



Practice Guidance Note 2:

Ethical Practice Regarding Indigenous Engagement

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The purpose of this Practice Guidance Note is to assist environmental practitioners in understanding their ethical obligations in relation to the rights and interests of Indigenous Peoples in the EIANZ Code of Ethics and Professional Conduct. The relevant clauses, together with guidance for practitioners, are:

1. Code of Ethics Preamble

"EIANZ acknowledges and values the rights and interests of Indigenous Peoples in the protection and management of environmental values through their involvement in decisions and processes, and the application of traditional Indigenous knowledge."*

* Footnote

"the term 'Indigenous Peoples' includes First Nations, First Peoples, Aboriginal, Torres Strait Islander and Tangata Whenua (Māori), all of whom have maintained country and place in an holistic manner over multiple generations."

Guidance re: Preamble

The Preamble provides context for interpreting the relevant Code clauses and their application to environmental practice.

The *"rights and interests of Indigenous Peoples"* are the rights enshrined in conventions, treaties and agreements as legally recognised in Australia and New Zealand, and the interests are the cultural values, associations, and knowledge Indigenous Peoples have with respect to land and water.

The specific Code requirement to involve Indigenous Peoples in decisions and processes is addressed under 4(d) below.

2. Promote Environmental Principles

(a) Advocate the integrity of the natural environment and the health, safety, values and welfare of human communities and future generations as being central to environmental practice;

(b) Advocate the protection of environmental values and the mitigation of environmental harm, based on scientific evidence and technical expertise, taking into account traditional knowledge, and acknowledging Indigenous management;

Guidance re: Code requirement to Promote Environmental Principles:

Clause (a) of this part of the Code refers to human communities (plural), reminding environmental practitioners that society generally, and in particular people (including Indigenous Peoples) affected by or engaged in environment-related decisions and processes, are diverse and may differ in their values and interests.

Clause (b) of this part of the Code requires environmental practitioners to take into account traditional knowledge and Indigenous management, when assessing environmental values and determining how such values are to be protected, mitigated and managed. Environmental practice involves the use of evidence and expertise from many sources and a range of disciplines, and an ethical obligation to seek expert technical inputs from others when addressing issues outside one's expertise. This requirement regarding traditional knowledge and Indigenous management reflects the same principle.

Practicing ethically, environmental practitioners ought to be able to explain how and to what extent they have taken into account traditional knowledge and Indigenous management, including an obligation to seek the necessary knowledge through respectful engagement with Indigenous Peoples, or why they consider such information is not relevant. It is recognised that such knowledge and expertise have value and that time and effort in sharing knowledge and expertise should be rewarded. Practitioners also need to be mindful that some such knowledge may be confidential and engagement with Indigenous Peoples should respect the sensitivity of information.

3. Practice Competently

(d) Promote the involvement of Indigenous Peoples, stakeholders and the community in decisions and processes that may impact on environmental values;

Guidance re: Code requirement to practice competently

This clause recognises that Indigenous Peoples are the traditional custodians of land and water which modern societies now occupy and use. For that reason, the Code recognises that Indigenous Peoples have a status that is different to just being a 'stakeholder' in a particular decision or process.

The obligation to 'promote' means that environmental practitioners ought, where possible in their practices (and over and above any statutory obligations), encourage and provide opportunities for Indigenous Peoples to be involved in decision making and processes that may impact on environmental values. This may include participatory and consent processes which go beyond consultation, and engagement of Indigenous Peoples in environment-related activities, allowing them to contribute and pass on traditional knowledge and skills.

It is the responsibility of environmental practitioners to seek and encourage the involvement of Indigenous Peoples, through respectful consultation and participation, and through appropriate contribution of traditional Indigenous knowledge, particularly where projects and decisions have the potential to affect Indigenous rights and interests. Environmental practitioners, in order to demonstrate ethical practice, ought to be able to explain how and to what extent they have promoted the involvement of Indigenous Peoples, or why they consider such involvement is not relevant.

Where such rights and interests may be unclear, or the avenues for consultation require clarification, practitioners are expected to consult with appropriately qualified experts.

Additional Reading:

- Helen Ross, Elspeth Young and Lynette Liddle (1994) Mabo: An Inspiration for Australian Land Management, Australian Journal of Environmental Management, 1:1, 24-41, DOI: 10.1080/13221698.1994.11978478 <https://doi.org/10.1080/13221698.1994.11978478>
- te ao Māori – The Māori worldview - <http://www.environmentguide.org.nz/issues/biodiversity/maori-and-biodiversity/>
- Alexander Gillespie () Māori, Biodiversity and International Law - http://lianz.waikato.ac.nz/PAPERS/al_gillespie/biodiversity.pdf
- Michael Davis (1998) Biological Diversity and Indigenous Knowledge, Parliamentary Library Research Paper 17 (1997-98), http://parlinfo.aph.gov.au/parlInfo/download/library/prspub/52605/upload_binary/526055.pdf;fileType=application/pdf#search=%221990s%201998%22
- Fulvio Mazzocchi (2006) Western science and traditional knowledge, EMBO Reports Vol 7 | No 5 | 2006 - <https://doi.org/10.1038/sj.embor.7400693>

- Living Knowledge – Indigenous knowledge in science education, Common Questions (2008) ARC Research Project - http://livingknowledge.anu.edu.au/html/educators/02_questions.htm
- Helen Ross and Melissa Nursey-Bray (2020) Acknowledging Country properly, Australasian Journal of Environmental Management, 27:3, 245-248, DOI: [10.1080/14486563.2020.1810873](https://doi.org/10.1080/14486563.2020.1810873) (To link to this article: <https://www.tandfonline.com/doi/full/10.1080/14486563.2020.1810873>)
- Department of the Environment (2016) Engage early – guidance for proponents on best practice Indigenous engagement for environmental assessments under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)
<http://www.environment.gov.au/epbc/publications/engage-early>
- UN Declaration on the Rights of Indigenous Peoples (UNDRIP):
<https://www.reconciliation.org.au/wp-content/uploads/2017/11/Reconciliation-Australia-United-Nations-Declaration-on-the-Rights-of-Indigenous-Peoples-UNDRIP.pdf>

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