

Women's issues high on UN rep's agenda

In April I was fortunate to be elected as a member of the United Nations Permanent Forum on Indigenous Issues by the 54 member states of the UN Economic and Social Council.

The Permanent Forum, which is based in New York, has 16 members. Eight are state-elected members and eight are Indigenous nominated members. Professor Mick Dodson, whose term finishes on the Permanent Forum this year, was an Indigenous nominated member for the Pacific.

I was nominated by the Australian Government and was competing with Spain and Finland for the two state seats available for the region of Western European and Other States. In my role, however, I am not representing the Australian Government; I am an independent United Nations expert.

I have been an international human rights lawyer for over a decade. Being elected to the United Nations Permanent Forum follows an early career that began in Geneva at the UN Office of the High Commissioner for Human Rights as a UN Fellow.

Following this I completed a Masters of Law in International Law at the Australian National University (ANU) and recently completed a doctoral thesis in human rights law also at the Australian National University.

I was fortunate to study supervised by one of the top international human rights lawyers in the world, Professor Hilary Charlesworth. I have participated in most of



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the international UN forums on Indigenous rights, the most valuable being the drafting of the United Nations Declaration on the Rights of Indigenous Peoples.

Currently I am writing a text on the United Nations Declaration with barrister and international lawyer Dr Sarah Pritchard.

My election provides an important opportunity to continue the work of the Permanent Forum in engaging the UN system on Indigenous issues. I hope to conduct more research into issues pertaining to Indigenous women.

In particular violence, especially sexual violence, is a serious problem in most Indigenous communities globally.

Often the work of the UN does not focus

on issues of women because they are overlooked by the broader framework of 'Indigenous peoples' rights.

However, individuals are constitutive of the collective and it is important to ensure that 50 per cent of the Indigenous population's unique needs and challenges are addressed – particularly if those issues, such as violence, constitute a serious and routinised breach of international human rights law.

As a peoples, we are a collective and 'Indigenous peoples' is taken to be inclusive of all Aboriginal and Torres Strait Islander people and political activism is strengthened by universality.

The question many Indigenous women are asking domestically and internationally is: Are Indigenous women disadvantaged by this universal political approach, especially one that resists gendered perspectives?

In conversations I have had on this issue many argue that to specify any rights claim based on gender detracts or draws attention away from the core business of Aboriginal rights – the right to self-determination.

Yet how can some Indigenous women realise true self-determination if their lives are dominated by violence? We know that women often use language to diminish violence and its consequences: 'Acting up'; 'Just arguing'.

While the primacy of race loyalty is justifiable and understandable, less scrutinised is the way in which women often sacrifice their own well-being and safety for

the greater good, particularly because of the power of the harrowing narratives about the emasculation of Aboriginal men and their displacement as a result of colonisation.

These are some of the questions I would like to pursue in my work at the Permanent Forum in encouraging members to adopt a more intersectional approach to their work.

The capabilities approach is a useful framework to adopt in this respect. Especially Martha Nussbaum's capabilities version, I contend, would be one way to enhance the way we speak about human rights and the right to self-determination. The capabilities approach encourages an inquiry about what people are actually able to be and do as opposed to the question of what people ought to be and do.

I hope to develop further the use of capabilities in Indigenous rights in my work.

Finally, I hope to also develop the role of the Forum in monitoring the use of the Declaration by states, courts, the UN and Indigenous communities. This is really critical to a deeper understanding of how Indigenous rights are evolving in international law.

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