

Navajo Nation Academic Speaks on Indigenous Leadership

Dr Manley Begay, citizen of the Navajo Nation, addressed an enthusiastic crowd at a public lecture hosted by the Castan Centre in conjunction with the Australian Indigenous Studies Program and the Faculty of Law at Melbourne University on 23 October. Dr Begay, who is Director of the Native Nations Institute at the Udall Center for Studies in Public Policy and Senior Lecturer in the American Indian Studies Program at the University of Arizona, spoke about effective leadership and development in Indigenous Communities.

Dr Begay was born in Fort Defiance, Navajo Nation (Arizona) and raised in Tuba City via Wheatfields also in the Navajo Nation. Dr Begay received his doctorate at Harvard Graduate School of Education in 1997. He has worked closely with Native Nations in the US,

First Nations and Bands in Canada, Aborigines in Australia, and Maoris in Aotearoa (New Zealand).



Dr Manley Begay

In his role as a Senior Lecturer at the University of Arizona, Dr Begay teaches in the areas of nation building,

curriculum development and Indigenous education. In his extensive research and consulting experience he has focused on projects for Native nations in the promotion of strong and effective institutions of governance and leadership. He is also Co-Director of the Harvard Project on American Indian Economic Development at the John F. Kennedy School of Government, Harvard University.

Dr Begay continues to serve on a variety of Committees and has worn many professional hats over his career, including curriculum development specialist, researcher for a tribal college, and a reviewer for several major textbook publishing and film companies

Dr Begay's Paper is available on the Castan Centre website. Details of Dr Begay's speech will appear in the next newsletter.

Castan Centre Members Speak-out Against Proposed Asylum Laws

by Sven Edquist

As an independent, non-partisan voice on human rights matters, the Castan Centre is often called before parliamentary committees to assist members in understanding the human rights implications of proposed laws. In this case, the efforts of Ms Penovic and Ms Dastyari have helped to convince the Senate Legal and Constitutional Legislation Committee that the proposed asylum laws constitute a threat to the human rights of asylum-seekers.

On 26th May 2006, Penovic and Dastyari appeared before the *Senate Legal and Constitutional Legislation Committee Inquiry into the provisions of the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006*. They argued passionately for non-enactment of the Bill, alarmed at its regressive nature, particularly in light of the amendment made in 2005 to the Migration Act 1958 (Cth). In their written submission, they raised serious concerns about the monitoring and regulation of detention arrangements in offshore nations which are not parties to the Refugee Convention. This situa-

tion, they argued, also strongly brought into question Australia's compliance with a range of obligations under international human rights treaties. Amongst these obligations were the prohibition on arbitrary detention and, in relation to the proposal to return children to a detention environment, those to a child's development needs and vulnerabilities.

The Bill's lack of attention to Australia's international obligation to protect rights concerning the highest attainable standard of physical and mental health, was of great concern. Penovic and Dastyari stressed in their written submission that "the mental health impact of long term detention and the uncertainty concomitant with being denied protection is likely to have a devastating impact on human dignity." The Committee clearly paid significant attention to these concerns, citing in their report Penovic's oral submission as follows: "I would like to reiterate the acknowledged and well-documented impact of detention on mental health. I am aware that DIMA is saying that this is not detention be-

cause these people are free to move around the island, but I do not think there is any serious, credible argument that can be accepted that these arrangements are not detention. These people are subject to security checks, their movement is confined, they have a 7 pm curfew. According to UNHCR guidelines, this is detention. The parliament of this country has accepted that long-term detention has harmful mental health impacts and bears upon a large number of human rights concerning the right to health and rights under the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights. This government recognised this last year in its amendment of detention arrangements, and I believe that this legislation would be a radical departure from this position. It would cancel out all the good work that has been done in the last year."

See *Parliamentary committee report* at <http://www.aph.gov.au/senatelcommittee/legconctte/migrationunauthorisedarrivals/report/index.htm>