

Reconciliation – 200 years on is dialogue enough?

Let me begin by paying tribute to the Wurundjeri people of the Kulin Nations whose lands we meet on today.

I thank The Dialogue Centre of Latrobe University for convening this timely forum.

Introduction and Context

The announcement by Minister Mal Brough on 20 September that the Government and Gullarrwuy Yunupingu had agreed to negotiate a 99 year lease on lands occupied by a small community in East Arnhem Land reveals the dysfunctional relationship between Indigenous Australia and the Federal Government and the tragic public policy mess that embroils that relationship.

The announcement highlights three overriding themes that define our Government's vision for Indigenous people in this nation and the manner in which it conducts the affairs of government to achieve its policy objectives.

Firstly the notion of a 99 year lease has become both the practical and symbolic instrument of our Government's crusade to make Indigenous people culturally invisible in a world where the aspirations and desires of each individual are seen as the binding mortar for the functioning of civil society.

Some argue that leasehold land is the key that opens the door for Indigenous people in settlements on inalienable freehold held by them is detrimental to participation in the real economy through wealth creation and social responsibility that flows from private home ownership.

This land reform issue highlights fundamental questions that go to the heart of the Australia's relationship with its Indigenous people. Is this nation committed to recognizing and celebrating the cultural identity and legitimacy of Indigenous societies in Australia or is it dedicated to assimilating Indigenous people into mainstream settler society?

Has the last three decades - where the language of cultural recognition and self determination that has found its way into Australia's public policy lexicon - simply been an aberration as the nation prepares to resume its historical trajectory of extinguishing the cultural legacy of thousands of generations of human occupation of these lands?

There is no question that land reform is urgently required to address the capacity of Indigenous society to both survive and thrive in a nation that is increasingly impacted by the forces of globalization.

But how those reforms are put into affect will determine the judgment of future generations and global humanity on this generation of Australians.

Will Australians living in this epoch be seen as providing the informed or tacit consent for governments to embark on a disguised process of cultural genocide or will this generation be celebrated for its wisdom and imagination that fundamentally transformed Australia from its racist colonial past and entrench Indigenous culture as a fundamental plank in our nationhood?

That question takes us to the second theme that has defined the Australian Government's approach to Indigenous policy – wedge politics.

Issues about the rights of Indigenous people as the prior owners and occupiers of Australia have been exploited and manipulated by our Australian Government in a deliberate exercise to galvanise support for its side of politics. Its use of racism to extract support from sections of the community that they perceive are susceptible to racism has

been so pervasive that it has been normalized to the point that it is hardly noticed in the mainstream body politic.

But Indigenous people notice it on a daily basis. We feel the hostile judgment by the dominant society whose growing understanding of past injustices has evaporated under an avalanche of public commentary about the ideological righteousness of blame and individual responsibility which has no historical context or analysis. We have seen the demonizing of our cultural identity and ridiculing of our traumatic history by Australia's political leaders who label the "Indigenous rights agenda" as meaningless symbolism that has no positive practical outcomes.

Indigenous people know that government action on Indigenous policy is largely framed by the theatre of mainstream politics and not motivated by a commitment to improve living conditions let alone our status as first nation's people. We saw the drawn out agonising strangulation of ATSIC.

Post ATSIC Indigenous public policy has been an unseemly mess dominated by language of individual responsibility and behavioral change that strikes a responsive chord with mainstream Australia whose ignorance is validated by a government who dog-whistles the demons imbedded in this nations historical unconscious. The factual reality of neglect and denial is glossed over or ascribed to a lack of responsibility by the victims of mainstream domination.

If there was ever need for confirmation that the wedge politics frames this Government's approach to relationships with indigenous people it was on the front page of the Australian newspaper announcing the proposed lease agreement between Gulurrwuy Yunipungu and the Australian Government. "PM in NT Land Coup" the headline screamed revealing that paper's compliance in this theatre of divisive politics.

Yunupingu is a recognised warrior of the land rights movement whom the government has depicted as being won over to the positivist side of enlightened modernity and

leaving behind the primitive image of communal title with its baggage of passive welfare and Hobbesian despair. The truth is that this agreement was forged in the context of coercion and government intervention and the lure of resources for an identified group in order to maximize political benefit for the Government.

The Yunipungu deal and the Northern Territory Intervention raise serious questions about Government integrity. In this situation the government is prepared to negotiate a treaty that leaves the Gumatj holding the head lease and the Crown obtaining the necessary subleases but in other cases like the Tiwi Islands the government will hold the head lease for 99 years and the Tiwi Traditional Owners will have to seek sub leases from the lessor of their Traditional Lands. There is no guarantee that they would be given such leases.

While many Indigenous people hold the view that the government's motivation to take control of 70 or so Indigenous communities in the Northern Territory has an ideologically driven agenda to crush the structures that support self determination, it is hard to imagine a collaborative partnership emerging. Only a partnership based on goodwill and trust can achieve sustainable positive change.

The Australian Government's approach is to disregard the Indigenous organizational capacity and leadership – the social capital that is needed to address the social crisis that was so profoundly and movingly described in the Little Children Are Sacred Report and numerous previous reports and appeals by Aboriginal leadership.

This leads to the third theme of our Australian Government's relationship with Indigenous Australia – the lack of a formal dialogue.

The Australian Government's approach has eschewed dialogue with Indigenous leaders and representatives because such a course is contrary to their assimilationist position that Indigenous people should be absorbed into mainstream Australia. From the governments perspective there is nothing or no one in Aboriginal leadership or cultural society to trust except those who agree with their intervention to restructure and redesign Aboriginal cultural reality.

This is not the same as social welfare reform aimed at alcohol, drug and child abuse

The crisis in Aboriginal Australia is known to most Australians through silent statistics that are regularly revealed by academic and government inquiries.

For so many Indigenous Australians, whether residing in remote settlements or in towns and cities, the crisis is lived as a daily reality and marked by the parade of funerals for loved ones, the noise and pain of drunken violence, the visits to hospitals and prisons and the numbness of pervasive despair.

This reality is a festering cancer on the nation's soul and cannot be dealt with solely by the intervention of government authority and the imposition of a new social and economic order that is ordained by conservative ideologues and implemented by dysfunctional bureaucratic machinery.

The prism of whitefella public sector service delivery and programme design has failed because its underpinnings are about conformity and compliance to Western social and political outcomes.

The social capsule is designed by the new breed of social engineers and we are being shoe horned into it regardless of principles or rights to be Aboriginal people in the modern Australia. The Northern Territory is the first incubator!

The Need for Dialogue

What is required is concerted and comprehensive action within a national policy framework that is based on partnership between Indigenous people and governments and involving industry and other community stakeholders.

Partnership is a word littered in the policy language of government that has become as meaningless and soured by bitter irony as other noble words such as consultation and participation. Yet partnership is the key to meaningful coexistence and the essential foundation for measures that will restore hope and rebuild Indigenous society in Australia.

Partnerships cannot be constructed by legislation or by schemes that involve the coercive use of public funds. They can only be developed through a process of engagement based on mutual respect, trust and a deep understanding and commitment to agreed objectives. This nation must imbed a philosophy and practice of partnership at every level; from the overarching policy setting by the Executive of national government and law making by the Parliament to the interactions between Indigenous people and agents and interest groups of mainstream society at the local level.

To concede that every Aboriginal person has become so dependant that they are incapable of responsible action through respectful dialogue to address their circumstances individually or collectively is to assign Aboriginal people to the mainstream scrap heap.

Partnership building must go hand in hand with a formal dialogue between Indigenous people and the Australian nation state.

I propose that this dialogue should occur at the national level with the purpose of reaching agreement on a public policy framework that has the informed consent of the vast majority of both Indigenous people and other Australians.

We must achieve a political bipartisan approach on the inclusion and recognition of Indigenous society and culture within the historical journey of Australian nation building.

As a nation we must put a decisive stop to the current policy dysfunction where the interests of the individual are seen as preeminent over that of the community and where the mainstream and assimilation is the answer to cultural and social sustainability.

Aboriginal traditions are worthwhile and should not just be derided and discarded.

Any discourse that entertains the philosophy of assimilation is not a dialogue. Proponents of cultural annihilation should not have the legitimacy to shape public policy as they have been able to do under the current Government. In a democracy they should be allowed to speak but their voices should be appropriately seen as belonging to an extreme, rather than being given a privileged position inside the sanctum of government policy making.

Anybody reading the extraordinary influential book by Helen Hughes, "Lands of Shame", will note that its concluding chapter is almost a blue print for the government's national emergency intervention in the Northern Territory.

Ms. Hughes prescriptive social architecture for social realigning is more about the affront to western liberal sensitivities that underpin the gains made by modern Australia through the denial of Aboriginal people's rights to the resources and wealth of their own heritage and cultural values.

Key Influences that Shape Dialogue Thinking

As many of you would appreciate, for much of the 1990s I chaired a statutory council that oversaw a national conversation about reconciliation. In proposing now a national institutional dialogue I am not seeking that we return to such an open ended exercise but I am to some extent informed and given heart by that experience. From the many meetings, forums and conventions that I participated in the eight years that I chaired the Aboriginal Reconciliation Council, I know there is a huge reservoir of goodwill towards Indigenous people on the part of millions of Australians.

But I also know that bold and imaginative government leadership is needed to harness that goodwill and turn it into an engine room of national transformation.

The process of dialogue that I have in mind should be a focused engagement involving Indigenous leaders, government and opposition members, industry leaders and a range of others whose expertise and wisdom is widely recognised.

The dialogue that I propose would not be a talkfest or a process that delays urgent government action that is expected to be carried out by governments to address problems that confront any Australian citizen. Governments have an elaborate machinery to deal with issues such as law and order, health, education, housing and welfare for all citizens including Indigenous people.

However, it is the structural matters about including Indigenous Australians as a distinct peoples with special rights in Australian nationhood that has bedeviled this country and which I believe, only a formal dialogue can forge wide agreement on a coexistent future for this nation.

If not a dialogue, what is the alternative? Without significant policy change that has Indigenous consent, future Indigenous/non Indigenous relationships will be a continuation of Australia's tragic past and an unacceptable present.

Those of us with an understanding of these issues can clearly paint the predictable scenario. Continuation of Indigenous poverty and disengagement that manifests in worsening imprisonment, health and economic profile in the context of a contested ideological battleground of conservative and progressive forces that seek the power to drive the Australian nation building project.

And in the background are fragmented Indigenous voices, submerged in a debate framed by the dominant society and using whatever processes available, such as native title, to keep their culture alive.

I believe that a national dialogue of Australian Indigenous and non Indigenous leaders can reach agreement on a way forward where practical measures of regional governance, land title, fiscal and service delivery arrangements can begin to overcome Indigenous disadvantage within the context of modern Australia recognizing Indigenous people right to self determination and meaningful nation stature.

I propose that a national dialogue be guided by key principles that would include;

- Mutual respect for our different views and political positions
- Search for common ground in pursuit of a nation that is seen as upholding the highest standards of international human rights
- Desire to enhance and sustain cultural and social values as important components of Australian nation building
- Open to the need for change where change will contribute to a better sense of Australian nationhood.

In proposing a national dialogue for the unfinished business of Reconciliation I have been informed by four initiatives and processes that I have either participated in or put my mind to in recent years.

The first is the native title agreement negotiation process that has reshaped relationships, particularly between the mining industry and Traditional Owners. For much of my life as an advocate for Indigenous rights, the mining industry has been our fiercest opponents who saw the recognition of Aboriginal land rights as oppositional to their interests. Their power swayed public opinion and governments and largely determined the land rights debates in the 1980s and the political response to the High Court's recognition of Indigenous rights in Australian law in the 1990s.

Native title has forced mining interests to engage constructively with Indigenous people throughout Australia to the point where the mining industry is a potential ally of Indigenous people's rights and our people's economic and social development. In a formal dialogue process I would envisage that the mining industry would play a very constructive role in developing a detailed policy framework for Australia's coexistent future.

The second has been the policy discussion surrounding Indigenous governance that has occupied the minds of many Indigenous people, governments, industry and academics in recent years. For three decades there was extraordinary growth of community based organisations which deliver services to Indigenous people, most of which are citizenship entitlements –. It is understandable why this situation arose.

Up until the 1970s racist State Governments, intent on our annihilation had largely excluded Indigenous communities from basic services such as health, education and housing. When the Whitlam Government intervened under the Commonwealth's new constitutional mandate, services and infrastructure that were desperately required were outsourced through non government organisations.

This service delivery approach was never meant to be permanent but the continued paltry investment by State and local governments in Aboriginal communities meant that a plethora of service delivery community owned organisations became entrenched and came to be seen as the defining feature of self determination.

We need a revolution in the way services are delivered to Indigenous communities that are located on Aboriginal titled land.

The pernicious and lazy proposals to close communities down through starving them of public support or welfare reform pressure is not only morally wrong it is recklessly dangerous public policy because it will wreak havoc on the livability of many northern

and central Australian towns and cities and have a disastrous impact on the social fabric of much of regional Australia.

New systems of regional governance need to be developed that include Indigenous people not as disadvantaged citizens but as communities which shape the cultural and social reality of rural and regional Australia.

There is creative potential for reforming regional governance that can more effectively deliver citizenship services to Indigenous communities and provide a democratic representative process at the same time. In this regard I have been informed by my role as chair of the Local Government Reform Implementation Agenda in the Northern Territory.

A formal dialogue can investigate imaginative reform of governance with realistic fiscal arrangements involving Commonwealth and State financial relationships rather than implementing incremental change through tortuous inter governmental negotiations.

A third area of interest that informs my thinking for a national dialogue is the importance of community mediation and development at the local level based on an understanding and practice of traditional law and culture. Here the work of the Mawul Rom Project in East Arnhem Land is highly instructive. This project involves bringing people together within a ceremonial context to resolve disputes, promote group decision-making and heal damaged relationships between individuals, families and clan-nations.

The Mawul initiative trains people as mediators, leaders and problem solvers and involve traditional Yolgnu people and non Indigenous people involved with Indigenous issues, whether they be lawyers, police, health workers or teachers.

I see in this project the potential for it to be replicated in countless locations throughout Australia where Indigenous people are reunited with their own culture in a context of reconciling and mediating with non indigenous people of that community.

I believe that localized mediation within an Indigenous cultural context should be part of a national dialogue and the process of re-inventing Indigenous and non Indigenous relationships in this country. It offers spirituality and intelligence to live within the country and offers a lens through which modernity becomes relevant to the purpose of life.

A fourth initiative involves international best practice. It is about what happened in South Africa after Nelson Mandela was released from prison and a process of dialogue embarked upon that saw a democratic nation rise from the ashes of apartheid in extraordinary rapid time. Part of the complex engagement between parties following Mandela's release in 1990 and his election as President in April 1994 was an initiative known as the Mont Fleur Scenarios.

This initiative involved participants from across the political spectrum, business and community leaders and academics who devised four separate possible scenarios for South Africa's future. The four, richly explained stories were based on bird analogies.

Firstly, there was the Ostrich, where the white government sticks its head in the sand to avoid a negotiated settlement. Then there was the Lame Duck where the transition goes on for too long, trying to satisfy all parties and not succeeding. Thirdly, there was Icarus, where a black government comes to power and institutes a massive public spending policy which bankrupts the economy. Finally, the most positive scenario was The Flight of the Flamingos, where a successful transition takes place, and where everyone in South Africa rises slowly together.

These scenarios were discussed in countless community forums throughout the country in a national conversation that helped propel South Africa to democracy. An important feature of this dialogue was the role of factual information about economic and social

conditions and projections that helped participants make informed assessments about how best to move forward.

In this process the main participants found common ground and willingly changed their entrenched positions to achieve an agreed way forward to secure peace and economic stability for the benefit of the nation as a whole. I believe we could learn much from the South African experience in a national dialogue of reconciliation in Australia.

The Whispering in Our Hearts – Australia’s Historical Absence of Dialogue

I strongly believe that a purposeful national dialogue aimed at achieving broad agreement on Indigenous cultural recognition and economic and social development would not only be successful but have an immensely liberating impact on the nation.

As I mentioned earlier, my role as Chair of the Aboriginal Reconciliation Council impressed upon me the enormous goodwill towards Indigenous people by non Indigenous Australians; goodwill stifled by inept and divisive political leadership.

There never has been a dialogue about the relationship between the British and succeeding settler generations and the indigenous peoples.

Serious historical research by historians like Henry Reynolds and Inga Clendinnen reveals Australian colonial history is replete with stories of black and white frontier friendship.

The “whispering in our heart” are the hidden voices uncovered by Reynolds of countless frontier settlers who empathized with the suffering of the dispossessed whilst Clendinnen in *Dancing With Strangers* lauds the creativity of the Eora people at Sydney Cove and the courage of the first fleeters who reached out in friendship and danced on the sandy beach

in that initial magical period of first contact. “In the end” writes Clendinnen, “it was the depth of cultural division which defeated them, not any lack of energy, intelligence or goodwill”

The forces of annihilation would prevail over those settlers who sought a peaceful coexistence and recognition of the virtues of Indigenous life. Indigenous people were to be exploited, discarded and destroyed. That would become the dominant theme of Australian history.

By the time the nation federated in 1901 the ideology of genocide was firmly entrenched in the national constitution with the states given the responsibility for the disappearance of Indigenous people.

The policy of disappearance and annihilation was not formally abandoned until the late 1960s when the global winds of human rights and decolonisation was finally felt by Australian politicians. The tentative but dramatic steps by the Whitlam and Fraser Governments in the 1970s recognizing Aboriginal culture through the Northern Territory Land Rights Act were the initial building blocks of a dialogue. But it has been a dialogue framed by the dominant society.

Statutory land regimes and heritage protection have been granted by parliaments on the basis of paternal goodwill not in the context of a political settlement for invasion, dispossession and historical injustice.

Self determination was lazily adopted as formal public policy by both coalition and Labor governments and then enshrined in ATSIC as a half hearted representative structure and subsidiary funder of Indigenous service delivery organizations.

When the High Court belatedly recognised that Indigenous rights had survived British invasion and colonization it was the legal technical details surrounding extinguishment that defined the public discourse.

The 1993 Native Title Act was the best outcome steered through by a creative Prime Minister who was constrained by the intertwined power and interest of the mining industry and state governments and a public service that failed the test of imaginative public policy.

Despite the spin that the Native Title Act was a negotiated settlement between the Keating Government and Indigenous Australia there was in fact no substantial dialogue about the most important issue that had confronted Indigenous and non Indigenous people since the coming of the first fleet – the recognition in Australian law of the inherent rights of Traditional Owners.

There was simply limited deal making in the corridors of power involving a few persistent and brave Indigenous advocates and the Chair of ATSIC who fought to improve a limited statutory response to Mabo. This was no overdue Treaty negotiation.

The statutory Reconciliation process was the closest this nation has come to a formal dialogue.

The process was given substance by the Mabo and Wik High Court decision and the Stolen Generation report that caused Australia to confront its history like never before.

Yet in the end, after the bridge walks and all the good will, the process delivered nothing except a bureaucratic COAG statement that attempted to define practical reconciliation and a Bill introduced into federal parliament by Aiden Ridgeway that languished and then disappeared in embarrassing silence.

Over the last decade this nation has experienced a diatribe from ultra conservatives attacking Indigenous people's quest for recognition as a distinct culture and acknowledgement of past injustice.

Ranging from denying the well documented history of violence towards Indigenous people, attacking the communal nature of Indigenous society as an evil impediment to progress or blaming Nugget Coomb for establishing socialist communes that have left a legacy of impoverishment and despair, a relatively small band of ideologues have come to dominate public discourse on Indigenous affairs supported by the patronage of the Prime Minister.

In the process they have managed to restore assimilation as the philosophical underpinning of the Australian Government's Indigenous affairs direction. This prospect would have been viewed as fanciful and unacceptable only a few years ago.

Conclusion

I get a sense that the Government's intervention in the Northern Territory and the manner in which it abused its control of parliament to rush through legislation amidst the deafening silence of the Opposition's acquiescence has disturbed the consciousness of a great many Australians.

A political tipping point about Indigenous and non Indigenous relationships has been reached.

Whether it comes from Labor or the conservative side of politics, Australia is destined for new political leadership and with it a sense that it is time for a serious national dialogue over the position of Indigenous people in Australia's future.

I would propose that a process of Dialogue begin with a series of focused forums in every State and Territory involving Indigenous leaders, prominent industry representatives, politicians from across the spectrum, key public servants, Trade union and church leaders, academics and a range of distinguished Australians of wisdom and experience to explore in detail a policy and philosophical framework that can support the rebuilding of Indigenous communities and honour Indigenous people's place in the Australian nation.

This process would be supported by comprehensive data about the social, economic and demographic position of Indigenous people that will inform a dispassionate and considered discussion about addressing the Australian crisis.

This could resolve social welfare angst as well as to rectify the status of Indigenous people within the constitution.

I have confidence that such a process would result in a consensus for a comprehensive national commitment and policy framework that should be supported by the federation of Australian governments and secured into the future with bipartisan political agreement.

It really only requires the courage to act and seek something better than what we have delivered for two lost centuries and to begin the dialogue that we are all capable of but so fearful of beginning.

Kulia