inhabitants on both sides of the border, to reach the agreement we have today. The outcome is a complex instrument that allows the peoples of two neighbouring countries to coexist and interact as they would have millennia ago. It allows shared access to resources and protection of the environment. Through its Foreign Policy White Paper, the Australian Government has acknowledged that “e*nsuring the integrity of the Torres Strait Treaty, the foundation of our border arrangements, will remain a priority”.*

### Implementation mechanisms, coordination and outreach

The Treaty’s ongoing strength has always been in its high level of support from, and consultation with, traditional inhabitants. The cross-border movement provisions ensure that those villagers closest to both sides of the border have an interest in ensuring the smooth functioning of the Treaty and that it is not abused. As long as traditional inhabitants consider that the Treaty upholds and protects their rights and privileges, it will remain effective. The implementation, coordination and outreach provisions of the Treaty, and conventions that have developed over time, are crucial to sustaining its effectiveness.

Within the Australian Government, the Department of Foreign Affairs and Trade has overall policy responsibility for the Treaty. As prescribed under the Treaty, the Department of Foreign Affairs and Trade has established the position of a Torres Strait Treaty Liaison Officer, based on Thursday Island to assist facilitation of the implementation of the Treaty’s provisions, at the local level. Effective implementation requires the collaboration, support and assistance from across a range of Commonwealth, Queensland State and local government agencies. It sees engagement across at least 12 different agencies, covering issues such as immigration, border protection, fisheries, the environment, maritime safety, biosecurity, law and order and health.

Convened by the Department of Foreign Affairs and Trade, a biannual inter-agency meeting brings together representatives from all the relevant agencies (state and federal) and community representatives to drive the inter-agency, multi-jurisdictional efforts. The intertwined relationship of these issues, has resulted in a close collaboration and cooperation between the organisations.

The Treaty’s implementation is supported by formal consultative mechanisms between Australia, Papua New Guinea and traditional inhabitants. The nature of these arrangements reflect the Government’s commitment to ensuring traditional inhabitants are fully informed and indeed a part of relevant developments in (and in the vicinity of) the Torres Strait Protected Zone. These mechanisms are enshrined within the Treaty.

### Joint Advisory Council

The pinnacle of the Treaty’s bilateral mechanism is the annual Australian-Papua New Guinea Joint Advisory Council (JAC), with the outcomes reported to the Foreign Ministers of Australia and Papua New Guinea. Established under Article 19 of the Treaty, the JAC is an advisory body that comprises Australian and PNG officials, representatives from the Queensland Government and Western Province Administration and traditional inhabitants from Australian and Papua New Guinea Treaty communities.

The JAC considers and makes recommendations on any developments which might affect the protection of the traditional way of life and livelihood of traditional inhabitants, their free movement, performance of traditional activities and/or exercise of traditional customary rights. It reviews any matters relevant to the effective implementation of this Treaty, including the provisions relating to the protection and preservation of the marine environment, and fauna and flora in and in the vicinity of the Protected Zone.

The JAC is supported by a number of subsidiary Treaty-related meetings which report to the JAC. These include: The Traditional Inhabitants Meeting; the Fisheries Bilateral meeting; the Environmental Management Committee; and the Health Issues Committee.

### Traditional Inhabitants Meeting

The Traditional Inhabitants Meeting (TIM) is part of the liaison arrangements under Article 18. While daily consultation occurs between Australia’s Treaty Liaison Officer and traditional inhabitant constituents, the TIM provides a forum for traditional inhabitants of both countries to discuss issues and activities in the region, and to report concerns to their Government, through their relevant Treaty Liaison Officer. A key feature of this consultation mechanism is the traditional inhabitants’ ability to help shape local resolutions to their issues of concern. For example, in 2017, the first ever Treaty reconciliation ceremony was held at Boigu Island. The event brought together traditional inhabitants from the Papua New Guinea Treaty village of Buzi, and Australia’s traditional inhabitants of Boigu Island. The ceremony marked the significance of a localised peaceful resolution to a conflict. In addition, a high-level delegation from the Solomon Islands Government observed the ceremony which helped develop their thinking on a national security strategy for cross border movements with Papua New Guinea.

### Treaty Awareness Visits

Treaty Awareness Visits are a bilateral, multi-agency delegation with an aim to annually visit Treaty communities. The purpose of Treaty Awareness Visits (TAVs) is to inform and raise awareness in communities of the Treaty’s provisions, including conditions associated with free movement, seek feedback and resolve issues. TAVs maintain relationships, develop lines of communication and provide as an opportunity for agencies to engage directly with traditional inhabitants on both side of the border.

### Attachment A: Maritime zones and Treaty villages



# Part B: Addressing the displacement and resettlement of indigenous peoples in developing countries

### Introduction

This section of Australia’s submission provides context and examples about the international development sector’s existing responses towards challenges in developing States, including humanitarian disasters and the root causes of conflict and instability that can result in the displacement or forced relocation of millions of people. It includes examples of Australia’s mainstream responses to conflict and fragility, humanitarian disasters, and climate change adaption and mitigation in developing States. The submission also includes examples of Australia’s policies that are designed to avoid or mitigate the risk of Australian development projects causing harm to indigenous peoples in developing States.

Australia provides this information to demonstrate the potential for leveraging the international development sector’s existing responses in developing States for the benefit of indigenous peoples’ interests, which help tackle the root causes behind the voluntary resettlement, displacement and forced relocation of indigenous peoples in developing States.

### Background to the international development sector

Not all UN Member States have the capacity or the resources to deliver essential services and opportunities for their citizens. Developing States, especially the poorest States, face considerable challenges in combatting poverty and promoting development outcomes in their countries. Shocks, including natural disasters, conflict, and economic shocks can severely undermine growth, reverse hard-won development gains, increase poverty, and exacerbate tensions that can lead to conflict, insecurity and/or the displacement of millions. Women and children are often the most exposed to these risks, losing income and opportunities, and facing increased risk of sexual and gender-based violence during crises.

In addition to conflict or humanitarian disasters, large-scale development projects, such as the construction of dams, roads or bridges, can also result in the displacement and forced relocation of people in developing countries.

The majority of States (known as bilateral donors) that provide assistance to developing States (known as ‘partner governments’) cooperate through the OECD’s Development Assistance Committee (DAC) to set the rules and standards for, and to monitor the effectiveness of, international development assistance. The Asian Development Bank, African Development Bank, Inter-American Development Bank, International Monetary Fund, United Nations Development Programme and the World Bank participate as observers to the OECD-DAC.

In 2017, aid donors provided **US$146.6 billion** to approximately **146 developing States and Territories across Africa, Asia, the Pacific, Latin America and Europe**. This assistance helps developing States tackle the complex and difficult reforms needed to address the root causes of poverty and conflict, and to unlock the economic growth potential in their countries. However, the extent to which indigenous peoples benefit from the **$146.6 billion** is unclearas indigenous peoples are not often targeted as beneficiaries in the international development system.

***Delivery of international development cooperation***

Bilateral donors typically deliver their aid programs through partner government agencies in the recipient country, or through implementing organisations, which includes the World Bank, the UN Development Programme, the Asian Development Bank, NGOs, and other multilateral organisations and private sector entities.

International development assistance helps country actors strengthen their own education, health, social protection, law and justice systems, infrastructure, the management of the public sector, conflict prevention and resolution, climate change mitigation and adaptation, and economic development in developing States, among other things.

### Indigenous issues in the international development sector

According to the World Bank, Indigenous peoples in developing States are particularly disadvantaged[[1]](#footnote-1).

Their own governments or other country actors (including NGOs and the private sector) may not have the resources, expertise or political will to deliver policies, services or programs that benefit indigenous peoples. International development donors may also lack the expertise that is necessary to support country actors, including governments, to be inclusive of indigenous peoples.

As a result, indigenous peoples experience disproportionate rates of poverty and marginalisation and are ‘left behind’ in development efforts. More deliberate choices and inclusive approaches on the part of national governments, international development donors, multilateral organisations, global policy makers and the private sector is needed to ensure that indigenous peoples are both beneficiaries and agents of development. Additional interventions specifically targeted at indigenous women and indigenous persons with disabilities are necessary to ensure that they are not inadvertently excluded or left behind.

Bilateral donors do fund individual activities or projects that target indigenous peoples in developing countries. And most bilateral donors provide funding to multilateral organisations, NGOs and private sector actors that deliver projects that target indigenous peoples in developing countries. Nonetheless, there are a few challenges.

1. The international development sector as a whole does not have a dedicated focus on indigenous peoples in developing countries.
	1. This means that bilateral donors do not have any common approaches or guidance for designing, implementing and assessing whether their overseas aid programs are inclusive of indigenous peoples.
	2. This means that it is currently impossible to measure whether indigenous peoples are benefiting from the **$146.6 billion** of aid flows from bilateral donors to developing countries.
2. Small-scale projects are not sufficient to tackle the root causes of poverty, human rights abuses, conflict or exclusion that are experienced by indigenous peoples in developing countries.
	1. A more effective approach could be to integrate indigenous issues across the entire international development sector, such as the current approaches towards gender equality and disability inclusion.

### Indigenous Issues in the Australian Aid Program

The Australian Department of Foreign Affairs and Trade (DFAT) is responsible for managing the Australian Government’s overseas aid program among other things. To ensure that DFAT does not inadvertently exclude indigenous peoples from its work, DFAT has undertaken a series of internal institutional reforms to ensure its mainstream policies and programs are meeting the very specific interests of Indigenous Australians and indigenous peoples around the world.

1. In 2015, DFAT issued its first Indigenous Peoples Strategy to embed consideration of indigenous people’s issues across its foreign policy, trade policy and economic diplomacy, overseas aid program, public diplomacy and internal human resourcing policies.
2. In 2015, DFAT released an operational-level guidance note to support its staff to design, implement, and monitor and evaluate aid programs that could affect indigenous peoples in developing countries. DFAT also revised its internal reporting procedures to capture and disseminate data about indigenous peoples in the overseas aid program.
3. DFAT assesses all its investments in Australia’s overseas aid program against six aid quality criteria, using a six-point rating scale known as “Aid Quality Checks” (AQC). DFAT issued a guidance note to help staff assess in AQCs whether initiatives are specifically meeting the interests of indigenous peoples too, drawing upon the principles of ‘free, prior and informed consent’ and ‘self-determination’ to prepare the ratings criteria.
4. In 2017, DFAT issued its first Indigenous peoples safeguards for the aid program (see Attachment A).

DFAT has learned many lessons from its efforts to be inclusive of indigenous peoples in developing countries. These lessons have been published by the OECD in “*Case Studies on Leaving No One Behind: A companion volume to the Development Co-Operation Report 2018*” available at this link <https://www.oecd-ilibrary.org/development/case-studies-on-leaving-no-one-behind_9789264309333-en>. DFAT considers that the recommendations in this case study are applicable to addressing the displacement and forced relocation of indigenous peoples in developing countries. A copy of the case study is also made available through Attachment B to this submission. The case study outlines a multi-track approach to integrating indigenous issues across the international development sector in particular, and across the broader international system.

### Recommendations

1. In addition to making recommendations for UN Member States in this study, EMRIP should include how existing resources in the international development system can be leveraged to assist developing States to address the displacement and resettlement of indigenous peoples.
	1. Australia acknowledges that not all UN Member States may have the capacity or the resources to fully action EMRIP’s recommendations; and that there is an existing system in place to help to build the capacity of developing States.
2. EMRIP should conduct an additional study of the international development cooperation system as a whole in order to recommend practical actions for donor States and developing States to meet the specific interests of indigenous peoples in developing countries.
	1. This should include a focus on the architecture, policies, reporting process, rules and standards of the international development sector.
	2. EMRIP should conduct any study of the international development sector in collaboration with experts and lead agencies, including the OECD’s Development Assistance Committee.
3. EMRIP should invite international development research organisations or think-tanks to become ‘Academic Friends of the Expert Mechanism’ in order to leverage the expertise of the international development sector in the work of EMRIP.

### Attachment A: Australia’s policy responses in developing countries

Attachment A provides examples of Australia’s policies in regards to safeguarding the interests of indigenous peoples in the Australian aid program, as well as our broader efforts to address humanitarian crises, conflict and climate change adaptation and mitigation.

### Social and Environmental Safeguards

To minimise risk and ensure the Australian aid program can be delivered effectively and efficiently, a number of safeguards are considered when planning, designing, delivering and evaluating all Australian aid investments. The [Environmental and Social Safeguard Policy for the Aid Program](https://dfat.gov.au/about-us/publications/Pages/environmental-social-safeguard-policy-for-the-aid-program.aspx) (policy) outlines a consolidated approach to managing safeguard risks in the Australian aid program. The policy applies to all DFAT funded aid investments regardless of value or funding mechanism.

The policy provides guidance on DFAT's safeguard responsibilities in aid investments and how to meet them, and sets out requirements for five key safeguards:

1. Environmental protection
2. Children, vulnerable and disadvantage groups
3. Displacement and resettlement
4. Indigenous peoples
5. Health and safety

### Safeguard Principles

The safeguard principles guide DFAT's management of environmental and social impacts in the aid program. The safeguard principles underpin the successful application of the five environmental and social safeguards. Most importantly, applying the principles helps ensure investments achieve positive development outcomes without harming the environment, people or communities.

All investments must be designed and implemented in accordance with the safeguard principles. The principles must be considered at each stage of DFAT's aid management cycle: policy and planning; design and procurement; implementation and performance management; and review and evaluation.

***Principle 1: Do no harm***

* Seek to protect the rights, health, safety, and livelihoods of people including, children, women, indigenous peoples, and other vulnerable or disadvantaged groups. Maintain the health, diversity and productivity of the environment.

***Principle 2: Identify, assess and manage environmental and social impacts***

* Identify potential environmental and social risks and impacts early in the investment design process, and ensure they are adequately assessed and managed in investment concepts, designs and implementation.
* Avoid, or where avoidance is not possible, minimise, mitigate or as a last resort, offset or compensate for negative impacts.
* Assess and manage direct and indirect environmental and social impacts of the investment in a way that is proportional to potential impacts.
* Manage risks and impacts of the investment through management plans, and monitor and report on their delivery.
* Consider the different impacts on the environment and people, including children, people of different genders, indigenous peoples and other vulnerable or disadvantaged groups. The assessment and management of potential impacts must take into account these different needs.

***Principle 3: Engage effectively with stakeholders***

* Provide affected people with access to information about the investment, its risks, and potential social and environmental impacts in a way that is timely, accessible, and culturally and socially suitable for the affected group.
* Engage with affected parties and other stakeholders early in identifying and managing environmental and social risks and impacts, and continue this throughout the investment.
* Ensure consultations include directly and indirectly affected parties, are inclusive, free of external manipulation, interference, coercion, or intimidation, and enable meaningful participation.
* Provide accessible and culturally appropriate grievance redress mechanisms and ensure that grievances are handled promptly, transparently, and without retribution or cost to the party that raised the concern.
* Disclose information about the social and environmental performance of aid investments in accordance with DFAT's aid transparency commitments.

***Principle 4: Work effectively with partners***

* Comply with partner country safeguard laws and policies and where possible build partners' capacity to develop and implement environmental and social governance systems.
* Work with multilateral, bilateral, NGO and private sector development partners to ensure environmental and social impacts are managed in a way that is consistent with this policy.
* Work with partners to manage safeguard risks in a way that maximises the use of country systems and avoids imposing duplicate or unnecessary safeguard assessment and management planning requirements.

***Principle 5: Promote improved environmental and social outcomes***

* Where possible, promote improved environmental and social outcomes by integrating ecologically sustainable development into aid investments. Improve the implementation and outcomes of aid investments by effectively identifying and managing environmental and social risks.

**Extract of DFAT Safeguards about Displacement and Resettlement[[2]](#footnote-2)**

Aid investments, such as the building of economic or social infrastructure, sometimes require the use of land occupied or used by local communities. If not properly addressed the physical or economic displacement of people from such land may lead to long-term hardship and poverty. The poor, and other vulnerable groups, are particularly at risk in investments involving displacement.

Resettlement is a process that helps people build new lives in a different location while mitigating the effects of displacement on their standard of living. When done well, resettlement can ensure displaced communities share the benefits of development.

DFAT’s policy does not apply to resettlement resulting from documented voluntary land transactions and where such a transaction affects only those with legal rights. The policy only applies to development-induced displacement, specifically physical and economic displacement resulting from the following investment actions:

* The compulsory acquisition by a partner government of land rights or land use rights in accordance with the legal system of that country.
* A partner government taking possession for development purposes of public land occupied or used by others.
* Management and conservation plans or design measures that restrict access to land or other natural resources.
* A partner government legally designating a park or protected area that leads to involuntary restrictions on access to land or natural resources.
* Humanitarian assistance in reconstruction and recovery.
* Technical assistance supporting the design of investments that will require land acquisition or restrictions on access to land or other natural resources.

For relief resettlement emergency assistance such as in the immediate wake of disasters or humanitarian assistance that supports refugee resettlement, it may not be possible to complete the safeguard process. In these circumstances, reasonable efforts should be taken to apply the safeguard principles.

In all aid investments that may involve displacement, responsibility for managing displacement and resettlement rests with the government of the country where the project is undertaken. This remains the case whether Australia provides aid directly to a partner government, through a co-financing arrangement with a multilateral development bank, or through delegating responsibility for an investment to other development partners.

Where DFAT directly supports the implementation of aid investments that may displace people, DFAT is responsible for ensuring that partner government agencies are aware of, agree to, and fully implement the requirements of this safeguard. DFAT exercises its role primarily through support for effective assessment and planning in the preparatory stages of the aid investment, and through its own field-based review of progress and evaluation of outcomes in the implementation stage. In all such cases, DFAT monitors the implementation process to support effective delivery of all required actions.

Where DFAT supports an aid investment that may displace people, the investment will:

* Avoid or minimise forced physical and economic displacement wherever possible by considering all viable alternative actions or design options.
* Avoid negative impacts on those affected by the development, including vulnerable and disadvantaged groups, and where avoidance is not possible mitigate and/or compensate for such impacts in gender-responsive and disability inclusive ways.
* Provide reasonable opportunities for affected people including displaced poor and other vulnerable groups to improve, or at least restore their livelihoods.
* Ensure timely provisions of infrastructure and essential services at resettlement sites.

Where a Resettlement Action Plan is required, it must be prepared in advance of the implementation of the aid investment that is likely to cause physical and/or economic displacement. Where the preparation of a Resettlement Action Plan is not possible because the investment or resettlement sites have not been determined or, the scale and scope of displacement cannot be fully identified prior to approval, a resettlement framework, identifying likely resettlement measures and specifying organisational arrangements for their provision, should be prepared. A Resettlement Action Plan must be subsequently prepared in accordance with the resettlement framework when all necessary information is available but before initiation of works causing displacement.

Partner governments should ensure displaced persons without title to land or any recognisable legal rights to land, are eligible for, and receive, resettlement assistance and compensation for loss of non-land assets and that these communities are included in the resettlement consultation process.

Projects administered in partnership with the Asian Development Bank or the World Bank Group will use their respective environmental and social assessment processes, in conjunction with national requirements. The environmental and social assessment processes of other implementation partners may be used or adapted, once they have been reviewed and determined by DFAT to be broadly consistent in their objectives, principles, and scope of DFAT’s relevant policies.

**Extract of DFAT Safeguards about Indigenous Peoples**

Indigenous peoples often experience disproportionate rates of poverty, and are at increased risk of exclusion and marginalisation. DFAT is committed to providing opportunities to assist indigenous peoples, both in Australia and overseas, to overcome social and economic disadvantages.

Social, economic and political power imbalances as well as spoken language may prevent indigenous peoples’ equitable participation and access to benefits resulting from aid investments. In addition, indigenous peoples may have diverse concepts of development based on traditional values, visions, needs and priorities.

Recognising the importance of overcoming social and economic disadvantages, DFAT’s Indigenous Peoples Strategy provides a framework for DFAT to work with its partners to advance and promote the wellbeing of indigenous peoples around the world. The Indigenous Peoples Strategy 2015-2019 should be consulted when aid investments have the potential to affect indigenous peoples’ interests.

***Assess and manage environmental and social risks and impacts***

Potential impacts on indigenous peoples must be identified and assessed through an environmental and social impact assessment. Practical measures to avoid or mitigate adverse impacts should be included in an Indigenous Peoples Plan or Environmental and Social Management Plan, and enable equitable access, participation and benefit from the investment’s development impacts. Likewise, barriers that may prevent indigenous peoples, including indigenous women, girls and people with disability, from accessing and equally benefiting from the aid program, should be identified through these assessments.

Consistent with the Indigenous Peoples Strategy 2015-2019:

* Engagement with indigenous peoples should start early in planning and continue through design and implementation so that there are opportunities to identify needs, concerns, and priorities throughout the process.
* Indigenous peoples potentially affected by aid investments should have full and equitable participation in consultation processes and the ability to pursue their own priorities in economic, social and cultural development.
* Consultations should ensure that both men and women can be heard, which may require separate consultations for males and females, and/or targeted engagement with indigenous women’s organisations.
* The dignity, human rights, aspiration, cultures and customary livelihoods of indigenous peoples must be respected.
* Consultations should allow decisions to be made in an environment free of manipulation, coercion or intimidation, and be in a language that is understood.
* All relevant information about the proposed investment must be communicated in a way that is understood by indigenous peoples to enable informed decision-making.

Where a partner government does not recognise the status of its indigenous peoples, DFAT strives to apply this indigenous peoples safeguard to identify, assess and manage impacts. Acknowledging the global reach of the Australian aid program, DFAT uses whatever terms are utilised by its respective partner governments when referring to indigenous peoples (for example ‘ethnic minorities’) in their territories. In these cases, Australia, or its implementing partner, will adopt the language of respective partner government for indigenous peoples when applying this policy

### Fragility and armed conflict

Fragility and armed conflict result in substantial impacts on communities, the surrounding region, and the international community—insecurity grows, poverty increases, development lags behind, and humanitarian need increases.

The World Bank estimates that two billion people now live in places affected by fragility and conflict. Extreme poverty will increasingly be concentrated in these areas as the rest of the world makes progress. Where 17 per cent of the world’s poorest live in fragile or conflict-affected countries today, it is estimated that by 2030 this figure will be almost 50 per cent. Research has shown that investing early to help prevent smaller disputes from escalating into larger and more violent conflicts is, on average, 60 times more cost effective than intervening after violence erupts.

Fragility and conflict will look different from country to country, and region to region. In South and Southeast Asia, the dominant form of fragility is from long-running subnational conflict, usually in remote border regions. In the Pacific, armed conflict is generally a low threat, and the challenges are more of fragility with formal state systems often under-strength and sitting alongside traditional and informal institutions; vulnerability to shocks is very high and the risk of elite capture of resources can lead to inequitable distribution of benefits, which can trigger conflict.

The Australian aid program operates in a conflict-sensitive way as part of its core business. Every action taken in a fragile or conflict-affected environment using Australian aid funding is carefully planned and executed, taking into account local circumstances and dynamics.

 Aid responses are not enough - and can never be enough - on their own. DFAT brings the full breadth of tools and skills in its portfolio - expertise in aid, trade, security, economic and foreign policy - to address the challenges of fragility and conflict in our region (and, when called upon, beyond).

Likewise, poverty reduction and economic growth alone are not enough to resolve conflict or move beyond fragility. Political ownership and politically astute approaches must be taken by a country's own leaders to address political problems. Where possible, Australia actively seeks to promote peace and stability through the deployment of peacebuilding expertise and through practical support to inclusive peace processes. Such peace support initiatives can form part of global efforts to address conflict and fragility. Australia is also active in global processes which seek to establish more reliable international norms of practice and behaviour in situations of fragility and conflict wherever they arise around the world.

***Stabilisation***

Stabilisation provides support to countries emerging from, or at risk of descending into, violent conflict. It involves international actors working with a range of local partners to: prevent or reduce violence; protect people and key institutions; promote political processes which are conducted without resort to armed violence; allow the delivery of basic services to affected people; and help create conditions for longer-term development which fosters societal resilience.

***Recovery***

Recovery is the bridge between crisis response and the long-term humanitarian, political, security and development activities; it is about securing immediate stability and anchoring the peace. Recovery may begin in either a natural disaster or conflict-affected humanitarian setting but is guided by development principles. Depending on the circumstances it includes early efforts to: resuscitate markets, generate employment and livelihoods, ensure the delivery of basic services, and build core capacity to manage political, security and development processes. Recovery efforts provide opportunities to build early strengths and resilience, but can do harm if not well targeted, planned and coordinated.

### Humanitarian crises

Disasters are increasing in frequency, scale and impact. Since 2005, disasters have killed more than 700,000 people globally and left nearly 23 million homeless. Humanitarian crises undermine growth, reverse hard-won development gains, increase poverty and can result in long-term instability. Effective preparedness and response, together with disaster risk reduction, builds community and government resilience to crises. This reduces casualties, minimises economic loses, limits the scale of re-building exercises and allows countries to remain focused on economic and social growth.

Australian aid also focuses on helping communities and governments to be better prepared for and respond to natural disasters. Investing in disaster risk reduction is the most effective way to reduce the impact of a crisis, save lives and limit the economic costs of a disaster. Risk reduction activities includes ensuring buildings are built stronger to ensure they can withstand extreme weather events, improving warning systems and supporting vulnerable communities to gain access to insurance.

### Climate Change

Australia is integrating climate change action and disaster risk reduction across our entire aid program to ensure our development and humanitarian assistance supports partners to reduce emissions and address the impacts of climate change. Integrating into our development assistance will protect investments, build long-term resilience to climate and disaster impacts, and help our development partners to manage climate risks and transition to a low emissions economy.

By integrating climate considerations into our investments, we ensure development impacts are lasting. We do this through climate risk screening, by climate-proofing new investments and by designing programs to ensure development outcomes are attained even under changing climatic conditions. We also implement mandatory safeguards to ensure that we protect the environment when delivering the aid program overseas.

1. World Bank, *‘Understanding Poverty, Indigenous Peoples’,* page accessed 10/02/2019 at [*https://www.worldbank.org/en/topic/indigenouspeoples#1*](https://www.worldbank.org/en/topic/indigenouspeoples#1) [↑](#footnote-ref-1)
2. Full document is available at this link <https://dfat.gov.au/aid/topics/aid-risk-management/Pages/environmental-and-social-safeguards.aspx> [↑](#footnote-ref-2)